CITY OF BEAUMONT

January 15, 2014

Santa Ana Regional Water Quality Control Board
Attention: Kurt Berchtold, *Executive Officer*
Hope Smythe, *Chief of Planning*
3737 Main Street, Suite 500
Riverside, California 92501-3348

RE: Comments on Draft Regional Board Resolution R8-2014-0005

Dear Mr. Berchtold and Ms. Smythe:

Thank you for the opportunity to provide the following comments on the draft Regional Board Resolution R8-2014-0005 (Resolution). The City would also like to express its gratitude to the Regional Board staff for its patience and expertise working with all the responsible parties and interests in the Beaumont and San Timoteo Management Zones to prepare the draft resolution.

The City understands that the Resolution, when approved, will amend the Basin Plan in seven areas that include:

1. Update the Basin Plan Onsite Wastewater Treatment Systems provisions
2. Revise Figure 3-3 Management Zone Boundary – San Bernardino Valley and Yucaipa/Beaumont Plains
3. Update the ambient TDS and Nitrate-nitrogen concentrations and the assimilative capacity for each groundwater management zone
4. Update the N loss coefficient for the San Jacinto area groundwater management zones
5. Deletion of the TDS and total inorganic nitrogen wasteload allocation for the Yucaipa Valley Water District (YVWD) and the City of Beaumont (City)
6. Update the Wastewater Reclamation section
7. Update the Yucaipa, San Timoteo and Beaumont Management Zone Maximum Benefit Programs.

The City has prepared the following comments related to Items Nos. 1 and 7 below.

Item 1 – Update the Basin Plan Onsite Wastewater Treatment Systems Provisions

It is the City's understanding that incorporating the State Board new Onsite Wastewater Treatment system (OWTS) policy in the proposed Basin Plan amendment will result in minimum lot size requirement for OWTS of 2.5 acres in the un-sewered areas overlying and tributary to the Beaumont Management Zone (BMZ) after May 13, 2018. That is, after May 13, 2018, conventional OWTS can only be installed or replaced in-kind if the lot size is greater than or equal to 2.5 acres. This minimum lost size requirement could be reduced if a Local Agency Management Program (LAMP) was developed and approved by the Regional Board providing for smaller minimum lot size requirements. Could you please confirm that our understanding is correct?

As you know the preponderance of OWTS in the BMZ are located in the forebay of the Beaumont Basin and have been shown to degrade the BMZ groundwater and water supplies provided to the citizens of the City. The total dissolved solids (TDS) concentration of groundwater has increased due to the OWTS located over the forebay and this degradation has and will continue to contribute to increased TDS management cost to the City. The City has no ability to regulate the OWTS that contribute to this cost. The rate payers in the City will also face increased water supply costs to mitigate nitrate degradation caused by the OWTS. Qualitatively, what impacts will the new OWTS provisions in the proposed Basin Plan amendment have on TDS and nitrate concentration in the water supplies developed from BMZ groundwater?

Item 7 – Update the Yucaipa, San Timoteo and Beaumont Management Zone Maximum Benefit Programs

The City has prepared a set of itemized comments and questions related to the proposed changes in the Basin Plan. The City has commented on the maximum benefit programs for all three management zones to preserve the symmetry among of commitments across the management zones. The City's comments are listed below.

1. Draft Proposed Resolution, Page 18 of 63, Task Force Participants.

The text lists all the members of the Basin Monitoring Program Task Force (BMPTF). The Beaumont-Cherry Valley Water District (District), the City of Banning (Banning) and the San Gorgonio Pass Water Agency (Agency) should be required to become members of the Basin Monitoring Program Task Force given their inclusion in the BMZ maximum benefit program and their required commitments to benefit from it. The City of Beaumont has been the only BMZ maximum benefit program party to contribute the BMPTF since the maximum benefit program started in 2004 and has paid for all the required monitoring since 2004 (except for a small amount

contributed by the District between 2004 and 2009). Inclusion of the District, Banning and the Agency is more equitable among the BMZ maximum benefit program parties and the BMPTF, but it is not clear how the requirement will be enforced. Please confirm that the City will not be held responsible in the event the District, Banning and the Agency do not contribute to the maximum benefit program.

