



Item 5c

CALIFORNIA OCEAN PROTECTION COUNCIL

Staff Recommendation
July 25, 2018

Updating Monitoring Recommendations for Emerging Contaminants in Coastal Waters

Holly Wyer, Marine Pollution Program Manager

RECOMMENDED ACTION: Authorization to disburse up to \$163,298 to the Southern California Coastal Water Research Project to convene and facilitate an expert panel to update monitoring recommendations for emerging contaminants in coastal waters.

LOCATION: Statewide

STRATEGIC PLAN OBJECTIVE(S): The proposed project addresses Ocean Protection Council Strategic Plan Objective 9.1: Support an integrated approach to water management that minimizes harm to the health of downstream ocean and coastal ecosystems.

EXHIBITS

Exhibit A: Support Letters

FINDINGS AND RESOLUTION:

Staff recommends that the Ocean Protection Council (OPC) adopt the following findings:
“Based on the accompanying staff report and attached exhibit(s), the Ocean Protection Council hereby finds that:

- 1) The proposed project is consistent with the purposes of Division 26.5 of the Public Resources Code, the Ocean Protection Act.
- 2) The proposed project is consistent with the Ocean Protection Council's grant program funding guidelines (Interim Standards and Protocols, August 2013).
- 3) The proposed project is not a ‘legal project’ that trigger the California Environmental Quality Act pursuant to Public Resources Code section 21068 and Title 14 of the California Code of Regulations, section 15378.”

Staff further recommends that the OPC adopt the following resolution pursuant to Sections 35500 *et seq.* of the Public Resources Code:

“The California Ocean Protection Council hereby approves the disbursement of up to \$163,298 to the Southern California Coastal Water Research Project (SCCWRP) to convene and facilitate an expert panel to update monitoring recommendations for emerging contaminants in coastal waters.

This authorization is subject to the condition that prior to disbursement of funds, SCCWRP shall submit for the review and approval of the Executive Director of the OPC detailed work plans, schedules, staff requirements, budgets, and the names of any contractors intended to be used to complete the projects, as well as discrete deliverables that can be produced in intervals to ensure the projects are on target for successful completion. All projects will be developed under a shared understanding of process, management and delivery.”

PROJECT SUMMARY:

Contaminants of emerging concern (CECs) are new and emerging contaminants that are unregulated in a water quality context. CECs may include pharmaceuticals, personal care products, and pesticides, among other substances. Effectively monitoring for CECs in coastal waters is an ongoing challenge, especially since the number and kinds of chemicals entering coastal waters is constantly changing. This project would update guidance provided by an expert panel in 2012 recommending which CECs to monitor in coastal waters¹. This project would build on previous investments by OPC for CEC screening in the Southern California Bight. The State Water Resources Control Board (Water Board) recently funded a panel that updated guidance on which CECs to monitor in recycled water, and providing updated recommendations for CEC monitoring in coastal waters is a timely next step. While developing the work program for the project, OPC staff would meet with Water Board staff, the Department of Toxic Substances Control (DTSC) staff, and other interested agencies and stakeholders to refine the state’s management questions. These management questions would provide the scope for the panel’s work, including, for example:

- Which CECs, including those with data gaps, have the potential to adversely impact marine wildlife, ecosystems, and beneficial uses in the coastal and marine environment, and what are the applicable monitoring methods and reporting limits for these CECs?
- What are the sources, pathways, and rate of inputs leading to the presence of individual CECs or groups of CECs in the coastal and marine ecosystem?
- How is the occurrence, concentration, or impact of CECs affected by climate change (i.e., changing water use patterns, environmental conditions, etc.)?
- What are the physical, chemical, and biological processes that may affect the transport and fate of individual CECs or groups of CECs in coastal and marine ecosystems?
- What approaches should be used to assess biological effects of CECs to sentinel species in coastal and marine habitats?

Overall, this project would provide recommendations and guidance that would be used by the Water Board to identify and prioritize CECs for monitoring in coastal and marine environments based on their potential risk to marine life. The panel recommendations would also serve to improve and inform the development of the Water Board’s CEC Initiative, which is a statewide management strategy that

¹ The 2012 guidance is available online here:
ftp://ftp.sccwrp.org/pub/download/DOCUMENTS/TechnicalReports/692_CECecosystemsPanelReport_Final.pdf

coordinates CEC efforts. OPC is assisting the Water Board through funding this project because the Water Board’s funding is limited to projects that relate to recycled water. OPC funding is filling an important gap in addressing CECs in coastal and marine waters.

