November 23, 2016

Tim Regan
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Via Electronic Mail: Tim.Regan@waterboards.ca.gov

Re: SWRCB/OCC FILE A-2491 – Response of California Association of Sanitation Agencies and WateReuse CA

Dear Mr. Regan:

CASA and WateReuse California appreciate the opportunity to provide a response to the petition filed by Russian Riverkeeper et al challenging the City of Healdsburg’s coverage under the General Order for water recycling¹. Our associations strongly support the increased use of recycled water for both potable and non-potable uses, and appreciate the State Water Board’s recognition in adopting the order that a streamlined permit process for non-potable uses is critical to maximizing the use of this valuable resource and conserving potable water supplies. We support the detailed response submitted by the City of Healdsburg, which lays out the technical and factual bases for denial of the petition. We write separately to emphasize the policy issues raised by the petition and the context in which the petitioners’ allegations must be evaluated.

The General Order was adopted in order to streamline and facilitate water recycling for non-potable uses. On April 25, 2014, the Governor proclaimed a continued State of Emergency due to severe drought conditions and directed the State Water Board to adopt statewide general waste discharge requirements to facilitate the use of recycled water in order to reduce demand on potable water supplies. The petition ignores the reality of the on-going drought in California that requires recycled water use wherever possible to ease demands on limited potable and groundwater supplies. Of equal importance, overturning the Notice of Applicability (NOA) will not lead to better water quality protection. In the absence of requirements for vineyards and other users to monitor and report their recycled water use and corresponding fertilizer application, users would be able to use water and apply fertilizers liberally without the same level

¹ WQ-2016-0068-DDW-R1001
of regulatory oversight. Moreover, without recycled water, growers would be forced to use surface water or groundwater for irrigation, and could potentially overdraft groundwater supplies.

The petition challenges the agronomic rate applied to the city’s program. The city has provided a thorough response to these claims and the issues raised in the “battle of the expert reports.” We note that the General Order itself acknowledges that current groundwater quality data are not always available and that analysis on an ongoing basis will be needed to evaluate inputs to basins. This is precisely what will occur under the NOA; the agronomic rate utilized will be confirmed as adequate by the groundwater monitoring requirements contained in the NOA. The NOA requires “[i]mplementation of a representative groundwater monitoring program will generate data to determine whether nitrates and salts are leaching to groundwater at concentrations above water quality standards, and to assess whether adjustments to the recycled water application rates and other irrigation management practices are necessary to ensure adequate protection of high quality groundwater.” (NOA at p. 12.) The groundwater monitoring will provide real data on actual groundwater quality.

The petition also claims the NOA violates the state’s anti-degradation policy. The petition alleges that the use of an inaccurate agronomic rate will result in over-application of nutrients and runoff, and potential degradation of groundwater and/or surface waters. As demonstrated in the city’s response, over-application of nutrients, runoff and degradation are not likely to occur given the restrictive terms of the NOA and prohibitions in the 2016 General Order.

In addition, the anti-degradation policy is not a “no degradation” policy. The policy requires discharges to existing high quality waters to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge “necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.” The 2016 General Order requires Best Practicable Treatment and Control (“BPTC”) and specifically authorizes limited degradation of otherwise high quality water. (General Order at p. 7, Finding 23, and p. 9, Finding 29). The NOA includes a Mitigation and Reporting Program that includes groundwater quality monitoring, so that loading can be accurately assessed and degradation of the groundwater can be averted. These monitoring and planning process requirements will ensure any degradation to high quality waters is not occurring or is extremely limited.

The General Order included findings that “the limited degradation of water that may occur as the result of recycling under the conditions of this General Order provides maximum benefit to the people of California, provided recycled water treatment and use are managed to ensure long-term reasonable protection of beneficial uses of waters of the state.” (General Order at p. 8-9, Finding 25.) Thus, to the extent that discharges will affect high quality water for the constituent at issue in this petition (nitrogen), the State Water Board has authorized limited degradation and required BPTC.
Overturning the NOA based on the petitioners’ allegations will cast significant doubt on the usefulness of the General Order as a mechanism to streamline and increase recycled water. The NOA clearly specifies the agronomic rates as hydraulic maximums and requires site specific monitoring to fine tune the agronomic rates as needed for each specific site. The NOA sets reasonable nitrogen loading rates, which will be confirmed after the adoption and implementation of a comprehensive monitoring and reporting program and an SNMP for each groundwater basin. Finally, anti-degradation concerns were adequately addressed, and limited degradation was authorized by the General Order due to the maximum benefit provided to the people of California by the continued use of recycled water in lieu of potable water supplies or groundwater.

For the reasons set forth herein, the petition should be denied and the NOA should be upheld.

Sincerely,

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