



THE CITY OF SAN DIEGO

TODD GLORIA

MAYOR

December 30, 2022

Honorable Michael T. Smyth
Presiding Judge of the Superior Court
1100 Union Street, 10th Floor
San Diego, CA 92101

Re: Grand Jury Report: “Water Report for San Diego County Reclaimed Water for a Sustainable Future”

Dear Judge Smyth:

Pursuant to California Penal Code Section 933.0S(a), (b) and (c), the City of San Diego provides the attached response to the findings and recommendations included in the above-referenced Grand Jury Report.

If you require additional information or have any questions, please do not hesitate to contact Matt Yagyagan, Deputy Director of Policy and Council Affairs, at 619-380-5075.

Sincerely,

TODD GLORIA
Mayor
City of San Diego

Attachments:

1. City of San Diego Response to San Diego County Grand Jury Report Titled: “Water Report for San Diego County Reclaimed Water for a Sustainable Future”

cc: Ed Lopatin, Foreperson, 2022/2023 San Diego County Grand Jury
Honorable Council President Elo-Rivera and Members of the City Council
Honorable City Attorney Mara Elliott
Charles Modica, Independent Budget Analyst
Paola Avila, Chief of Staff, Office of the Mayor
Eric Dargan, Chief Operating Officer
Christiana Gauger, Chief Compliance Officer

**City of San Diego Response to
San Diego County Grand Jury Report Titled:
“Water Report for San Diego County Reclaimed Water for a Sustainable Future”**

Pursuant to California Penal Code Section 933.05(a), (b) and (c), the City of San Diego provides the following response from the Mayor to the applicable findings and recommendations included in the above referenced Grand Jury Report.

RESPONSE TO FINDINGS:

Finding 1: *Traditional public relations and/or educational outreach is not improving public and political support for wastewater and stormwater reuse as potable water. The Public awareness of the Pure Water Program is limited.*

Response: The City of San Diego Public Utilities Department disagrees with the Grand Jury’s finding.

Outreach for the Pure Water program began in the early 2010s and has continued to grow and garner public support since. As of 2022, 18,700 people have toured the Pure Water Demonstration Facility in person and 12,700 people have viewed the virtual tour which was created in response to facility tour restrictions related to the COVID-19 pandemic. Additional metrics on the Pure Water Program’s public outreach efforts as of 2021 include: presentations to more than 19,864 community members, 949 community presentations, 285 community events, 96 educational group and classroom presentations, over 28,000 interactions on social media, and 224,000 website visits. In addition to these metrics, the Pure Water Program has a social media presence on Twitter, Instagram, and Facebook, and is part of the display at the Ruben H. Fleet Science center which sees thousands of visitors annually. Aside from the program-wide public outreach about, the City of San Diego Public Utilities Department conducts focused outreach efforts aimed at communities and businesses that are affected by construction of the Pure Water Phase I project. The City of San Diego is well-versed in education and outreach which is reflected by the numerous awards and recognition for its educational programs and its contributions to the water industry awarded by agencies and organizations throughout the United States (<https://www.sandiego.gov/public-utilities/sustainability/pure-water-sd/awards>).

In addition to public education and awareness, the City of San Diego Public Utilities Department has invested heavily in stakeholder engagement efforts. In 2014, the Department assembled the Pure Water Working Group (“Working Group”) which is comprised of a diverse group of stakeholders including representatives from community planning groups, businesses, City Council district offices, nonprofit environmental organizations, and community leaders. The Working Group is an active partner and has provided feedback on the program elements such strategy, reviewed findings associated with costs and rates, and made key recommendations to provide input and viewpoints on the Department’s Pure Water efforts. Additionally, many environmental groups, businesses, community leaders, and other local organizations have pledged their support for the project.

The City of San Diego Public Utilities Department disagrees with the finding that traditional public relations and/or educational outreach is not improving public and political support for stormwater reuse as potable water. The City of San Diego Public

Utilities Department and Storm Water Department are in the nascent stages of evaluating the viability of stormwater reuse for potable water purposes, thus public relations and educational outreach efforts are not currently underway. If the evaluation of stormwater as a potable water source proves viable, the City of San Diego Public Utilities Department believes that the existing public relations and/or educational outreach efforts, as effectively utilized by the Pure Water Program, will be successful in garnering public support and increasing awareness of stormwater as a potable water source.

