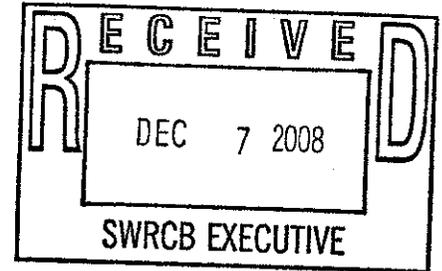


Public Comment
Recycled Water Policy
Deadline: 12/22/08 by 12 noon

From: Edo McGowan <edo_mcgowan@hotmail.com>
To: owl@owlfoundation.net; commentletters@waterboards.ca.gov
Date: Sun, Dec 7, 2008 9:08 AM
Subject: Comments---proposed recycled water policy

To:
Jeanine Townsend, Clerk , State Water Resources Control Board,
commentletters@waterboards.ca.gov).



Re:
Comment Letter – proposed Recycled Water Policy

Fm:
Dr Edo McGowan

In
the Draft Response to Comments by staff (March 7, 2008) one notes the
following:

A.
Antibiotic Resistance and Pathogens

Comment
A.1:

The
proposed Policy should address the potential impact to public health
from antibiotic resistant pathogens and antibiotic resistant genes in
recycled water. The disinfection procedures specified in the Title 22
regulations do not provide adequate protection against this threat.
(18.6, 18.7, 71.9, 81.2, 81.6, 81.12, 1802.2, 1802.3, 1803.1, 1803.3,
1804.4, 1804.6, 1804.7, 1804.8)

Response:

Establishing criteria, including criteria for pathogens and antibiotic resistant genes, for recycled water to protect public health is a responsibility of the California Department of Public Health (CDPH). This is specified in Water Code section 13521. The Water Code requires water reclamation requirements issued by the Regional Water Boards to be in conformance with the uniform criteria established by CDPH.

CDPH

has not established criteria for groundwater recharge reuse. It provides recommendations to the Regional Water Boards on a case-by-case basis on what requirements should be established to protect public health. The proposed Policy requires Regional Water Board to implement the CDPH recommendation, unless conflict resolution procedures are in 1996 Memorandum of Agreement (MOA) between the State Water Board and CDPH are exhausted. Again, it is CDPH's responsibility to evaluate the commenters' concern and make appropriate recommendations. CDPH reports that antibiotic resistant genes have been found in drinking water and recycled wastewater, that their impact on public health is unknown, and that this potential impact may warrant further study. It is considering taking actions to evaluate whether antibiotic resistant genes in recycled water present a risk to public health.

My

questions to this are as follows-----Where is the linkage and how does such linkage function that will actually tie the responsibility of CDPH to come up with a transparent, and scientifically verifiable criteria on a realistic time table to feed into the decisions of the water boards? Is there in fact any schedule for the CDPH to come up with functional answers? The draft response notes-----CDPH

is considering taking actions to evaluate whether antibiotic resistant genes in recycled water present a risk to public health.

As it now appears,

there seems to be no requirement for CDPH to come up with anything, merely to consider something that may warrant further study. This work needs to be undertaken on a timely basis since there is no assurance that recycled water as currently produced is not a hazard to the public health. It is necessary for CDPH to demonstrate a viable and scientifically valid mechanism to assure that the public is in fact protected (here I incorporate my previous comments to the Board by reference). Thus the staff answer to the comment is in reality a cop-out and no answer at all.

What

mechanisms are extant or proposed that would allow the Water Boards or State Board to independently come up with controlling criteria for evaluating human health risks discussed above in Comment A.1 if the CDPH fails to act on a timely basis, where is the scientific capacity of the Water Boards or State Board to undertake this work? Also, where is the capacity to act if CDPH fails to consider constituents that can impact public health? Thus, in short, how is the State to assure that the public health is protected?

Additionally,

I had asked the following some time ago and wonder if the question was actually answered. Thus again I ask the following-----How will the public be able to have standing to raise questions about impacts to public health from the use of reclaimed (recycled) water? Originally I had raised the following and the general underlying concern remains. Are these provisions, as discussed below, still within the current proposal? If not, what alternatives have been put in the process that allows for a parallel mechanism?

A

question, originally AB 1481 allowed the following:

AB

1481 requires each regional board, after consulting with the Department of Public Health, and any other

party who has requested in writing to be consulted, and after any necessary hearing, to prescribe water

reclamation requirements for water that is used or proposed to be used as reclaimed water.

Requires

the State Water Resources Control Board (state board) to adopt a general permit applicable to landscape

irrigation uses of recycled water on parks, playgrounds, school yards, residential landscaping

and

unrestricted access (i.e., public) golf courses for which the Department of Public Health has established

uniform statewide recycling criteria.

Requires

the general permit to include a re-opener based on regulatory or statutory changes affecting the provisions of the permit or where there is substantial evidence of the presence of contaminants in recycled water that pose a threat to water quality or beneficial uses.

A

second issue goes to the potential need for a re-opener in a general permit based on new information, including new information related to contaminants that are _ AB 1481 Page 4 not recognized as regulated pollutants, but for which there may still be a concern regarding threats to water quality, such as historically existed for MTBE and the degrading of state waters prior to the development of regulatory levels controlling its release. The amendments provide some assurance that the presence of such contaminants do not have to await the development of regulatory levels if these are found in recycled waters used for landscape purposes, and instead allow consideration of the these issues through a re-opened general permit.

A

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a re-opened general permit.

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These checks and balances related to public health seem to have been amended out. I am especially interested in how "any other party" who has requested in writing to be consulted will be affected by the final language and how input on new medical or scientific findings will be addressed in a transparent fashion?

Thus, as an official question to you and your agency, where is the protection or standing to accomplish the following?

-----"Requires the general permit to include a re-opener based on regulatory or statutory changes affecting the provisions of the permit or where there is substantial evidence of the presence of contaminants in recycled water that pose a threat to water quality or beneficial uses.-----"

Jarrold Ramsey-Lewis - FW: Workshop Information & Travel Advisory Page 2 As

you may be aware, several studies have demonstrated that recycled water as produced under state criteria contains numerous pathogens and many of these are multi-antibiotic resistant. Additionally, this water carried genetic fragments that will confer antibiotic resistance as well as pharmaceuticals that may augment antibiotic resistance.

How can one assure that this water is safe if these issues have not been considered and where are the objective findings to show that this water is free of pathogens and other contaminants, especially if the reopener clause has been removed?

I would like a prompt answer by your agency to these questions.
Dr
Edo McGowan
