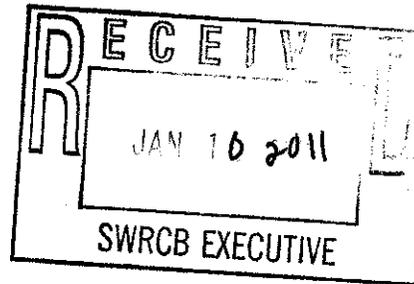




San Diego County Water Authority

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



January 10, 2011

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

MEMBER AGENCIES

- Carlsbad Municipal Water District
 - City of Del Mar
 - City of Escondido
 - City of National City
 - City of Oceanside
 - City of Poway
 - City of San Diego
 - Fallbrook Public Utility District
 - Hella Water District
 - Lakeside Water District
 - Oliverhan Municipal Water District
 - Orto Water District
 - Padre Dam Municipal Water District
 - Camp Pendleton Marine Corps Base
 - Rainbow Municipal Water District
 - Rancho Municipal Water District
 - Rincon del Diablo Municipal Water District
 - San Diegoito Water District
 - Santa Fe Irrigation District
 - South Bay Irrigation District
 - Vallacitos Water District
 - Valley Center Municipal Water District
 - Vista Irrigation District
 - Yuma Municipal Water District
- OTHER REPRESENTATIVE**
- County of San Diego

RE: Comment Letter on Staff Report: Constituents of Emerging Concern (CEC) Monitoring for Recycled Water

The San Diego County Water Authority is a wholesale water agency with twenty-four member retail agencies. Recycled water is an important component of our water supply portfolio through expansion of non-potable reuse and development of indirect potable reuse projects by our member agencies. Due to the unique hydrogeology in San Diego County, we expect that some of the local potable reuse projects could be somewhat different from past projects in California, and we would like to ensure that any regulatory framework provides for adequate flexibility to address unique project circumstances, while at the same time ensuring protection of public health and the environment.

We appreciate the additional time provided for comments, and offer our suggestions in the spirit of continuing to advance and build on the long time development and use of recycled water in California. We appreciate the State Water Resource Control Board's efforts to advance safe use of recycled water through the Recycled Water Policy and the formation of the Science Advisory Panel (Panel). We believe that the information and recommendations contained in the Panel's June 2010 report represent the "best available science" on the potential health and environmental effects of CECs related to the use of recycled water for landscape irrigation and groundwater recharge. We support the comments provided by the California Urban Water Agencies and the joint comments of the California Water Agencies (ACWA), the California Association of Sanitation Agencies (CASA) and WaterReuse Association. We would also like to provide additional comments on the process for addressing and regulating CECs in recycled water, and highlight some of the important technical issues associated with CEC monitoring and reporting.

Process and Policy

In order to assure regulatory certainty and consistent approaches among key regulatory agencies for managing CECs in recycled water, we understand the State Board is considering an update to the Recycled Water Policy that will address the Panel recommendations and provide a regulatory framework to address CECs. The regulatory framework should recognize the respective roles of the State Board, California Department of Public Health (CDPH) and Regional Boards and should provide guidance to the Regional Boards for the implementation of the Panel recommendations. Key areas that should be addressed include permitting and approval of recycled water projects, advancement of science through additional studies, future Panel updates of CEC monitoring requirements, and approaches to respond to detection of CECs in recycled water:

A public agency providing a safe and reliable water supply to the San Diego region

