



August 19, 2014

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

Sent Via Electronic Mail: commentletters@waterboards.ca.gov

#32



Subject: Comment Letter – Draft Drinking Water Systems General Permit and Resolution

Dear Ms. Townsend:

As a drinking water provider, Golden State Water Company (Golden State Water) has a vested interest in preserving the quality of our streams, lakes and underground aquifers while responsibly managing the State's limited drinking water resources. Golden State Water serves over 1 million Californians in 38 drinking water systems that spread across 10 counties and is dedicated to providing our customers with water that meets strict Federal and State drinking water standards. The size of our systems varies from more than 50,000 service connections to less than 100 service connections. For example, one of our systems has only 61 service connections. According to the 2010 United States Census, 22.1% of that system's population is living below the federal poverty line and nearly 30% of that population is of American Indian or Alaska Native descent. Golden State Water, with its combined customer base, is a large enough organization to be able to dedicate staff resources exclusively to environmental protection and to participate in recent stakeholder workshops. Yet, as a collection of small, medium and large water systems we represent a unique perspective on the Draft Drinking Water System General Permit (DWS permit).

We appreciate the dedication of State Water Resources Control Board (SWRCB) staff to understand our industry and their responsiveness to comments. But in its current form, we cannot support the proposed DWS permit. We do support the idea of a Statewide permit to ensure consistent regulation and enforcement across the state. We support the SWRCB efforts to ensure compliance by requiring all agencies to submit either a Notice of Intent or a Notice of Non-Applicability. We look forward to continuing to work with SWRCB in drafting a permit that will achieve these goals and result in additional protection of beneficial uses.

We have been involved in the drafting of consensus comments presented by the California Water Association (CWA) and the California-Nevada Section of the American Water Works Association (AWWA) and strongly support the suggested changes in the permit language submitted as part of their comment letters. With the State's limited water resources and on-going drought situations, drinking water purveyors need the operational flexibility to maximize resources. The changes proposed by CWA and AWWA provide appropriate coverage of drinking water discharges using a cost effective regulatory

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32.2 approach that protects the environment and California's drinking water supplies. Given the complexity of the issues presented within these water associations' comment letters, we encourage the SWRCB to allow sufficient time for stakeholders to review the draft language. Additionally, we encourage the SWRCB provide an additional comment period after the next draft is issued.

In addition to the comments provided by these associations, we would like to bring the following concerns regarding the scope of coverage and cost of compliance to the attention of the SWRCB.

Scope of Coverage

The current proposed permit would not provide coverage for many of Golden State Water's discharges and we would need to retain our current Regional Board issued National Pollution Discharge Elimination System (NPDES) permits or obtain individual permits. This would create multiple NPDES permits for one drinking water system or one facility. Multiple permits result in an increased and unnecessary level of regulatory confusion, making training, implementation and compliance assurance a more difficult and complex task for our field personnel.

32.3 Some of our systems rely on groundwater resources that do not fit the narrow definitions proposed within the permit for treated, raw or potable water. In addition, the permit excludes filter backwash and discharges to some receiving waters that have Total Maximum Daily Loads (TMDLs) assigned to them. We believe that filter backwash discharges are not dissimilar from well rehabilitation and development activities. In fact, many Regional Boards have already collected data on these discharges, determined them to be low threat and included them in existing de minimus permits. We encourage the SWRCB to utilize these existing data sets and leverage the analysis done by the Santa Ana Regional Board.

32.4 In light of the limited drinking water resources and the environmental impacts of transporting water through the length of the state, we also strongly support the utilization of local groundwater supplies. These short-term, low volume discharges are not covered by the DWS permit and as a result will be removed as drinking water supply sources as the uncertain often lengthy process of drafting new Regional Boards permits takes place.

Cost of Compliance

32.5 In attempting to determine the impact of this permit and prepare an estimate of the cost of compliance, it became apparent that much of that analysis depends on the definition of a receiving water. The complexity of the Notice of Intent, the application package Permit and the monitoring plan relies on clearly understanding the SWRCB's intent. The United States Environmental Protection Agency (USEPA) defines receiving waters to include groundwater. Based on our participation in stakeholder meetings and discussion with SWRCB staff, we do not believe that the SWRCB intends this system schematic or the monitoring to include groundwater. Yet, the permit uses these terms, surface water, waters of the US, and receiving water interchangeably. In order to provide clarity, the permit needs to be consistent in its use of terms and either provide a definition of receiving waters or use the term surface water.

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Regardless of how this term is defined, one primary driver of cost is the requirement to sample all direct discharges. Many of these discharges, such as well start up, are automated, vary daily based on system demand and there is no staff onsite during these short discharges. At the same time, these discharges do not vary significantly over time. The resulting increase in labor costs required to have staff onsite or install the equipment to monitor and record the data for all these discharges would be significant and not result in any environmental benefit. We suggest that direct discharges less than 1 acre foot be part of the representative monitoring requirements.

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The proposed annual permit fee is a tiered structure based on each drinking water system's service connections. Golden State Water does not feel that this structure is appropriate or equitable based on the impact of these discharges. As previously stated, Golden State Water has 38 systems and this would result in annual fees of \$54,000. At the same time, larger volume dischargers such as wholesale agencies would have a permit fee of \$1,500. Since we would need additional regional NPDES permits for the uncovered discharges, the SWRCB fees would be in addition to our existing annual fees paid to each Regional Board. We recommend that the fees be based on total number of connections for each entity.

Thank you for the opportunity to comment and your continuing commitment to protecting California's drinking water resources for future generations.

Thank You,



David Chang, Ph. D., P. E.
Vice President of Environmental Quality