2. Draft Proposed Resolution, Page 37 of 63, VI.B Salt Management in the San Timoteo Watershed, last full paragraph on the page.

The proposed text reads as follows:

> "The Regional Board will revise waste discharge requirements as appropriate to require implementation of these commitments. For each groundwater management zone, it is assumed that maximum benefit is demonstrated, and that the "maximum benefit" water quality TDS and nitrate-nitrogen objectives apply as long as the commitments and schedule applicable to that groundwater management zone are satisfied. If the Regional Board determines that any or all of the maximum benefit programs are not being implemented effectively in accordance with the schedule(s) shown in Tables 5-9a through 5-9c, then maximum benefit is not demonstrated and the "antidegradation" TDS and nitrate-nitrogen objectives apply. In this situation, the Regional Board will require mitigation for TDS and nitrate-nitrogen discharges to the affected groundwater management zone that took place in excess of limits based on the "antidegradation" objectives for that Groundwater Management Zone. As specified for Chino Basin Watermaster and Inland Empire Utilities Agency (see Section VI.A, above), discharges in excess of the antidegradation objectives that must be considered for mitigation include both recycled water and imported water at TDS concentrations in excess of the antidegradation objectives. Mitigation by groundwater extraction and desalting must be adjusted to address concentrations of salt and nitrogen in the basin, not simply salt load." (emphasis added)

The text first highlighted above could be interpreted to mean that if a maximum benefit commitment is not implemented by one party in one management zone that the maximum benefit program would default to antidegradation objectives for all parties in all management zones. The text is unclear as to the how the consequences of failing to implement the maximum benefit commitments will affect the maximum benefit parties. Do all the maximum benefit parties have to meet antidegradation objectives in the case of where one or more of the maximum benefit parties, but not all, fail to implement a required commitment? For example in the San Timoteo Groundwater Management Zone (STMZ) if the City implemented their maximum benefit commitments and the YVWD failed to, would the City's discharge still be regulated to the maximum benefit objectives? The City recommends that this language be clarified to state that within a groundwater management zone that individual parties that implement their maximum benefit commitments will be regulated to maximum benefit objectives and those parties that fail to implement their

maximum benefit commitments will be regulated to antidegradation objectives and incur the consequences of mitigation.

The last sentence in the proposed text is vague and problematic. In the case where mitigation is required to deal with a failure to meet maximum benefit commitments, the Regional Board and the maximum benefit parties would both benefit from the having specific projects or class of projects identified and with implementation schedules. For example a commitment could be added to Tables 5-9a through 5-9c that requires the maximum benefit parties to identify specific projects or types of projects that would be implemented in the event that a party is required to comply with antidegradation objectives.

3. Draft Proposed Resolution, Page 39 of 63, Table 5-9a Commitment 2. Groundwater Monitoring Program and related text on page 41 of 63.

There needs to be a clear nexus between the design and implementation of the groundwater monitoring program and its subsequent use by the BMPTF to estimate ambient TDS and nitrate concentrations. The maximum benefit parties need to demonstrate through their monitoring program design and reporting that they are collecting groundwater level and quality data consistent with the ambient TDS and nitrate determination methodology used by the Regional Board. The City suggests that the language be modified to provide a nexus to the requirements of the ambient TDS and nitrate determination methodology on Tables 5-9a through 5-9c and related text descriptions to make it clear to all the parties participating in a maximum benefit program about the monitoring and reporting requirements . The City's intent in providing this comment is to avoid failing to meet a maximum benefit commitment and subsequent finger pointing.

4. Draft Proposed Resolution, Page 39 of 63, Table 5-9a Commitment 4 Non-potable Supply and related text on page 41 of 63.

See comment number 5 below related to storm water used for dilution of recycled water recharge. Storm water cannot be diverted to dilute non-potable water supplies to comply with Basin Plan requirements if it reduces storm water recharge downstream of the diversion to below historical levels of recharge. Perhaps language could be crafted consistent with the New Storm Water Recharge definition suggested below.

5. Draft Proposed Resolution, Page 40 of 63, Table 5-9a Commitment 5. Recycled Water Recharge and related text on page 42 of 63.

