

Department of Water and Power



the City of Los Angeles

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Mayor

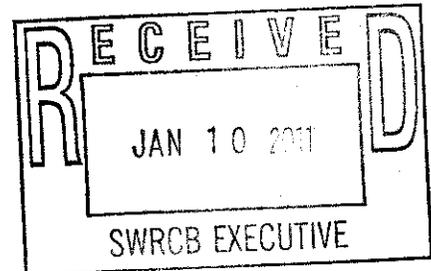
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January 7, 2011

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



Via email to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Dear Ms. Townsend:

Subject: Staff Report: Constituents of Emerging Concern (CEC) Monitoring for Recycled Water  
Comment Letter

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to provide comments on the recommendations from the Staff Report for Constituents of Emerging Concern (CEC) Monitoring for Recycled Water (Staff Report). Recycled water is a vital component of the City of Los Angeles' plans to ensure a sustainable water supply future for its four million inhabitants. The use of recycled water for irrigation and groundwater replenishment are important elements of LADWP's Recycled Water Panel. This is more important now than ever as we continue to face gradual but permanent reductions in our imported water supplies. The use of recycled water for irrigation and groundwater replenishment has been safely applied in California for many years.

Currently, LADWP has approximately 7,000 acre-feet per year (AFY) of recycled water use within the City of Los Angeles, through landscape irrigation and industrial uses. LADWP has plans to aggressively expand recycled water use Citywide to 50,000 AFY, which is equivalent to the potable demand for 100,000 households, through irrigation and the implementation of a groundwater recharge effort in the San Fernando Basin.

LADWP submitted comments to the Blue Ribbon Panel on CECs (Panel) dated May 13, 2010, that supported the recommended framework to guide current and future prioritization of which CECs should be included in recycled water monitoring programs based on their toxicological relevance for landscape irrigation and groundwater recharge projects.

In addition, we requested the following, for better understanding and application of the Panel's recommendations:

- Clarify that the Panel's recommendation to the State Water Resources Control Board (SWRCB) identified constituents which should be monitored until such time that the priority list has been reviewed and revised in accordance with this Panel's recommendations for additional research.

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- Clarify the roles and responsibilities for future CEC prioritization and other recommendations in the Panel's report.
- Clarify that bioassays are currently not ready to be added to monitoring programs for evaluation of unknown CECs and recommend how such bioassays should be further developed and by whom.
- Clarify the public health protection benefits of surrogate compound monitoring for irrigation projects.

Again, we request that the SWRCB consider including the above items for clarification to the Panel's Final Report in the Staff Report.

#### COMMENTS ON STAFF REPORT

LADWP appreciates the effort expended by the SWRCB members, their staff, the expert Panel and the Panel facilitators at the Southern California Coastal Water Research Project. The SWRCB is to be commended for convening this Panel of experts. The Panel has provided a sound set of recommendations that can and should be implemented. It recommends an appropriate framework for identifying which CECs and surrogate constituents should be monitored in association with groundwater recharge and irrigation projects that use recycled water. It appropriately recommends the need for additional study of particular constituents and bioanalytical methods. LADWP urges the SWRCB to adhere to those recommendations as closely as possible, for three reasons:

1. The recommendations contained in the Panel's report represent the "best available science" on the potential health effects of CECs. Basing decisions for recycled water permits on the "best available science" is a principle that has been endorsed by the SWRCB and by the Recycled Water Policy stakeholders group since the inception of the stakeholder process.
2. Through adopting the recommendations of the Panel, the SWRCB can communicate to the public that recycled water supplies are receiving appropriate scrutiny. The CEC monitoring program developed by the Panel is very conservative and protective of public health, as the Staff Report notes. The Panel's approach ensures that agencies will identify the presence and concentrations of CECs well before those concentrations can pose any risk to public health. Monitoring conducted under this type of framework should give water users and the public the confidence that CECs will be managed and not pose a public health threat.
3. LADWP encourages the State Water Board to adopt the Panel's recommendations and apply the provisions from those recommendations. Any change may, inadvertently, reduce the effectiveness of the Panel's recommendations for statewide implementation and impose non-relevant requirements resulting in unnecessarily diverting scarce public resources.

