



November 8, 2019

Sent via electronic-mail to: [COPCpublic@resources.ca.gov](mailto:COPCpublic@resources.ca.gov)

Wade Crowfoot, Secretary for Natural Resources  
Chair, California Ocean Protection Council  
California Natural Resources Agency 1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

**SUBJECT: Comments on Strategic Plan to Protect California's Coast and Ocean 2020-2025**

Dear Chair Crowfoot and Members of the Council,

On behalf of the water and wastewater community in California, the undersigned trade associations write to provide comments on the proposed Strategic Plan to Protect California's Coast and Ocean 2020-2025. Our coalition represents over 500 public water and wastewater systems in California. Together we provide essential public services in nearly every community in the state including the delivery of clean safe drinking water, treatment and distribution of drought resilient recycled water, and we protect the environment and public health through effective wastewater treatment. Our associations promote sustainability with a focus on advocacy, education and leadership.

Our coalition shares the OPC's commitment to ocean protection and increasing recycled water use in California. We worked with OPC staff to develop legislation guiding the OPC's development, adoption and implementation of a Statewide Microplastics Strategy. (SB 1263-Portantino, Chapter 609, Statutes of 2018), which is reflected in Goal 3.4.4. Additionally, we advocated for and supported AB 888 by Assemblymember Richard Bloom (Chapter 594, Statutes of 2015) which prohibited the use of plastic microbeads in personal care products like face wash, soap, and toothpaste after January 1, 2020.

We value our partnerships with OPC and were therefore surprised and dismayed to see that the proposed plan includes for the first time a significant new provision with potentially major impacts on water and wastewater agencies. The plan proposes the following goal:

1.2.3: Establish a target date for phasing out coastal sewage discharge into the ocean by 2022. Work with partners to achieve 80-100% coastal wastewater recycling by 2040.

Our comments below discuss our concerns with the goal as proposed and offer suggested revisions for the Council's consideration. We do not believe, however, that the few days allowed for comments (one of which is a national holiday) is adequate to obtain public and stakeholder input on this proposed goal. **We urge the Council to extend the opportunity for comment on the plan by at least 30 days and defer adoption to a future meeting.**

### **Proposed Goal 1.2.3 is at Best Premature**

The goal is included in the section of the plan dealing with ocean acidification and hypoxia. The potential impact from discharges of nitrates and remediation is a complicated and nuanced issue for which there is a significant amount of research currently underway and also for which many technological advances are being made relative to management options. In California's Bay Area and also in Southern California, large scale scientific studies and management plans for nutrients, including the need for nitrification/denitrification, are currently being employed in conjunction with California Regional Water Quality Control Boards. California's Regional Water Quality Control Boards currently have the authority to require wastewater agencies to comply with water quality requirements and can impose requirements for planning and implementation of processes to decrease nitrogen loadings in receiving waters. In fact, in the San Francisco Bay Area the Regional Water Board has already issued the 1st nutrient watershed permit in 2014 with the 2nd watershed permit planned for adoption in May 2019.

The other two goals in this section appropriately focus on science and strategy development. Goal 1.2.1 calls for scientific guidance to the State Water Resources Control Board to inform new standards that minimize biological and chemical impacts including ocean acidification, hypoxia, and harmful algal blooms and Goal 1.2.4 calls for implementation of California's Ocean Acidification Action Plan by 2023. In contrast, despite the acknowledgement that the science is still developing and that there are multiple factors affecting ocean acidification, Goal 1.2.3 leaps ahead to presume that elimination of permitted coastal wastewater discharges—all of which are already regulated under the Clean Water Act-- is the answer.

For this reason, we recommend that the Council delete Goal 1.2.3.