The use of storm water to dilute recycled water recharge needs to be limited to new storm water as storm water recharge is currently part of the hydrology that has historically diluted other discharges. This was the intent in Regional Board resolution R8-2004-0001 that amended the Basin Plan to include the original maximum benefit programs. A narrative definition of the base line stormwater recharge needs to be

included in the proposed Basin Plan amendment to ensure uniformity among the management zones where new storm water recharge is used for dilution to achieve TDS and nitrate compliance. The City recommends that this definition be stated as follows:

> New Storm Water Recharge – Increase in storm water recharge in quantities greater than historical amounts (net increase) over the groundwater management zone since January 1, 2004.

The date January 1, 2004 corresponds to the month that Resolution R8-2004-0001 was approved by the Regional Board. Storm water recharge at new facility is not new storm water recharge if it reduces recharge downstream of that facility. Therefore, storm water recharge at any new facility that reduces downstream recharge cannot be used for recycled water dilution to meet maximum benefit requirements.

6. Draft Proposed Resolution, Page 44 of 63, first full paragraph.

The citation to Reference 10D seems out of place as it relates to the BMZ.

7. Draft Proposed Resolution, Page 45 of 63, Table 5-9b Commitment 2. Groundwater Monitoring Program and related text on page 48 of 63.

The City's comment is identical to its comment number 3 above relating to ensuring a nexus of the groundwater monitoring requirements to future ambient water quality determinations.

8. Draft Proposed Resolution, Page 45 of 63, Table 5-9b Commitment 4. City of Beaumont Wastewater and/or Groundwater Desalters and related text on page 48 of 63.

Planning done for the current maximum benefit program for the STMZ and the BMZ authorized by R8-2004-0001 demonstrated that the City would not have to construct and operate desalting facilities for a very long time, probably decades. During the planning for the existing maximum benefit program BMZ authorized by R8-2004-0001 the City and the District decided not to participate in the brine line that was planned (and subsequently constructed) by the YVWD because the need was decades into the future and other issues. The proposed maximum benefit program in R8-2014-0005 will require the City to construct and operate at least one desalter as soon as one can practically be constructed and within about five years of the date of approval of the proposed resolution. The language in the proposed resolution needs to reflect that the City had made prudent salt management plans consistent with the existing maximum benefit program, that the Regional Board and other BMZ stakeholders desired changes in the maximum benefit program to achieve greater regional benefit, and that the City is cooperating with the Regional Board and the other BMZ stakeholders in developing and implementing the new maximum benefit program with significant salt management costs to the City.

As you know the City is currently planning a 4-mgd expansion to the City's wastewater plant that will include desalting capability to enable the City to comply with the maximum benefit TDS and nitrogen standards. The biggest challenge for the City in implementing the desalting is brine disposal. The planning for brine disposal will take time and the City believes that the being required to submit a "desalter/brine line plan and schedule" within 15 days from the approval of the basin plan amendment by the OAL may not be reasonable or achievable. The City commits that it can have a plan and schedule to the Regional Board on or before January 2015.

The City respectfully suggests that the text of Commitment 4 be modified as shown below and that Table 5-9b be modified to consistent with the City's proposed text.

> "Planning done for the current maximum benefit program for the BMZ authorized by R8-2004-0001 demonstrated that the City would not have to construct and operate desalting facilities for a very long time, probably decades. During the planning for the maximum benefit program authorized by R8-2004-0001 the City and the BCVWD jointly decided not to participate in the brine line that was planned (and subsequently constructed) by the YVWD because the need was decades into the future and other issues. The proposed maximum benefit program in R8-2014-0005 requires the City to construct and operate desalting facilities as soon as can be practically constructed. In implementing the maximum benefit program authorized by R8-2004-0001, the City made prudent salt management decisions consistent with maximum benefit program authorized by R8-2004-0001. The Regional Board and other BMZ stakeholders desired changes in the maximum benefit program authorized by R8-2004-0001 to achieve greater regional benefits, and the City cooperated with the Regional Board and the other BMZ stakeholders to develop and implement the new maximum benefit program described in R8-2014-0005. Adoption of the R8-2014-0005 will result in significant new salt significant salt management costs for the City.
>
> The City of Beaumont shall construct and operate desalting facilities and brine disposal facilities to improve recycled water quality and/or other sources of non-potable supply. A detailed desalter/brine line plan and schedule shall be submitted on or before January 1, 2015. The schedule shall assure that these facilities are in place within 5 years of Regional Board approval."