The City of San Diego Public Utilities Department believes that the existing public relations and educational outreach approach has been and will continue to be successful in raising public awareness and support for the Pure Water Program.

Finding 2: *The California State Water Resources Control Board is developing regulations for potable reuse. In 2014, Board's Division of Drinking Water finalized groundwater replenishment regulations, which were incorporated in the recycled water-related regulations. In 2017, Assembly Bill 574 was signed into law and established a deadline of December 2023 for initial State Direct Potable Reuse regulations.*

Response: The City of San Diego Public Utilities Department agrees with the Grand Jury's finding.

Additionally, it should be noted that in March 2018, the California State Water Resources Control Board adopted regulations for Surface Water Augmentation under Indirect Potable Reuse (IPR). These regulations are the ones that govern the first phase of the City's Pure Water program with release of purified water to Miramar Reservoir. The City provided demonstration facility data and worked closely with the Water Board as the Board developed the Surface Water Augmentation regulations and is continuing the same approach with the Board's development of the Direct Potable Reuse regulations, which may apply to the second phase of the Pure Water program.

Finding 3: *The implementation of SB-552 is important for small water suppliers in rural areas. Recently approved State of California legislation encourages the development of water shortage strategic plans and encourages administrative funding to mitigate the impact of drought and to promote water resiliency and water re-use.*

Response: The City of San Diego Public Utilities Department agrees with the Grand Jury's finding.

RESPONSE TO RECOMMENDATIONS:

Recommendation 22-34: *Support water reclamation efforts by improving public trust in the safety and benefits of reclaimed water through educating elected officials, media representatives, and the public about the community goal for 35% reclaimed potable use water by 2035.*

Response: The recommendation has been implemented.

The City of San Diego has and will continue to implement recommendation 22-34 to support water reclamation efforts by improving public trust in the safety and benefits of reclaimed water through educating elected officials, media

representatives, and the public about the community goal for 35% reclaimed potable use water by 2035.

The City of San Diego Public Utilities Department's effort toward implementation of community, stakeholder, elected officials, and media representative educational efforts began in the early 2010s and will continue throughout the construction and operation of the Pure Water Program facilities. Additional details on the existing community outreach efforts can be found under the City of San Diego Public Utilities Department's Finding 1 response.

Recommendation 22-35: *Incorporate new current state regulatory standards for potable water reuse into their operational management.*

Response: **The recommendation has been implemented.**

The City of San Diego has implemented and/or is currently implementing recommendation 22-35 to incorporate state regulatory standards for potable water reuse into operational management.

The City of San Diego Public Utilities Department is a leader in efforts to not only incorporate state regulatory standards for potable water reuse into our operational management but to support regulators in developing those regulatory standards. The City is currently developing the Phase I North City Pure Water Facility which will provide 30 million gallons per day (MGD) of potable water via indirect potable reuse (IPR) reservoir augmentation with initial releases beginning in 2025. Phase I of the North City Pure Water Facility will be the state's first IPR project using Surface Water (reservoir) Augmentation (SWA) and the State issued the first National Pollutant Discharge Elimination System (NPDES) permit for such a potable water release to the City on July 1, 2020.

The NPDES permit contains many conditions required by the SWA regulations, and the City is actively and collaboratively working with the California Division of Drinking Water and the San Diego Regional Water Quality Control Board to complete all necessary submissions prior to the release of purified water into Miramar Reservoir. In addition to complying with the NPDES permit conditions, the City of San Diego Public Utilities Department has developed program implementation tools such as an Operations and Maintenance Readiness Plan and a robust reservoir monitoring program which includes routine reservoir sampling and laboratory analysis of Miramar reservoir water to ensure compliance with state SWA regulatory requirements

Construction of the Phase I facilities has begun and consists of early sitework at the North City Water Reclamation Plant (completed), with ongoing contractor activity at Morena Pump Station, Morena Pipelines Southern & Middle Alignment, Morena Pipelines Northern Alignment & Tunnels, North City Water Reclamation Plant (NCWRP) Expansion, NCWRP Flow Equalization Basin, North City Pure Water Facility and Pump Station, Metropolitan Biosolids Center Improvements, North City Pure Water Pipeline, Dechlorination Facility and Subaqueous Pipeline, and Miramar Reservoir Pump Station Improvements. In concert with efforts toward developing the Pure Water Phase 1 facility and program, the City of San Diego continues to collaborate with industry partners and regulators to provide feedback and insight on

the development of direct potable use regulations. Looking further into the future, the City has begun discussions about Phase II of the Pure Water program which includes plans for an additional reclamation plant and potable reuse facility. The City of San Diego Public Utilities Department is actively incorporating potable water reuse into the City's water portfolio and operational management.