1. State Board policy should recommend that Regional Boards consider the following when establishing permit requirements related to monitoring of CECs:
 - a. The Panel recommendations should provide the basis for establishing consistent CEC monitoring requirements. To ensure statewide consistency, the addition of new chemicals to the monitoring requirements based on an alternative assessment by an individual Regional Board should not be encouraged.
 - b. Case by case recommendations of CDPH on monitoring and treatment should be incorporated into the recycled water permits consistent with the Memorandum of Agreement (MOA) between the Department of Public Health and the State Water Resources Control Board. This will ensure that the monitoring is tailored to specific local conditions and will apply surrogate monitoring requirements in a manner that is consistent with the treatment technologies and approaches used for the project. CDPH recommendations may also be based on input from a local expert panel, particularly when the site specific circumstances and technologies used for the project deviate from past practices. While the State Board should identify constituents that should be considered for monitoring based on the Panel recommendations, details on monitoring frequencies and locations, and any site specific chemical monitoring should be established per the CDPH project specific recommendations.
 - c. CDPH regulations and guidelines related to recycled water will also provide a basis for the recycled water permit requirements. The future development of recycled water regulations should take into consideration the Panel's recommendations and approaches for establishing health based monitoring requirements. Specifics on monitoring and treatment could be further developed through the CDPH regulatory process.
2. State Board policy should encourage voluntary studies by water and wastewater agencies to obtain additional information on CEC occurrence, laboratory methods and treatment technologies and should support these efforts by assisting with funding of research into alternative methods of testing.
3. The State Board should make a commitment to reconvene an Expert Panel every three to five years to re-assess approaches to monitoring for CECs. These Panel assessments should:
 - a. Include consultation with participating regulatory agencies which may include: State Board, CDPH, Regional Boards, Office of Environmental Health Hazard Assessment (OEHHA), and United States Environmental Protection Agency (USEPA);
 - b. Include an open process for stakeholder input and participation similar to the initial Panel;
 - c. Consider the most current studies and data on water quality, treatment technologies laboratory methodologies and health effects;
 - d. Consider the most current recommendations from related expert panels including, but not limited to, other State Board CEC panels and expert panels convened for review of local recycled water projects;
 - e. Consider the most current Federal Safe Drinking Water Act and/or Clean Water Act regulations related to CECs.
4. State Board, Regional Boards, and CDPH should reach agreement on how you plan to coordinate with experts, such as Office of Environmental Health Hazard Assessment, and

the recycled water supplier when responding to levels of CECs that the Panel has indicated should trigger a response.

Technical Issues

We would like to provide the following comments on key technical issues raised in the Panel's report and the State Board's staff report:

1. Based on a recommendation provided by CDPH, the Staff Report is recommending a list of additional constituents to be monitored that go above and beyond the recommendations of the Panel. While these monitoring for constituents could be required for projects as recommended by CDPH on a case by case basis, it is not appropriate to add them to the statewide list until an assessment consistent with the Panel's approach for selecting CECs for monitoring is completed.
2. To ensure use of proper analytical methods and reliable performance of commercial laboratories, all participating laboratories should be certified by the Environmental Laboratory Accreditation Program (ELAP) for the analyses needed. Without proper laboratory oversight, the data collected will have limited value.
3. The Staff Report recommends similar requirements for all recharge spreading basins based on an assumption that all will recharge tertiary treated water and rely on soil aquifer treatment. However, where advanced treated recycled water is used for recharge through a spreading basin and reliance on soil aquifer treatment is not needed, the project should not be held to the same monitoring and reporting requirements.
4. The Staff Report lists removal efficiencies of various treatment processes. We are concerned that these removal efficiencies could be applied as treatment standards. This would encourage poor management of upstream treatment processes in order to achieve a minimum removal requirement downstream. It should be clear that these efficiencies should not be applied as a permit requirement.
5. The Staff Report does not clearly distinguish the monitoring requirements for irrigation projects from those applied to groundwater recharge projects. The staff report should be clear that no additional monitoring of CECs is necessary for irrigation projects above the monitoring specified in Title 22, CCR.

We thank you for the opportunity to comment. We commend the efforts of the State Board and staff to advance recycled water use in a reasonable manner that is protective of public health and the environment. If you have any questions regarding this letter, please contact Toby Roy at (858) 522-6743.

Sincerely,



Ken Weinberg
Director of Water Resources