Valley SAN BERNARDINO MUNICIPAL WATER DISTRICT

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

January 5, 2011

RECEIVED
JAN - 6 2011

Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 I St., 24th Floor
Sacramento, CA 95814

RE: Comments on Monitoring for Constituents of Emerging Concern (CECs in Recycled Water

Dear Ms. Townsend:

Thank you for the opportunity to provide public comments on the draft recommendations from staff of the State Water Resources Control Board (State Water Board) to monitor for CECs in recycled water used for landscape irrigation and to recharge groundwater. San Bernardino Valley Municipal Water District ("Valley District") is deeply committed to assisting our retail water agencies in their making greater use of recycled water in our service area. For example, the Valley District is currently working with the City of San Bernardino Municipal Water Department and other water agencies in the region to plan a large new tertiary-treated recycled water plant similar to the facility operated by Orange County Water District. Such facilities are an essential component of our region's long-term water supply strategy. Consequently, we strongly urge the State Water Board to adopt the recommendations made by the Science Advisory Panel on CECs.

Valley District supports the Panel's proposed monitoring strategy because it was developed through an open and rigorous scientific process. The experts selected to serve on the Panel conducted a thorough analysis that was responsive to their original charter and to the numerous public comments submitted. As such, the Panel's Final Report is highly credible and well-regarded by stakeholders throughout the state.

We were pleased to see that State Water Board staff relied heavily on Science Advisory Panel's report to prepare a draft proposal for monitoring CECs in recycled water. However, for the reasons described below, we disagree with staff's recommendation to expand the number of CECs to be monitored beyond those suggested by the expert Panel.

It appears that the staff recommendation is based entirely upon a short letter submitted by the California Department of Public Health (CDPH) on September 13, 2010. In the letter, CDPH states that all of the following chemicals should be monitored as part of surface spreading groundwater recharge projects: boron, chlorate, 1,4-dioxane, nitrosamines (NDMA, NDEA, NDPA, NPYR and N-Nitrosodiphenylamine), 1,2,3-trichloropropane, naphthalene, chromium-6, diazinon, bisphenyl-A, carbamazepine, and TCEP. CDPH did not provide any scientific or technical rationale to justify these suggestions. CDPH may well have good reason to believe

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that the additional chemicals should be monitored. But, without any evidence or analysis, it is impossible for the State Water Board, Valley District, or the public to assess the propriety of CDPH's recommendations. It is not even clear whether the chemicals suggested by CDPH were included because they represent a potential hazard to human health or whether they are being recommended as superior measures of treatment performance. Of particular concern is the fact that several of the chemicals that CDPH believes should be added to the statewide CEC monitoring program were considered and rejected by the Panel.

By contrast, the Scientific Advisory Panel spent over a year evaluating hundreds of chemical pollutants for possible inclusion in a future statewide monitoring program. CDPH had ample opportunity to suggest additional compounds for consideration and to comment on the methods, findings and conclusions of the expert Panel. Valley District regrets that CDPH only elected to make its views known long after the Panel had completed its assigned task; the purpose of the Science Advisory Panel process was to develop a collaborative effort based on the best available science.

It would now not be appropriate for the State Water Board to modify the Panel's proposed monitoring program, by expanding it to include any of the additional chemicals suggested by CDPH without subjecting each of those compounds to the same open and rigorous scientific review process used by the Panel. To do so would undermine the State Water Board's repeated commitment to base the monitoring program solely on the best available science. Moreover, as a practical matter, it will be difficult to convince the members of the Panel (or other experts) in the future to provide the State Water Board with a careful analysis of CECs health or environmental effects when such carefully considered analysis could be "trumped" by a five paragraph letter from another state agency.

If the State Water Board believes there may be merit in CDPH's recommendations, it would be appropriate to reconvene the Scientific Advisory Panel to review any scientific evidence CDPH wishes to submit in support of those recommendations. Such an approach would preserve the integrity of the State Water Board's process and ensure that the CEC monitoring program does not become "politicized." In fact, the Recycled Water Policy and the current staff proposal already include provisions to reassess the CEC monitoring program periodically. Consequently, there is no need to delay implementation of the Scientific Advisory Panel's recommendations while the experts evaluate each of the additional chemicals suggested by CDPH during the next review cycle.

Finally, Valley District also recommends that the State Board direct staff to develop a comprehensive Quality Assurance Project Plan (QAPP) for the proposed CEC monitoring program. Recent experience analyzing water samples in the Santa Ana region for CECs has shown that a detailed QAPP is absolutely essential to understanding and interpreting data that is gathered using non-standard methods. At a minimum, the proposed program should mandate use of the isotope dilution method to ensure the highest level of accuracy and precision. In addition, the QAPP should specify appropriate Method Detection Levels (MDL) and acceptable standards for spike recoveries and agreement between duplicate samples.

Moreover, the proposed program should make it clear that, because the monitoring data are being collected through the use of non-standard procedures, these data are not sufficient to be used to establish water quality objectives, 303(d) listings or enforcement purposes. This is consistent with the precedent for limitations on regulatory use that the State Water Board adopted for single sample maximum bacteria monitoring data in the Ocean Plan. A copy of the Sampling and Analysis Plan developed for the Santa Ana EC Study was previously submitted to the State Board staff for consideration; another copy is enclosed for your reference.

Thank you for the opportunity to submit these comments.

Very truly yours,

Douglas D. Headrick

Douglas D. Headrick
General Manager