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May 12, 2025

Via Email Only

Delta Independent Science Board
disb@deltacouncil.ca.gov

Re: CVCWA Comment Letter – Draft Prospectus on the Contaminants Monitoring Review

To the Delta Independent Science Board:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide comments on the Delta Independent Science Board’s (ISB) Draft Prospectus on “Contaminant Monitoring in the Sacramento San Joaquin Delta to Inform Environmental Management” (Draft Prospectus). CVCWA is a nonprofit association of Publicly Owned Treatment Works (POTWs) throughout the Central Valley of California, whose primary mission is to represent wastewater agencies in regulatory matters while balancing environmental and economic interests. CVCWA members have a strong commitment to the protection of aquatic life in Central Valley waters. Many of the members of CVCWA are within the Sacramento River-San Joaquin River Delta (Delta) or are in its proximately upstream. CVCWA is providing comments on the Draft Prospectus sections as identified below to provide a general perspective from Central Valley POTWs.

Purpose

The Draft Prospectus provides both a “Purpose” section and a “Specific Goals” section. The Purpose section identifies two purposes: (1) determine how contaminant

monitoring can inform management and decision making; and (2) review potential “advanced toxicity testing methods” to better understand Delta ecosystem effects:

Emphasis will be placed on how contaminant monitoring programs can effectively inform management and decision-making regarding contaminant sources and ecological risk to aquatic ecosystems. The review will further evaluate the potential of advanced toxicity testing methods (“effect-based methods”) to contribute to a better understanding of the impacts of contaminants on the Delta ecosystem.

(Draft Prospectus, p. 1.) However, the Draft Prospectus Specific Goals and the last two Draft Prospectus projects parts only focus on evaluation of advanced toxicity testing without clear intent to adequately determine how contaminant monitoring can inform management and decision making. CVCWA recommends first determining management actions and decision types before evaluating specific assessment methodologies. In determining appropriate assessment methods, the range of response actions (prioritization, risk assessment, product bans, treatment controls, pollution prevention programs, etc.) and their efficacy should be identified to ensure actionable results.

Motivation

The Motivation section in the Draft Prospectus lacks an accurate description or formulation of the conceptual model of the problem as well as an identification of a specific Delta ecological issue or risk. For example, is the motivation to comment directly to the Delta RMP to influence their monitoring design? Is the motivation a response to specific policy, plan, law, or regulation or request from a regulatory authority?

General Challenges Facing Contaminant Assessment

The Draft Prospectus includes a section on general challenges facing contaminant assessment. The section does not identify the challenges and barriers related using contaminant assessments to drive specific management actions or to inform regulatory programs.

For example, research methods that do not have standard, accepted, repeatable, and unbiased methods should not be used in many regulatory settings because of the uncertainty in and applicability of the results. POTWs are required to use methods allowed in Title 40 of the Code of Federal Regulations (CFR) Part 136 for testing of effluent for compliance purposes. Research-level methods that have not been thoroughly tested do not meet Clean Water Act regulatory requirements used to regulate POTWs and others subject to the National Pollutant Discharge Elimination System (NPDES) programs. POTWs are then constrained on research opportunities because they may incorrectly trigger a

regulatory action (e.g., penalty, effluent limitation, etc.) or pose legal liability to third-party lawsuits under the Clean Water Act.

Specific Goals

The Draft Prospectus Specific Goals should address the identified constraints and define terminology for clarity. For example, Specific Goal No. 1 States: “Assess current contaminant monitoring programs to determine the degree to which they are able to provide a comprehensive picture of the ecological risks of contaminants in the Delta.” From the scope, it appears that this will be done through interviews of expert opinions and readily available datasets, however certain monitoring programs are being left out of the scope. This could be problematic depending on the contaminant. For example, significant monitoring for PFAS is and has been done by Drinking Water Purveyors.

Specific Goal No. 2 states “Understand how monitoring can better inform decision making, i.e. how monitoring data are used in designing and taking management actions.” The Specific Goal should provide clarification on the level of decision making and what is meant by “management actions.” The introduction of anthropogenic contaminants into the Delta is complex and there are numerous levels of management (product approval and regulation, Delta water management, pre-treatment programs, air quality regulations, water quality regulations, treatment controls, etc.). Typically, a study or program would identify management goals or management questions to design monitoring programs and drive outcomes. The Draft Prospectus does not include management questions or other specific expected management outcomes.

