



August 16, 2016

TO: LOCSO Board of Directors
FROM: Roy A. Hanley, General Counsel
SUBJECT: **Agenda Item 9D – 9/15/2016 Board Meeting**
Report on Legal Uses of Recycled Water and the Status of
Contract Negotiations with County of San Luis Obispo
Regarding Recycled Water

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DESCRIPTION

At its most recent regular meeting, the Board of Directors requested that the General Counsel prepare a report on the potential uses of recycled water and also report on the status of negotiations with the County of San Luis Obispo on recycled water use in the District's area of service.

STAFF RECOMMENDATION

Staff recommends that the Board receive the report and give direction and comment to staff on whether or not (in the event that a contract is reached with the County regards to recycled water) to pursue any changes in the current permit for use of recycled water or, in the alternative, to pursue other methods of delivering non-potable water for use by District water customers.

No motion or resolution is necessary at this time.

DISCUSSION

Status of Contract Negotiations: District Staff, consisting of the District General Manager and the District Engineer have been meeting with counterparts from the County of San Luis Obispo and from Golden State Water Co., a private water purveyor with similar interests in recycled water in their service area to reach consensus on deal points for a contract between the County and purveyors. Those deal points have been tentatively agreed to at the Staff level and the matter has now been moved to General Counsel's desk for drafting of a proposed contract. A copy of the draft contract will be first circulated to District Staff, and once Staff's concerns have been addressed the draft will be shared with County Counsel. Once County Counsel and General Counsel have worked out any drafting issues, the contract will be brought back for review by the Board of Directors, unless the Board directs that the contract be first reviewed by a standing committee. The contract should be ready for District review in the next two months.

Recycled Water Use: Use of recycled water is governed by Federal and State Law. Federal Law in this area is mostly concerned with the discharge to Waters of the US of pollutants contained in untreated, undertreated or partially treated wastewater and is not relevant to today's discussion of the use of recycled water because the water from the wastewater treatment plant is expected to comply with all Federal regulations.

State Law does regulate the use of recycled water. State statutes contained in the Health and Safety Code and Water Code provide the legal framework for the protection of the environment, drinking water, surface and groundwater water supplies, public health and safety in the use of recycled water, financing for recycled water projects and also for enforcement actions including civil and criminal penalties for violations. Titles 17 and 22 of the California Code of Regulations provide the structure and process for the planning, design, permitting and operation of wastewater treatment and recycled water reuse systems; covering from the wastewater source to the outlet fixtures and beneficial end uses of (recycled) wastewater. Published codes are available online at <http://leginfo.ca.gov> (statutes) and <http://ccr.oal.ca.gov> (regulations). The State Water Resources Control Board and its Regional Water Quality Control Board are the enforcing agency of the state.

The State publishes a document known as the Purple Book (totaling 77 pages) that contains excerpts from the state codes and regulations that govern the use of recycled water. A copy of the Purple Book is available online for download. The Purple Book is an excellent resource in understanding the vast myriad of regulatory requirements for the use of recycled wastewater.

Please note that the end uses of recycled water is limited and regulated based on the level of wastewater treatment provided, and many other conditions such as local surface and groundwater condition, depth of groundwater, soil types and wastewater constituents; among many other considerations. The use of recycled water is further regulated by Department of Public Health, and by the permit conditions of the wastewater treatment plant. The permissive uses of recycled water are described in an attachment summary table which is made available on the State website. Lastly, the use of recycled water from this particular treatment plant is governed by the approved water engineering report, irrigation plan and water rules for the County as part of the licensing process for the treatment plant. Again due to the volume of these documents, copies can be received upon request to the General Manager. (Please note that the attachments and referenced documents are from the State web page, and the actual final/current documents may have some changes. Such changes are not relevant to today's discussion but would be relevant should the District want to ask the County to seek an amendment of the use plan.)

The uses as approved by the State in the Wastewater Treatment Plant Operations and Maintenance Plan and permit documents are the only allowed uses for recycled water within the District boundaries. If there is a desired use that is legal under State law, but not included in the current approved plan, the County will have to ask for an amendment to the state permit(s). The County may want reimbursement for the costs of any amendment sought at the request of the District, which may include engineering evaluation and design, legal, environmental and other planning work and associated costs.

Since the Los Osos wastewater plant permit prohibits recycled water use for single-family residential landscape irrigation, Staff also examined the possibility of using other non-potable water for residential landscaping uses. Cambria has a list of providers of non-potable water for such purposes and it has been included as an attachment as well. The state regulations discussed above are in a constant state of negotiation and amendment; with current trains of thought matching end use of water to the level of available water quality. For example, another potential source of non-potable water is the 3rd Street well that is out of service because the water produced contains levels of Chromium 6 that barely exceed the drinking level threshold of 10 parts per billion. It may be possible and cost effective to consider disconnecting this well from the potable system and connecting it to neighboring landscape irrigation systems. This would put the

well water to use for a purpose not needing potable water, while at the same time reducing water demand from the remaining district's potable water wells.

