Public Hearing (12/15/10)
CEC – Recycled Water
Deadline: 1/10/11 by 12 noon

CALIFORNIA **URBAN WATER** AGENCIES

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January 10, 2011

Sent via Electronic Mail and Regular Mail
Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: **Comment Letter – CEC Monitoring for Recycled Water**

Dear Ms. Townsend and Members of the State Water Resources Control Board:

The California Urban Water Agencies (CUWA) is comprised of ten public water agencies that provide drinking water to two-thirds of California's population. CUWA appreciates the opportunity to provide comments on the June 15, 2010 Final Report - *Monitoring Strategies for Chemicals of Emerging Concern in Recycled Water: Recommendations of a Science Advisory Panel* (Final Report) and related State Water Resources Control Board (SWRCB) *Staff Report - Constituents of Emerging Concern (CEC) Monitoring for Recycled Water* (Staff Report) that we recently received.

The State of California is far from reaching its goal of increasing the use of recycled water over 2002 levels by at least one million acre-feet per year by 2020 and by at least two million acre-feet per year by 2030. As such, CUWA's members and other water purveyors are the agencies that will help the State achieve its ambitious but very necessary goal, by diversifying their water supply portfolios. We congratulate the SWRCB's Science Advisory Panel (Panel) on its Final Report, and we believe its recommendations are based on the best science that is currently available. To further the usefulness of the Final Report and related Staff Report, we offer the following comments for the SWRCB's consideration that we believe will enhance the value of the Final Report to the water and wastewater communities once they have been addressed:

Comments to Final Report - *Monitoring Strategies for Chemicals of Emerging Concern in Recycled Water: Recommendations of a Science Advisory Panel (Panel)*

1. *Integration of Regulatory Efforts.* CUWA believes that the State Water Resources Control Board and Regional Boards should ensure a high level of coordination with the California Department of Public Health (CDPH) on the implementation of the nine Panel Recommendations noted in the Final Report. This should include the CDPH's future adoption of potable reuse regulations, future CDPH expert panel recommendations, and project specific approvals. This will help to assure that all efforts are well coordinated, avoid duplication of research, streamline the integration of closely related issues, and ensure consistency of messaging from key regulatory agencies.

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Alameda County Water District
Santa Clara Valley Water District
Zone 7 Water Agency
San Diego County Water Authority
City of San Diego Public Utilities Department
Contra Costa Water District
San Francisco Public Utilities Commission
East Bay Municipal Utility District
Metropolitan Water District of Southern California
Los Angeles Department of Water & Power

2. *Participation by Water Agency Technical/Policy Staff.* CUWA recommends that formal channels of participation for urban water suppliers, wastewater agencies, and other recycled water agencies be established in the implementation of the Final Report's recommendations to avoid potential information gaps, such as those noted in Section 2.2. We also believe this will aid in the overall consideration, refinement, and implementation of the recommendations noted in Section 9.0 by the water agencies.

3. *Performance Evaluation of Commercial Laboratories.* CUWA continues to believe that the State should ensure use of proper analytical methods and reliable performance of commercial laboratories. Prior to requiring monitoring, the Environmental Laboratory Accreditation Program (ELAP) should provide oversight for establishing and certifying standard methods or protocols, standard reporting limits, standard control limits, and to ensure appropriate quality of the produced data. CUWA urges the SWRCB to strengthen the Panel's Recommendation No. 6 to stress the importance of this action, and we recommend that the SWRCB and the Regional Water Boards' monitoring requirements be contingent upon the ELAP accreditation of an acceptable number of laboratories.

4. *Recommendations for New and Existing Recycled Water Projects.* CUWA recommends that the Final Report be amended to include a table that summarizes and differentiates the report recommendations for new and existing recycled water projects, as we had noted in our prior comments to the Panel.