The Draft Prospectus Specific Goals do not identify a specific Delta ecological issue that would be addressed (e.g., pelagic organism decline, safe to swim, safe to eat, etc.). If the intent is to just develop ecological assessment tools, the Draft Prospectus evaluation should consider other types of broader ecosystem assessment.

The Draft Prospectus Specific Goals do not address a significant source control issue for much of the to-date observed Delta contaminant concentrations. Many of the contaminants identified in the Draft Prospectus (e.g., pesticides, PFAS, pharmaceuticals, etc.) are registered for use by consumers by regulatory agencies and their use by consumers cannot be regulated by POTWs or other point sources. Management changes in the registration of products with these classes of contaminants may be the only available control. Water quality testing and monitoring during product registration is not part of the Clean Water Act and does not adequately evaluate actual water quality impacts.

Part 1 Interviews

CVCWA highly values the Draft Prospectus expert interviews included, especially those with Clean Water Act expertise and an understanding of wastewater treatment and performance. The Draft Prospectus should be more specific about the proposed list of interviewees and the process to be included. The 2022 Delta ISB evaluation did not specify the type of local agencies (e.g., water agency, POTW, MS4, etc.). CVCWA recommends that experts in product registration (e.g., Department of Toxic Substance Control, Department of Pesticide Regulation, United States Environmental Protection Agency, etc.) be included in the interviews, as well as experts who understand water quality regulations from how experimental data gets translated into objectives which then get translated into permit limitations and condition. CVCWA specifically recommends talking with Adam Laputz or Patrick Pulupa at the Central Valley Regional Water Quality Control Board, who may have further recommendations.

Central Valley POTWs have implemented significant treatment improvements and water recycling to beneficially reuse highly treated wastewater. Additional treatment, such as reverse osmosis, is energy intensive and may not result in complete removal of all contaminants, while creating new waste stream disposal issues in the Central Valley (i.e., waste brine). The interviews should include experts on these wastewater treatment benefits and limitations. Please feel free to reach out to CVCWA, as we can provide a list of experts in this area.

Part 2 Review External Programs

The Draft Prospectus proposes to review contaminant monitoring programs in other regions and abroad to determine if chemicals identified as “bad players” elsewhere are being monitored in the Delta, and if not, whether this should be considered a “critical gap.” These other regions can offer insight both into regulatory and management frameworks as well as technical methods, although further understanding if this is a need in the Delta. Most Central Valley POTWs have advanced treatment and filtration beyond the standard of treatment implemented in the San Francisco Bay Area, Canada, and the European Union. The Draft Prospectus identifies “available scientific information on wastewater treatment effluents and stormwater/irrigation runoff,” which should include evaluation of the product approval and regulatory frameworks used to manage water quality and protect estuary ecology.

Part 4 Seminar Series

The Draft Prospectus outreach seminars are a critical element to building consensus science and convey outcomes from the Delta ISB work. The seminars would benefit stakeholders better if the topics went beyond just “state-of-the-art toxicological

and analytical tools for contaminant monitoring and risk assessment” and included more details on the identification of management alternatives and frameworks that could demonstrably control contaminants in the Delta.

Scope of Review

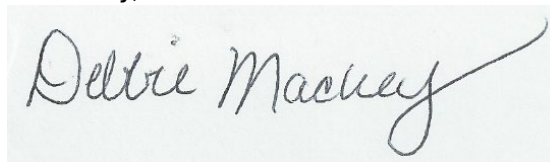
The Draft Prospectus scope is much narrower than what is discussed throughout the document, including only focusing on wastewater effluents as sources:

Unlike the Delta ISB’s 2018 Water Quality review, which was broad in scope, we will focus on chemical contaminant and toxicity monitoring in surface waters, sediments, and wastewater treatment effluents.

Central Valley POTWs in the Delta generally have the highest level of wastewater treatment with billions of dollars invested in the last decades. The Draft Prospectus does not provide a basis for limiting the work to POTWs. Other significant stressors related to water management, including Delta Conveyance and climate change, are key factors that would drive outcomes in Delta ecological indicators. Limiting the evaluation scope would heavily bias findings on the factors considered without performing a broader quantification and prioritization of possible factors.

CVCWA appreciates the opportunity to provide comments on the Draft Prospectus. If you have any questions or if CVCWA can be of any further assistance, please contact me at (530) 268-1338 or eofficer@cvcwa.org.

Sincerely,

A handwritten signature in dark ink, reading "Debbie Mackey", with a long, sweeping flourish extending from the end of the name.

Debbie Mackey
Executive Officer