Many communities are blending waters of lower quality with other higher quality drinking water sources and making use of it as safe drinking water that meets all standards after blending. Some communities are treating water from such wells, and Staff has determined that the cost of permitting and construction of such a treatment system, coupled with a doubling of the well operating cost renders wells such as 3rd Street unusable for potable purposes unless blending is possible.

The cost effectiveness of any and all recycled water use recommendations must be taken into consideration when determining the highest and best uses of the small amount of recycled water available. For example, any trucking of recycled water for use by individual customers for approved non-potable purposes will be costly, where the direct irrigation of sports fields with existing pressurized recycled water will be much lower cost.

Due to the ever-dwindling supply of potable groundwater in the region, staff recommends the completion of a more exhaustive evaluation of all available non-potable water sources, and identification of customers and areas with high demands for non-potable water in the District service area. This evaluation can be performed by existing District staff with assistance from the District engineer. An example of this effort is the evaluation of the potential of converting the irrigation system at the Back Bay Inn and adjacent irrigation uses to the use of 3rd Street well water; versus potable water.

Attachments:

- 1 – Purple Book (*posted on website www.losososcscsd.org*)
- 2 – Permissive Uses of Recycled Water
- 3 – SLO County Operational Documents (*posted on website www.losososcscsd.org*)
 - a. LOWWP Operations and Maintenance Plan
 - b. CDPH Draft Recycled Water Engineering Report
 - c. SLO County PW Calculation of Agronomic Rates for Landscaping Irrigation of Recycled Water at Urban Landscaped Areas by LO Water Recycling Facility
- 4 – Cambria's list of deliverers of non-potable water

Recycled Water Uses Allowed¹ in California

Use of Recycled Water	Treatment Level			
	Disinfected Tertiary Recycled Water	Disinfected Secondary – 2.2 Recycled Water	Disinfected Secondary – 23 Recycled Water	Undisinfected Secondary Recycled Water
<i>Irrigation of:</i>				
Food crops where recycled water contacts the edible portion of the crop, including all root crops	Allowed	Not Allowed	Not Allowed	Not Allowed
Parks and playgrounds	Allowed	Not Allowed	Not Allowed	Not Allowed
School yards	Allowed	Not Allowed	Not Allowed	Not Allowed
Residential landscaping	Allowed	Not Allowed	Not Allowed	Not Allowed
Unrestricted-access golf courses	Allowed	Not Allowed	Not Allowed	Not Allowed
Any other irrigation uses not prohibited by other provisions of the California Code of Regulations	Allowed	Not Allowed	Not Allowed	Not Allowed
Food crops, surface-irrigated, above-ground edible portion, and not contacted by recycled water	Allowed	Allowed	Not Allowed	Not Allowed
Cemeteries	Allowed	Allowed	Allowed	Not Allowed
Freeway landscaping	Allowed	Allowed	Allowed	Not Allowed
Restricted-access golf courses	Allowed	Allowed	Allowed	Not Allowed
Ornamental nursery stock and sod farms with unrestricted public access	Allowed	Allowed	Allowed	Not Allowed
Pasture for milk animals for human consumption	Allowed	Allowed	Allowed	Not Allowed
Non-edible vegetation with access control to prevent use as a park, playground or school yard	Allowed	Allowed	Allowed	Not Allowed
Orchards with no contact between edible portion and recycled water	Allowed	Allowed	Not Allowed ²	Not Allowed ²
Vineyards with no contact between edible portion and recycled water	Allowed	Allowed	Not Allowed ²	Not Allowed ²
Non food-bearing trees, including Christmas trees not irrigated less than 14 days before harvest	Allowed	Allowed	Allowed	Allowed
Fodder and fiber crops and pasture for animals not producing milk for human consumption	Allowed	Allowed	Allowed	Allowed
Seed crops not eaten by humans	Allowed	Allowed	Allowed	Allowed
Food crops undergoing commercial pathogen-destroying processing before consumption by humans	Allowed	Allowed	Allowed	Allowed
Ornamental nursery stock, sod farms not irrigated less than 14 day before harvest	Allowed	Allowed	Allowed	Allowed
<i>Supply for impoundment:</i>				
Non-restricted recreational impoundments, with supplemental monitoring for pathogenic organisms	Allowed³	Not Allowed	Not Allowed	Not Allowed
Restricted recreational impoundments and publicly-accessible fish hatcheries	Allowed	Allowed	Not Allowed	Not Allowed
Landscape impoundments without decorative fountains	Allowed	Allowed	Allowed	Not Allowed
<i>Supply for cooling or air conditioning:</i>				
Industrial or commercial cooling or air conditioning involving cooling tower, evaporative condenser, or spraying that creates a mist	Allowed⁴	Not Allowed	Not Allowed	Not Allowed
Industrial or commercial cooling or air conditioning not involving cooling tower, evaporative condenser, or spraying that creates a mist	Allowed	Allowed	Allowed	Not Allowed

