



June 26, 2018

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

Via e-mail to: commentletters@waterboards.ca.gov

Subject: Comment Letter – Proposed Recycled Water Policy Amendment

Dear Chair Marcus and Members of the Board:

The Sacramento Regional County Sanitation District (Regional San) appreciates the opportunity to provide comments on the State Water Resources Control Board's (State Water Board's) Proposed Recycled Water Policy Amendment (Draft Policy Amendment) and accompanying Draft Staff Report and Substitute Environmental Document (Draft Staff Report). Regional San is very supportive of statewide efforts to encourage and expand the use of recycled water as stated in California Water Code §13560. As a member of WateReuse, the California Association of Sanitation Agencies (CASA), and the Central Valley Clean Water Association (CVCWA), Regional San understands that State Water Board staff has been working with these various organizations on sections of this Draft Policy Amendment and we support their comments.

While we appreciate the State Water Board's ongoing collaboration with the recycled water community on developing further refinements to the Policy, we feel there are a number of issues in the Draft Policy Amendment that need to be addressed before the final version is adopted later this year. In particular, the Draft Policy Amendment:

- Adds a new goal beyond its original focus on increasing water recycled in the state;
- Includes new, potentially burdensome monthly reporting requirements;
- Is inconsistent with existing wastewater change petition regulations and Salt and Nutrient Management Plan (SNMP) requirements; and
- Does not follow the recommendations of experts tasked by the State Water Board to develop monitoring strategies for constituents of emerging concern (CECs).

Regional San recommends that the State Water Board engage in additional stakeholder outreach and workshops to work through these issues prior to releasing a revised version of the Draft Policy Amendment.

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Introduction

Regional San provides wastewater collection, conveyance and treatment for over 1.4 million people in the Sacramento region. On average, we safely treat and discharge an average of 140 million gallons per day (mgd) of wastewater in accordance with our National Pollutant Discharge Elimination System (NPDES) permit. Regional San currently produces approximately 3.5 mgd of recycled water for beneficial reuse under a Master Reclamation permit with an existing water right order to provide up to 10 mgd of recycled water.

Regional San is in the process of constructing its EchoWater Project, a nearly \$2 billion investment that will produce disinfected tertiary treated water suitable for recycling and reuse for a broad range of beneficial uses. Regional San has also adopted a goal to increase recycling by 30 to 40 mgd by 2024. Regional San hopes to implement this goal by developing a large recycled water project called the “South Sacramento County Agricultural and Habitat Lands Recycled Water, Groundwater Storage, and Conjunctive Use Program” (South County Ag Program). The South County Ag Program will deliver up to 50,000 acre feet of recycled water per year to approximately 16,000 acres of land in southern Sacramento County, near the Cosumnes River, Stone Lakes Wildlife Refuge, and the Cosumnes River Preserve. This Program is one of the largest water recycling projects being pursued in the State.

Comments

Regional San generally supports the comments submitted by WateReuse, CASA and CVCWA and offers the following additional comments. Detailed comments are included in Attachment A. Suggested language changes are indicated in ~~redline~~ underline format.

1. The Recycled Water Policy should focus on the primary goal of increasing recycled water use, while protecting beneficial uses.

The only stated goal in the current Recycled Water Policy is to “increase the use of recycled water from municipal wastewater sources.” (at p.2). The Draft Policy Amendment proposes to add a new goal in Section 3.1.2 to “minimize the direct discharge of treated municipal wastewater to enclosed bays, estuaries and coastal lagoons, and ocean waters, except where necessary to maintain beneficial uses.” While minimizing discharges to enclosed bays, estuaries, coastal lagoons and ocean waters is one way to reach the state’s current recycled water goals, it should not be considered a goal in itself. The intent of the Recycled Water Policy should be to continue to maximize recycled water use and leave decisions about water quality impacts, such as minimizing discharges, to the Regional Boards. Elevating this concept to a Policy goal would send a message that recycling water in inland areas for agriculture, ecosystem enhancement and other purposes is a lower priority than coastal recycling, and may provide a platform for the argument that water recycling should not occur unless wastewater would otherwise flow to a saline water body.

If left in the Policy Amendment, this goal could easily become an unrealistic and unfunded mandate that fails to consider cost-effectiveness, feasibility of recycled water projects or local recycled water use needs. Regional San has studied a number of potential recycled water projects (including the aforementioned South County Ag Program) that would involve delivering our disinfected tertiary-treated effluent within our region. The challenge is that many options for water recycling are not cost effective or financially feasible at this time.

