

DRINKING WATER REORGANIZATION TASK FORCE

RECOMMENDATION FROM WATER AGENCY AND RECYCLED WATER REPRESENTATIVES

**Association of California Water Agencies
California Municipal Utilities Association
California Water Association
Inland Empire Utilities Agency
Metropolitan Water District of Southern California
San Gabriel Basin Water Quality Authority
WaterReuse**

KEY ELEMENTS FOR DRINKING WATER REORGANIZATION AND STATUTORY CHANGES AS NEEDED

December 18, 2013

The water agency and recycled water organizations listed above recommend that the Administration include the following elements in the transition plan for the Drinking Water Program (DWP) to ensure an effective transfer. Some of these elements will additionally need to be made in the statute to provide greater assurance to stakeholders. This paper tees up this issue for discussion on December 18, 2013.

- A. Deputy Director Expertise:** In addition to public health experience, include as a required qualification - experience in managing or regulating a public water system, or providing technical operational, environmental engineering or toxicological assistance to a public water system.
- B. No Regional Board Implementation Authority:** Include in the operative language that no DWP implementation authority will rest with the Regional Water Boards.
- C. Regulations Subject to Administrative Procedures Act (APA):** Include in the operative language that DWP regulations are subject to the Administrative Procedures Act (with the exception of SRF implementation).

Continued

- D. Enforcement:** Include in the operative language that enforcement authority for the Drinking Water Program will be with the Deputy Director/Division, with appeals to be heard by the State Water Resources Control Board.
- E. Emergency Response Role:** Include in the operative language that responsibility and authority for emergency notification decisions and notifications will be with the Deputy Director/Division Chief.
- F. No Effect on Existing Authorities:** Include in the operative language that the program transfer does not affect: A) water rights; or B) existing drinking water or water quality requirements.
- G. No Effect on Existing Permits:** Include in the operative language that the program transfer maintains existing permits unless later modified or renewed.
- H. New Division of Drinking Water:** Include in the operative language that the Drinking Water Program will be implemented in a new Division of Drinking Water at the State Water Resources Control Board.
- I. Potable Reuse Permitting Authority:** Include in the operative language new authority for the Drinking Water Division to issue permits for potable reuse.
- J. Stakeholder Advisory Group:** Establish a stakeholder advisory group for a longer term (through July 1, 2019) to help make sure that the DWP program is effective after the transfer. (As noted at the December 11, 2013 Drinking Water Reorganization Task Force meeting, the water agency and recycled water organizations listed above recommend that the stakeholder advisory group should, among other things, provide input into the Administration regarding how the program is working (e.g., efficiency in the Safe Drinking Water State Revolving Fund and permitting programs), as well as suggestions for enhancing the program's effectiveness.) A statutory change is not needed for this purpose.