



December 15, 2014

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

Re: Comments on Draft Safe Drinking Water Plan

Dear Ms. Townsend,

On behalf of Clean Water Action [and Community Water Center], we would like to register our strong support for the Draft Safe Drinking Water Plan for California. While we have several suggestions to improve the plan and its implementation, we believe that it provides a comprehensive overview of the status of drinking water in the State, and lays the groundwork for improvements in future planning efforts.

One basic item missing from this report is a comprehensive estimate of 1) Californians who lack safe and affordable drinking water; and 2) Californians at risk of losing access to safe and affordable drinking water. It is difficult to solve a problem that is not quantified, so getting an understanding of these two numbers should be a priority in the implementation of this plan.

### **Chapter 2 – Current Regulation of Drinking Water**

We are pleased to see recommendation 2-7 (page 35) which calls for proper funding to aid disadvantaged communities meet water standards through infrastructure improvements and further discussion of the financial challenges to such communities further in the plan. We also applaud the establishment of the Small Water System Program Plan and a specific interim goal of bringing 63 out of 183 small systems into compliance this year. This is at the crux of what we see as a historical problem when setting MCLs and now that the State Board will oversee the Drinking Water Program we wish to reiterate our view that for too long costs have dominated decisions about drinking water standards. While we fully recognized the need to ensure that expenditures required to meet standards will result in real health benefits to the public, we need to shift the balance of health, cost and technical feasibility in favor of safety and work to procure the funding to allow all public systems to comply with the strictest possible MCLs.

### **Chapter 3 – Quality of California's Drinking Water**

This chapter seems to spend a lot of time listing what has already been done, and almost none identifying future priorities. The State Water Boards' own report "*Communities that Rely on a Contaminated Groundwater Source for Drinking Water*" identifies groundwater contamination

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as a major threat to drinking water, with 21 million Californians receiving all or part of their drinking water from a contaminated source, and 4.1 million Californians relying upon a single source of groundwater. Yet this chapter offers limited information on threats to drinking water, providing narrative information only, and provides no useful suggestions on how to improve California's woeful record in protecting its drinking water sources.

Another historical issue that we hope to see addressed through the State Board's leadership is the slow process of establishing MCLs while Californians continue to drink contaminated water. While all due analysis and scientific consideration must be adhered to, it takes many years for these standards to be set. A case in point is 1,2,3-Trichloropropane, for which there has been a notification level since 1999 and OEHHA has established a public health goal. We are pleased to see a goal in this report for an MCL in 2015, and urge the Board to ensure this happens. In addition, we urge the expedient establishment of a drinking water standard for NDMA due to its link to cancer.

While the plan briefly discusses the challenges of emerging contaminants, it does not include strategies to address them in the recommendations. While we may find that some of these contaminants have already become prevalent enough to consider regulation, in many cases the answer to these is pollution prevention, by which we stop them at the source. The State Board can take active steps in this regard.

We recommend the following

- Separate the as yet unregulated contaminants into a new section titled "Future Contaminants subject to Regulation." In addition to 1,2,3-TCP and NDMA, include the results from unregulated contaminant monitoring and other sources and identify how the program will identify and research future contaminants of concern.
- Identify the Source Water Assessment and Protection Program as one that requires a full review and re-assessment in order to clearly identify resource and regulatory needs. The next iteration of the Plan should contain a separate chapter on Source Water Protection.
- The Board should consider seeking authority, in similar fashion to the Air Board, to regulate the use of specific chemicals when their use is or has the potential of contaminating water resources.
- The Board should champion policies that promote extended producer responsibility for the collection of products at the end of their useful life (such as mercury containing devices and pharmaceuticals) and engage with the Department of Toxic Substances

Control to prioritize product – chemical combinations under the Safer Consumer Products regulations that can influence drinking water.

#### **Chapter 4 – Water Quality Issues affecting PWS serving fewer than 10,000 service connections**

While the Drinking Water Program has traditionally not covered state or local small water systems or domestic wells, the State Board rightly identifies this as an area of future work. It is impossible to answer the question of who does and does not have safe drinking water without having an understanding of the population not served by public water systems.

We strongly support the Report’s recommendations to impose a point-of-sale fee on nitrogen fertilizer to help fund the water needs of communities whose water supply is contaminated with nitrates.

As part of its recommendations, the Program should establish a priority to identify where populations not dependent upon a public water system are located, what water quality and supply challenges exist, and resources that could be made available to assist them.

#### **Chapter 5 - Drinking Water-related information systems**

It would be helpful to understand what the level of compliance is for reporting required drinking water information. Our understanding was that the level of compliance for small water systems was poor; if that is the case, a recommendation to increase the level of compliance in reporting information would be appropriate.

#### **Chapter 8 – Financial Aspects**

Clean Water Action strongly supports Recommendation 8-4 to establish a funding stream to address affordability. We also support the requirement that small systems within a larger communities’ sphere of influence be consolidated. Taxpayer dollars should not be spent maintaining systems that no longer have a reason to exist.

While Clean Water Action supports metering for all water connections, the maintenance of meters has been an issue for several small communities. In addition, it is not clear that legislation is necessary, as the Program already requires metering as part of any funded project.

#### **Chapter 10 – Implementation Plan**

We’ve listed some of our recommendations above. Our most important recommendations are to

- Integrate the needs of Californians not served by a public water system into future plans;

- Develop a process for identifying potential new contaminants for establishing drinking water standards; and set a goal to reduce the time it takes to set a health-protective drinking water standard;
- Create a stand-alone chapter on the Program's and the Board's Source Water Protection efforts;
- Prepare to provide, in the next iteration of the plan, the number of Californians who lack or are threatened with a lack of access to safe drinking water.

Thank you for providing this opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Clary". The signature is fluid and cursive, with the first name being more prominent.

Jennifer Clary  
Water Program Manager

