

# **BACWA Recycled Water Committee Meeting Notes**

## **EBMUD Headquarters – 2<sup>nd</sup> Floor Small Training Room**

**January 6, 2016**  
**10:00 a.m. – 12:00 p.m.**

### **1. Introductions**

Leah Walker – City of Petaluma  
Linda Hu – EBMUD  
Lorien Fono - BACWA  
Roanne Ross – WBA for Redwood City  
Ben Glickstein - EBMUD  
Darcy Luce – San Francisco Estuary Partnership  
Paul Gilbert-Snyder – EBMUD  
Luis Jaimes – SCVWD  
Pedro Hernandez – City of San Jose  
*On Phone*  
Dan Jackson – City of Benicia  
Aparna Chatterjee – City of Hayward  
Derek Rayner – City of Calistoga  
Eric Hansen – SVCW  
Eric Rosenblum – Enviroinspectives  
Karin North – City of Palo Alto  
Kevin Booker – Sonoma County Water Agency  
Melody LaBella – CCCSD  
Nathan Hodges – CCCSD  
Paul Sellier – MMWD  
Susan McGuire – LGVSD  
Tom Hall – EOA  
Zoe Lake – Delta Diablo

### **2. Update on Prop 84 Round 2 and Drought Round Grants--Munoz/Hu**

*Prop 50* – The agreement was closed out as of December 31. The Grant Completion Report still needs to be submitted. One agency still has not submitted its final invoice.

*Prop 84 Round 1* - Conservations projects are now finished. The only remaining projects are those by ABAG/SFEP.

*Prop 84 Round 2* – The first set of invoices have been submitted to DWR.

*Prop 84 Drought Round* – The agreements were all reviewed and submitted to DWR. The DERWA project had a final round of review in December. The first quarterly report will be due at the end of this quarter.

### **3. Update on Prop 1 and Recycled Water SRF – Muñoz/Hu**

- a. *Water Recycling Funding Program Guidelines Posted.* - The State Water Board is implementing a 1% loan program, but there are more projects than money they have set aside for this program. They are extending the deadline for application, and getting more money for the program is under discussion. The loan interest rate will jump to 1.8% after the end of the initial deadline.

Approximately \$40M of Prop 1 construction grants is currently under contract. There have been a total of \$120M funds request. The total budget for the program is \$130M. There has been a four-fold increase in applications for planning grants. Projects are encouraged to submit applications as soon as they are in the CEQA phase. See [Dec 14 BAWAC Presentation](#) for more information.

- b. *Prop. 1 IRWM* – No news
- c. *Unsolicited proposal* – BACWA is joining the Regional Water Board and SFEI in looking at Reverse Osmosis concentrate management alternatives. They are looking for volunteers to represent the BACWA recycled water committee. Karin North, Tom Hall, Pedro Hernandez, and Luis Jaimes agreed to represent the BACWA recycled water committee.
- d. *Federal funds* – No news.

#### 4. Legislation and Regulatory Update – Walker/Muñoz/Hu

- a. *Ongoing Legislation*

The Legislature just reconvened for second year of two year term.

*SB 163 (Hertzberg) – Limit wastewater ocean discharges* [See [WateReuse CA letter](#)]

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB163](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB163)

Subject: Declare ocean wastewater discharge a “waste”; requires ocean outfall facilities achieve ≥50% reuse by 2026, 100% by 2036; after 2036 prohibits discharge to the ocean, except as a “backup discharge”; requires ocean dischargers by 2020 to submit a detailed plan to the SWRCB; by 2022 permit holders may petition the SWRCB for a partial exemption for 5 years; failure of the SWRCB to adopt “IPR” (*sic*) regulations is one of the reasons for a partial exemption. WateReuse and CASA both submitted comment letters to Senator Hertzberg. BACWA commented to CASA that there is a disconnect in forcing wastewater agencies to produce and pay for recycled water in the absence of Water Agencies’ willingness or ability to accept and deliver it.

