Public Comment
Santa Ana Salt Management Plan Updates
Deadline: 6/23/14 by 12:00 noon

CITY OF SAN BERNARDINO
MUNICIPAL WATER DEPARTMENT

BOARD OF WATER COMMISSIONERS

TONI CALLICOTT
President

Commissioners
LOUIS A. FERNANDEZ
WAYNE HENDRIX
JUDITH VALLES
DAVID E. MLYNARSKI

STACEY R. ALDSTADT
General Manager
ROBIN L. OHAMA
Deputy General Manager
MATTHEW H. LITCHFIELD, P.E.
Director of Water Utility
JOHN A. CLAUS
Director of Water Reclamation
JENNIFER SHEPARDSON
Director of Environmental &
Regulatory Compliance
VACANT
Director of Finance

"Trusted, Quality Service since 1905"

RECEIVED
6-23-14
SWRCB Clerk

June 23, 2014

By Mail and E-mail – commentletters@waterboards.ca.gov

Jeanine Townsend, Clerk to the Board
and Members of the State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Subject: Comment Letter – Santa Ana Region Salt Management Updates

Dear State Board Members:

We submit these comments on behalf of the City of San Bernardino Municipal Water Department (SBMWD), which is committed to providing trusted, quality service to our customers as we provide water supply, water reclamation, geothermal heating, and administrative services to our community. SBMWD has operated a 33 MGD Regional Water Reclamation Plant (WRP) since 1973 that provides trusted, quality wastewater treatment services for the City of San Bernardino, Loma Linda, East Valley, San Bernardino International Airport, Patton State Hospital, and unincorporated San Bernardino County areas. Primary and secondary treatment processes are employed to meet the discharge standards specified in the National Pollutant Discharge Elimination Permit (NPDES) issued to the WRP by the State of California Regional Water Quality Control Board. Secondary treated wastewater from the WRP discharges to an offsite tertiary treatment facility operated jointly by the cities of San Bernardino and Colton.

The Rapid Infiltration and Extraction (RIX) facility receives approximately 28 MGD of secondary treated wastewater from the WRP and from Colton's treatment facility. Natural bio-filtration is employed through the use of percolation basins and ultra-violet disinfection is used to meet the State of California Title 22 tertiary standards, in addition to the discharge standards

300 North "D" Street, San Bernardino, California 92418 P.O. Box 710, 92402 Phone: (909) 384-5141
FACSIMILE NUMBERS: Administration: (909) 384-5215 Engineering: (909) 384-5532 Customer Service: (909) 384-7211
Corporate Yards: (909) 384-5260 Water Reclamation Plant: (909) 384-5258

specified in a separate NPDES permit issued to the RIX facility. RIX treated wastewater consistently meets or exceeds required discharge standards and is often superior in quality to effluent produced through conventional tertiary facilities.

The WRP is committed to reusing the resources generated during the wastewater treatment processes. The WRP recently completed the installation of a co-generation facility, which uses the methane gas produced during the treatment processes as a source of energy. This highly valuable energy source is used to fuel generators that supply electricity to the WRP. This minimizes the amount of electricity required to be purchased for the operation of the WRP. The use of reclaimed water and the generation of electricity exemplify the trusted, quality service provided by the WRP as we continuously search for new and improved methods to maintain compliance with required discharge limits and conserve our natural resources.

SBMWD provides comments on the proposed Basin Plan amendment set for approval by the State Board. Comments were not provided to the Regional Water Board because SBMWD had presumed that the amendments did not affect its facilities since they primarily focused on the Yucaipa and Beaumont management zones. However, on closer review, SBMWD now realizes that these modifications set up a detrimental precedent that could adversely affect SBMWD in the future.

The amendments proposed for approval remove Tables 5-3 and 5-4, which include the water quality objectives and ambient water quality for total dissolved solids (TDS) and nitrate-nitrite, respectively, for each management zone in the region, including those to which SBMWD discharges. The amendments also remove the explanatory text related to these tables.

Removal of these tables makes no sense when the remaining paragraphs of the Basin Plan at pg. 5-20 ("Tables 5-3 and 5-4 show the assimilative capacity available in management zones for which "maximum benefit" objectives have been specified," and "such as the management zones identified in Tables 5-3 and 5-4") and pg. 5-21 ("current ambient quality is as defined in Table 5-3 and Table 5-4") continue to refer to these tables. The proposed language at pg. 4 of 62 of the Attachment to Resolution No. R8-2014-0005 states "[section discussion continues with no further revisions]." Thus, the tables need to be retained, or the references need to be removed as well.

In place of those tables, the following text was inserted:

"Since adoption of the 2004 Basin Plan amendment and per Basin Plan requirements, ambient quality and assimilative capacity findings have been, and will continue to be, updated every three years. The updated findings of ambient quality and assimilative capacity will be posted on the Regional Board's website and will be used for regulatory purposes."

Posting these numbers on the website, where they can be changed at any time, may violate Water Code sections 13241 and 13242 as these numbers are being used "for regulatory purposes" presumably as water quality objectives and should not be able to be changed at will. Water quality objectives are required to be set at a level that "will ensure the reasonable protection of beneficial uses and the prevention of nuisance; [recognizing] that it may be possible for the quality of the water to be changed to some degree without unreasonably affecting beneficial uses." Setting objectives based on ambient quality has no direct connection to the level needed for beneficial use protection and is merely a way to ensure that antidegradation principals are met. Antidegradation is a state

policy, based on a federal requirement for water quality standards that does not apply to groundwater. While it is important to consider "the quality of water available thereto," that is not the only consideration mandated by state law, and other issues, such as "economic considerations" and "the need to develop and use recycled water" must also be considered. Wat. Code §13241.

Tables 5-3 and 5-4 in the current version of the Basin Plan were based on the 2004 amendments, and show the water quality objectives and the then "current" ambient groundwater quality for TDS and nitrate-nitrogen, respectively, for each management zone. (BP at 5-23 and 5-24; Attachment to Resolution No. R8-2004-0001 at 30, 33-34.) The determination of "current" ambient quality was accomplished using a methodology consistent with that employed by the Nitrogen/TDS Task Force to develop the TDS and nitrogen water quality objectives included in this Basin Plan and consists of determining a 20-year average of the TDS and nitrogen levels in the groundwater. (BP at 5-19 and 5-46.) The question is whether removal of these tables containing the objectives and ambient quality will set a new "baseline" for antidegradation based on the "current" and ever-changing ambient conditions without reference to historic levels.

Because of the regulatory uncertainty these amendments cause, SBMWD asks that the State Water Board carefully consider the ramifications of these changes and consider remanding these modifications back to the Regional Water Board to have a broader conversation as to how these changes affect dischargers outside the Yucaipa/Beaumont groundwater management zones.

Respectfully submitted,

Robin L. Ohama
Deputy General Manager