

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION - DIVISION OF WATER QUALITY  
MARCH 18, 2008**

**ITEM 13**

**SUBJECT**

CONSIDERATION OF A RESOLUTION ADOPTING A PROPOSED RECYCLED WATER POLICY AND AN ASSOCIATED CERTIFIED REGULATORY PROGRAM ENVIRONMENTAL ANALYSIS

**DISCUSSION**

Recycled water is a major source of water supply in California and a major component in California's plan for meeting the state's water demand. The California Water Plan estimates that recycled water usage can increase from half a million acre-feet per year in 2003 to two million acre-feet per year in 2030. The Recycled Water Task Force issued a report in June 2003 that contained recommendations that California should implement to achieve this goal. Some of the recommendations concerned the need to consistently apply state statutes and regulations regarding water recycling and water quality.

In April 2006, the State Water Resources Control Board ruled on a petition for review of waste discharge and water reclamation requirements issued by the Los Angeles Regional Water Quality Control Board (Regional Water Board) for the Alamitos Barrier Project ([Water Quality Order No. 2006-0001](#)). After this decision, the State Water Board directed staff to develop a Recycled Water Policy.

On March 20, 2007, the State Water Board held a workshop to receive comments on whether to develop a Recycled Water Policy. On October 2, 2007 the State Water Board held a workshop on a draft proposed Recycled Water Policy. Comments received at both workshops can be found at: [http://www.waterboards.ca.gov/water\\_recycling\\_policy/index.html](http://www.waterboards.ca.gov/water_recycling_policy/index.html).

The proposed Recycled Water Policy, which is available at [http://www.waterboards.ca.gov/water\\_recycling\\_policy/index.html](http://www.waterboards.ca.gov/water_recycling_policy/index.html), addresses the development of salt management plans, interim irrigation requirements, groundwater recharge reuse, anti-degradation, ongoing responsibility, and interagency conflict resolution procedures. It does not address impoundments containing recycled water, incidental runoff of recycled water, or aquifer storage and recovery projects that do not use recycled water. State Water Board staff has concluded that impoundments are best handled by the Regional Water Boards on a case-by-case basis and the other topics are to be addressed in the future.

**POLICY ISSUE**

Should the State Water Board adopt the proposed Recycled Water Policy?

**FISCAL IMPACT**

State and Regional Water Board work resulting from a Recycled Water Policy will be addressed with current and future budgeted resources.

**BOARD IMPACT**

Yes, all Regional Water Boards.

**STAFF RECOMMENDATION**

Staff recommends that the State Water Board adopt the proposed Recycled Water Policy.

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## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2008-

### ADOPTION OF A POLICY FOR WATER QUALITY CONTROL FOR RECYCLED WATER

#### WHEREAS:

1. The draft Strategic Plan Update 2008-2012 for the Water Boards contains a sustainable water supply goal to increase the water supply available to meet water demands by 1,725,000 acre feet per year by 2015, beyond 2002 levels, through augmentation of water recycling and water conservation and implementation of storm water management practices. This Policy is intended to support the draft Strategic Plan goal of Sustainable Water Supply.
2. California Water Code section 13140 authorizes the State Water Resources Control Board (State Water Board) to adopt state policy for water quality control.
3. On March 20, 2007, the State Water Board conducted a public workshop on recycled water.
4. In September 2007, staff circulated the draft recycled policy and the draft staff report/certified regulatory program environmental analysis/California Environmental Quality Act (CEQA) checklist for public comment.
5. The State Water Board conducted a public workshop on the draft recycled water policy on October 2, 2007.
6. On February 15, 2008, the State Water Board circulated an updated version of this policy and the draft staff report/certified regulatory program environmental analysis/California Environmental Quality Act (CEQA) checklist.
7. Staff has responded to significant verbal and written comments received from the public and made revisions to the draft policy in response to the comments.
8. On March 18, 2007, the State Water Board conducted a public hearing on the draft policy.
9. The attached policy includes findings, including findings related to compliance with State Water Board [Resolution No. 68-16](#), that are hereby incorporated by reference.
10. The Resources Agency has approved the State and Regional Water Boards' water quality control planning process as a "certified regulatory program" that adequately satisfies the CEQA requirements for preparing environmental documents. State Water Board staff has prepared a "substitute environmental document" for this project that contains the required environmental documentation under the State Water Board's CEQA regulations. (California Code of Regulations, title 23, section 3777.) The substitute environmental documents include the "Draft Staff Report and Certified Regulatory Program Environmental Analysis Recycled Water Policy," which includes an

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environmental checklist, the comments and responses to comments, the policy itself, and this resolution. The project is the adoption of a Recycled Water Policy.

11. In preparing the substitute environmental documents, the State Water Board has considered the requirements of Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187, and intends these documents to serve as a Tier 1 environmental review. The State Water Board has considered the reasonably foreseeable consequences of adoption of the draft policy; however, project level impacts may need to be considered in any subsequent environmental analysis performed by lead agencies, pursuant to Public Resources Code section 21159.1.
12. Consistent with CEQA, the substitute environmental documents do not engage in speculation or conjecture but, rather, analyze the reasonably foreseeable environmental impacts related to methods of compliance with the draft policy, reasonably foreseeable mitigation measures to reduce those impacts, and reasonably feasible alternatives means of compliance that would avoid or reduce the identified impacts.
13. The draft policy incorporates mitigation that reduces to a level that is insignificant any adverse effects on the environment. From a program-level perspective, incorporation of the mitigation measures described in the substitute environmental document will foreseeably reduce impacts to less than significant levels.
14. A policy for water quality control does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL).
15. If, during the OAL approval process, OAL determines that minor, non-substantive modifications to the language of the draft policy are needed for clarity or consistency, the Executive Director or designee may make such changes consistent with the State Water Board's intent in adopting this draft policy, and shall inform the State Water Board of any such changes.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Directs staff to develop and propose for adoption a general permit for recycled water projects, pursuant to Assembly Bill 1481 (De La Torre, Chapter 535, Statutes of 2007), using the San Francisco Regional Water Quality Control Board's waste discharge requirements as a possible model.
2. Directs staff to develop and propose for adoption an National Pollutant Discharge Elimination System (NPDES) permit for incidental runoff from recycled water systems, using the Los Angeles Regional Water Quality Control Board's Municipal Separate Sewer System (MS4) permit as a possible model.
3. Directs staff to develop and propose for adoption a policy for aquifer storage and recovery (ASR) projects.
4. Directs staff to convene a work group to discuss possible approaches for the financial responsibilities under existing law for potential future cleanup of groundwater.

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5. Approves and adopts the CEQA substitute environmental documentation, which includes the [staff report/certified regulatory program environmental analysis](#)/California Environmental Quality Act (CEQA) checklist, and the response to comments, which was prepared in accordance with the requirements of the State Water Board's certified regulatory CEQA process (as set forth in California Code of Regulations, Title 23, section 3775, et seq.), Public Resources Code section 21159, and California Code of Regulations, title 14, section 15187, and directs the Executive Director or designee to sign the environmental checklist.
6. After considering the entire record, including oral testimony at the public hearing, adopts the Recycled Water Policy ([Attachment](#)).
7. Authorizes the Executive Director or designee to submit the Policy to the Office of Administrative Law for review and approval.
8. If, during the OAL approval process, OAL determines that minor, non-substantive modifications to the language of the draft policy are needed for clarity or consistency, directs the Executive Director or designee to make such changes and inform the State Water Board of any such changes.

## CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 18, 2008.

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Jeanine Townsend  
Clerk to the Board