If language regarding discharges to enclosed bays, estuaries, coastal lagoons, and ocean waters is left in the Draft Policy Amendment, Regional San supports WaterReuse and CASA's request that this language be moved to the "benefits" section of the Policy and be rewritten to encourage water recycling where wastewater is discharged to the ocean and bays. Accompanying language on page 39 of the Draft Staff Report should be changed as well.

We also support WaterReuse and CASA's suggestion that the State Water Board consider expanding the "benefits" section to include other activities that would increase water recycling in California, such as encouraging recycled water use for agriculture and ecosystem enhancement activities in inland regions. Further, we recommend that the State promote wintertime irrigation of recycled water, much as the State is encouraging the use of excess surface water flows for groundwater recharge for the replenishment of groundwater aquifers.

II. Reporting requirements for municipal wastewater treatment plants should be coordinated with existing requirements to avoid burdensome duplicative administrative work.

Regional San understands that State Water Board staff has worked closely with WaterReuse on the annual tracking requirements outlined in Section 3.2.1.4.2 of the Draft Policy Amendment. We appreciate this close coordination with the recycled water community on this issue, but we are concerned with the monthly reporting requirements for municipal wastewater treatment plants included in Section 3.2.1. Specifically, influent and effluent flow are already reported by Regional San as part of the monthly Discharge Monitoring Reports (DMRs) that are prepared in accordance with the Sacramento Regional Wastewater Treatment Plant's NPDES permit and submitted electronically to the State Water Board through the California Integrated Water Quality System (CIWQS). The Draft Policy Amendment is unclear as to which electronic database this information would need to be submitted to in order to fulfill these new reporting requirements. Requiring this information to be reported in multiple databases on a monthly basis would be duplicative and would create an unnecessary administrative burden on our agency staff.

Regional San requests that State Water Board explicitly state that existing reporting requirements for municipal wastewater treatment plants would fulfill the reporting requirements proposed in this Draft Policy Amendment, and that any additional electronic reporting be coordinated through CIWQS.

III. Language in the Draft Recycled Water Policy Amendment related to wastewater change petitions must be consistent with existing regulations.

Regional San supports the general approach proposed in Section 5 of the Draft Policy Amendment to clarify obligations of a proposed project proponent regarding wastewater change petitions under Water Code §1211. However, Regional San believes that proposed language in Section 5.3 of the Draft Policy Amendment should be modified to both clarify the role of the State Water Board in considering a wastewater Change Petition, as well as make Section 5.3 consistent with existing regulations governing the Change Petition process.

Specifically, 23 California Code of Regulations §792(c) provides, in relevant part, "Any order approving a change under Articles 15, 16.5, or 17 shall include compliance with any applicable requirements of Division 13 (commencing with Section 21000) of the Public Resources Code."

Appendix A, “CEQA Environmental Checklist Form” requires, among other things, the State Water Board to make “Mandatory Findings of Significance” regarding the following:

“Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?” (See, Appendix A, §XVIII(b).)

In order to make Section 5.3 of the Draft Policy Amendment consistent with the State Water Board’s existing regulations and analysis of cumulative impacts associated with a proposed Wastewater Change Petition, we request the following modifications to Section 5.3:

5.3. Consistent with its responsibilities pursuant to CEQA, the State Water Board may consider potential “cumulatively considerable” (as defined in applicable State Board regulations) impacts to the environment and public trust resources caused by the proposed recycled water project and related projects that may reduce stream flows.

IV. Specific requirements for Salt and Nutrient Management Plans should be developed outside the Recycled Water Policy.

Regional San has long been an active participant in the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative for developing a basin-wide SNMP, which was recently adopted by the Central Valley Regional Water Quality Control Board (Regional Board) into the region’s Basin Plans on May 31, 2018. We appreciate the State Water Board’s references to CV-SALTS in the Draft Staff Report, and also appreciate the fact that on page 16 of the Draft Staff Report the State Water Board recognizes that “the appropriate way to address salt and nutrient issues is through the development of regional or subregional SNMPS, rather than through imposing requirements solely on individual recycled water projects.”

