



California Association of Mutual Water Companies
1440 N. Harbor Blvd., Suite 900, Fullerton, CA 92835



August 5, 2014

Felicia Marcus, Chair
State Water Resources Control Board
("SWRCB")
c/o Jeanine Townsend, Clerk to the Board
1001 I Street, 24th Floor
Sacramento, CA 95814
VIA E-MAIL (commentletters@waterboards.ca.gov)

Re: Comment Letter— August 5, 2014 Board Meeting:
**DRAFT STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM PERMIT FOR DRINKING WATER SYSTEMS
DISCHARGES**

Dear Board Chair Marcus:

I write on behalf of the California Association of Mutual Water Companies ("CAMWC") regarding our concerns with the current draft Statewide General National Pollutant Discharge Elimination System Permit ("NPDES") for Drinking Water Systems Discharges (DWS). Actually, our concerns include the process, as well as the inclusion in the permit itself of many small community water systems that do not pose a threat to receiving waters. Furthermore, we would like to ask the SWRCB to use its leadership during this time of reform in the regulation of community water systems to standardize how small community water systems are defined. CAMWC was founded in 2013 to give voice to mutual water companies in California. Mutual Water Companies serve approximately 1.3 million residents in urban and rural areas and for many people our members provide the only source of affordable water.

1. Small Systems Challenges

The expedited time leading to approval of this proposed regulation by the SWRCB in September 2014, combined with the length, complexity and revisions to the draft permit, has made it very difficult for small systems and their advocates to submit meaningful comments. While the comment period was extended from July 2014 to August 2014, the draft regulation has been a "moving target" in terms of its intent, scope and coverage – having changed drastically from its status as an optional, multi-regional permit to its current mandatory form.

CAMWC wants to express its appreciation to staff for devoting time last week in understanding our concerns. We also appreciate the regulatory relief that our members may get under the state NPDES permit. As we understand, the State NPDES permit would effectively replace respective Regional Board permits governing mandated non-stormwater operational discharges by drinking water systems. However, it is not certain that the proposed permit will actually result in the anticipated streamlining of the permits that govern DWS discharges. It is possible, especially given the ambiguity inherent to the State permit's scope, that DWSs may end up having multiple permits (i.e., both State Board and Regional Board issued permits) for the same discharge events, if the local regional board does not deem the state's permit as sufficiently protective.

We believe that the SWRCB should take the time to align with Regional Boards in a manner that can truly streamline the number of permits applying to the same discharge events. Our hope is that only one permit will apply. In Los Angeles, for example, the Regional Board staff is working earnestly to understand the nuances of DWS operations that make low-threat discharges necessary. This extends to working with experts in the Division of Drinking Water familiar with safe drinking water regulations and chemistry to determine which if any chemicals found in drinking water persist in channels and waterways once discharged as they make their way into receiving waters. The L.A. Regional Board staff is also looking at the duration for which water quality data is reliable as a reference to discharges that occur after samples are taken. These efforts are important because they allow the Regional Board to better understand the low threat discharges that come from DWSs, and enhances that Regional Board's ability to craft a cost effective, efficient and effective regulatory scheme.

CAMWC has made contact with others in the environmental justice community and regional water associations. To be frank, prior to our raising the subject, few we contacted who are helping small community water systems of any type (mutual water companies, municipalities or special districts) were aware of this permit process or about the need for it. With Los Angeles County as an exception, CAMWC's efforts to collect operational information to provide more informed comments about how the proposed state regulation can impact mutual water companies has been met with incredulity about its nature, as our attention is re-directed to drought and safe drinking water quality regulations by our members. Simply put, the State Board could not have picked a worst time to promulgate this new permit.

The lack of awareness is due to the acute issues we are all dealing with. You are surely aware that as the SWRCB is promulgating this permit, small community water systems are trying to implement the SWRCB's Emergency Drought Regulation, providing comments to groundwater management alternatives as well as struggling to comply with a new state Maximum Contaminant level ("MCL") for Hexavalent Chromium. Additionally, we have already spent considerable and scarce resources working to establish compliance measures for the same discharges under regional stormwater elimination permits – this is especially the case in the Los Angeles and Central Valley regions. We do not see how this proposed NPDES permit improves our ability to manage drought at a time when we are already motivated not to release water. Thus, we believe that extending the time allowed toward your adoption of a statewide general NPDES permit for drinking water systems discharges can wait until we succeed in addressing the current acute drought and key safe drinking water deadlines.

We do not raise these points lightly and are grateful that the SWRCB has assumed responsibility over the Safe Drinking Water Program where it will be more efficiently managed. Thus it is in this spirit that we appeal for your allowance of time, and as you will see in the next section, consistency.

2. Consistent Definition of Small Community Water Systems

It is not clear under existing statutes exactly what constitutes a small community water system. The Water Code provides that a DWS with less than 3,000 connections is not required to prepare an Urban Water Management Plan, and that threshold is also being applied in the ongoing groundwater management reform. The assumption of responsibilities over the Safe Drinking Water Program by the SWRCB affords you a rare opportunity to create consistency in identifying small community water systems.

The draft permit states: "Due to the nature of the discharges authorized under this Order, it is unlikely that these discharges contribute to the impairment of the TMDL-related water bodies." In a three-month pilot program in the San Gabriel Valley completed in 2013, we found that DWSs with less than 3,000 connections did not have any operational releases of water exceeding 50,000 gallons. Under the Los Angeles Regional Board's MS4 permit, regulatory relief is applied to such releases by community water systems exceeding 100,000 gallons. Thus, not only are DWS operational discharges "low threat," those by DWSs with less than 3,000 connections may better fit under a classification of "negligible significance."

Our analysis of databases listing California's drinking water systems demonstrates that the median service population by community water systems in California is 1,500 and the median number of service connections is 440 connections. There are well over 1,000 DWSs with service populations less than 1,500. More than a few have no full time employees at all. Many are located in and serve disadvantaged communities. There are many State Parks and National Parks that have a single well and engage a part-time operator. While the SWRCB may limit the permit fee, small systems would still have to spend thousands of dollars a year to meet requirements under the proposed statewide NPDES DWS permit that would regulate required discharges of drinking that are of negligible significance.

Once again, given the scarce resources we are all experiencing (and for water providers the drought means higher costs with reduced revenues), combined with true emergencies driven by the drought and safe drinking water we urge a thoughtful delay in further proceeding with and approving this permit. We hope that you will receive these comments in the spirit of long-term cooperation toward our shared aspiration to protect our sources of water. If you have any questions please feel free to contact me at 714 449-3397.

Sincerely yours,

A handwritten signature in black ink, appearing to read "A. Ortega, Jr.", with a period at the end.

Adán Ortega, Jr.
Executive Director
California Association of Mutual Water Companies

cc: Members of the State Water Resources Control Board
CAMWC Board of Directors
Dr. David Kimbrough, Pasadena Department of Water & Power