Our Region's Trusted Water Leader
San Diego County Water Authority

December 21, 2018

The Honorable Felicia Marcus, Chair
Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Sent via email to: commentletters@waterboards.ca.gov

RE: Comment Letter – Toxicity Provisions

Dear Chair Marcus and Members of the Board:

The San Diego County Water Authority appreciates the opportunity to comment on the State Water Board's proposed Establishment of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California and Toxicity Provisions (draft Toxicity Provisions). The Water Authority is a wholesale water agency serving 24 retail member agencies in San Diego County. We offer the following comments for your consideration on the draft Toxicity Provisions.

Provide an Exemption for Drinking Water Discharges under the Toxicity Provisions

We support the recommendation made by the Association of California Water Agencies (ACWA) and the California Municipal Utilities Association (CMUA) in its joint letter, dated December 21, 2018, that drinking water discharges should be clearly identified as insignificant and exempt from the statewide Toxicity Provisions. The State Water Board found in its Resolution 2014-0067 that the impact from drinking water system discharges on surface water quality is insignificant due to the intermittent, seasonal and temporary characteristics of these discharges. In its statewide general NPDES permit for drinking water discharges (Order WQ 2014-0194-DWQ), the State Water Board further states that although surface waters may be temporarily affected, "…any such impacts to surface water quality that may occur are consistent with the maximum social and economic benefit of the people of the state, provided that the discharges comply with this Order. The discharges are a necessary consequence of providing safe, clean, affordable, and accessible drinking water to the people of the state…"

Identify Discharges from Surface Water Augmentation Projects as Insignificant
The Water Authority requests that discharges from potable reuse surface water augmentation projects be identified as insignificant or low threat and the permitting authority (regional water board) be authorized to exempt these discharges from some or all of the Toxicity Provisions. Potable reuse is an important future water supply for the San Diego region and several of the Water Authority's member agencies have potable reuse projects planned or under development. Due to the high level of regulation, treatment, and monitoring required for surface water augmentation projects, these discharges to drinking water reservoirs will be a low threat discharge.

As you know, the State Water Board adopted regulations at its March 6, 2018, board meeting for the planned placement of recycled municipal wastewater into a surface water reservoir that is used as a source of domestic drinking water supply by a public water system. The regulation requires full advanced treatment of the entire recycled municipal wastewater stream prior to its delivery to a reservoir, including reverse osmosis and an oxidation treatment process. It identifies advanced treatment criteria, and requires wastewater source control, pathogen control, and extensive monitoring including within the reservoir. In addition, the State Water Board's recently updated Recycled Water Policy provides monitoring requirements for constituents of emerging concern in potable reuse projects including the use of bioanalytical methods. Prior to delivery of the highly treated water to a reservoir, the recycled water provider must obtain waste discharge requirements or an NPDES permit from the regional water board. Prior to using an augmented reservoir as a source of supply, a public water system must apply for a domestic water supply permit or amendment and have an approved joint plan with the State and Regional Water Board.

Due to the highly regulated nature of potable reuse projects by the Division of Drinking Water and the regional water boards, these discharges will be low threat and should be clearly identified as such in the draft Toxicity Provision's staff report under Section 5.7.5 *Consideration of Insignificant* Dischargers:

> 5.7.5 Consideration of Insignificant Dischargers
> Under the Provisions, the Regional Water Boards may exempt certain non-storm water NPDES dischargers, which are determined to be insignificant dischargers, from some or all of the implementation requirements. Insignificant Dischargers are NPDES dischargers that are determined by the Water Boards to be very low threats to water quality. Examples of insignificant dischargers may include, but is not limited to, small non-continuous dischargers, once through cooling dischargers, surface water augmentation project discharges and water purveyors.

Economic Considerations
We also support the comment made by ACWA and CMUA in its joint letter that the economic analysis in the staff report should consider costs for drinking water systems to comply with the draft Toxicity Provisions, unless they will be exempt.

Thank you for consideration of these comments. Please contact Lesley Dobalian with any questions at (858) 522-6747.

Sincerely,

Toby Roy
Water Resources Manager