

**STATE WATER RESOURCES CONTROL BOARD
EX PARTE COMMUNICATIONS REGARDING PENDING GENERAL ORDERS
DISCLOSURE FORM**

Note: This form is intended to assist the public in providing the disclosure required by law. It is designed to document meetings and phone calls. Written communications may be disclosed by providing a complete copy of the written document, with attachments. Unless the board member(s) provided you with a different contact person, please send your materials to: commentletters@waterboards.ca.gov

Use of this form is not mandatory.

1. Pending General Order that the communication concerned:

2. Name, title and contact information of person completing this form:
Note: Contact information is not mandatory, but will allow the Water Board to assist you if additional information is required. If your contact information includes your personal residence address, personal telephone number or personal email address, please use a separate sheet of paper if you do not want that information posted on our website. However, this information may be provided to members of the public under the Public Records Act.

3. Date of meeting, phone call or other communication:

Time:

Location:

4. Type of communication (written, oral or both):

5. Names of all participants in the communication, including all board members who participated:

6. Name of person(s) who initiated the communication:

7. Describe the communication and the content of the communication. *Include a brief list or summary of topics discussed at the meeting, any legal or policy positions advocated at the meeting, any factual matters discussed, and any other disclosure you believe relevant. The Office of Chief Counsel recommends that any persons requesting an ex parte meeting prepare an agenda to make it easier to document the discussion properly. Attach additional pages, if necessary.*

8. **Attach a copy of handouts, PowerPoint presentations and other materials any person used or distributed at the meeting. If you have electronic copies, please email them to facilitate web posting.**

Dave Smith

From: Spivy-Weber, Frances@Waterboards <Frances.Spivy-Weber@waterboards.ca.gov>
Sent: Friday, May 30, 2014 4:59 PM
To: Dave Smith
Subject: Re: General Order for Recycled Water User question

Make that point in the hearing. Fran

Sent from my iPad

On May 30, 2014, at 10:27 AM, "Dave Smith" <dsmith@watereuse.org> wrote:

Yes, I've been working with Tess Dunham who has a clear understanding of the ag needs. In fact, it was recognition that a few of our comments were inconsistent with a few of her (CVCWA's) comments regarding use of recycled water in the ag environment that prompted her and me to contact staff yesterday to clarify.

I understand the need to get a permit approved for ag on Tuesday, but I don't understand why the permit has to be hostile to non-ag recycling.

Dave

Dave Smith
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From: Spivy-Weber, Frances@Waterboards [<mailto:Frances.Spivy-Weber@waterboards.ca.gov>]
Sent: Friday, May 30, 2014 9:35 AM
To: Dave Smith
Subject: Re: General Order for Recycled Water User question

I have not heard back from Michael Lauffer re the ex parte. To to be safe, probably best to do.

Re concerns on permit, have you talked with anyone in R5 or any potential recycler in the area?

I will be focusing on the speedy replacement of this permit, but will likely not oppose it. Fran

Sent from my iPad

On May 30, 2014, at 9:16 AM, "Dave Smith" <dsmith@watereuse.org> wrote:

Fran, each time I see parts of this permit, it contains more disincentives for recycling. Don't know why staff feels the need to do this. The permit started out as a winner but has reached the point of being equally restrictive as the loathed landscape general permit but much worse because use of this new general permit will be required (at least we could ignore the landscape general permit).

I wanted you to know what to expect from us on Tuesday. I will complete and file the ex parte form.

In great despair and utterly defeated,

Dave

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From: Dave Smith
Sent: Friday, May 30, 2014 8:49 AM
To: 'Balgobin, David@Waterboards'
Cc: 'Farahnak, Shahla@Waterboards'; Tess Dunham
Subject: RE: General Order for Recycled Water User question

David, thank you for the opportunity to review and comment. Words in this or Board hearing contexts cannot express the depth of my disappointment with this permit. When we first started talking to staff about the goal and substance of the permit, I was optimistic that a permit would be adopted that promotes recycling. Based on the excerpt below, I believe the permit will be perceived by recyclers as, and in fact be worse than 2009-0006-DWQ (Landscape General Permit) in terms of singling out recycled water for over-regulation and discouraging recycling because it, like the proposed order, gives RWBs that hate recycling the basis to over-regulate it and eliminates flexibility from RWBs that want to encourage it. This permit will be counter to the stated goal of encouraging recycling and will instead perpetuate SWRCB's anti-recycling policy established with the Landscape General Permit. I urge you in the strongest possible terms to propose a permit for consideration by your Board that promote recycling. This can be done in compliance with the Recycled Water Policy, Anti-Deg Policy and other constraints.

Please see below for specific comments.

Dave

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From: Balgobin, David@Waterboards [<mailto:David.Balgobin@waterboards.ca.gov>]
Sent: Thursday, May 29, 2014 3:11 PM
To: Dave Smith; dunham@somachlaw.com
Subject: RE: General Order for Recycled Water User question
Importance: High

Dave, Tess,
Here are the sections we discussed this afternoon.