There is no brine disposal capacity available to the City. The planning and subsequent design and construction cannot be completed in five years as required in this commitment. Respectfully the City requests that the Regional Board modify the proposed resolution to include a salt offset option whereby the City can offset the TDS concentration in excess of 330 mg/L recharge and direct use of recycled water in lieu of the five-year time limit.

9. Draft Proposed Resolution, Page 46 of 63, Table 5-9b Commitment 5. YVWD/City of Beaumont Non-potable Water Supply and related text starting on page 48 of 63.

See the City's comments number 4 and 5 above related to storm water used for dilution. Storm water cannot be diverted to dilute non-potable water supplies to comply with Basin Plan requirements if it reduces storm water recharge downstream of the diversion to below historical levels. Language should be crafted consistent with the New Storm Water Recharge definition suggested above.

10. Draft Proposed Resolution, Page 46 of 63, Table 5-9b Commitment 6. Recycled Water Recharge and related text on page 49 of 63.

The City's comment is identical to its comments number 4 and 5 above related to storm water recharge.

11. Draft Proposed Resolution, Page 47 of 63, Table 5-9b Commitment 7. Improve Surface Water Discharge Quality to the San Timoteo Groundwater Management Zone and related text starting on page 49 of 63.

The City requests clarification as follows. The clear commitment in the proposed Basin Plan amendment is the preparation of the plan and schedule as to how the City will (manage) improve its discharge to comply with the maximum benefit objectives – due 30 days from approval of the Basin Plan amendment by the Regional Board and subsequent implementation upon Regional Board approval. The proposed Basin Plan amendment seems to include a commitment to include a contingency plan in case the City fails to meet other maximum benefit commitments and will be required comply with the antidegradation objectives – due when the Regional Board makes a finding that the maximum benefit is not demonstrated. This second requirement is not in Table 5-9b. Does the Regional Board want this contingency plan included in the commitment labeled 7a in Table 5-9b?

12. Draft Proposed Resolution, Page 50 of 63, Revision to YVWD and the City's NPDES permits.

The City's comment is identical to its comments number 4 and 5 above regarding storm water used for dilution of recycled water recharge and non-potable supplies. On page 51, bottom of the first full paragraph change "as necessary" to "as necessary and appropriate" so that the City's requirement is identical to the YVWD requirement.

13. Draft Proposed Resolution, Page 51 of 63, Review of Project Status.

The City's comment is identical to its comment number 2.

14. Draft Proposed Resolution, Page 52 of 63, 3. Beaumont Groundwater Management Zone ...second and third paragraph.

The second paragraph states that the City discharges a DP 001 to Coopers Creek and unlined tributary that recharges the BMZ and STMZ. The City has stated and the Regional Board has accepted that this discharge is a de facto discharge to the STMZ as the groundwater levels in the BMZ underlying Coopers Creek in this reach are at the stream bottom the discharge point is adjacent to the boundary separating the BMZ from the STMZ. It is the City's understanding that this discharge will be regulated to the STMZ maximum benefit objectives if the Regional Board approves the proposed Resolution R8-2014-005. Could you please confirm that this is true if R8-2014-0005 is approved?

The City also discharges at DP 007, the un-named tributary of Marshall Creek and plans to discharge at the DP 008 in the future. The discharge at DP 007 and DP 008 will completely recharge in the BMZ. The City's discharge at DP 007 is planned as limited incidental recharge when recycled water supply for direct use exceeds direct use demand, especially in winter months. DP 008 on the other hand, is a planned recharge project which is being designed to augment groundwater supplies in the Beaumont Basin. Both these discharges will be regulated to the maximum benefit objectives for the BMZ if the Regional Board approves the proposed Resolution R8-2014-005. Could you please confirm that only discharges from DP 008 will be regulated as recharge projects if R8-2014-0005 is approved?

