



MEMORANDUM

TO: WRCA Board of Trustees
WRCA Leg-Reg Committee

FROM: Jennifer West, Managing Director

DATE: December 11, 2018

RE: Adopted Recycled Water Policy

Yesterday the State Water Board formally adopted a revised Recycled Water Policy (including two change sheets, the staff report and the adopting resolution). For the last six months WRCA, its member agencies and CASA have been advocating for a number of significant changes to the Recycled Water Policy. In general, the Water Board listened to our concerns and made many positive changes.

Goals

Critically, in the first round of revisions, we were successful in removing language that the goals could become a mandate in the future. However, at the hearing, Chair Marcus and other Water Board members made clear that they wanted changes to the draft goal language similar to that requested by California Coastkeepers Alliance. After back and forth during the break, the following revised goal language was adopted in the policy:

"Reuse all ~~Minimize the~~ dry weather direct discharges of treated ~~municipal~~ wastewater to enclosed bays, estuaries and coastal lagoons, and ocean waters that can be viably put to a beneficial use. For the purpose of this goal, treated ~~municipal~~ wastewater does not include discharges necessary to maintain beneficial uses and brine discharges from recycled water facilities or desalination facilities."

WRCA and CASA asked for the words "dry weather," and "viably" (Coastkeeper would not accept "feasibly", "practicably" or "reasonably"). The inclusion of the phrase "beneficial uses" is helpful. Other barriers to reaching this goal such as costs, infrastructure and seasonal demand are listed in the adopted staff report. We were also previously successful in adding another goal to the Policy that is non-coastal and supports recycled water recharge projects. This goal remained unchanged in Tuesday's hearing. It reads:

"Maximize the use of recycled water in areas where groundwater supplies are in a state of overdraft, to the extent that downstream water rights, in stream flow requirements, and public trust resources are protected. "

Other Changes to the Policy Achieved Previously or at Tuesday's hearing:

- Reduced frequency of recycled water reporting;
- Language was included allowing the Executive Director of the Water Board to revise reporting requirements as needed.

- Chair Marcus agreed to work with staff and WRCA on a better way to categorize recycled water used for natural wetlands, natural systems and waterways.
- Language was included in the adopting resolution intended to stop duplicative reporting. Water Board member Joaquin Esquivel said he would help on this issue.
- Revised language improved the wastewater change petition section to better align it with statutory requirements.
- Chair Marcus directed staff to set up a meeting with the California Fish and Wildlife agency and discuss issues associated with the 1211 process and how it can be streamlined.
- For the bioassay section of the Policy, major revisions were made. It now follows the CEC Science Panel recommendations to implement a phased approach to biosassay monitoring before regulatory consequences occur. Monitoring would not start for one year and it will be three years before regulatory consequences are required. (2024)
- At our request staff made two important technical changes to the bioassays that were included in the adopted change sheets.
- The staff report memorialized the creation of the Bioassay Monitoring Group (WRCA funded and administered by NWRI). Also, the staff report formally commits that Water Board staff will be participating in this effort.

WRCA will be following up on many of the items listed above. Also we will be helping to facilitate a successful Bioassay Monitoring Group. An announcement of the first meeting date should go out shortly.

Again, many agencies and CASA hugely contributed to the successes we achieved in this policy. Please feel free to call or email me with any questions you may have.