

# **BACWA Recycled Water Committee Meeting**

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

**May 4, 2016**

**10:00 a.m. – 12:00 p.m.**

## Meeting Minutes

### **1. Introductions – Biagtan**

Rhodora Biagtan - DSRSD  
Linda Hu – EBMUD  
Leah Walter – City of Petaluma  
Paul Gilbert-Snyder – EBMUD  
Luis Jaimes – SCVWD  
Tom Hall – EOA  
Amanda Roa – Delta Diablo  
Roanne Ross – Whitley Burchett for Redwood City  
Karin North – City of Palo Alto  
Zoe Lake – Delta Diablo  
Stefanie Olson – DSRSD  
Melanie Tan – Kennedy Jenks  
Dan Jackson – City of Benicia  
Mike Mitchell - GHD

#### *On phone*

Kevin Booker – SVWA  
Eric Rosenblum – Enviroinspectives  
Dawn Taffler – Kennedy Jenks  
Rita DiCandia – City of Pleasanton  
Jayne Strommer – Delta Diablo  
Aparna Chaterjee – City of Hayward  
Andria Loutch – CDM Smith  
Drew McIntyre – North Marin Water District

### **2. Update on Prop. 84 Round 1 Grants--Gilbert-Snyder**

*Round 1-* A number of projects are continuing, and have an amendment in their contract with DWR to extend the timeframe. EBMUD spent over \$240K in 2015. 2016. There is still money in the grant for project 32 (administration). The oversight committee transferred the grant management function from EBMUD to ABAG, since the remaining projects are ABAG's. The conservation projects are 98% finished. The goal is to have all Round 1 projects closed out by 2017.

### **3. Recycled Water General Order 2016 (Revised Draft 4/22/16) -- Biagtan/Walker**

#### **a. *Changes to Finding 34***

[Public Hearing and Adoption-June 7, 2016](#); Additional written comments limited to Finding 34, due **May 13, 2016 (Revised)**

The original intent was to hold the adopting hearing on April 19, but was left open to revise Finding 34. The comment period has been pushed from May 9 to May 13. EBMUD's GM met with State Water Board members and staff, and reported they are resistant to making changes to the Finding 34 at this point.

#### **b. *Comparison of General Order 2016 and 96-011 - Olson/Roa***

See [spreadsheet](#) comparing the two orders. Some key issues:

- Permit doesn't differentiate requirements regarding airborne water for secondary vs. tertiary treated water
- Nutrient management plans required
- Antidegradation analyses required
- Monitoring requirements for priority pollutants
- Requiring quarterly reports from users, with Regional Water Board discretion
- O&M plan for recycled water required
- Agronomic rates calculations where required by Regional Water Boards
- Reporting on inches per acre per year

Lorien gave an update on BACWA's joint meeting with the Regional Water Board, who haven't decided how to enroll 96-011 permittees into the new permit.

**c. Potential comments**

- Region 2 has a well-functioning system for permitting recycled water projects, and the permitted community does not see any benefit to mandatory enrollment into the State General Order. The State General Order states that it wishes to streamline recycled water permitting in the State to encourage and increase recycled water use, but Finding 34 does the opposite by increasing administrative burdens and costs associated with recycled water.
- If the State Water Board does adopt Finding 34 into the State General Order, BACWA recommends the following changes be made in order to mitigate the impact on permittees:
  - Several of the requirements in the State General Order do not make sense to implement everywhere in the State. We recommend priority pollutants monitoring be left to the discretion of the Regional Water Boards. Region 2 just adopted an alternative monitoring plan to reduce routine monitoring of priority pollutants and transfer the savings to our RMP. This requirement reverses some of the savings from this effort. Priority pollutants are typically nondetect, and generally not a threat for most uses of recycled water, so this is a waste of resources in many areas. Regional Water Boards should be allowed to waive monitoring requirements that are not expected to yield useful data.
  - Recommend working with Regional Water Board to minimize administrative burden of State General Order enrollment on permittees and Regional Board staff. Existing permittees should not need to put together new Engineering Reports and O&M reports to get coverage under the new State General Order. BACWA will recommend to Regional Water Board that they request a blanket enrollment of 96-011 permittee to bypass the NOI/NOA process and avoid the paperwork associated with dozens of applications.