Verbally, the Regional Board staff has stated, on its own initiative, that it will require that the City (and by extension other BMZ dischargers) to complete engineering investigations consistent with the Department of Health Services draft Title 22 regulations for groundwater reuse recharge projects for the incidental recharge of its recycled water discharged at DP 007 and DP 008. We could not find this requirement stated explicitly in R8-2014-0005. Could you confirm that this is still the Regional Board intention, where it can be found in R8-20140-0005, and state the legal justification for this new requirement for incidental recharge of recycled water?

Finally in the second paragraph of this section it was omitted that the City of Banning is a sewer collection agency overlying the BMZ which discharges to the Colorado River Basin and also uses potable water from the BMZ to irrigate the Sun Lakes Golf Course. The City of Banning exports low TDS groundwater from the BMZ and does not have a TDS limit specified for discharge of its wastewater or any requirement to reduce the irrigation demand for potable and imported water. Since 2004, there has been no incentive or requirement for Banning to implement maximum benefit obligations including recycled or salt management in the BMZ. It is unclear how the proposed amendment will regulate Banning to produce recycled water and deliver it for use in or over the BMZ.

15. Draft Proposed Resolution, Page 53 of 63, Table 5-9c Commitment 2. Groundwater Monitoring Program and related text on page 55 of 63.

The nexus between the design and implementation of the groundwater monitoring program and its subsequent use by the BMPTF to estimate ambient TDS and nitrate concentrations is unclear. The maximum benefit parties should be required to demonstrate through their monitoring program design and reporting that they are collecting groundwater level and quality data consistent with the ambient TDS and nitrate determination methodology. The City suggests that the language be modified to provide a clear nexus to the requirements of the ambient TDS and nitrate determination methodology on Tables 5-9a through 5-9c and related text descriptions to make monitoring and reporting requirements clear to all the parties participating in a maximum benefit program.

16. Draft Proposed Resolution, Page 53 of 63, Table 5-9c Commitment 4. City of Beaumont Wastewater and/or Groundwater Desalters and Brine Disposal and related text on page 57 of 63.

Planning done for the current maximum benefit program for the STMZ and the BMZ authorized by R8-2004-0001 demonstrated that the City would not have to construct and operate desalting facilities for a very long time, probably decades. During the planning for the existing maximum benefit program BMZ authorized by R8-2004-0001 the City and the District decided not to participate in the brine line that was planned (and subsequently constructed) by the YVWD because the need was decades into the future and other issues. The proposed maximum benefit program in R8-2014-0005 will require the City to construct and operate at least one desalter as soon as one can practically be constructed and within about five year of the approval of the proposed resolution. The language in the proposed resolution needs to reflect that the City had made prudent salt management plans consistent with the existing maximum benefit program, that the Regional Board and other BMZ stakeholders desired changes in the maximum benefit program to achieve greater regional benefit, and that the City is cooperating with the Regional Board and the other BMZ stakeholders in developing and implementing the new maximum benefit program with significant salt management costs to the City.

As you know the City is currently planning a 4-mgd expansion to the City's wastewater plant that will include desalting capability to enable the City to comply with the maximum benefit TDS and nitrogen standards. The biggest challenge for the City in implementing the desalting is brine disposal. The planning for brine disposal will take time and the City believes that the being required to submit a "desalter/brine line plan and schedule" within 15 days from the approval of the basin plan amendment by the OAL may not be reasonable or achievable. The City commits that it can have a plan and schedule to the Regional Board on or before January 2015.

The City respectfully suggests that the text of Commitment 4 be modified as shown below and that Table 5-9c be modified to consistent with the City's proposed text.

"Planning done for the current maximum benefit program for the BMZ and STMZ authorized by R8-2004-0001 demonstrated that the City would not have to construct and operate desalting facilities for a very long time, probably decades. During the planning for the maximum benefit program authorized by R8-2004-0001 the City and the BCVWD jointly decided not to participate in the brine line that was planned (and subsequently constructed) by the YVWD because the need was decades into the future and other issues. The proposed maximum benefit program in R8-2014-0005 requires the City to construct and operate desalting facilities as soon as can be practically constructed. In implementing the maximum benefit program authorized by R8-2004-0001, the City made prudent salt management decisions consistent with maximum benefit program authorized by R8-2004-0001. The Regional Board and other BMZ stakeholders desired changes in the maximum benefit program authorized by R8-2004-0001 to achieve greater regional benefits, and the City cooperated with the Regional Board and the other BMZ stakeholders to develop and implement the new maximum benefit program described in R8-2014-0005. Adoption of the R8-2014-0005 will result in significant new salt significant salt management costs for the City.

