

MONTEREY COUNTY



DEPARTMENT OF HEALTH LEN FOSTER, Director

ADMINISTRATION	EMERGENCY MEDICAL SERVICES	HEALTH PROMOTION
ANIMAL SERVICES	ENVIRONMENTAL HEALTH	PRIMARY CARE
BEHAVIORAL HEALTH	FAMILY & COMMUNITY HEALTH	PUBLIC GUARDIAN

August 15, 2007

Stephanie Pintar
 Monterey Peninsula Water Management District
 5 Harris Court, BLDG. G
 Monterey, CA 93942

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AUG 23 2007

MPWMD

Re: Comments on Initial Study for Ordinance No. 130

Dear Stephanie:

Thank you for the opportunity to review and comment on the Initial Study for the proposed Ordinance No: 130: "2007 Sub-potable Water Use Credit Ordinance of the Monterey Peninsula Water Management District." The purpose of this ordinance is to provide an incentive for replacing existing Non-Residential Potable water irrigation with recycled Sub-potable water.

When using recycled or subpotable water in facilities or parks that are to be retrofitted, a significant impact could be the potential for cross connection. The Monterey County Health Department, Environmental Health Division (EHD) raised the issue of backflow and cross-connection in the NOP and to the DEIR for the Regional Urban Water Project, 2004 DD&E. The response to comment stated simply that the requirements were discussed in a feasibility document and therefore did not represent a potentially significant impact. There was no discussion of who or how the program was to be implemented and enforced. EHD considers this a potentially significant public health threat that should be addressed by the ordinance. In order to address this public health concern EHD suggests that the ordinance include a requirement with the following proof of compliance:

- 1) Applicants shall submit evidence that the project shall comply with all of California Code of Regulations, Title 22 Cross-connection, and Title 17 cross-control requirements. Submission of T22 Engineering report prior to occupation or commencement of use.
- 2) Applicants shall submit an Engineering Report to the Monterey County Health Department and the California Department of Public Health for review and approval prior to commencement of operations.
- 3) Applicants shall submit evidence that demonstrates compliance with all of CCR Title 22 Recycling Area use requirements as a mitigation monitoring element. Annually with updates to Engineering Report Elements.

A copy of the Engineering Report Guidelines is attached for you information.

Sincerely,

Richard L. Warner, Asst. Director for

Mary Anne Dennis, REHS
Supervising Environmental Health Specialist

Cc:

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GUIDELINES FOR THE
PREPARATION OF AN ENGINEERING REPORT
FOR THE PRODUCTION, DISTRIBUTION AND USE OF RECYCLED WATER

March 2001

(Replaces September 1997 Version)

1.0 INTRODUCTION

The current State of California Water Recycling Criteria (adopted in December 2000) require the submission of an engineering report to the California Regional Water Quality Control Board (RWQCB) and the Department of Health Services (DHS) before recycled water projects are implemented. These reports must also be amended prior to any modification to existing projects. The purpose of an engineering report is to describe the manner by which a project will comply with the Water Recycling Criteria. The Water Recycling Criteria are contained in Sections 60301 through 60355, inclusive, of the California Code of Regulations, Title 22. The Criteria prescribe:

- * Recycled water quality and wastewater treatment requirements for the various types of allowed uses,
- * Use area requirements pertaining to the actual location of use of the recycled water (including dual plumbed facilities), and
- * Reliability features required in the treatment facilities to ensure safe performance.

Section 60323 of the Water Recycling Criteria specifies that the engineering report be prepared by a properly qualified engineer, registered in California and experienced in the field of wastewater treatment.

Recycled water projects vary in complexity. Therefore, reports will vary in content, and the detail presented will depend on the scope of the proposed project and the number and nature of the agencies involved in the production, distribution, and use of the recycled water. The report should contain sufficient information to assure the regulatory agencies that the degree and reliability

of treatment is commensurate with the requirements for the proposed use, and that the distribution and use of the recycled water will not create a health hazard or nuisance.

The intent of these guidelines is to provide a framework to assist in developing a comprehensive report which addresses all necessary elements of a proposed or modified project. Such a report is necessary to allow for the required regulatory review and approval of a recycled water project.

References which may assist in addressing various project elements include:

- State of California Water Recycling Criteria (December 2000)
- State of California Regulations Relating to Cross-Connections
- California Waterworks Standards
- California Water Code
- Guidelines for the Distribution of Non-potable Water, (California-Nevada Section-AWWA, 1992)
- Guidelines For The On-Site Retrofit of Facilities Using Disinfected Tertiary Recycled Water (California-Nevada Section-AWWA, 1997)
- Manual of Cross-Connection Control/Procedures and Practices (DOHS)
- Ultraviolet Disinfection - Guidelines for Drinking Water and Water Reuse (NWRI/AWWARF, December 2000)

2.0 RECYCLED WATER

The following sections discuss the type of information that should be presented and described in the engineering report. Some sections are applicable only to certain types of uses.