Recycled Water Uses Allowed¹ in California

(continued)

Use of Recycled Water	Treatment Level			
	Disinfected Tertiary Recycled Water	Disinfected Secondary – 2.2 Recycled Water	Disinfected Secondary – 2.3 Recycled Water	Undisinfected Secondary Recycled Water
<i>Other uses:</i>				
Groundwater recharge	Allowed under special case-by-case permits by RWQCBs ⁵			
Flushing toilets and urinals	Allowed	Not Allowed	Not Allowed	Not Allowed
Priming drain traps	Allowed	Not Allowed	Not Allowed	Not Allowed
Industrial process water that may contact workers	Allowed	Not Allowed	Not Allowed	Not Allowed
Structural fire fighting	Allowed	Not Allowed	Not Allowed	Not Allowed
Decorative fountains	Allowed	Not Allowed	Not Allowed	Not Allowed
Commercial laundries	Allowed	Not Allowed	Not Allowed	Not Allowed
Consolidation of backfill material around potable water pipelines	Allowed	Not Allowed	Not Allowed	Not Allowed
Artificial snow making for commercial outdoor uses	Allowed	Not Allowed	Not Allowed	Not Allowed
Commercial car washes, not heating the water, excluding the general public from washing process	Allowed	Not Allowed	Not Allowed	Not Allowed
Industrial process water that will not come into contact with workers	Allowed	Allowed	Allowed	Not Allowed
Industrial boiler feedwater	Allowed	Allowed	Allowed	Not Allowed
Non-structural fire fighting	Allowed	Allowed	Allowed	Not Allowed
Backfill consolidation around non-potable piping	Allowed	Allowed	Allowed	Not Allowed
Soil compaction	Allowed	Allowed	Allowed	Not Allowed
Mixing concrete	Allowed	Allowed	Allowed	Not Allowed
Dust control on roads and streets	Allowed	Allowed	Allowed	Not Allowed
Cleaning roads, sidewalks, and outdoor work areas	Allowed	Allowed	Allowed	Not Allowed
Flushing sanitary sewers	Allowed	Allowed	Allowed	Allowed

This summary is prepared from the December 2, 2000-adopted Title 22 Water Recycling Criteria and supersedes all earlier versions. Prepared by Bahman Sheikh and edited by EBMUD Office of Water Recycling, who acknowledge this is a summary and not the formal version of the regulations referenced above.

¹ Refer to the full text of the December 2, 2000 version of Title 22: California Code of Regulations, Chapter 3 Water Recycling Criteria. This chart is only an informal summary of the uses allowed in this version, with the exception of orchards and vineyards noted as "Not Allowed" on page 1 and explained below.

² Per California Department of Public Health letter of January 8, 2003 to California Regional Water Quality Control Boards.

³ Allowed with "conventional tertiary treatment." Additional monitoring for two years or more is necessary with direct filtration.

⁴ Drift eliminators and/or biocides are required if public or employees can be exposed to mist.

⁵ Refer to Groundwater Recharge Guidelines, available from the California Department of Public Health.

CAMBRIA COMMUNITY SERVICES DISTRICT

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GAIL ROBINETTE, Vice President
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NON-POTABLE WATER DELIVERY SERVICES VENDORS

- Cambria Rock 927-1685
- Hummingbird Garden Services 927-5124
- Bob Sfarzo 927-3615
- Enrique's Gardening Service 927-1878
- Mercado's Gardening 441-8124
- The Watering Can (Water Delivery/Tank Installation) 441-4460
- Scenic Coast Landscaping 927-0908
- Potter Plumbing 909-0169
- Ramirez Gardening 927-4941
- Michael Miller 395-0838
- Ken Sutliff 927-8806
- AEI Transport 559/855-8785
- Kyle Koontz 559/760-7149
- Chris Anderson 203-5513
- John Bendall Water Hauling and Tanks 610-1717
- Blue Bird Watering 909-8199

PRESSURE WASHING

- Grandstaff Paint & Design 235-0737
- Gregg Whitfield Painting 235-7412

- Customers that wish to purchase non-potable water may contact Clyde Warren at 927-3588 for more information.

**** PLEASE NOTE THAT THIS VENDORS LIST IS FOR CUSTOMER CONVENIENCE ONLY AND DOES NOT CONSTITUTE A RECOMMENDATION OR ENDORSEMENT OF ANY VENDOR. IF YOU ARE A VENDOR THAT WOULD LIKE TO BE PLACED ON THIS LIST, PLEASE CONTACT THE CCSD AT (805) 927-6223 OR VIA EMAIL AT CUPTHEGROVE@CAMBRIACSD.ORG.**