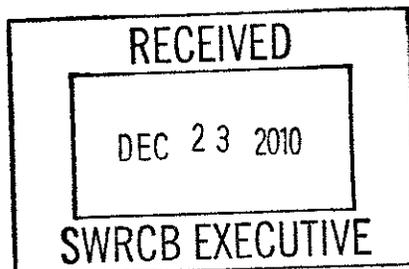




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December 21, 2010

Honorable Chair and Board Members
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100



Dear State Water Resources Control Board Members and Staff:

State Water Resources Control Board Staff Report on Constituents of Emerging Concern

Thank you for taking the time last week to hear the water agencies' concerns regarding the thorough staff report on Constituents of Emerging Concern (CEC) Monitoring for Recycled Water. As a leader in water resource management for the Los Angeles area, West Basin Municipal Water District (West Basin) honors the community it serves by taking all environmental and health policy decisions very seriously.

West Basin was delighted to learn of the State Water Resources Control Board's (Board) decision to engage a panel of experts to examine the issues of emerging contaminants in recycled water. As a provider of both drinking water and recycled water to nearly 1 million people, the health and safety of our water supply is critical. The Blue Ribbon Panel (Panel), assembled by the Board, included academic experts who are respected by their peers and the public while the processes was both scientific and transparent allowing for a fair evaluation. West Basin would like to encourage the Board to accept the Blue Ribbon Panel's recommendations for the following reasons:

- **Scientific Approach:** The recommendations contained in the Panel's report represent the "best available science" on the potential health effects of CECs. Basing decisions on smart 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.
- **Public Trust:** By adhering closely to the recommendations of the Panel, the SWRCB can communicate to the public that recycled water supplies are receiving appropriate scrutiny by experts as well as regulators. It conveys a transparent approach which can be applied to any and all future contaminants, including those listed in the California Department of Public Health (CDPH) Letter.
- **Protective of Health:** 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 not pose public health threats.
- **Wise Use of Resources:** The SWRCB should adhere to Panel's recommendations and methods as any change outside of the described framework may inadvertently reduce the effectiveness of the Panel's recommendations and confuse the public. Sampling for the sake of collecting data does not ensure better public health. However, a process by which to evaluate each chemical for study is a wiser use of funds to protect health and environment.

In addition, West Basin believes the Panel's report appropriately differentiates between the monitoring recommended for irrigation projects and the monitoring recommended for groundwater recharge projects. 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.

Tables 1 and 2 in the Staff Report provides information on expected removal rates for CEC indicators and surrogate parameters that go beyond the Panel's recommendations. West Basin is concerned that including this information in the staff report may, in some cases, be misinterpreted as a performance standard. West Basin would like to see this information removed from any final document or an explicit statement be added that this is not a performance standard and should not be used as such in a regulatory context by Regional Boards.

The Staff Report does not endorse a key Panel recommendation for study of particular CECs. It instead suggests that it would be appropriate to give the Regional Boards the authority to require collection of CEC occurrence data by individual recycling projects. West Basin believes collection of data is better done in the context of a framework which will study that compound for a better understand of its health or environmental affects. In addition, the CDPH has statutory authority to protect public health and therefore, already has authority to recommend CEC monitoring for groundwater recharge projects on a case-by-case basis should they be added to their list of evaluated health concerns.

West Basin suggests adoption of the Panel's recommendation to conduct a one-year study of a particular class of CEC's for which the Panel felt it had insufficient information on their occurrence in recycled water (Table 8.4 in the Panel Report). The data should be provided to the Panel for review and for a determination if any particular CECs should be added to the monitoring list pursuant to the Panel's recommended framework.

The Staff Report suggests monitoring frequency of surrogate compounds that goes beyond the Panel's recommendations. There is well established monitoring or reduced monitoring criteria for permits which are protective of public health without wasting valuable resources. West Basin does not believe SWRCB needs to determine this as a matter of policy, and instead recommend that this matter be determined on a project specific basis by CDPH, Regional Boards and the water recycler.

West Basin would like to thank the Board and their staff in advanced for their consideration of our comments and looks forward to inclusion in future panel evaluations based on smart science. If you'd like any further information please feel free to contact me or Uzi Daniel at 310-660-6245 or uzid@westbasin.org. Thank you so much for this opportunity to comment on this important issue.

Sincerely,



Rich Nagel
General Manager