STATUS:

9/8/15: referred to Assembly Rules Committee.

9/3/2015: Gut and amend. Author’s office has indicated they do NOT intend to attempt to jam the measure through in the last 4.5 days of legislative session, to be pursued further after the Legislature returns in January.

*AB 1463 (Gatto) – Establish onsite recycled water standards for use of Onsite Treated Water*

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1463](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1463)

Subject: State Board with CDPH, Building Standards Commission, and stakeholders, shall establish water quality standards and requirements for onsite water recycling systems. “Onsite treated water” means water, including graywater, rainwater, and other water captured or recycled onsite, that has been sourced, treated, and used onsite in a building. Does not include any wastewater from a toilet, sewer, or septic tank unless the state board has established additional standards.

STATUS:

9/4/15: Bill amended to eliminate reference to “blackwater”. Referred to EQ committee.

7/17 mtg: WateReuse California offered ideas. Met with author’s office. Bill was held in committee due to concerns raised by WateReuse California and by the committee including definition problems. The bill may come back in some form due to increased interest in onsite reuse.

- b. *Completed/Passed Legislation*

AB 888 (Bloom) – Microplastics

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB888](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB888)

**Subject:** Prohibits use of plastic microbeads in personal care products. On and after January 1, 2020, a person shall not sell or offer for promotional purposes in this state any personal care products containing plastic microbeads that are used to exfoliate or cleanse in a rinse-off product, including, but not limited to, toothpaste.

STATUS:

10/9/15 – signed by governor

Note: Similar Federal legislation has been passed with an implementation date of 1/1/18 that is sooner than the California bill.

*AB 606 (Levine) –State Agencies landscape water use efficiency*

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB606](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB606)

Subject: This bill applies when a state agency builds upon state-owned real property, purchases real property, or replaces landscaping or irrigation. It requires the state agency to reduce water consumption and increase water efficiencies for that property where feasible, as defined, through specified water efficiency measures. The bill exempts from its requirements state-owned real property that is leased for agricultural purposes.

STATUS:

10/9/15 – signed by governor

*SB 88 – Drought Trailer Bill providing CEQA Exemption for Water Recycling*

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160SB88](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB88)

Subject: CEQA exemptions during drought for RW pipeline under certain circumstances (thru 1/1/2017) and for development of building standards for recycled water systems (i.e., dual plumbed systems) by 1/1/2017).

STATUS:

SB 88 recycled water pipelines follows on SB 2282 (2014, Gatto). [H&SC §18940.6](#): Building Standards Commission "shall adopt mandatory building standards for the installation of recycled water systems for newly constructed commercial and public buildings. The commission shall consider the proposed mandatory building standards during the 2016 Intervening Code Adoption Cycle and may amend these mandatory standards as necessary in future code adoption cycles, consistent with the recycled water use criteria." No status update on BSC webpage.

c. *Dead/Inactive Legislation*

*AB 1173 (Williams) - Backflow prevention device testing and certification*

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1173](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1173)

SUBJECT: This bill would require, if a local health officer does not maintain backflow certification program, testing and maintenance of a backflow prevention device be performed by a person who has received a California-specific certification for testing backflow prevention devices from AWWA ("AWAA"), American Society of Sanitary Engineering (ASSE) International, American Backflow Prevention Association (ABPA), or other similar certification provider deemed acceptable by the State Water Resources Control Board or the local health officer.

STATUS:

7/17/15: did not advance out of Senate EQ committee. There was opposition to the bill.

d. *Potential New Water Bond*

A non-Legislative water bond ("The Water Supply Reliability and Drought Protection Act of 2016 (Version 8)") was filed with the Attorney General's office on October 19 for inclusion on the ballot in 2016. The sponsor is Jerry Meral. The amount proposed was \$4.895 billion.