2.1 General

The report shall identify all agencies or entities that will be involved in the design, treatment, distribution, construction, operation and maintenance of the recycled facilities, including a description of any legal arrangements outlining authorities and responsibilities between the agencies with respect to treatment, distribution and use of recycled water. In areas where more than one agency/entity is

involved in the reuse project, a description of arrangements for coordinating all reuse-related activities (e.g. line construction/repairs) shall be provided.

An organizational chart may be useful

2.2 Rules and Regulations

The procedures, restrictions, and other requirements that will be imposed by the distributor and/or user should be described. In multiple projects covered under a Master Permit issued by the Regional Boards where the reuse oversight responsibility is delegated to the distributor and/or user, the requirements and restrictions should be codified into a set of enforceable rules and regulations. The rules and regulations should include a compliance program to be used to protect the public health and prevent cross connections. Describe in the report the adoption of enforceable rules and regulations that cover all of the design and construction, operation and maintenance of the distribution systems and use areas, as well as use area control measures. Provide a description of the organization of the agency or agencies who has the authority to implement and enforce the rules and regulations, and the responsibilities of pertinent personnel involved in the reuse program.

Reference to any ordinances, rules of service, contractual arrangements, etc. should be provided.

2.3 Producer - Distributor - User

The producer is the public or private entity that will treat and/or distribute the recycled water used in the project. Where more than one entity is involved in the treatment or distribution of the recycled water, the roles and responsibilities of each entity (i.e. producer, distributor, user) should be described.

2.4 Raw Wastewater

Describe the chemical quality, including ranges with median and 95th percentile values;

Describe the source of the wastewater to be used and the proportion and types of industrial waste, and

Describe all source control programs.

2.5 Treatment Processes

Provide a schematic of the treatment train;

Describe the treatment processes including loading rates and contact times;

All filtration design criteria should be provided (filtration and backwash rates, filter depth and media specifications, etc.). The expected turbidities of the filter influent (prior to the addition of chemicals) and the filter effluent should be stated;

State the chemicals that will be used, the method of mixing, the degree of mixing, the point of application, and the dosages. Also describe the chemical storage and handling facilities, and

Description of the operation and maintenance manuals available.

2.6 Plant Reliability Features

The plant reliability features proposed to comply with Sections 60333 - 60355 of the Water Recycling Criteria should be described in detail. The discussion of each reliability feature should state under what conditions it will be actuated. When alarms are used to indicate system failure, the report should state where the alarm will be received, how the location is staffed, and who will be notified. The report should also state the hours that the plant will be staffed.

2.7 Supplemental Water Supply

The report should describe all supplemental water supplies. The description should include:

- * Purpose
- * Source
- * Quality
- * Quantity available
- * Cross-connection control and backflow prevention measures

2.8 Monitoring and Reporting

The report should describe the planned monitoring and reporting program, including all monitoring required by the Water Recycling Criteria, and include the frequency and location of sampling. Where continuous analysis and recording equipment is used, the method and frequency of calibration should be stated. All analyses shall be performed by a

laboratory approved by the State Department of Health Services.

2.9 Contingency Plan

Section 60323 (c) of the Water Recycling Criteria requires that the engineering report contain a contingency plan designed to prevent inadequately treated wastewater from being delivered to the user. The contingency plan should include:

- * A list of conditions which would require an immediate diversion to take place;
- * A description of the diversion procedures;
- * A description of the diversion area including capacity, holding time and return capabilities;
- * A description of plans for activation of supplemental supplies (if applicable);
- * A plan for the disposal or treatment of any inadequately treated effluent;
- * A description of failsafe features in the event of a power failure, and

A plan (including methods) for notifying the recycled water user(s), the regional board, the state and local health departments, and other agencies as appropriate, of any treatment failures that could result in the delivery of inadequately treated recycled water to the use area.

3.0 TRANSMISSION AND DISTRIBUTION SYSTEMS

Maps and/or plans showing the location of the transmission facilities and the distribution system layout should be provided. The plans should include the ownership and location of all potable water lines, recycled water lines and sewer lines within the recycled water service area and use area(s).

4.0 USE AREAS

The description of each use area should include:

- * The type of land uses;
- * The specific type of reuse proposed;
- * The party(s) responsible for the distribution and use of the recycled water at the site;

- * Identification of other governmental entities which may have regulatory jurisdiction over the re-use site such as the US Department of Agriculture, State Department of Health Services, Food and Drug Branch, the State Department of Health Services, Licensing and Certification Section, etc. These agencies should also be provided with a copy of the Title 22 Engineering Report for review and comment.
- * Use area containment measures;
- * A map showing:
 - Specific areas of use
 - Areas of public access
 - Surrounding land uses
 - The location and construction details of wells in or within 1000 feet of the use area
 - Location and type of signage
- * The degree of potential access by employees or the public;
- * For use areas where both potable and recycled water lines exist, a description of the cross-connection control procedures which will be used.