As part of our planning effort to expand recycled water uses, LADWP has launched a "Recycled Water Advisory Group" of over 65 diverse stakeholders in the City, including environmental groups, Neighborhood Councils, and recycled water users. Many of these stakeholders have expressed a continued interest in the topic of CECs in recycled water. LADWP is committed to providing information regarding CECs to our stakeholders in a clear, consistent, and proactive

manner. Thus we appreciate the timely and science-based input of the Panel and SWRCB staff on this important issue. Understanding the scientific basis for the selection of CECs for monitoring programs will allow LADWP to remain consistently proactive by engaging in early monitoring CECs for the City of Los Angeles and will help us continue to build on the trust and confidence of our customers.

LADWP would also like to add the following suggestions for consideration:

1. **Practical Implementation of CEC Monitoring:** Consideration should be given to practical implementation of monitoring requirements including:

- *Analytical Costs:* The current costs for the Hyperion and Terminal Island Treatment Plants to monitor CECs on an annual basis as required by our current NPDES permits is \$75,000 to \$100,000 per year. The average cost to analyze the prescribed list of CECs, as identified in the Staff Report, in our groundwater monitoring wells is approximately \$4,000 per monitoring event. The analytical costs for a CEC monitoring program can quickly become very substantial as more constituents are added and/or monitoring frequency is increased.
- *Time-sensitivity of Sampling:* In implementing monitoring requirements, the SWRCB should consider the time-sensitivity nature of analysis required for effective decisions to be made in the field for managing certain constituents. Some constituents require analysis at specialized labs that are not locally available or accessible to most water/recycled water/wastewater purveyors. Consideration should be given to methods and analytical procedures that are readily available, cost-effective, timely, and standardized.

2. **Landscape Irrigation CEC Monitoring:** The Panel report appropriately differentiates between the monitoring recommended for irrigation projects and the monitoring recommended for groundwater recharge projects. This differentiation is grounded in the difference in relative risk between these activities. The Staff Report does not clearly represent this differentiation. Any final action by the SWRCB should more clearly distinguish between monitoring requirements for landscape irrigation projects from those to be imposed on groundwater recharge projects. This is important as the Panel considered CEC monitoring for landscape irrigation to be unnecessary. Specifically, the Panel stated on page 6 of the Final Report that,

*"While human exposure to CECs can occur through incidental contact with and accidental consumption of recycled water ... it does not warrant a monitoring program for CECs to protect public health."*

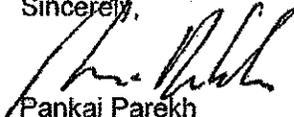
3. **Expected Removal Rates:** Tables 1 and 2 in the Staff Report provide information about expected removal rates for CEC indicators and surrogate parameters that go beyond the Panel's recommendations. While we believe the staff's intent is that the tables be used for informational purposes only, we are concerned that including this information in the Staff Report may in some cases be misinterpreted as a performance standard that recyclers are required to meet. We do not see this information as central to the SWRCB decision, and ask that an explicit statement be added that "expected" removal rates are not performance standards and cannot be used as such in a regulatory context by the Regional Water Quality Control Boards.

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4. **Public Health Impact Based Monitoring:** The SWRCB should develop policies and monitoring requirements based on actual public health impacts and/or beneficial uses, not on evolving analytical detection capabilities. This premise would provide the public with the assurance that their protection is based on the best science and that it is being applied in a fiscally responsible manner. Water Code Section 13267(b)(1) states that monitoring must bear a reasonable relationship to the need for the monitoring and the benefits to be obtained.
  
5. **Background Concentration of CECs and Recycled Water Monitoring:** Some groundwater basins, such as the San Fernando Basin, may have background concentrations of certain CECs. Please provide clarification on how monitoring within these basins can effectively distinguish between the ambient levels and those related to a groundwater recharge program. Secondly, if it is determined that the monitoring frequency for a CEC could be reduced due to quality of treatment and demonstrated consistency, we recommend that the timeline to consider removal of that CEC from the monitoring program should be minimized as defined in the Staff report.

Thank you for considering these comments. If you have any questions, please contact Ms. Melinda A. Rho, Manager of Regulatory Affairs and Consumer Protection, at (213) 367-1329.

Sincerely,



Pankaj Parekh  
Director of Water Quality Division

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