5. *Monitoring Requirements Clarifications.* Per the individual CUWA agencies' testimony at the workshop on December 15, 2010, we want to reiterate and clarify that it is our recommendation that the CEC monitoring requirements follow the recommendations of the Expert Panel. The Panel's current CEC monitoring requirements stipulate the sampling and analysis of three constituents, which are 17 beta estradiol, caffeine, and triclosan. Further, clarification is needed as to whether monitoring for these three constituents needs to be consistently applied to all projects or if some projects may be exempt.

6. *Monitoring Trigger Levels (MTLs) for Indirect Potable Reuse.* The CUWA agencies believe that any monitoring and associated trigger levels should be based on recommendations of the Expert Panel, or on recommendations from future Expert Panels, as directed by the State Board.

7. *Final Report Revisions/Amendments and Water/Wastewater Agency Stakeholder Meeting.* CUWA urges the State Water Resources Control Board (SWRCB) to consider the urban water supplier stakeholder comments noted in this letter, and we request that the Final Staff Report and recommendations be revised or amended accordingly. We also request that the SWRCB hold a stakeholder meeting with the water supply and wastewater recycling communities to fully vet the Panel's recommendations to be assured of the practicality and feasibility of implementing the recommendations noted in this Final Staff Report.

Comments to SWRCB Staff Report – Constituents of Emerging Concern Monitoring for Recycled Water (Staff Report)

The Blue Ribbon Panel's input in the SWRCB's Policy is important for a consistent scientific and health-based approach statewide on this issue. With regard to the Staff Report, we offer the following comments for consideration by the SWRCB:

1. *Adoption of Blue Ribbon Panel Recommendations.* CUWA encourages the State Water Board to adopt the Panel's recommendations and apply the provisions from those recommendations. Any change may, inadvertently, reduce the effectiveness of the Panel's recommendations for statewide implementation and impose non-relevant requirements resulting in unnecessarily diverting scarce public resources.

2. *Recharge Spreading Basins.* The Staff Report recommends similar requirements for all recharge spreading basins based on an assumption that they will all recharge tertiary treated water and rely on soil aquifer treatment. However, monitoring and compliance requirements for spreading basins, where advanced treated recycled water is used to recharge and do not rely on soil aquifer treatment, should not be held to the same requirements as spreading with tertiary treated water, because of their significantly different water quality.

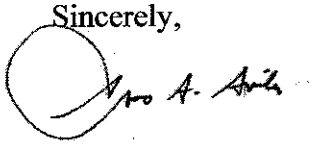
3. *Landscape Irrigation CEC Monitoring.* The Staff Report does not clearly distinguish between monitoring requirements for landscape irrigation projects from those to be imposed on groundwater recharge projects. CUWA requests that this distinction be clearly made consistent with the Blue Ribbon Panel's recommendations.

4. *Monitoring Frequency for Initial Assessment and Baseline Operations.* CUWA agencies are concerned that there may be insufficient capacity in either public or private laboratories for the frequency of monitoring suggested by the Panel Report and the SWRCB staff report. Consideration should be given to practical implementation of CEC monitoring requirements including: Time-sensitivity of Sampling. In implementing monitoring requirements, the SWRCB should consider the time sensitivity nature of analysis required for effective decisions to be made in the field for managing certain constituents. Some constituents require analysis at specialized labs that are not locally available or accessible to most water/recycled water/wastewater purveyors. Consideration should be given to methods and analytical procedures that are readily available, cost effective, timely, and standardized.

5. *Public Health Impact Based Monitoring.* The SWRCB should develop policies and monitoring requirements based on actual public health impacts and/or beneficial uses, not on evolving analytical detection capabilities. This premise would provide the public with the assurance that their protection is based on the best science, and that it is being applied in a fiscally responsible manner. Water Code Section 13267(b)(1) states that monitoring must bear a reasonable relationship to the need for the monitoring and the benefits to be obtained.

CUWA commends the SWRCB's Staff and its Science Advisory Panel on its efforts, and we look forward to the SWRCB's consideration of CUWA's comments to the Final and Staff Reports. If you have any questions regarding our comments, please feel free to contact me at (916) 552-2929.

Sincerely,



Ernesto A. Avila, P.E.
Executive Director

EAA/mmt