Recommendation 22-36: *Support small water agencies in their efforts to comply with new laws for agency water operations and wastewater management practices above and beyond what are current regulatory requirements.*

Response: **The recommendation has been implemented.**

The City of San Diego Public Utilities Department has implemented and will continue to implement recommendation 22-36 to support small water agencies in their efforts to comply with new laws for agency water operations and wastewater management practices above and beyond what are current regulatory requirements.

The City of San Diego Public Utilities Department indirectly supports small water agencies in their efforts to comply with new laws for agency water operations and wastewater management practices above and beyond what are current regulatory requirements. The City of San Diego Public Utilities Department owns, operates, and maintains the Metro Wastewater system that serves the Metro Wastewater Joint Powers Authority (JPA) member agencies which include smaller agencies, agencies in unincorporated areas, and agencies with significant Disadvantaged Community (DAC) areas within their service territories. The Cities within the Metro Wastewater JPA include the cities of Chula Vista, Coronado, Del Mar, El Cajon, Imperial Beach, La Mesa, National City and Poway; the Lemon Grove Sanitation District; the Padre Dam Municipal and Otay Water Districts; and the County of San Diego (on behalf of the Winter Gardens Sewer Maintenance District, and the Alpine, Lakeside and Spring Valley Sanitation Districts). The Pure Water Program supports these member agencies via creating a pathway for continued use of the Point Loma Wastewater Treatment Plant facility without requiring upgrades to satisfy Secondary Treatment Requirements. Costly upgrades to the Point Loma Wastewater Treatment Plant would require capital from all JPA agencies and would reduce availability of funds for those agencies to pursue projects such as water reuse, operating and maintaining water facilities, personnel expenses, infrastructure, etc.

Additionally, the City of San Diego Public Utilities Department's efforts to collaborate and communicate with regulators, federal, state, and local elected officials, and other agencies in the region can yield benefits to the region as a whole. Efforts made by the City of San Diego Public Utilities Department can benefit the City as well as other smaller agencies in the region that may not have the staff and resources to advocate for themselves. For example, the City of San Diego Public Utilities Department has been very involved and at the forefront shaping potable reuse regulations and developing a potable reuse program. In turn, smaller agencies that do not have to direct resources toward those efforts and can instead use those saved resources to pursue projects that are above and beyond what is currently required by the state.

Since the use of ratepayer funds must directly tie to the benefit City ratepayers receive, the City of San Diego Public Utilities Department's efforts to support small

water agencies are limited to activities that directly benefit our ratepayers. However, we will continue to collaborate with all agencies in support of potable reuse goals.

Recommendation 22-37: *Solicit the participation of small water suppliers and DACs in water re-use policy and practice development.*

Response: **The recommendation has been implemented.**

The City of San Diego has and will continue to implement recommendation 22-37 to solicit the participation of small water suppliers and DACs in water re-use policy and practice development.

The City of San Diego supports participation of small water suppliers and DACs in water reuse policy and practice development via implementation of the Pure Water Program and related efforts. City of San Diego Public Utilities Department is supporting the East County Advanced Water Purification Program which is a collaborative effort by Padre Dam Municipal Water District, the City of El Cajon, the County of San Diego, and Helix Water District. The agencies involved in the East County program are small water suppliers and serve DACs.

The City of San Diego Public Utilities Department also indirectly supports smaller agency's efforts toward potable reuse via being at the forefront of IPR and DPR regulatory and practice development. The efforts the Department has made to pave the way from a regulatory standpoint and otherwise have paved the way for projects like the East County Advanced Water Purification program to proceed with planning and developing their IPR project. Smaller agencies can use the regulatory framework, public outreach model, monitoring plans, and other lessons learned from the City of San Diego's Pure Water Program to inform their own efforts toward potable reuse projects.