



Department of Pesticide Regulation



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MEMORANDUM

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TO: Janice Zinky
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DATE: April 2, 2012

SUBJECT: COMMENTS ON STATE WATER RESOURCES CONTROL BOARD
ASSEMBLY BILL 2222 REPORT

Thank you for the opportunity to comment on the February 2012 State Water Resources Control Board (SWRCB) Draft Report to the Legislature entitled "Communities That Rely on Contaminated Groundwater." Below are some general comments, followed by specific comments on information presented in the report.

General Comments

Chapter 670 of Assembly Bill number 2222 instructed the SWRCB to identify "communities that rely on contaminated groundwater as a primary source of drinking water." It does not define the term "primary," "community," or "contaminated" and leaves these definitions to the SWRCB. The SWRCB in turn has provided a definition for these terms, collectively, such that on page nine the definition for "Community that Relies on Contaminated Groundwater as a Primary Source of Drinking Water" is "A community PWS" (Public Water System) "where a principal contaminant was detected in an active raw or active untreated drinking-water well, at a concentration above an MCL" (Maximum Contaminant Level) "on two or more occasions within the most recent CDPH" (California Department of Public Health) "compliance cycle (January 1, 2002 through December 31, 2010)." This definition does not specifically address the term "primary" and as such, is not a complete definition and gives the reader the false impression that the 682 communities identified in the report rely primarily on contaminated groundwater as a source of drinking water.



This incomplete definition provides further confusion when the specific communities listed in the report are examined more closely. A case in point is the inclusion of the city of Sacramento in Appendix 8, as one of the 682 communities that rely on contaminated groundwater. According to the city of Sacramento 2010 Water Quality Report, the American and Sacramento rivers provide 84 percent of the city's water supply; groundwater provides the remaining 16 percent. Based on this information, would the SWRCB consider the city of Sacramento to rely primarily on contaminated groundwater for their drinking water supply? Yet, using the definition the SWRCB has provided, if one well in the city of Sacramento has two or more detections of a single principal contaminant above a maximum contaminant level over the specified nine-year period, Sacramento will appear to be a community that relies on "contaminated groundwater as a primary source of drinking water." Without additional explanation or justification, there is considerable confusion as to how the SWRCB came to identify the city of Sacramento, which relies primarily on two major rivers for city drinking water, as a community that relies on contaminated groundwater as a primary source of drinking water. This conflict, in part, arises from the omission of a definition for the term "primary" in the combined definition provided in the report. As the legislature included the word "primary" one would anticipate they wanted to know about those communities that rely on contaminated groundwater as a major source of their drinking water. If the SWRCB wants to instead report on all communities, irrespective of the proportion of their drinking water that comes from groundwater, this should be clearly stated in the executive summary and in the body of the report, with an explanation for why this was done.

Another term that merits definition is "comprehensive database." The Executive Summary states "The report findings do not reflect private domestic well users or other small water systems not regulated by the state, because no comprehensive database exists for these systems." We would like to note that the Department of Pesticide Regulation (DPR) maintains a database of wells, including more than 9500 domestic wells, sampled statewide for pesticide residues by DPR and other agencies. The Pesticide Contamination Prevention Act, enacted in 1985, requires (1) DPR to sample wells for pesticides determined to have the potential to pollute ground water, (2) all state and local agencies to report to DPR the results of all well sampling for pesticides, and (3) DPR to maintain a database of all wells sampled for pesticides. DPR has conducted these activities since 1986. DPR primarily samples rural domestic wells because they are located close to sites of agricultural applications and tap relatively shallow ground water. This mandated effort should at least be acknowledged in the report, even if it is not considered by the SWRCB to be "comprehensive." In addition, data from the DPR database have been transmitted to the SWRCB for inclusion in their groundwater database.

Specific Comments

Page 9: “Principal contaminant” is not defined in the statute but the statute specifies “principal contaminant as defined by the board.” On page nine the SWRCB defines principal contaminant as “A chemical with a primary maximum contaminant level.” In contrast, on page 38, the report states “Principal contaminants are defined as chemicals that were detected above a primary Maximum Contaminant Level, on two or more occasions, during the 2002-2010 time period (most recent CDPH compliance cycle). Please clarify the definition of “principal contaminant” as these do not appear to be consistent.

Page 13: Under Principal Contaminants, Dibromochloropropane (DBCP) should be identified as a “legacy pesticide.”

Pages 13, 40, 41, 62, and 148: CDPH has provided written confirmation that the reported detections of 1,3-Dichloropropene (1,3-D) were in error and therefore we request these detections be removed from the report.

Page 15: Text on this page reads: “Eight COCs” (Constituents of Concerns) “ were identified with 1,2,3-Trichloropropane (which has many industrial and pesticide uses, including as a paint and varnish remover, cleaning and degreasing agent, and a cleaning and maintenance solvent) being the most frequently detected.” This wording suggests that all eight COCs were related to 1,2,3-Trichloropropane. Is this correct? In addition, the phrase “which has many industrial and pesticide uses” is misleading because it suggests that 1,2,3-Trichloropropane is contained in currently registered pesticides. To clarify, 1,2,3-Trichloropropane was an impurity in the manufacture of certain soil fumigants that have not been registered for use in California for many years. We request the authors update this text to more accurately reflect this information.

Page 26: Typo. The total number of community PWS in the state should be 3,035, not 3.035.

Page 40. DBCP should be designated a legacy pesticide.

Page 45: The “Private Domestic Wells” section does not recognize the extensive sampling done for pesticides by DPR in domestic wells. DPR’s ground water program should be acknowledged even if it is small relative to what the SWRCB would like to see funded..

Page 87: DPR is not listed as one of the agencies that have pollution prevention strategies. DPR’s prevention strategy includes (1) review of the ground water leaching potential of new pesticides before they are registered to either mitigate that potential or deny registration and (2) the regulation of pesticides by permit in sensitive areas before they are detected in ground water.

Janice Zinky
April 2, 2012
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Page 121. Sacramento is misidentified as a primary city in Butte County.
If you have any questions, please feel free to contact Mark Pepple at 916-324-4086 or
<mpepple@cdpr.ca.gov>.

cc: David Duncan, DPR Environmental Program Manager
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