Some of the features:

- \$1.5 B for stormwater capture and use (of this, up to \$50 million for stormwater resource plans)
- \$100 million for stormwater capture and use in specific areas/agencies
- \$400 million for recycled water

- \$400 million for desalination of brackish groundwater
  - At least 50% cost share (reduced for DACs and EDAs)
  - At least 35% of funds received must go to projects that benefit DACs
  - \$400 million for water conservation – turf removal, repair leaking distribution systems, leak detection
  - \$1.86 billion for watershed protection, restoration and improvement (allocated by specific areas)
  - \$100 million for land management for water improvements
  - \$400 million for flood management/reservoir operations)
- e. *Expert Panel on DPR*  
 Report #6 from the State Water Resources Division of Drinking Water (DDW) Expert Panel on Direct Potable Reuse (DPR) is now available. Following the "Direct Potable Reuse in California" Specialty Seminar held September 23, 2015, the Expert Panel met in Berkeley, CA, to discuss how information shared at the Seminar relates to their evaluation of the feasibility of developing DPR criteria for the State of California. The report is available for download from <http://www.nwri-usa.org/ca-panel.htm>.
- f. *Surface Water Augmentation (SWA) Regulation*  
 Draft regulations have been delayed to late January/early February, whereas they were originally to be released in November. Groundwater recharge regulations include an alternative proposal if you can't meet the central tenets. The surface water proposed regulations do not have a similar provision, which is a recommendation of the recycled water community. The BACWA Recycled Water Committee provided a brief survey to DDW listing which Bay area agencies can meet the 6-month minimum residence time. Several agencies cannot meet this requirement.
- g. *BAAQMD Rule 11-10 Regulation*  
 The proposed Bay Area Air Quality Management District Rule 11-10 came up for Benicia since they are doing a feasibility study to deliver nitrified effluent for use in Valero's cooling towers. The rule originally required using EPA Methods 8260/8270 to look for hydrocarbons to detect leaks. BACWA's concern was that the method would detect disinfection byproducts from recycled water, which could prevent its use in cooling towers. In response to BACWA's comment letter, the Air District changed the method to EPA 8015 which would not detect disinfection byproducts.
- h. *WaterReuse - Ideas for New Legislation* –the WaterReuse reg/leg committee heard these suggestions:
- i MWD (Metropolitan Water District) proposed that the Legislative Analyst's Office (LAO) convene a recycled water task force review to identify what state agencies need to do to increase recycled water.
  - ii OCS D has developed a proposal to bottle purified water for educational purposes.

## 5. Recycled Water Permit Comparison--Walker

- a. *Status of discussions on the State General Order*  
 Note from Jenifer West via WaterReuse Leg/Reg Committee – the State Board hopes to get the revision out by March 2016. They will not make it closer to 96-011, but think they can make it more "palatable". (Edited later to add: BACWA will convene a workgroup to develop comments on the draft State General Permits\_
- b. *History (from Tom Hall)*  
*"Comments on the April 25, 2014 original draft permit were due May 27, 2014. The Revised Draft Permit that was not released until May 30, 2014 as a redline strikeout version. There was no separate response to comments.*  
*I found nothing in the final permit that prohibits a discharger from seeking coverage under an existing water recycling permit. Finding 29 (below) from page 13 of the attached revised draft permit, was added to the original draft permit, in response to comments from BACWA and*

*WateReuse. It allows for continued coverage under existing permits but is silent on new permittees.*

*Absent such prescriptive language in 2014-0090, it would be my interpretation that Bay Area agencies have three permitting options available to them:*

- 1) Apply for coverage under 96-011;*
- 2) Apply for coverage under 2014-0090; or*
- 3) Apply for coverage under an individual permit.”*

There was a discussion in the committee that it makes sense to continue under existing permits until told otherwise.