B. 3.

Application of recycled water to the use area shall be at **an agronomic rates rate**, and shall consider soil, climate, and **nutrient crop demand**, . In addition, **application of recycled water and use of fertilizers shall be at a rate that takes into consideration nutrient levels in recycled water and nutrient demand by crops consistent with applicable provisions of the Recycled Water Policy.**

*[DWS] Two issues: 1) this puts the onus on recyclers to regulate fertilizer use by recycled water users. Recyclers **will not do this** and users will not accept this, thus this permit would lead to a reduction in recycled water use. I recommend that this be revised to require the Administrator to provide information to the User about the nutrient content of recycled water so the User can make informed decisions about fertilizer use. 2) "Crop" implies agriculture and the Policy doesn't apply to ag. Consider changing "crops" to "plants"*

Attachment A

SECTION II – RECYCLED WATER APPLICATION

b. Contracted User Applications

1. List of Users receiving or proposing to receive recycled water (including a list of uses of recycled water for each User).

2. An estimated amount of recycled water used at Use Area(s) of each User. **Also**

include a water balance and nutrient balance analysis to illustrate agronomic

rate application of recycled water in the Use Areas.*[DWS] Our comments (#59 in our letter) on this section have not been addressed. Please clarify that a water and nutrient balance for each of 4000 residential connections is not required. This could be accomplished by replacing the second*

sentence with the following: “Also include an illustrative water balance and nutrient balance for each type of recycled water use.”

3. Operation and management plan specifying agronomic rate(s) and nutrient

application for the Use Area(s) and a set of reasonably practicable measures to

ensure compliance with this General Order. This may include a water and nutrient budget for use area(s), site supervisor training, and periodic inspections, or other appropriate measures.*[DWS] This appears to be from the Policy and so 1) should be applied only to landscape settings, 2) it shouldn't apply to ag because it will result in requirements conflicting with other WDRs current and pending. Recyclers will view this as an onerous requirement putting this permit on par with the Landscape General permit.*

4. Descriptions/maps of **use Use areas**Area(s).*[DWS] This requirement is unchanged from public draft and we requested (comment #60) that this be clarified to not require a map of each site. Please add a statement that similar sites may be described with a single narrative. You may consider this unnecessary, but some RWB staff will otherwise require a map of each use site based on our experience.*

Attachment D – Definitions


Agronomic Rate: The rate of application of recycled water to plants necessary to satisfy the plants' evapotranspiration requirements, considering allowances for supplemental water (e.g., effective precipitation), irrigation distribution uniformity, and leaching requirement, thus minimizing the movement of nutrients below the plants' root zone.

Incidental Runoff: unintended small amounts (volume) of runoff from recycled water use areas, such as unintended, minimal over-spray from sprinklers that escapes the recycled water use area. Water leaving recycled water use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

Use Area: An area of recycled water use with defined boundaries. A use area may contain one or more facilities.

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 Before printing, please think Green

From: Dave Smith [<mailto:dsmith@watereuse.org>]
Sent: Thursday, May 29, 2014 11:14 AM
To: Balgobin, David@Waterboards
Subject: RE: General Order for Recycled Water User question

Not available at 1. Would 2:30 work for a call with Tess Dunham and me?

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From: Balgobin, David@Waterboards [<mailto:David.Balgobin@waterboards.ca.gov>]
Sent: Thursday, May 29, 2014 10:08 AM
To: Dave Smith
Subject: RE: General Order for Recycled Water User question

Hi Dave – would be good to talk to you – We'll call you at 1pm or shortly thereafter for a quick 10 minute chat if you are available.

David

From: Dave Smith [<mailto:dsmith@watereuse.org>]
Sent: Thursday, May 29, 2014 9:43 AM
To: Balgobin, David@Waterboards
Subject: RE: General Order for Recycled Water User question

Thanks. Best wishes dealing with the load of comments. Any chance we (you, me and CVCWA) could talk about a few avoidable conflicts that we noticed between WateReuse and CVCWA comments? We could do a quick conf call any time today.

Dave

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From: Balgobin, David@Waterboards [<mailto:David.Balgobin@waterboards.ca.gov>]
Sent: Thursday, May 29, 2014 9:36 AM
To: Dave Smith
Subject: RE: General Order for Recycled Water User question

Dave;

We received 34 comment letters and are working on responses to comments with commensurate changes to the order. We expect to post the order by COB Friday.

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From: Dave Smith [<mailto:dsmith@watereuse.org>]
Sent: Thursday, May 29, 2014 7:32 AM
To: Balgobin, David@Waterboards
Subject: RE: General Order for Recycled Water User question

David, when do you currently expect to post the proposed order for review prior to the June 3 hearing?

thanks

Dave

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From: Dave Smith
Sent: Wednesday, May 28, 2014 9:54 AM
To: 'Balgobin, David@Waterboards'
Subject: RE: General Order for Recycled Water User question

David, D.7 seems superfluous in light of C.1, C.2 and the NOI. I wouldn't get heartburn if you removed it.

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From: Balgobin, David@Waterboards [<mailto:David.Balgobin@waterboards.ca.gov>]
Sent: Wednesday, May 28, 2014 9:47 AM
To: Dave Smith
Subject: General Order for Recycled Water User question
Importance: High

Good Morning Dave;


What thoughts do you have on the deletion of Specification D.7. (thumbs up, down, or sideways?)

Specification D. 7. States

"The Regional Water Board may add additional Producers at any time, pursuant to conditions specified in Provisions C.1 and C.2."

Thanks for your expeditious response and good luck in your post WateReuse Managing Director endeavours!

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