Note: The Recycled Water Committee explicitly decided not to comment on areas where Regional Water Boards are already given discretion, such as quarterly user reporting. We also discussed the agronomic rate application requirement, but didn't arrive at recommendation about it.

**4. Surface Water Augmentation-Biagtan/Walker**

**a.** *Joint [comment letter](#) to the SWRCB provided by BACWA and WateReuse Northern California Chapter – May 13*

The letter recommended the use of the [alternatives clause](#) for agencies that can't meet the 6-month reservoir retention time.

**b.** *Response from SWRCB*

The State Water Board responded that this isn't an open comment period, and that there would be an opportunity to comment once there was a public draft later this year.

**5. Draft Comprehensive Conservation Management Plan Implementation Actions -- Walker/Fono**

**a.** *[Revised Action 22](#)*

The new draft is acceptable to the Committee.

## 6. Bay Area Recycled Water Survey-Walker/Fono

The following surveys have been or will soon be distributed:

- a. *BACWA RW Survey (part of the Nutrient Optimization/Upgrade Study)* – BACWA will be updating its 2011 Bay Area Recycled Water Survey as part of the work associated with the Nutrient Watershed Permit. The State Water Board and DWR are also requesting recycled water data and plan to release a survey later this spring. The committee's goal is to ask each group sponsoring a survey to standardize the information they are requesting to minimize effort for the agencies. The consultant in charge of the optimization/upgrade studies will be distributing the survey to agencies with copies of their draft facility reports. The committee reviewed a draft of the Recycled Water Survey and added the following to the document:
  - i. Since the survey is being distributed to wastewater agencies, it should specify that agencies need to communicate with their retailers/distributors to verify the numbers
  - ii. A request for the names of the retail/distribution agencies were added to the template.
  - iii. The survey will specify that the numbers used to report 2015 recycled water use will match the 2015 Urban Water Management Plans.
- b. *DWR/SWRCB Survey* – This survey is supposedly coming out in late May. Leah Walker worked with DWR to ensure the data requested is the same as that in the BACWA survey so agencies need only develop the data one time. BACWA is requesting some data in addition to the DWR survey so that the consultant can calculate nutrient loads removed as part of the nutrient optimization/upgrade studies.
- c. *WERF Survey* – Barriers to recycled water.
- d. *SCVWD Finance Group* – This is just for Santa Clara County. SCVWD staff report that they hadn't been aware of other surveying efforts.

## 7. Legislation and Regulatory Update – Walker/Muñoz/Hu (as of 5/5/16)

### a. Active Legislation

*Note: The following section was prepared by Leah and sent to the committee May 19 and not discussed at the meeting.*

SB 163 (Hertzberg) – Limit wastewater ocean discharges

[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  $\geq 50\%$  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" (DPR?) regulations is one of the reasons for a partial exemption.

Opposition letter by CASA, ACWA, etc. <http://www.casaweb.org/wp-content/uploads/2015/12/Final-Coalition-SB-163-Oppose-as-Introduced-Letter.pdf>

Oppose unless amended letter by WateReuse

**STATUS:** no change since last update

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:** no change since last update

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

7/17 mtg: WRCA offered ideas. Met with author's office. Bill was held in committee due to concerns raised by WRCA and by the committee including definition problems. Would not be surprised if bill comes back in some form due to increased interest in onsite reuse.

7/08/15: 1st and 2<sup>nd</sup> hearings in Senate canceled by author.

6/18/15: Bill was amended in Senate to specifically use the term "blackwater". Would allow blackwater for onsite recycling if: building standards adopted and State Water Board has developed WQ standards and monitoring requirements. Cities and counties could authorize use prior to standards. From WaterReuse

AB 2076 (Garcia/Eggman) - ~~Water recycling: beer and wine.~~ Brewery Water & Energy Use Efficiency

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB2076](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB2076)

**Subject:** ~~The state board shall adopt uniform water recycling criteria for the use of recycled water in the manufacture of beer and wine.~~

**STATUS:**

4/5/16: amended. No longer associated with recycled water.

2/17/16: Introduced. Referred to ESTM.

AB 2890 (ESTM) – Water and Wastewater Operator Certification.