### **Any OPC Goal to Address Coastal Discharges Should be Consistent with the Recycled Water Policy**

The State Water Board's recently adopted Recycled Water Policy includes a goal to:

*“Reuse all dry weather direct discharges of treated wastewater to enclosed bays, estuaries and coastal lagoons, and ocean waters that can be viably put to a beneficial use. For the purpose of this goal, treated wastewater does not include discharges necessary to maintain beneficial uses and brine discharges from recycled water facilities or desalination facilities. (Emphasis added.)*

While the OPC's goal appears to be to reduce discharges for water quality reasons, the only way to reduce discharges (as discussed further below, elimination of wastewater discharges to the ocean is neither reasonable nor feasible) is to greatly increase water recycling. The water generated by millions of Californians will not simply disappear. In addition, it is not helpful to have two state agencies with key roles in ocean protection with different goals. If the Council decides to retain some form of a goal for coastal discharge reduction, we recommend it include the goal already adopted by the Water Board after extensive stakeholder comment and move the goal to Objective 1.1 dealing with climate resiliency.

## **Major Regulatory, Funding and Practical Realities Stand in the Way of an 80 to 100 Percent Reduction in Discharges**

We appreciate that the plan acknowledges the need to engage with the Water Board to develop a plan to achieve the proposed discharge elimination goal. There are numerous other public agencies and stakeholders who must also be at the table in any plan development process. As of today, the regulatory framework necessary for agencies to plan and implement projects to manage the massive volumes of water contemplated in Goal 1.2.3 does not exist. Existing beneficial reuse options are limited and could not be utilized to manage such a vast quantity of water. Instead, many agencies would need to implement large scale potable reuse projects. The State Water Board is charged with developing regulations for Direct Potable Reuse by 2023. Until that regulatory scheme has been developed it will be nearly impossible for agencies to plan for, let alone implement, projects to meet the goal. To put this in perspective, some of the most ambitious recycling projects underway in the state currently have 20 to 30 year project schedules, and when fully operational will still not meet the proposed 80 to 100 percent discharge reduction.

There are numerous technical realities in the wastewater treatment and management processes that must be considered. Major operational issues exist, including brine management, wet weather influent management, existing regulatory constraints relative to minimum flows, and other real and substantive conflicts with how wastewater agencies function in their communities. These technical issues are vast, far reaching, and vary based on the regional watershed and individual permitting levels.

### **The Proposed Discharge Elimination is in Conflict with Important Public Policies**

Some of California's most ambitious policy goals may be in conflict with Goal 1.2.3. For example, California is a leader on climate change mitigation and adaptation and has taken several steps in recent years to curb emissions and transition to a more sustainable future. Requiring all coastal areas to severely curtail discharges could adversely impact those efforts by increasing the emissions associated with advanced wastewater treatment and the associated energy demand required to move the high volumes of water over or across a variety of geographical settings.

California is simultaneously pursuing policies to make living more affordable for all residents of the state. Unfortunately, achievement of the goal to severely reduce discharges would require massive infrastructure development and rate increases for a significant portion of the state's population, including some of the most disadvantaged communities in California. The rate implications would likely have a trickle-down effect of impacting housing affordability as well, as connection fees and ongoing rates would necessarily increase living expenses and the cost of new development in impacted areas.

Finally, as California grapples with how to provide safe, affordable, clean drinking water for all, we need to be cautious of a singular focus on coastal discharges that would create additional strain on the limited resources available to fund clean water projects. To the extent that coastal agencies seeking to meet this goal would be expected to apply for and absorb the limited existing grant and loan opportunities available to them, this would inevitably draw funds away from numerous inland areas (such as the Central Valley) where there are so many urgent drinking water and clean water priorities in need of funding.

Thank you for your consideration of our comments. Our coalition values its constructive relationship with the OPC and respectfully requests that the Council allow additional time for public review and comment before proceeding with a goal to reduce or eliminate ocean discharges.

Sincerely,



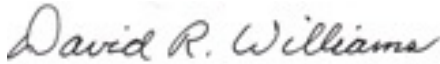
Roberta Larson  
California Association of Sanitation Agencies



Danielle Blacet  
California Municipal Utilities Association



Dave Bolland  
Association of California Water Agencies



Dave Williams  
Bay Area Clean Water Agencies



Steve Jepsen  
Southern California Alliance of Publicly Owned Treatment Works

CC: Members, California Ocean Protection Council  
Mark Gold, Executive Director, California Ocean Protection Council