However, despite this recognition that SNMP development involves participation from all stakeholders in a region, the Draft Policy Amendment outlines specific detailed requirements and timelines for SNMPS. It is unclear if the requirements detailed in the Draft Policy Amendment and Draft Staff Report are intended to apply to all basins and sub-basins or just those where recycled water is being used. It is also unclear if existing basin plans that contain SNMP provisions will be exempt from all related Policy requirements. For instance, CV-SALTS and its associated basin plan has been through an extensive stakeholder process in the Central Valley and has been approved by the Central Valley Regional Water Board. Regional San recommends that the Policy clearly state an exemption from the SNMP requirements for basins and subbasins that already have approved SNMPS in place. Additionally, it is unclear how the requirements outlined in the Draft Policy Amendment would relate, overlap, and coordinate with Sustainable Groundwater Management Act (SGMA) and Groundwater Sustainability Agencies (GSAs). With the level of detail included in the proposed policy Amendments, there’s a potential for duplicative and contradictory requirements.

For this reason, *Regional San requests that prescriptive requirements for SNMPs be removed from the Recycled Water Policy* as they would be best coordinated in a separate effort. If the requirements for SNMP remain in the Recycled Water Policy, Regional San recommends a number of detailed language changes that we have included in Attachment A in order to prevent contradictory requirements.

V. The Policy needs to be flexible enough to allow continued coverage under existing Master Reclamation Permits.

Regional San is supportive of the State Water Board's efforts to streamline the permitting process for recycled water projects and understand that, under the new Draft Policy Amendment, all permittees with engineering reports that were certified prior to 2000 would need to have their reports updated and reviewed by the State Water Board. We respectfully request that the policy more clearly state that agencies like Regional San be allowed to maintain coverage under our existing Master Reclamation permits upon review and approval of our Title 22 engineering reports, rather than being required to obtain coverage under the statewide general order.

VI. CEC monitoring requirements should be consistent with existing laboratory accreditation requirements and follow the Expert Panel's recommendations as outlined in the Monitoring Strategies for CECs in Recycled Water report.

The Draft Policy Amendment proposes new CEC monitoring requirements for recycled water systems supplying treated wastewater for groundwater recharge or surface water augmentation projects. Regional San believes that CEC monitoring, as recommended by the Expert Panel, is not intended to be applied to surface spreading operations (including wintertime irrigation) where the recycled water will be percolating through an unsaturated zone and remaining organic materials will be degraded through Soil Aquifer Treatment (SAT). Therefore Regional San recommends that this be clarified in the policy.

Regional San also understands that developing requirements for CEC monitoring is challenging as many test methods have not been approved and promulgated, so ensuring accuracy and standardization of laboratory protocols can be challenging. In light of this, we urge the State Water Board Use to use the Environmental Laboratory Technical Advisory Committee's (ELTAC's) framework to plan for Environmental Laboratory Accreditation Program (ELAP) accreditation of new analytical methods. This framework will likely increase the number of laboratories that are able to conduct CEC monitoring by communicating the need and appropriate methods for such testing to the laboratory community. It will also help ensure consistency and oversight of CEC testing labs. Labs should be ELAP accredited before the State Water Board begins implementing response actions to CEC detections.

The Draft Policy Amendment also includes proposed requirements for testing with bioanalytical screening tools. The proposed requirements are based on a recommendation issued by the Science Advisory Panel in their April 2018 report entitled *Monitoring Strategies for Constituents of Emerging Concern (CECs) in Recycled Water* (CEC Report). The Science Advisory Panel prepared the CEC Report in response to direction from the State Water Board. Regional San supports the use of a Science Advisory Panel to inform monitoring requirements in the Draft Recycled Water Policy. However, our concern with this particular monitoring requirement is that the Draft Policy Amendment ignores a number of the Science Advisory Panel's recommendations in regards to

appropriate use of the bioanalytical screening tools. In the CEC Report, the Science Advisory Panel cautions that these methods are not sufficiently reliable for regulatory actions, specifically noting “a significant amount of work remains before a useful collection of bioanalytical tools is ready for regulatory compliance application.” (at p. 67). They go on to clearly advise against interpreting a bioanalytical response as a monitoring trigger level (MTL) that would require a recycled water producer to conduct various response actions, cautioning that “requiring response actions during the initial data collection phase is premature and, thus not appropriate, until such methods are fully validated and certified by the appropriate entities [e.g. the State Water Board’s Environmental Lab Accreditation Program (ELAP)], and that the interpretive framework outlined in 7.3 has matured and has been subject to a critical evaluation by water quality experts, State Water Board personnel and stakeholder representatives” (at p. 81). Rather, the Science Advisory Panel recommends that only screening-level data are collected with these methods for the next 3 to 5 years, stating “these assays are now sufficiently standardized and robust for screening level data collection and assessment over the next 3 to 5 years.” (at p. xii).

