



December 15, 2014

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

Dear Ms. Townsend:

Subject: Comment Letter – Draft Safe Drinking Water Plan for California

The American Water Works Association (AWWA) represents the professional drinking water community, including both those that own and operate water utilities and those that provide products and services needed to do so. The California-Nevada Section of AWWA (Section) has nearly 5,000 members in California, who are involved in every aspect of providing safe and reliable water to the public. The Section's membership includes publicly owned water utilities as well as investor owned utilities (IOUs), mutual water companies, consulting engineers, laboratories and scientists, and equipment manufacturers and suppliers. The Section and its members welcome the Draft Safe Drinking Water Plan for California (Plan) and support its overarching goals. The Section shares the commitment to safe, reliable, and affordable water for public health, which is also a central and immediate concern of the Plan.

The Plan indicates that more than 98 percent of Californians receive potable water that meets all federal and State drinking water regulation, and hence nearly 2 percent of Californians (about 750,000 individuals) consume water that does not meet one or more of the current drinking water regulations. This situation clearly fails to meet the goal of the State's Human Right to Water law. The 2014 draft Plan identifies institutional deficiencies that are primarily associated with the technical, managerial, and financial (TMF) limits more often found with smaller water utilities, especially ones serving economically disadvantaged communities.

The Plan indicates that source water supplies with poorer or impaired quality are often the available source that must be treated to produce water delivered to economically disadvantaged communities, and the cost to treat the contaminants in these source water supplies is often beyond the financial capability of many customers. The Plan also indicates that the relative cost of water supplied to many smaller, disadvantaged communities is often higher than water delivered to communities served by larger water utilities. The Plan includes a five-year implementation program designed to overcome obstacles to achieving the State's Human Right to Water law, with a specific focus on both improving water quality supplied to disadvantaged communities and developing strategies to solicit support from (primarily) nearby water utilities that have greater TMF resources. These are laudable goals and the Section supports the attention given to them. We do suggest, however, that the plan should be framed as a statewide matter germane to every community water system, not only to the smaller and disadvantaged systems that are its primary focus.

Overall the Plan is very well-written, but there are some areas that should be revised to improve clarity and provide more accurate information. The Section appreciates the opportunity to provide constructive comments on the draft Safe Drinking Water Plan for California that was released by the State Water Resources Control Board (SWRCB) on 6 October 2014.

We offer the following general comments:

1. The Plan should be broader than its current focus on "small systems" or a particular legal type of organization; the Section includes water utility members of all types and sizes and believes that the Plan should provide a State-wide perspective.
2. Many larger systems also have economically disadvantaged areas within their service areas, and affordability can be a problem for these residents just as for small systems.
3. Some small systems are well managed with adequate TMF capacity and without a history of violations; thus, while the Plan is correct to find that the greatest needs tend to be experienced disproportionately at smaller water utilities, the focus should remain on systems out of compliance with safe drinking water standards regardless of size.
4. The Plan should create a range of actions to address noncompliant systems, with more coercive measures for system operators that are repeatedly nonresponsive and recalcitrant, and more assistance for systems that are responsive and actively strive to correct their deficiencies.
5. State legislation should be proposed to prevent approval of new developments that would rely on new water utilities lacking adequate TMF capacity to prevent failure. The legislation should require LAFCO or county planning departments to properly assess capacity of proposed systems to prevent future failures, and give weight to Division of Drinking Water opinions on that question.
6. As expressed in a separate, joint letter from the Section and other water associations, we oppose a broad-based fee on water users as a method to boost the financial capacity of inadequate public water systems. Such a scheme could take badly needed funds out of systems that are also financially challenged.
7. We recommend that the State should take a more creative approach to improve the financial sustainability of disadvantaged water systems, by partnering with state or local agencies and NGOs on economic development to generate more revenue that could be dedicated to CWS support. An example might be development of renewable power generation at CWS sites.
8. System consolidation is not a panacea, and will be opposed by successful small systems as well as by most larger systems identified as a potential receiver unless attendant issues noted in the Plan are addressed. The Plan should focus State efforts on steps to ameliorate consolidation issues of receiving water utilities' liability, the transfer of financial costs and regulatory risk, etc.
9. Stable and financially sound utilities may be willing to assist neighboring water utilities (Recommendation 3-1), but only if a suitable legal framework exists to remove legal barriers and protect the "donor agency." Non-governmental organizations (NGOs) such as the new Community Engineering Corps may be better able to provide this type of support. The Plan should create the conditions to foster voluntary "Good Samaritan" assistance.
10. The DDW should consider broadening the pool of technical training providers. In addition, DDW should develop and publish a list of certified operators available for contract work at CWS needing additional support.

11. The Plan should include material on the new State requirement to manage all groundwater basins in California mandated by the Sustainable Groundwater Management Act (2014).