In addition to the general information described above, the following should be provided for the following specific proposed uses:

4.1 Irrigation

- Detailed plans showing all piping networks within the use area including recycled, potable, sewage and others as applicable.
- Description of what will be irrigated (e.g. landscape, specific food crop, etc.);
- Method of irrigation (e.g. spray, flood, or drip);
- The location of domestic water supply facilities in or adjacent to the use area;
- Site containment measures;
- Measures to be taken to minimize ponding;

-The direction of drainage and a description of the area to which the drainage will flow;

-A map and/or description of how the setback distances of Section 60310 will be maintained;

-Protection measures of drinking water fountains and designated outdoor eating areas, if applicable;

-Location and wording of public warning signs, and

-The proposed irrigation schedule (if public access is included).

-Measures to be taken to exclude or minimize public contact.

4.2 Impoundments

-The type of use or activity to be allowed on the impoundment;

-Description of the degree of public access;

-The conditions under which the impoundment can be expected to overflow and the expected frequency, and

-The direction of drainage and a description of the area to which the drainage will flow.

4.3 Cooling

-Type of cooling system (e.g. cooling tower, spray, condenser, etc.);

-Type of biocide to be used, if applicable;

-Type of drift eliminator to be used, if applicable, and

-Potential for employee or public exposure, and mitigative measures to be employed.

4.4 Groundwater Recharge

An assessment of potential impacts the proposal will have on underlying groundwater aquifers. The appropriate information shall be determined through consultation with the Department on a case by case basis.

4.5 Dual Plumbed Use Areas

In accordance with Sections 60313 through 60316 of the Water Recycling Criteria.

4.6 Other Industrial Uses

The appropriate information shall be determined on a case by case basis.

4.7 Use Area Design

The report should discuss how domestic water distribution system shall be protected from the recycled water in accordance with the Regulations Relating to Cross-Connections and the California Waterworks Standards, and how the facilities will be designed to minimize the chance of recycled water leaving the designated use area. Any proposed deviation from the Water Recycling Criteria and necessity therefore, should be discussed in the report.

4.8 Use Area Inspections and Monitoring

The report should describe the use area inspection program. It should identify the locations at the use area where problems are most likely to occur (e.g. ponding, runoff, overspray, cross-connections, etc.) and the personnel in charge of the monitoring and reporting of use area problems.

4.9 Employee Training

The report should describe the training which use area employees will receive to ensure compliance with the Recycled Water Criteria, and identify the entity that will provide the training and its' frequency. The report should also identify any written manuals of practice to be made available to employees.

LAW OFFICES OF
MICHAEL W. STAMP

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August 20, 2007

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AUG 20 2007

MPWMD

Via Facsimile

David Pendergrass, Chair,
and Members of the Board of Directors
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942

Re: Initial Study/Negative Declaration for Proposed Ordinance 130

Dear Chair Pendergrass and Members of the Board of Directors:

This office represents Save Our Carmel River, Patricia Bernardi, and The Open Monterey Project. My clients object to the approval of the initial study and proposed negative declaration for proposed Ordinance 130 (water use credit).

The initial study and proposed negative declaration (collectively referred to here as "I/S") are inconsistent with CEQA.

The project is inconsistent with the California Constitution and the MPWMD rules addressing water waste. The MPWMD has the authority to eliminate the wasteful use of water, and should do so. The MPWMD should not provide "incentives" to eliminate water waste that increase the overall water demand, which in turn causes harm to the public trust resources. The project is also inconsistent with SWRCB Order 95-10. The initial study fails to adequately identify and discuss the project's inconsistencies with the state constitution, the MPWMD rules, and the state board order.

The project description is inadequate, as proven by the I/S itself. The project segments the project inappropriately, which minimizes or hides its true impacts. The I/S fails to adequately identify or assess the impacts of additional construction that would be required and enabled by the proposed project. The project appears to be closely linked with the MPWMD's recent amendments to its definitions under its rules, which added new uses to the "non-residential" category.

The I/S fails to adequately identify and discuss the reduced water savings that could occur as a result of the project, and fails to discuss whether credit would be given for landscaping that is inappropriate under MPWMD guidelines. The I/S relies on outdated and inaccurate data, relies on apparent oral statements without researching or verifying them, and lacks accurate, reliable and current information on which to base its conclusions.

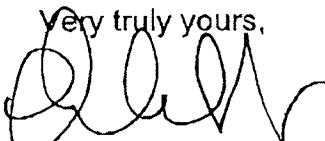
The I/S's brief discussion and suggestion that the project "reduces the potential for" increased consumption is not an acceptable discussion of water demand impacts

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Chair Pendergrass and Members of the Board of Directors
August 20, 2007
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under CEQA, given the water situation on the Peninsula, MPWMD's studies on the impacts of water credit transfers on water demand, and the recent decision in *Save Our Carmel River v. Monterey Peninsula Water Management District* (2006) 141 Cal.App.4th 677. The I/S fails to adequately identify or discuss the project's impacts, its enabling of non-residential water use, or the potential new water demand that foreseeably could result from the project.

Please put this Office on the distribution list for all meetings, hearings, reports, notices of determination, and other MPWMD actions on this project. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael W. Stamp". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael W. Stamp