Despite this, Attachment A of the Draft Policy Amendment proposes an MTL for the bioanalytical methods with associated potential response actions to be taken when bioanalytical screening tool results are below or above these response thresholds (Table 10, at p. A-21). Regional San is particularly concerned with the MTLs because the additional actions outlined in the Draft Policy Amendment “may include, but are not limited to, targeted and/or non-targeted analytical chemistry monitoring, increased frequency of bioassay monitoring, toxicological studies, engineering removal studies, modification of facility operation, implementation of a source identification program, and monitoring at additional locations” (at p. A-21). Any of these proposed response actions has the potential to be extremely costly to our ratepayers and potentially prevent Regional San from delivering recycled water for beneficial uses.

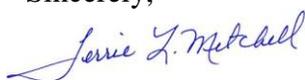
Given that the proposed test methods are not fully developed, do not have standardized methods, and require additional research to establish health-based bioscreening thresholds, *Regional San urges the State Water Board to eliminate the language regarding response actions to bioscreening thresholds and follow the Science Advisory Panel’s proposed phased approach to utilizing bioanalytical screening tools as outlined in the CEC Report.* Further technical detail on our concerns with the bioanalytical screening tool is included in Appendix A.

Conclusion

In conclusion, we would like to reiterate our support for the comments provided by WateReuse, CASA and CVCWA, and appreciate the State Water Board’s consideration of our additional comments on the Draft Recycled Water Policy Amendment.

If you have any questions please contact me at 916-876-6092 or (mitchellt@sacsewer.com) or Rebecca Franklin at 916-876-6030 or (franklinre@sacsewer.com).

Sincerely,



Terrie L. Mitchell
Manager, Legislative & Regulatory Affairs

Appendix A

Regional San Detailed Comments on Proposed Recycled Water Policy Amendment and Draft Staff Report and EIR

Regional San Detailed Comments on Proposed Recycled Water Policy Amendment

Section 2. Benefits of recycled water

Section 2.1 of the Draft Staff Report summarizes the results of the State Water Board and California Department of Water Resources (DWR) 2015 Municipal Wastewater Recycling Survey, noting that 3 percent of recycled water produced in 2015 was used for natural systems restoration, wetlands, and wildlife habitat (at p.4). However, there is little further mention of ecosystem benefits elsewhere in the Draft Policy Amendment and Staff Report, nor is environmental habitat and wetland augmentation discussed. Regional San encourages the State Water Board to explicitly mention environmental habitats and ecosystem benefits in Section 2 of the Draft Policy Amendment as one of the many of benefits of recycled water.

Section 4. State agency roles

As mentioned above, one of the benefits of recycled water use is environmental enhancement. Regional San recommends that the State Water Board amend Section 4 of the Draft Policy to include the title of the regulation or policy where requirements related to environmental enhancement can be found. Additionally, since recycled water and CECs are addressed in various forums and documents, we recommend referencing related efforts for completeness of this Policy and for clarity. A reference should be added to Section 4 for other state efforts related to recycled water, CECs, and recommended or required monitoring. One forum and related report that should be mentioned is published by the Ecosystems Panel for CECs in aquatic ecosystems entitled *Monitoring Strategies for Chemicals of Emerging Concern (CECs) in California's Aquatic Ecosystems*. Additional applicable references related to recycled water and CECs that can be identified should be added to Section 4.

Section 6. Salt and nutrient management plans

Section 6.1. Introduction

Section 6.1.1 of the Draft Policy Amendment lists the conditions that cause salts and nutrients to exceed or threaten to exceed water quality objectives. We recommend the addition of industrial sources to make the list more complete as follows:

“These conditions can be caused by naturally-occurring sources of salinity, discharges of industrial, agricultural, domestic, and municipal wastewater and residual solids (including on-site wastewater treatment systems).”

Section 6.1.1 also lists water uses that may impact salt and nutrient loading. We recommend the addition of Water use and diversions to make the list more complete as follows:

“In addition, irrigation using imported water, surface water, groundwater, or recycled water, and indirect potable reuse for groundwater recharge (groundwater recharge) can contribute to increased salt and nutrient loading. Water use and water diversions may also contribute to salt and nutrient concentrations.”

