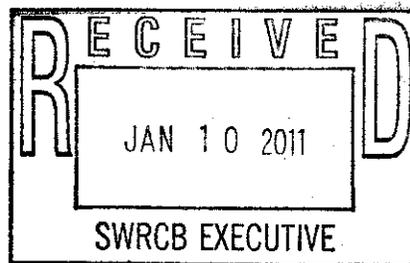




January 10, 2011

Charlic Hoppin, Chair
And Members
State Water Resources Control Board

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



SUBJECT: COMMENT LETTER—CEC MONITORING FOR RECYCLED WATER

- Participating Agencies
- City of San Jose
- City of Santa Clara
- City of Milpitas
- West Valley Sanitation District
- Burbank Sanitary District
- Cupertino Sanitary District
- County Sanitation District No. 2/3
- San Jose Water Company
- Great Oaks Water Company
- Santa Clara Valley Water District
- United States Bureau of Reclamation

Dear Chairman Hoppin and Members of the Board:

Thank you for allowing us the opportunity to comment on the State Water Resources Control Board (Board) staff report, "Constituents of Emerging Concern in Recycled Water" (November 9, 2010). With respect to the many details addressed by the staff report we would refer you to the joint comment letter submitted by ACWA, CASA and the WaterReuse Association. In addition, would like to offer the following observations on behalf of the City of San José.

The City of San José currently serves 10,000 acre feet per year of recycled water to customers for landscape irrigation and industrial use. For this reason, it is important to us that all monitoring requirements, including testing for constituents of emerging concern (CECs), should be based on good science and should produce useful information about the quality of recycled water.

In general, we agree with the staff report, and we would like to commend the Board staff for their effort. We particularly support their recommendation that the Board should adopt the findings of the "Blue Ribbon" Science Advisory Panel contained in their report, "Monitoring Strategies for Chemicals of Emerging Concern (CECs) in Recycled Water" (June 25, 2010). That Panel was convened as the result of a collaborative stakeholder process including water and wastewater agency managers and representatives of environmental advocacy groups. Furthermore, as noted in the staff report, the Science Advisory Panel's recommendations reflect the best scientific analysis currently available with respect to the prevalence of CECs and their potential impact on human health through the use of recycled water for nonpotable (landscape irrigation) or potable (groundwater recharge) purposes.

However, we do *not* support the statement contained in the staff report that surface spreading groundwater recharge/reuse projects should also be required to monitor the additional constituents suggested by the California Department of Public Health (CDPH) in their letter dated September 13, 2010. Before making its recommendations, the Science Advisory Panel developed a rigorous, systematic protocol to determine the value of monitoring any given constituent, to indicate either the risk of exposure to recycled water or the effectiveness of the treatment processes used to manufacture it. It was this,

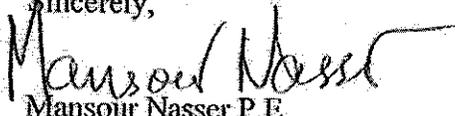
Page 2

for example, that resulted in the Panel's recommendation to substitute surrogate measurements for CECs in irrigation projects, thereby allowing our communities to continue to use recycled water for nonpotable purposes, reducing the strain on our limited drinking water supplies. By contrast, CDPH staff provided no basis for adding these chemicals to the list of monitored constituents, either in their letter or at the Board workshop on December 15, 2010.

If the Board adds the chemicals suggested by CDPH to the list of monitored constituents without first testing them according to the Science Advisory Panel protocol, it will not only challenge the validity of the Panel's framework for monitoring CECs, it will also undermine the legitimacy of the collaborative process itself. In that case, we would be concerned that in the future additional monitoring requirements might be imposed upon landscape irrigation projects without any adequate scientific basis for doing so. We also have a similar concern about any direction to the nine Regional Boards to add monitoring requirements to reuse project permits without adequate scientific review.

As stated in its preamble, the goal of the Board's Recycled Water Policy is *"to increase the use of recycled water and to maximize consistency in the permitting of recycled water projects."* To this end, we encourage you to adopt the recommendations of the Science Advisory Panel report, "Monitoring Strategies for Chemicals of Emerging Concern (CECs) in Recycled Water" without modification.

Sincerely,



Mansour Nasser P.E.

Deputy Director
Environmental Services Department
Water Resources Division

cc: Dr. David Smith, WaterReuse Association, California Section