Specific (detailed) issues that should be addressed include:

1. The paragraph on Drinking Water Financing (page 14) should be updated to include information on Proposition 1 passed by California voters in November 2014.
2. The first sentence in the second paragraph on page 40 should be revised to indicate that “microbiological treatment are focused on surface water supplies and groundwater under the influence of surface water (GWUDI)”. Text about GWUDI in subsequent paragraphs should be revised as well.
3. The last sentence in the second to last paragraph on page 53, states that “California requires every water system to have a cross connection control program, including an ordinance or rules of service.” The Division of Drinking Water should prepare a sample “ordinance” or “rules of service” that water agencies, districts, and municipalities can adopt to satisfy this requirement.
4. The regulatory references in the second paragraph on page 60 should include the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), since this regulation applies to smaller water systems that serve fewer than 10,000 people.
5. On-line particle counters and on-line trihalomethane (THM) analyzers should be added to the list of on-line water quality monitoring instruments identified in section 6.4 on page 111.

Chapter 7, “TREATMENT TECHNOLOGY AND HEALTH RISK REDUCTION” includes several errors and deficiencies. Some of the terminology used in Section 7.1 is not consistent with the terms used in federal and State drinking water regulations. For example, “inactivation” should be used instead of “disinfection” and “removal” should be used instead of “reduction” in the third paragraph in Section 7.1, and “REDUCTION” should be replaced with “INACTIVATION” in the title of Section 7.2 to be consistent with regulatory language terms. The structure of Sections 7.2 and 7.3 is also misleading and confusing, and is not consistent with regulatory language.

1. The text in section 7.2.1 should be revised to indicate that the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) also includes a disinfection requirement that applies to source water supplies that are classified as a Bin 3 or 4 surface water source, and optionally for Bin 2 sources.
2. Section 7.2.1.1 should also include information about on-site hypochlorite generation systems as a chlorine source, and should include information about the need to use bromide-free salt to generate hypochlorite solutions to minimize production of hypobromous acid and generation of brominated disinfection byproducts (DBPs).
3. The description of Ozonation in Section 7.2.1.5 on page 116 should be modified to indicate that 56 water treatment plants in California, with a combined capacity of more than 4.2 billion gallons per day (BGD, with an additional 4 WTPs with 700 MGD capacity schedule to include an ozone system within the next 4 years), or about one-half of the water treatment capacity in the State, use ozone as part of the water treatment process. This section should indicate that ozone is used as an oxidant to control taste and odor compounds, reduce formation of chlorinated disinfection byproducts, and as a micro-coagulant; as well as serving as a primary disinfectant.
4. Section 7.3, “PARTICULATE (TURBIDITY) REMOVAL TECHNOLOGIES” should begin with “Conventional Filtration” which should include subsections on gravity-based particle removal

process including: sedimentation, high-rate sedimentation with tube or plate settlers and/or ballasted floc sedimentation, and dissolved air flotation (DAF).

5. The dual media and multimedia identified in Section 7.3.4 typically includes anthracite and silica sand media not “two grades of sand”, and anthracite, silica sand and either garnet or illmenite sand media, respectively.
6. Section 7.3.6, “Advanced Filtration: Membrane Filtration” should be revised to include all of the State-approved alternative filtration treatment technologies that are included in the “Alternative Filtration Technology (AFT) Report (2001)”, which is available at: http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/dwdocuments/aftr6_2001.pdf, and the more recent AFT Report Summary Table (August 2011), which is available at: http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/dwdocuments/AFTSummaryTable-August2011.pdf.
7. Discussion of reverse osmosis (RO), nanofiltration (NF), and electro dialysis (ED), which are currently included in Section 7.4.3, a portion of Section 7.3.6, and Section 7.5.3, respectively, provide similar treatment processes that permit removing dissolved ionic contaminants and dissolved organic material, and should be discussed within one Section on “Permeable membrane separation technologies” rather than in three separate sections.
8. Section 7.5.1 should indicate that radon can also be removed from water using aeration.
9. Point-of-Use (POU) and Point-of-Entry (POE) devices discussed in Section 7.5.4 can include a variety of different technologies depending on the contaminant(s) of concern and should be discussed within a separate section having a Secondary Section Level heading. Each of the State-approved POU/POE devices and the types of contaminants for which each is approved to treat should be discussed (briefly) in this section.
10. Section 7.6, “OVERALL ESTIMATED COST OF COMPLIANCE PER CONTAMINANT” should include a new sub-section, “7.6.4 Hexavalent Chromium” with a discussion of the presence and treatment cost to remove this contaminant.

The Section appreciates the SWRCB’s continued collaboration on such an important issue and looks forward to working with SWRCB staff in finalizing the Safe Drinking Water Plan, and opportunities to collaborate with the SWRCB’s DDW to develop and implement programs to assist many of the State’s smaller (and smallest) water utilities. If you have any questions regarding the contents of this letter, please contact me via email: tworley@ca-nv-awwa.org or phone: (909) 291-2102.

Sincerely,



Timothy Worley, PhD
Executive Director