



380 East Vanderbilt Way  
San Bernardino, CA 92408  
P.O. Box 5906  
San Bernardino, CA 92412-5906  
phone: 909.387.9200 fax: 909.387.9247  
www.sbvmd.com

January 12, 2009

Mark Norton  
Santa Ana Watershed Project Authority  
11615 Sterling Avenue  
Riverside, CA 92503

Re: Comments on 2008 Progress Report for the Emerging Constituents Workgroup

Dear Mark:

San Bernardino Valley Municipal Water District (Valley District) and Western Municipal Water District of Riverside County (Western) are pleased to provide the Emerging Constituents Workgroup with the following comments on the December 15, 2008 draft 2008 Progress Report.

*General Comments*

Valley District and Western are very pleased with the draft report and the progress that has been made to date. We believe that several findings of the report merit special attention and discussion:

1. The growing awareness of the presence of emerging constituents (ECs) in drinking water is largely due to the improvements in technology that allow the detection of extremely low levels of these chemicals.
2. It is not known whether the levels of ECs that have been detected in drinking water pose any risk to public health or the environment. Many studies are underway to examine that question but there is no clear answer, either way, at present.
3. It is possible to sample water for ECs in a manner that is based on good science. Such sampling and investigative efforts should: (a) use isotope-dilution methods, (b) use appropriate field, travel, laboratory and instrument blanks as part of the quality assurance/quality control process to avoid "false positives," (c) only sample for those compounds that persist through the treatment process for wastewater and that do not degrade quickly in groundwater, and (d) recognize that very few laboratories are able to meet the very stringent standards needed to analyze samples at parts per trillion levels.
4. Because so little is known about ECs and the science is very much "cutting-edge," it is generally not appropriate for water agencies to conduct research themselves. (The Metropolitan Water District of Southern California, Orange County Water District and the Southern Nevada Water Authority are the exceptions that prove the rule.) Instead, in order to make sure that we are protecting public drinking water supplies and environment, water agencies should: (a) fund research by qualified academic or industry researchers (e.g., many of the speakers at the Emerging Constituents Workgroup or the Water Research Foundation), (b) make our facilities available for such researchers to use as part of their research, and (c) continue the Emerging Constituents Workgroup (or a similar group) to ensure that water agencies are familiar with the state of scientific knowledge and can act rapidly to limit any threats to public health or the environment that may arise. As discussed below, Valley District and Western recommend that the Emerging Constituents Workgroup spend the next year developing a scientifically sound and forward-looking sampling and investigative program to ensure that we are on top of all issues relating to the presence and effects of ECs in the Santa Ana River watershed.

**Board of Directors and Officers**

MARK ALVAREZ  
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Division 2

C.PATRICK MILLIGAN  
Division 3

MARK BULOT  
Division 4

STEVE COPELAN  
Division 5

RANDY VAN GELDER  
General Manager

5. As noted on pages 13 to 15 of the draft Progress Report, there are a numerous important – and unanswered – regulatory questions that relate to ECs. Many, if not most, of those questions cannot be answered until we have a substantially better understanding of the risks (if any) that ECs pose to public health and the environment. In particular, the 30% coefficient of variance for the measurement of ECs, which is discussed on page 9 of the draft Progress Report, means that such measures are much less reliable than measurements of more common substances. This lack of reliability means that we must be very careful not to draw conclusions about ECs that cannot be corroborated by good science.

The Emerging Constituents Workgroup should discuss the regulatory concerns discussed in the draft Progress Report and develop a long-term strategy to address the concerns described in the draft report during the upcoming year. One proposal might be to provide water and wastewater agencies a “safe harbor” that insulates agencies acting responsibly from any liability associated with ECs until the conclusion of the normal regulatory processes. In the meantime, however, all of the participants in the Emerging Constituents Workgroup should agree that, in the words of the Department of Public Health, “monitoring is not for compliance purposes, but for informational use only.”

Valley District and Western believe that the focus of the Emerging Constituents Workgroup in 2009 should be on developing an EC sampling and investigative program that is consistent with the above conclusions. To show our strong support for this process, we are willing to recommend to our respective Boards of Directors that our districts, in combination, fund up to 50% of the costs of the 2009 effort (up to a total joint contribution of \$50,000). Assuming that the Emerging Constituents Workgroup develops an annual EC sampling and investigative program along those lines, we would further recommend to our respective Boards of Directors that our districts fund up to 50% of the cost (again, up to a total joint annual contribution of \$50,000) of that effort for the period of 2010 through 2014. At that time, it would be appropriate for Valley District, Western and the rest of the Emerging Constituents Workgroup to update the sampling and investigative program to deal with then-current circumstances.

Lastly, Valley District and Western understand that the State Water Resources Control Board (SWRCB) intends to adopt a recycled water policy for California next month. In its current form, the draft policy calls for the establishment of a “Blue Ribbon Panel” that would examine the state of the science regarding ECs and make recommendations for the sampling of ECs for the purpose of investigation and research. If the SWRCB adopts a recycled water policy next month with such a provision, the Emerging Constituents Workgroup should modify our plans for 2009 and, potentially, 2010 and beyond so as to avoid any duplication of efforts.

#### *Specific Comments*

1. Page 8, 4th paragraph. In addition to indicating the presence of wastewater in groundwater supplies, the purpose of a sampling and investigative program should be to identify any potential threats to public health from groundwater aquifers used as a source of municipal drinking water that would not be addressed by normal water treatment before being delivered to the public.
2. Page 8, last paragraph. The first sentence should state that the use of the “isotope-dilution” method is necessary in order to measure ECs with the currently most reliable method. This was one of the key findings from this past year’s work.

#### *Conclusion*

Valley District and Western believe that recommendation number 11 on page 17 of the draft Progress Report is perhaps the most important finding of the entire report. The draft Progress Report states:

“There is a shared commitment among both the regulatory authorities and the local water agencies to provide adequate supplies of safe and affordable water to the community. Therefore, it is possible to safeguard water quality through the use of contractual cooperative agreements. Such agreements should be preferred until it becomes evident that a genuine threat to human health or the environment is not being properly addressed.”

This recommendation provides a strong basis for cooperative efforts in 2009 and beyond. We strongly support this approach to

the concerns associated with ECs and look forward to working with the Regional Board and other members of the Emerging Constituents Workgroup.

Very truly yours,



Randy Van Gelder  
General Manager  
San Bernardino Valley  
Municipal Water District



John Rossi  
General Manager  
Western Municipal Water District of  
Riverside County