August 17, 2020

Attn: Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
Submitted via email: commentletters@waterboards.ca.gov

**RE: Comment Letter – Perchlorate Detection Level for Purposes of Reporting**

Dear Ms. Townsend:

The California Association of Mutual Water Companies ("CalMutuals") appreciates the opportunity to provide comments to the State Water Resources Control Board (State Water Board) regarding the recommendation to revise the detection limit for purposes of reporting (DLR) for perchlorate. Our association represents over 300 not-for-profit small water systems that deliver water used for residential, commercial and agricultural purposes in California. Many of our members serve disadvantaged communities. Perchlorate contamination has had a major impact on our members particularly in the San Gabriel Valley, as part of the nation's largest U.S. EPA Drinking Water Contamination Superfund site. In concert with the US EPA, our members have been part of negotiations with defense industry manufacturers who were responsible for the contamination of the Main San Gabriel and Raymond Groundwater Basins. Our members in the San Gabriel Valley have also borne costs related to treatment of supplies and replacement water from the Metropolitan Water District with significant rate impacts over the years.

In 2015 the California Office of Environmental Health Hazard Assessment (OEHHA) lowered the public health goal (PHG) for perchlorate from 6 parts per billion (ppb) to 1 ppb. We are aware that this revised PHG has prompted the State Water Board to review the perchlorate Maximum Contaminant Level (MCL) as well as the DLR in order to adopt an MCL that is as close as economically feasible to the OEHHA PHG.

However, our association is concerned that the path as outlined in the rulemaking would have significant cost impacts to water systems and seems to potentially limit the approved testing methodologies that would be approved by the State Water Board. CalMutuals encourages the State Water Board to make the following considerations:

1. ***CalMutuals is not opposed to a reduction of the Perchlorate DLR to 2 ppb.*** The proposed reduction to 2 ppb is based on thorough science and does not appear to present significant challenges to the testing community. The US EPA method 314 method is currently the most affordable and easily implemented technique for perchlorate analysis and in most instances can reliably test to 2 ppb. As stated earlier we recognize the State Water Board's desire to lower the perchlorate DLR as a step to lowering the MCL. We support lowering the perchlorate DLR to 2 ppb as an economically feasible next step in regulating perchlorate.

2. ***A reduction of the Perchlorate DLR to 1 ppb in 2024 would present significant challenges to the laboratory community and would significantly increase testing and treatment costs.*** The State Water Board's Initial Statement of Reasons suggests that in order to achieve the 1 ppb DLR, testing laboratories would need to utilize either U.S. EPA Method 331 or 332. Simply stated, a 1 ppb DLR is not currently technologically or economically feasible and it is uncertain if laboratories would be able to get into compliance by 2024. For these reasons, we would instead recommend that the State Water Board lower the current DLR to 2 ppb and conduct another survey in 2024 to assess the capability of laboratories to meet a proposed 1 ppb DLR.

   The equipment required to implement these methods can cost ten times as much as what is required to perform the ion chromatography pursuant to Method 314. These expenses would translate into higher testing costs to water systems. A small sampling of water systems has identified that testing costs could quadruple. The proposed rulemaking also assumes that a sufficient number of laboratories would be able to transition their testing operations by 2024 in order to meet a 1 ppb DLR. However, CalMutuals believes that given the current economic uncertainty it is unclear if there would be a sufficient number of accredited laboratories to meet testing demand further increasing costs and potentially delaying testing results.

3. ***Method 314 should continue to be an approved method for the detection of Perchlorate.*** As previously stated, the State Water Board's Initial Statement of Reasons seems to suggest that Method 314 would not be an approved method to test for Perchlorate after 2024. This seems to presuppose that Method 314 could not meet a 1 ppb DLR. However, some laboratories are already able to reliably test down to 1 ppb using Method 314 while others could, with time, refine their processes as well.

While limiting the approved methodology for perchlorate testing may not be the intent of the State Water Board, the proposed rulemaking text and Initial Statement of Reasons do not specifically state that. For this reason, the State Water Board should explicitly allow the continued use of Method 314 for those laboratories that can sufficiently demonstrate their ability to reliably test down to the proposed DLR when it is adopted. However, as previously stated, we request that the State Water Board postpone the adoption of a 1 ppb DLR until a sufficient number of laboratories can comply using Method 314.

CalMutuals appreciates the opportunity to comment on the State Water Board's proposed rulemaking regarding the perchlorate DLR. We recommend that if the State Water Board wishes to move forward as expeditiously as possible that these two proposals, a 2 ppb DLR and a 1 ppb DLR, be separated into two distinct regulatory rulemakings and that a 1 ppb DLR only be adopted only after a survey of California laboratories indicates there are sufficient testing laboratories to meet this more stringent requirement. We look forward to continuing this discussion and if you have any questions regarding these comments, please contact Adán Ortega, Executive Director of Calmutuals at adan@calmutuals.org or 714 449-8403.

Sincerely,

Lisa Yamashita Lopez
President

Ken Tcheng
Chair, Regulatory Affairs Committee