The City of Beaumont shall construct and operate desalting facilities and brine disposal facilities to improve recycled water quality and/or other sources of non-potable supply. A detailed desalter/brine line plan and schedule shall be submitted on or before January 1, 2015. The schedule shall assure that these facilities are in place within 5 years of Regional Board approval."

There is no brine disposal capacity available to the City. The planning and subsequent design and construction cannot be completed in five years as required in this commitment. Respectfully the City requests that the Regional Board modify the proposed resolution to include a salt offset option whereby the City can offset the TDS concentration in excess of 330 mg/L recharge and direct use of recycled water in lieu of the five-year time limit.

17. Draft Proposed Resolution, Page 54 of 63, Table 5-9c Commitment 6. Non-potable Water Supply and related text starting on page 56 of 63.

See the City's comment number 4 and 5 above related to storm water used for dilution. Storm water cannot be diverted to dilute non-potable water supplies to comply with Basin Plan requirements if it reduces storm water recharge downstream of the diversion to below historical levels. Perhaps language could be crafted consistent with the New Storm Water Recharge definition suggested comment number 4 above.

18. Draft Proposed Resolution, Page 54 of 63, Table 5-9c Commitment 7. Recycled Water Recharge and related text on page 57 of 63.

The City's comment is identical to its comment number 5 above related to storm water recharge.

19. Draft Proposed Resolution, Page 57 of 63, Revision to the City of Beaumont/YVWD/City of Banning NPDES permits.

The City's comment is identical to its comments number 4 and 8 above regarding storm water used for dilution of recycled water recharge and non-potable supplies.

20. Draft Proposed Resolution, Page 59 of 63, Review of Project Status.

The City's comment is identical to its comment number 2.

Concluding Comments

The City staff is concerned with being able to comply with the short time requirements in the proposed maximum benefit commitments 4a in Table 5-9b and Table 5-9c. The City is currently on a schedule to prepare this plan and implementation schedule by the end of 2014 and would prefer to commit to completing and submitting a plan to the Regional Board by January 2015. The planning and subsequent design and construction cannot be completed in five years as required in this commitment due to the lack of an existing brine disposal system. Respectfully the City requests that the Regional Board modify the proposed resolution to include a salt offset option whereby the City can offset the TDS concentration in excess of maximum benefit-based limits in lieu of the five-year time limit. The City recommends that Regional Board consideration of Resolution R8-2014-0005 be deferred at least 90 days to allow the Regional Board staff and BMZ stakeholders to develop new language to eliminate the five-year deadline and provide for a salt offset.

The City is very concerned about the estimation of new storm water and the allocation of that water for dilution of non-potable supplies and recycled water recharge; and the lack of agreement among the BMZ stakeholders on this seemingly important manner. In fact, most of the BMZ stakeholders are parties to the Beaumont Basin stipulated agreement and they have not been able to develop an implementable definition of new storm water recharge among themselves ten years after the stipulated agreement was completed! The draft proposed Basin Plan amendment is not clear as to what storm water can be used for dilution which suggest to the City that perhaps even the Regional Board staff is unclear and more discussion is required among the Regional Board staff and BMZ stakeholders. The City recommends that Regional Board consideration of Resolution R8-2014-0005 be deferred at least 90 days to allow the Regional Board staff and BMZ stakeholders to develop a clear

understanding and new language in the Basin Plan that will define what storm water can be used for dilution and ownership of it.

The City is appreciative of the Regional Board staff 's tremendous effort in working with the Beaumont and San Timoteo stakeholders on the updated maximum benefit programs and Basin Plan amendment. The City is also appreciative of the opportunity to have reviewed the draft proposed Basin Plan amendment and hopes our comment bring clarity and demonstrate our support for it. City staff and consultants will be made available to the Regional Board staff to discuss the City's comments if desired by the Regional Board.

Very truly yours,
CITY OF BEAUMONT

Alan C. Kapanicas
City Manager

Cc: Beaumont City Council