## **6. Draft Comprehensive Conservation Management Plan (CCMP) - Implementation Actions**

Darcy Luce of the San Francisco Estuary Partnership (SFEP) provided a presentation on the CCMP. SFEP was created by US EPA through the Clean Water Act and is a collaboration of different agencies and NGOs, created in 1993, part of whose purpose is to create the CCMP. The implementation actions focus on a 5-year timeframe. The initial CCMP was prepared in 2007. The CCMP update process began in 2014 and aims to finish a final draft by Spring 2016. The CCMP includes recycled water and conservation goals and non-regulatory actions. The CCMP can help with collaboration between agencies, and may help with funding. Darcy distributed a revision in response to comments, including those received at the December 18 BACWA Board meeting. The draft Action 21 is now a combination of former Actions 21 and 23. There is an expanded background section compared to the previous draft. The three components of the CCMP pertaining to recycled water are:

- Increase the use of recycled water produced by Estuary wastewater treatment plants for both potable offset and beneficial uses
- Promote indirect potable reuse (IPR) with regional agencies
- Following state lead, promote the development of standards for direct potable reuse (DPR)

The committee discussed the water recycling goals included in the CCMP which are from an outdated report (Bay Area Regional Water Recycling Program). The Region no longer has targets, although agencies have projections. The State does have targets via the Recycled Water Policy. It is unclear which agency or organization should develop either projections or targets for the Region. The committee also commented that there are still new nonpotable uses that can be served with recycled water, so the actions should not exclusively focus on IPR and DPR. This draft adds “owners” which are agencies and associations who will be directly involved in implementing the options.

## **7. Bay Area Landscape Guide--Munoz**

There are nine to ten chapters of the Bay Area Landscape Guide that are ready for final copy editing and developing proofs. This Landscape Guide has been in development for three to four years. There has been significant stakeholder involvement. There have been issues with the health of the author, and they have lost their photo editor, and need to hire a new one. They are targeting publication for March 2016.

In June of 2015, the governor updated the landscape ETo of 75% to 50% or 40% in the Model Water Efficient Landscape Ordinance (MWELO). (ETo stands for reference evapotranspiration. ) All water agencies need to adopt ordinances that are at least as restrictive as the MWELO. This effectively eliminates turf in commercial/industrial areas, and reduces the use of high water-demand plants. This new restriction will make it more difficult for planting redwood trees, but recycled water does not have the same restrictions and landscapes irrigated with recycled water are exempt from the ordinance.

## **8. Bay Area Recycled Water Survey (for Nutrient Study)-Walker**

BACWA would like to update its 2011 Bay Area Recycled Water Survey. The approach includes using the information DWR is collecting as part of the Urban Water Management Plans updates and adding recycled water current use and projections data being collected by HDR in their nutrient optimization and upgrade studies. The goal for distributing the recycled water survey is March, 2016.

The draft BACWA recycled water survey was circulated to committee. It was suggested that a better way to measure "level of confidence" is for future project should it be noted as budgeted vs. master planned vs. conceptual, instead of using percentages.

The State Water Board and DWR will also be doing a recycled water survey. This will be baseline usage data to determine impact of recycled water funding. DWR is working to address the problem of reporting duplication that surfaced the last time the UWMP were updated.

#### **9. Recycled Water Truck Fill Guide-Fono/Walker**

BACWA staff will get out an announcement for guide updates. There was discussion about who should be responsible for updating the Guide. Changes should be sent to Sherry Hull, BACWA AED. The committee will agendaize this issue for March. The goal is to have the update completed in the spring so it will be ready for the 2016 recycled water season.

#### **10. Announcements/Agency Updates – All**

AWWA - Jan 24-26 conference on DPR in Long Beach

WaterReuse March 13-15 in Santa Rosa. The end of January is the early bird deadline

Santa Clara Valley Water District – NWRI panel in December on SVAWPC – was successful

WaterReuse - Potable reuse webcast talking about public engagement – January 28

**Next Meeting** – March 2, 2016 from 10:00 am to 12:00 pm, 2nd Floor Small Training Room at EBMUD Headquarters.