Section 6.2. Development and adoption of salt and nutrient management plans

Section 6.2 of the Draft Policy Amendment lists several requirements and components for salt and nutrient management plans. However, given the complexity of flows, soil conditions, stratification,

and the potential variation of water quality in surface and groundwater within each basin and sub-basin, and the complexity of developing the management plans, we recommend adding a sentence that allows for flexibility and changes to the plans. For instance, in some locations it might not be possible to immediately identify a complete monitoring strategy as described in section 6.2.4.1 if water quality conditions vary or are unknown for certain portions of the basin. A sentence should be added to section 6.2.1 that states:

“Salt and nutrient management plans are complex plans that may require changes, iterations, and amendment to allow incorporation of all items described in this section.”

Section 6.2.1 of the Draft Policy Amendment states “for basins identified pursuant to 6.1.3, the State Water Board encourages local water and wastewater entities, together with local salt and nutrient contributing stakeholders, to continue locally driven and controlled, collaborative processes open to all stakeholders that will result in the development of salt and nutrient management plans for groundwater basins and the management of salts and nutrients on a basin-wide basis, including participation by the regional water board.” It’s unclear in this sentence what is meant by “local water and wastewater entities”. We recommend clarifying this phrase by using terms such as “local water suppliers and wastewater treatment agencies,” or some other terminology or phrase that is more descriptive and common to similar State Water Board policies.

Section 10. Constituents of emerging concern

Section 10.2. Research Program

Section 10.2.4 of the Draft Policy Amendment states that “each report shall recommend actions that the State of California should take to improve our understanding of CECs and, as may be appropriate, to protect human health and the environment.” Although the Science Advisory Panel may suggest recommended actions, these recommended actions should not include or result in enforcement actions on agencies.

Section 10.2.5.1: Commercial laboratories may not be able to conduct the recommended analytical methods. Therefore this section needs to be modified as follows:

“The appropriate constituents to be monitored in recycled water, including **readily available, standardized** analytical methods and reporting limits.”

Section 10.2.5.3 of the Draft Policy Amendment notes “any change to the above constituents based on level of treatment and uses specified in Title 22 and for reservoir water augmentation” This requirement should be more specific as to what types of changes need to be reported and what would be considered a change.

Section 10.2.5.5: If the Science Advisory Panel is going to recommend a concentration of a CEC that will trigger enhanced monitoring, this subsection should clarify that the report should also include the rationale and methodology for selecting each CEC concentration trigger.

Section 10.2.5.6: The requirement for “recommendations regarding antibiotic resistant bacteria and antibiotic resistance genes” is too general. The Draft Policy Amendment should also state what the purpose and expected outcome for the recommendations will be.

Attachment A. Requirements for Monitoring Constituents of Emerging Concern for Recycled

Water

Section 1.1. Quality Management Systems

The State Water Board should evaluate CEC monitoring laboratories and maintain a list of acceptable laboratories. It is inefficient for recycled water producers to evaluate the Quality Management Systems (QMS) of laboratories, particularly producers who lack the expertise necessary to determine if a laboratory's QMS meets the requirements of Section 1.1. The State Water Board should follow the Science Advisory Panel's recommendation to form an expert panel, as the expert panel could help with this task.

Additionally, Section 1.1.1 should be removed from the policy and (ELAP) requirements should be incorporated by reference (i.e. 22 CCR 64802.10). It is inappropriate to require the QMS specified in Section 1.1.1 before ELAP adopts the new NELAC Institute (TNI) standards into regulation. It is our understanding that ELAP plans to adopt TNI into regulation in early 2019 with a 3-year implementation period.

Section 1.2. Chemistry Analyses

Section 1.2.1. Selection of Analytical Chemistry Methods

ELAP accreditation for a CEC method should be required within 6 months when such accreditation becomes available during the monitoring period. ELAP accreditation should not be limited to the "time monitoring is required to begin." Additionally, the State Water Board should maintain a list of acceptable methods for CEC monitoring to ensure that results are comparable between recycled water producers and meet the reporting limits in Table 1. Providing a list would also reduce the time State Water Board staff would spend consulting to determine appropriate methods. It is unclear who at the State Water Board has the authority to consult on appropriate methods. To reflect this, Section 1.2.1 should be modified as follows:

Analytical chemistry methods shall be selected by the recycled water producer from the State Water Board's list of approved methods. The State Water Board shall select methods in the following hierarchical order:

- (1) ~~Use USEPA-approved methods, if available. If more than a single USEPA approved method is available, consult with the State Water Board to determine the appropriate USEPA approved method. If these methods are unavailable;~~
- (2) ~~Use Standard Methods, if available. If more than a single Standard Method is available, consult with the State Water Board to determine the appropriate Standard Method. If these methods are unavailable~~
- (3) ~~Use mMethods~~ required by the State Water Board for state-only drinking water standards or for identifying chemicals having notification levels. ~~If these methods are unavailable;~~
- (4) ~~Use a mMethods~~ from the scientific literature (e.g., peer-reviewed journals). ~~If more than one method is available, consult with State Water Board to determine an appropriate method.~~

Section 1.2.2. Analytical chemistry data submission

The State Water Board should evaluate the method detection limit (MDL) studies and reporting limit (RL) verification data and maintain a list of laboratories capable of meeting CEC reporting limit requirements. Recycled water producers should not be responsible for evaluating the acceptability of laboratory MDL studies or RL verification data. The State Water Board should

follow the Science Advisory Panel’s recommendation to form a Bioanalytical Advisory Group, as this group of experts could help with this task.

Section 1.3. Bioanalytical Screening Tools

As with the Chemical Analysis, for the Bioanalytical Screening Tools ELAP accreditation for a CEC method should be required within 6 months when such accreditation becomes available during the monitoring period. Additionally, the State Water Board should maintain a list of acceptable methods for CEC monitoring to ensure that results are comparable between recycled water producers and meet the reporting limits in Table 1. Providing a list would also reduce the time State Water Board staff would spend consulting to determine appropriate methods. It is unclear who at the State Water Board has the authority to consult on appropriate methods. To reflect this, Section 1.2.1 should be modified as follows:

Bioanalytical screening tool methods shall be selected **by the recycled water producer from the State Water Board’s list of approved methods. The State Water Board shall select U.S. EPA methods, if available. in the following hierarchical order:**
(1) Use U.S. EPA methods, if available. If more than a single U.S. EPA approved method is available, consult with the State Water Board to determine the appropriate U.S. EPA approved method. If these methods are unavailable;
(2) Consult with the State Water Board to determine an appropriate method.

Section 1.3.2. Bioanalytical screening tool data submission

The State Water Board should evaluate the method detection limit (MDL) studies and reporting limit (RL) verification data and maintain a list of laboratories capable of meeting CEC reporting limit requirements. Recycled water producers should not be responsible for evaluating the acceptability of laboratory MDL studies or RL verification data. The State Water Board should follow the Science Advisory Panel’s recommendation to form an expert panel, as the expert panel could help with this task.

Section 2.2. Surrogates for CECs

ELAP accredited laboratories should be used for surrogate monitoring when testing is not conducted by the recycled water producer.

Section 4.1. Initial Assessment Monitoring Phase

Analytical procedures need to be validated to ensure comparability of analytical results before response actions are warranted. According to the SCCWRP presentation “Current Status of Bioanalytical Methods” given on 6/11/2018, comparability studies are still needed for the different cell lines and laboratories. In addition, method validation and standardization for sample collection (i.e. grab or composite sample, holding time of sample and extract), extraction procedure, quality control samples (i.e. types, frequency, acceptance criteria), and analysis procedure are crucial steps for ensuring comparability of data for recycled water.

Section 5. Evaluation of Health-Based CEC Results

Both Table 8 on page A-19 and Table 10 on page A-21 include direction to “resample immediately” as a potential response action. This requirement needs to be stated in a way that is more specific and clear (i.e. within 14 days of receiving the laboratory report).

Table 10 should be modified to remove MTLs and response actions in light of the following concerns with the bioanalytical screening tools:

- There are a limited number of laboratories performing the tests. Of the four labs that currently perform the test, three appear to be on the East Coast and one is in the Netherlands. ThermoFisher/LifeTech is a sales company that does not list the laboratories that carry their product.
- Can four laboratories meet the demand for the test and maintain timely throughput? Will the State Water Board encourage one of their labs to start performing the test?
- What is the acceptable holding time between sample collection and analysis? Most of the referenced chemical methods (EPA 1613, etc.) is 7 days from collection to extraction. If samples are held longer than 7 days, will the results still be accurate?
- There is a lack of promulgated or regimented procedure for bioassay screening for the Estrogen Receptor (ER). Each lab can perform the extraction and analysis differently which would give different results.
- There is no certifying regulatory agency determining if the laboratory is performing the test correctly. Will the laboratories be required to be ELAP certified before monitoring and testing is required?
- The 2016 TNI requirement or the QC manual is primarily a documentation of the method and laboratory practices that has no impact on data quality. This will not make data comparable between laboratories.
- The ER test is listed as in pilot evaluation by the CEC Scientific Advisory panel. Is it appropriate to require the use of this test at this stage?
- Is the background response level of 25% lower adequate to attenuate baseline interference for quantitation?
- The SCCWRP presentation “Current Status of Bioanalytical Methods” given on 6/11/2018 states that methods were modified to include “selected fortification (e.g. QA/QC matrix spike samples only)”. Does this mean that method blanks and laboratory control samples were not extracted and analyzed to evaluate contamination (false positive rates) and method accuracy in a clean matrix? Were MDL studies performed, including the extraction step, to evaluate the validity of reporting limits?
- The SCCWRP presentation states that SOPs are available. Are these SOPs available to the regulated community and ELAP accredited laboratories? Is method validation information publically available?
- Would it be more cost and time effective to only use chemical methods for screening at this time?

Regional San Detailed Comments on Draft Staff Report and EIR

Section 3.4.1.4. Antidegradation Analysis and Assimilative Capacity

Page 17, last paragraph: This paragraph should be modified to reflect the adoption of the CV-SALTS Basin Plan amendment by the Central Valley Water Board on May 31, 2018. That BPA was supported by a certified CEQA analysis.

Section 4.8.3. Data Assessment and Periodic Updates to SNMPs

On page 55 the Draft Staff Report notes that “The Policy states that stakeholders shall provide monitoring data collected from SNMPs every three years, but does not include any language regarding the type or frequency of assessment to be done with that data. The Amendment changes the frequency of data reporting from every three years to annually to facilitate regional water board review of monitoring data.” Related Draft Policy Amendment Section 6.2.4.1.3 states “The monitoring plan shall identify those stakeholders responsible for conducting, compiling, and reporting the monitoring data. The data shall be electronically reported **annually** to a database in a format identified by the State Water Board (e.g., GeoTracker).” The benefits to changing reporting from every 3 years to annually seems onerous and without corresponding benefit related to evaluating long term changes to water quality. It’s also unclear how the change to annual reporting will facilitate Regional Water Board review. It’s likely that the change to require annual reporting will be costly without a corresponding benefit since water conditions typically change slowly over time.

Additionally, the Draft Staff Report states on page 55 that “whether or not updates to SNMPs are needed is left to the discretion of Regional Water Boards in consultation with stakeholders.” However, on page 56, first paragraph, the Draft Staff Report states that an SNMP would need to be revised if trends are significantly different from those predicted in the SNMP, implying that the State Water Board would require the update. This inconsistency should be resolved.

Section 4.8.4. SNMPs and the Policy

Page 56 of the Draft Staff Report should be revised as follows to include activities that might impact salinity:

“More often, it is other entities or activities such as agriculture, industry, wastewater treatment plant operations, **water diversions and water use**, or water agencies importing high-salinity water that result in significant contributions of salts and/or nutrients to a groundwater basin.”

Section 4.9.1. Priority Pollutant Monitoring Requirements

Page 60, second paragraph: The Draft Staff Report states that priority pollutant monitoring will not be required for landscape irrigation projects, since runoff from such projects is prohibited. We agree with and support this finding.

Section 4.10.1. Antidegradation Analysis for Non-Potable Recycled Water Projects

Page 63, second paragraph: The Draft Staff Report states that the provision to allow landscape irrigation projects to be permitted if it uses less than 10 percent of available assimilative capacity (or 20 percent in combination with other projects) will be eliminated in basins where SNMPs are being developed. The rationale for this change is unclear. Additionally, it is unclear how compliance with antidegradation requirements would be satisfied for such projects.

Section 4.14.1. Targeted Analysis for CECs

Page 70, last paragraph: It is stated that analytical methods for targeted CEC analysis are included in Table 4-3 if a laboratory has demonstrated that it can be reliably detected with the listed method. Is documentation available to demonstrate that reliable detection at levels of concern (i.e. below MTLs) has been achieved? Is data available from multiple labs? Regional San strongly recommends that this be seriously looked at and evaluated.