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**ORANGE COUNTY WATER DISTRICT**  
ORANGE COUNTY'S GROUNDWATER AUTHORITY

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June 9, 2022

The Honorable Bill Quirk  
Chair, Environmental Safety and Toxic Materials Committee  
California State Assembly  
P.O. Box 942849  
Sacramento, CA 94249

**RE: SB 230 (Portantino) State Water Resources Control Board: Constituents of Emerging Concern in Drinking Water Program – Support if Amended**

Dear Chair Quirk:

The Orange County Water District (OCWD; the District) has adopted a support if amended position on SB 230 (Portantino). OCWD respectfully requests SB 230 be amended to address several concerns including: (1) the bill does not contain language that would ensure the state will seriously consider and utilize the Science Advisory Panel's (Panel) input to improve the process for setting drinking water advisories and/or enforceable standards; (2) the bill does not sufficiently clarify that the Panel's work shall not duplicate the state's existing formal policy on constituents of emerging concern (CECs) in recycled water; and, (3) the bill should not omit per- and polyfluoroalkyl substances (PFAS) as being considered a CEC.

As you are aware, OCWD is a global leader in water resiliency and is dedicated to the development of a sustainable, safe water supply for 2.5 million people. Home to the Groundwater Replenishment System (GWRS), the world's largest water recycling project for potable use, OCWD is currently constructing the GWRS Final Expansion that, when completed in early 2023, will provide enough water for one million Orange County residents. OCWD is also a leader in monitoring, assessment, and treatment for PFAS detected at many locations in the Orange County groundwater basin.

OCWD has the following three recommended improvements to be amended into SB 230:

1. The Panel should be required to review the existing Public Health Goals (PHGs) list every five years and provide recommendations to the state on which chemicals should be reassessed by the Office of Environmental Health Hazard Assessment (OEHHA) based on new science and published studies. The Panel should also review compounds on the Division of Drinking Water's (DDW) list of advisory Notification Levels (NLs) and Response Levels (RLs) list and provide recommendations for updates or possibly moving NL/RL compounds towards an enforceable Maximum Contaminant Level (MCL) by initiating a PHG.

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Reason: OCWD believes that improved clarity in the Panel's responsibilities and in the state's consideration of resulting recommendations would improve the bill. This would ensure the state requires focused expert input before acting to regulate versus the current bill's more nebulous approach of the Panel simply providing general recommendations on "CECs," which under the states' current use of that term, encompasses any chemical compound without a current enforceable MCL. Put simply, the current language encompasses a vast array of chemicals regardless of how harmful they are or how much is known about them.

Without greater specificity in the bill, the state is free to prioritize the Panel's work however they see fit within the vast "CEC" universe and then could subsequently ignore the advisory panel's recommendations. OCWD believes greater Panel focus needs to be specified in the bill to produce the best and most relevant available scientific information to inform the state's regulation of drinking water contaminants.

2. Specify that the Panel's work shall not duplicate the efforts on CEC's in recycled water for clarity: on page 4 line 10: "The occurrence of CECs in drinking water sources and treated drinking water" – ADD: "except in areas related to section 116419 (b)."

Reason: Clarify that this new Panel does not duplicate or otherwise supersede the existing Science Advisory Panel process established over a decade ago under the State Board's adopted Recycled Water Policy (RWP). Recycled water utilities already comply with updated requirements coming out of the State Board's regular reconvening of this established Panel.

3. The bill currently excludes the science panel from making future recommendations related to PFAS. OCWD recommends that the exclusion be removed so that PFAS can be within the Panel's purview.

Reason: PFAS represent a large family of chemicals for which the state has already established advisory drinking water NLs, RLs, and draft PHGs for individual chemicals. Given widespread PFAS occurrence in the state and the resulting impact of current advisories and future enforceable PFAS MCLs on water utilities and rate payers, assessment of these chemicals should not be excluded from the Panel's purview and associated recommendations to the state.

Please contact us should you need additional information. Legislative Affairs Liaison Alicia Dunkin may be reached at (714) 477-3750 or [adunkin@ocwd.com](mailto:adunkin@ocwd.com) to help facilitate your requests.

Sincerely,



Denis R. Bilodeau, P.E.  
Director

cc: Senator Anthony Portantino