



March 8, 2016

Thomas Howard
Executive Director
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

VIA EMAIL: thomas.howard@waterboards.ca.gov

Subject: Comments on the *Constituents of Emerging Concern Statewide Pilot Study Monitoring Plan*

Dear Mr. Howard:

The Bay Area Clean Water Agencies (BACWA) and the Bay Area Stormwater Management Agencies Association (BASMAA) are concerned about the direction of the State's Constituents of Emerging Concern (CECs) program, as described in the *Constituents of Emerging Concern Statewide Pilot Study Monitoring Plan* (Pilot Monitoring Plan), released in January 2016. BACWA is a joint powers agency whose members own and operate publicly owned treatment works (POTWs) and sanitary sewer systems that collectively provide sanitary services to over 6.5 million people in the nine-county San Francisco Bay (SF Bay) Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health. BASMAA is a 501(c)(3) non-profit organization comprised of the municipal stormwater programs in the San Francisco Bay Area representing 100 agencies, including 85 cities and towns, 8 counties, and 7 special districts. BASMAA focuses on regional challenges and opportunities to improve the quality of stormwater flowing to our local creeks, San Francisco Bay, the Delta, and the Pacific Ocean.

The proposed Statewide Pilot Monitoring Plan calls for \$446,000 in CEC studies over two years in analytical costs alone. The Bay Area POTW and Stormwater communities, consistent with San Francisco Bay Region NPDES permits, already support a mature CECs monitoring program through the San Francisco Bay Regional Monitoring Program (RMP)¹. Until now, we have assumed that the Statewide initiative would work in conjunction with the existing structure and ongoing efforts of our RMP program to develop a plan that would meet its goals. Since this does not appear to be taking place, BACWA and BASMAA have concerns about the Pilot Monitoring Plan that must be addressed before this initiative can move forward:

The Pilot Monitoring Plan does not interface with the CECs program that is already in place in the San Francisco Bay Region

The RMP has been investigating CECs in our Region since 2001 and has developed a CECs strategy that guides decisions on monitoring and provides local agencies with science-based input allowing more effective management decisions. The RMP CECs program is run by scientists who are well versed in the water quality conditions particular to San Francisco Bay, and have tailored a monitoring program to the local conditions. Any CEC monitoring plan that takes place within the San Francisco Bay must be developed in close consultation with the RMP Steering Committee, and the San Francisco Bay Area CEC strategy. Although the existence of the RMP CECs program is referenced in the introductory section of

¹ SCCWRP Technical Report 692 - April 2012

the Statewide Pilot Monitoring Plan, it appears that collaboration with the RMP program has not been considered during development of the Pilot Monitoring Plan.

State Water Board staff have told our representatives that they are simply implementing the recommendations captured in *Monitoring Strategies for Chemicals of Emerging Concern (CECs) in California's Aquatic Ecosystems; recommendations of a science advisory panel*. However, this document expresses that the goal of the monitoring effort should be to “provide[s] broad guidance to the State to address the specific questions...and to cost-effectively integrate the proposed CEC monitoring program with ongoing state-wide and regional monitoring efforts.” (pg. 56) In addition, the document clearly recognized the need to balance monitoring for CECs with available resources (pg. 65), and suggested that the State undertake an integrated risk assessment of all currently required chemical monitoring efforts and CECs to guide future monitoring investments commensurate with the risk posed (pg. 65, Section 9.3).

BACWA and BASMAA have and will continue to fund CEC monitoring needs for the San Francisco Bay Region through the RMP consistent with NPDES permit requirements. The Statewide Pilot Monitoring Plan must integrate the structure and budget of the RMP to meet its goals, as envisioned by the science advisory panel. The BACWA and BASMAA agencies should not be asked to fund a separate pilot monitoring program.

The Pilot Monitoring Plan does not account for the monitoring that has already been done by the RMP

Much of the monitoring prescribed by the Pilot Monitoring Plan duplicates monitoring already being conducted in the San Francisco Bay Region. The RMP CEC program already supplied existing data to the State Water Board and the Southern California Coastal Water Research Project (SCCWRP) which was published in their *Monitoring of Constituents of Emerging Concern (CECs) in California's Aquatic Ecosystems - Pilot Study Design and QA/QC Guidance* (Technical Report 854)². This existing data, and data that has been collected since that document was developed, has not been considered in the development of the Pilot Monitoring Plan. We urge State Water Board Staff to review the data already provided, and contact RMP staff to eliminate duplicative monitoring when developing the next revision of the Pilot Monitoring Program.

Again, please note that all available CEC resources are currently committed to high priority CEC concerns identified as part of the RMP CEC strategy. Proposed modifications to the RMP efforts must be approved by the RMP Steering Committee consistent with current available resources. However, if the State Water Board has additional resources that could be used to address different CEC priorities identified by their staff, the RMP Steering Committee would gladly engage in an effort to identify an efficient collaborative effort to assist the State Water Board.

BACWA and BASMAA support the comments submitted by Sanitation Districts of Los Angeles County (LACSD) on *in vitro* assays

In addition to the comments herein, BACWA and BASMAA also support the comments from LACSD that the *in vitro* assay studies proposed in the Pilot Monitoring Plan are premature. Bioassays at this time should be limited to pilot investigations aimed at gaining experience linking the fully developed ER-a *in vitro* bioassay results to adverse organism-level outcomes to avoid overuse of the expensive 21-day fish toxicity bioassays.

² see section 8.4 appendix D: Summary of RMP CEC Investigations

BACWA and BASMAA are confident that with improved collaboration and additional State resources, the Statewide and San Francisco Bay Regional goals for CEC monitoring can be brought into alignment. On April 15, the RMP's Emerging Contaminants Workgroup will host a meeting to review recent findings and discuss new monitoring proposals on plastic additives like bisphenol A, flame retardants, water- and stain-repelling perfluorochemicals, and pesticides. The Workgroup will also discuss plans to revise the RMP's overall strategy for monitoring CEC. This meeting represents an excellent opportunity for State Board Staff to meet our Regional stakeholders and discuss how the Statewide monitoring Plan could be integrated into our successful and established Regional CECs program.

Respectfully Submitted,



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Executive Director
Bay Area Clean Water Agencies



Geoff Brosseau
Executive Director
Bay Area Stormwater Management Agencies Association

cc: BACWA Board
BASMAA Board
State Water Resources Control Board
Tom Mumley, San Francisco Regional Water Quality Control Board
Jonathan Bishop, State Water Resources Control Board
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