DTSC would also use the panel’s recommendations to help prioritize product-chemical combinations for consideration under their Safer Consumer Products Program (Program). The Program looks at whether chemicals used in consumer products cause negative environmental or human health impacts, what safer alternatives are available, and then recommends action to move towards safer chemicals. DTSC considers water quality and impacts to marine organisms as one of the information sources they use to prioritize which chemicals should be considered under the Program. DTSC can achieve true source control with the Program, and the panel recommendations would provide them with forward-looking information on what new chemicals are being found in the marine environment.

Project Timeline: This is a two-year project ending in Spring 2021

PROJECT FINANCING:

Staff recommends that the Ocean Protection Council (OPC) authorize encumbrance of up to \$163,298 to SCCWRP to convene and facilitate an expert panel to update monitoring recommendations for emerging contaminants in coastal waters.

Ocean Protection Council	\$163,298
Water Board	\$58,346
TOTAL	\$221,644

The anticipated source of funds will be from the Ocean Protection appropriation of the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). Proposition 84 authorizes the use of funds for purposes consistent with Section 35650 of the Public Resources Code, establishing the California Ocean Protection Trust Fund (Pub. Res. Code § 75060(g)). Under Section 35650(b), Ocean Protection Trust Fund monies may be expended for projects authorized by the OPC that are identified as appropriate Trust Fund purposes, as specified. The project is consistent with the Trust Fund purposes as discussed in the following section.

Leverage of OPC funds

Although there is not a formal match for this project, the funds provided by OPC will be leveraged with funds from the Water Board to enable the project to also develop recommendations and guidance regarding CECs in freshwater environments.

CONSISTENCY WITH CALIFORNIA OCEAN PROTECTION ACT:

The proposed project is consistent with the Ocean Protection Act, Division 26.5 of the Public Resources Code, because it is consistent with trust-fund allowable projects, defined in Public Resources Code

Section 35650(b)(2) as projects which: Improve the management, conservation, and protection of coastal waters and ocean ecosystems.

CONSISTENCY WITH THE OPC'S STRATEGIC PLAN:

These projects implement Focal Area D: Coastal and Ocean Impacts from Land. Specifically, objective 9.1, which supports an integrated approach to water management that minimizes harm to the health of downstream ocean and coastal ecosystems.

CONSISTENCY WITH PROPOSITION 84 (The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006; Public Resources Code §75060(g))

This project is consistent with Proposition 84 because it involves the development and implementation of information to conserve marine wildlife. This project would provide guidance and recommendations to state water quality managers to identify and prioritize CECs for monitoring in aquatic environments to protect marine ecosystems.

CONSISTENCY WITH THE OPC'S GRANT PROGRAM FUNDING GUIDELINES:

The proposed project is consistent with the OPC's Grant Program Funding Guidelines for Proposition 84 funds, in the following respects:

Required Criteria

1. Directly relate to the ocean, coast, associated estuaries, or coastal-draining watersheds: This project would provide recommendations and guidance to identify and prioritize CECs in coastal environments for monitoring and management action.
2. Support of the public: This project has support from state agencies and nongovernmental organizations. Please see Exhibit A for support letters.
3. Greater-than-local interest: This project would provide recommendations and guidance that would be relevant and inform management statewide.

Additional Criteria

4. Improvements to management approaches or techniques: This project would update recommendations and guidance to state agencies on the management approaches and techniques used to prioritize and monitor CECs in coastal environments.
5. Resolution of more than one issue: This project will provide recommendations and guidance on several related management questions, as outlined in the project summary above.
6. Timeliness or Urgency: This project follows an update to the recommendations and guidance for monitoring CECs in recycled water, and SCCWRP has the capacity and ability to complete the project in a timely manner.
7. Coordination: This project would involve coordination with the Water Board, the Regional Water Quality Control Boards, and stakeholders involved with water quality management. The meetings of the expert panel convened during this project would include a component that is open to the public to allow for input from key stakeholder groups and exchange with interested members of the public.

COMPLIANCE WITH CEQA:

The proposed project is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to 14 Cal. Code of Regulations Section 15378 because the project involves convening an expert panel to provide updated recommendations and guidance for monitoring CECs and does not have the potential for resulting in a physical change in the environment.