

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF WATER QUALITY  
JANUARY 22, 2013**

**ITEM 4**

**SUBJECT**

CONSIDERATION OF ADOPTION OF AN AMENDMENT TO THE RECYCLED WATER POLICY CONCERNING MONITORING REQUIREMENTS FOR CONSTITUENTS OF EMERGING CONCERN

**DISCUSSION**

The State Water Resources Control Board (State Water Board) adopted the [Recycled Water Policy](#) on February 3, 2009. The Recycled Water Policy has several provisions that mandate monitoring of constituents of emerging concern (CECs) in municipal recycled water. CECs are generally unregulated in drinking water and include hormones, pharmaceuticals, personal care products, disinfection by-products, industrial chemicals, household chemicals, pesticides and metals.

The Recycled Water Policy states that the knowledge regarding CECs is incomplete. Therefore, in accordance with the Recycled Water Policy, a “blue-ribbon” advisory panel (Panel) was established to provide guidance to the State Water Board on future actions related to monitoring CECs in recycled water. The Panel consisted of six scientific experts in the areas of human health toxicology, environmental toxicology, epidemiology, biochemistry, civil engineering with expertise in design and construction of recycled water treatment facilities, and chemistry with familiarity with laboratory methods for the detection of emerging constituents. The Panel was charged with reviewing the scientific literature regarding CECs in recycled water, describing the current state of scientific knowledge regarding the risks that CECs pose to public health and the environment, and providing recommendations on monitoring CECs for specific recycled water uses.

In June 2010, the Panel submitted a report titled “[Monitoring Strategies for Chemicals of Emerging Concern \(CECs\) in Recycled Water – Recommendations of a Science Advisory Panel](#)” (Panel Report), which presented recommendations for monitoring CECs in municipal recycled water for the uses of groundwater recharge and landscape irrigation. In December 2010, the State Water Board held a public hearing regarding the Panel’s Report and received public comments.

In May 2012, staff circulated a proposed amendment to the Recycled Water Policy for public comment. Subsequently, staff sent the proposed amendment and Panel Report to scientific peer reviewers for review. The proposed amendment is based on the recommendations presented in the Panel Report. The proposed amendment includes monitoring requirements for CECs and surrogates in recycled water used for groundwater recharge. It does not include monitoring requirements for individual CECs in recycled water used for landscape irrigation. Staff considered public [comments](#) submitted by the July 3, 2012, deadline and [comments](#) submitted by scientific peer reviewers and made revisions to the proposed amendment. The revised proposed amendment was made available for public review on September 14, 2012, and written [comments](#) were due on October 9, 2012.

The State Water Board held a hearing to consider adoption of the proposed amendment to the Recycled Water Policy on October 16, 2012. At the hearing, the adoption of the proposed amendment was postponed. This was done to refine the responses to comments and allow additional time for public review.

Additional changes to the proposed amendment were provided at the October 16, 2012, hearing in two change sheets. The change sheets are as follows:

- (a) Change Sheet No. 1 showing changes to Attachment A.
- (b) Change Sheet No. 2 showing changes to Section 7.b. (4).

After the October 16, 2012 hearing, staff incorporated the changes from the change sheets into new drafts for the Recycled Water Policy and Attachment A. These drafts show some additional changes in strikeout/underline.

The new drafts and other related information are available at:

[http://www.waterboards.ca.gov/water\\_issues/programs/water\\_recycling\\_policy/draft\\_amendment\\_to\\_policy.shtml](http://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/draft_amendment_to_policy.shtml)

#### **POLICY ISSUE**

Should the State Water Board adopt the proposed amendment to the Recycled Water Policy?

#### **FISCAL IMPACT**

None.

#### **REGIONAL BOARD IMPACT**

If adopted, the amendment would establish monitoring requirements that the Regional Water Quality Control Boards would be required to place in monitoring and reporting programs for water recycling facilities.

#### **STAFF RECOMMENDATION**

Staff recommends that the State Water Board approve the proposed amendment to the Recycled Water Policy.

State Water Board action on this item will assist the Water Boards in reaching Goals 2, 3 and 6 of the Strategic Plan Update: 2008-2012. Goal 2 is to improve and protect groundwater quality in high-use basins by 2030. Goal 3 is to promote sustainable local water supplies. Goal 6 is to enhance consistency across the Water Boards.

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2013-

### ADOPTION OF AN AMENDMENT TO THE POLICY FOR WATER QUALITY CONTROL FOR RECYCLED WATER CONCERNING MONITORING REQUIREMENTS FOR CONSTITUTENTS OF EMERGING CONCERN

#### WHEREAS:

1. Provisions of the Policy for Water Quality Control for Recycled Water (Recycled Water Policy), adopted under [Resolution No. 2009-0011](#), directed the State Water Resources Control Board (State Water Board) to convene a “blue-ribbon” advisory panel (Panel) to provide guidance on future actions related to monitoring constituents of emerging concern (CECs) in recycled water.
2. In June 2010, the Panel submitted a report titled “[Monitoring Strategies for Chemicals of Emerging Concern \(CECs\) in Recycled Water – Recommendations of a Science Advisory Panel](#)” (Report), which presented recommendations for monitoring CECs in municipal recycled water used for groundwater recharge.
3. In December 2010, the State Water Board held a public hearing regarding the Panel’s Report and received public comments.
4. In May 2012, staff circulated a draft amendment to the Recycled Water Policy that: (1) proposed, in accordance with the Panel’s recommendations, monitoring requirements for CECs and surrogates in recycled water used for groundwater recharge; and (2) proposed a reduction of priority pollutant monitoring of recycled water used for landscape irrigation.
5. In July 2012, a scientific peer review of the draft amendment and the Panel’s Report was conducted.
6. Staff reviewed comments received on the draft amendment from the public and peer reviewers and issued a revised draft amendment on September 14, 2012. Written comments were received on this draft prior to an October 9, 2012, due date.
7. The State Water Board held a public hearing on October 16, 2012, to consider adoption of the draft amendment. At the hearing, the adoption was postponed to refine the responses to comments and allow additional time for public review.
8. The Natural Resources Agency has approved the State Water Board’s and the Regional Water Quality Control Boards’ water quality control planning process as a “certified regulatory program” that adequately satisfies the California Environmental Quality Act requirements for preparing environmental documents. The amendment concerns monitoring requirements for priority pollutants and constituents of emerging concern. It is not a “project” as defined by title 14, California Code of Regulations chapter 3, Guidelines for Implementation of the California Environmental Quality Act. Hence, approval of an environmental document is not required to adopt the amendment.

# DRAFT

THEREFORE BE IT RESOLVED THAT:

The State Water Board

1. Adopts the [amendment](#) to the Recycled Water Policy.
2. Directs State Water Board Staff to submit the amended Recycled Water Policy to the Office of Administrative Law (OAL) for final approval.
3. Directs the Executive Director or designee to make minor, non-substantive modifications to the language of the amendment, if OAL determines during its approval process that such changes are needed; and directs the Executive Director to inform the State Water Board of any such changes.

## CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 22, 2013.

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Jeanine Townsend  
Clerk to the Board