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB2890](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB2890)

**Subject:** Water Code §13627 (a) Except as provided in Section 13625.1 and subdivision (b), a person who operates a wastewater treatment plant shall possess a valid, unexpired wastewater certificate of the appropriate grade. *(b) A person who operates a water recycling treatment plant may comply with subdivision (a) by possessing a valid, unexpired water treatment operator certificate of the appropriate grade.*

**STATUS:**

4/28/16: Approved by Assm Approp committee. Read second time in Assembly.

4/21/16: Amended.

2/29/16: Introduced.

AB 2438 (Waldron/Nazarian) - California Environmental Quality Act: exemption: recycled water pipelines.

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB2438](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB2438)

**Subject:** PRC 21080.21.5. (a) This division does not apply to a project of less than eight miles in length within a public street, highway, or right-of-way for the construction and installation of a new recycled water pipeline, or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing recycled water pipeline. Until Jan 1, 2020

**STATUS:**

4/21/16: Approved by Assm Approp committee. Read second time in Assembly.

2/19/16: Introduced.

AB 2022 (Gordon) - Advanced purified demonstration water.

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB2022](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB2022)

**Subject:** Allows water agencies to bottle their potable reused water and distribute small amounts for free for educational purposes. Sponsored by WaterReuse CA

**STATUS:**

4/28/16: Passed out of Assm to Senate.

3/31/16: Amended. Bottle size ≤ 8 ounces

2/18/16: Introduced.

AB 2241 (Dahle) - Placeholder

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB2241](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB2241)

**Subject:** nonsubstantive changes - placeholder

**STATUS:** no change since last update  
2/18/16: Introduced.

AB 2639 (Garcia) - Placeholder  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB2639](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB2639)  
**Subject:** nonsubstantive changes - placeholder  
**STATUS:** no change since last update  
2/19/16: Introduced.

AB 2335 (Gaines) - Placeholder  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB2335](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB2335)  
**Subject:** nonsubstantive changes - placeholder Dredging  
**STATUS:**  
3/17/16: amended. No longer associated with recycled water.  
2/18/16: Introduced.

SB 1096 (Berryhill) - Placeholder  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160SB1096](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB1096)  
**Subject:** nonsubstantive changes - placeholder  
**STATUS:** no change since last update  
2/17/16: Introduced.

**b. SWRCB DDW Advisory Group on DPR:**  
Last meeting was held on April 8, 2016 ◦

**c. SWRCB DDW Expert Panel on Surface Water Augmentation and DPR:**  
Meeting # 10 - June 15, 2016 at SWRCB

<http://www.nwri-usa.org/ca-panel.htm>

Both the Expert Panel and Advisory Group will deliver their recommendation reports to SWRCB by July 2016. For more information on the Expert Panel and the Advisory Group, go to <http://www.nwri-usa.org/ca-panel.htm>.

**d. 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)

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)

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).

**RW BUILDING STANDARDS FOR COMMERCIAL AND PUBLIC BUILDINGS:**

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.”

**STATUS:**

From BSC webpage.

BSC action Jan 19-20, 2016

<http://www.documents.dgs.ca.gov/bsc/2015TriCycle/Commission-Review/Jan-2016/HCD-06-15-FET-Pt5.pdf>

**e. *Potential New Water Bond* –**

A non-Legislative water bond has been postponed to November 2018.

**8. Committee Leadership-Biagtan/Walker**

Rhodora and Leah will stay on as committee chair and vice-chair for one more year and encourage those who would like to take over leadership to step forward so a transition could be planned. A comment was made that BACWA principals are holding fewer committee leadership position than they have in the past.

**9. Announcements/Agency Updates – All**

WaterReuse Northern California Chapter Meeting, May 13 in Santa Rosa – A Committee representative (Rhodora) will give overview of General Order Comment letter.

Amanda asked if anyone else directly delivering recycled water to Caltrans for landscape irrigation. Were they having problems with Caltrans following standard specification regarding color of pipes, signage, cross connection control and inspections; and being told that Caltrans is outside of the recycled water supplier's jurisdiction? Palo Alto has had problems with signage. Suggested they get Regional Board and or DDW assistance.

There was a mention of Sustainable Silicon Valley and their piloting of onsite grey and black water treatment systems at large tech campuses. Spring Water Symposium will be held on May 23 at the Intuit Campus in Mountain View.

**10. Next Meeting**

July 6, 2016 from 10:00 am to 12:00 pm, 2nd Floor Small Training Room at EBMUD Headquarters.