ORANGE COUNTY WATER DISTRICT
ORANGE COUNTY'S GROUNDWATER AUTHORITY
SINCE 1933

December 15, 2014

Public Comment
Safe Drinking Water Plan
Deadline: 12/15/14 by 12:00 noon

RECEIVED
12-15-14
SWRCB Clerk

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

Re: Safe Drinking Water Plan for California, October 6, 2014 Draft

Dear Ms. Townsend,

Please accept the following comments from the Orange County Water District (OCWD) on the October 6, 2014 Draft of the State Water Resources Control Board's *Safe Drinking Water Plan for California*.

OCWD is a special district formed in 1933 by an act of the California Legislature. The District manages the groundwater basin that underlies north and central Orange County. Water produced from the basin is the primary water supply for approximately 2.4 million residents living within the District's boundaries. OCWD maintains and operates facilities in the cities of Anaheim and Orange to recharge Santa Ana River water into the groundwater basin. The District also operates the Groundwater Replenishment System which treats wastewater to produce up to 70 million gallons per day of highly purified water for groundwater replenishment and to supply operation of a seawater barrier to protect the water quality of the groundwater basin. OCWD conducts the Title 22 sampling and reporting programs on behalf of the Groundwater Producers within District boundaries and operates a state-certified laboratory that performs bacteriological, inorganic, and organic analyses.

The *Draft Safe Drinking Water Plan for California* contains a well written summary of the State's drinking water program. The comments that follow suggest changes that are intended to strengthen implementation of recommendations provided in the Plan.

(1) Recommendation 2-6 (page 34) suggests that legislation be enacted to implement a funding strategy to ensure that the drinking water program is adequately and consistently funded.

Lack of adequate funding for Regional Water Quality Control Board operations is currently an impediment to full implementation of many water quality control programs,

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including those related to protecting sources of drinking water. For example, delays in investigation and oversight of sites of groundwater contamination results in delays in clean-up operations. Timely investigations of contamination and engagement of those responsible for contamination incidents provide the greatest opportunity to successful containment and remediation with assurance that those responsible pay for clean-up operations. Current staffing levels are not adequate to achieve timely response to contamination threats. Adding responsibilities to the SWRCB and Regional Water Boards without a significant increase in staff will only exacerbate this problem.

(2) Recommendation 4-4 (page 87) concerns a requirement that responsible parties pay for groundwater clean-up costs for contamination of small water systems.

This recommendation should not be limited to remediation of contamination of water supplies for PWS serving fewer than 10,000 service connections. This recommendation also should appear in Chapter 3 and be applicable for all water systems.

Identifying parties responsible for contaminated groundwater and requiring those parties to cover the cost of mitigation, capital, treatment, and operation and maintenance costs to restore drinking water supplies, in many cases, is already a defined responsibility of the State Water Board along with the Regional Water Boards, the Department of Toxic Substances Control, and other agencies. Rather than state this as a recommendation, the Plan should identify and examine the barriers that currently exist that prevent the full and timely implementation of this state function.

As written, the recommendation limits cost recovery for cases where a drinking water supply is out of compliance with an MCL. The problem here concerns cases where a contamination threat is found at an early stage where the drinking water supply is threatened but the MCL has not yet been violated. Remediating contamination of a water supply at an early stage before loss of the drinking water supply is the most cost-effective remediation method. Waiting until that supply is out of compliance with an MCL increases remediation costs with a loss of supply while clean-up efforts are undertaken. Every effort should be made to identify responsible parties at the earliest stage of discovery of contamination so as to minimize the loss of that water supply.

Recommended language changes are as follows with the underlined text indicating language to be added.

> p. 87: "4-4 Where the State Water Board has identified responsible parties that have contaminated local groundwater used as a drinking water source <u>or poses a threat to a drinking water source</u> <u>and threatens to cause</u> or has caused a PWS to be out of compliance with an MCL, the State Water Board will require those parties to cover the costs of mitigation..."

(3) Appendix 10, the Implementation Plan for the 30 recommendations, appears to be a listing of goals and objectives but does not provide a concrete "execution" plan or roadmap for the recommendations will be achieved. For example, six of the 30 recommendations state the need to identify funding sources to achieve the listed objective and some recommendations include the condition "as resources allow." The plan should add timelines with specific tasks and deliverables to be achieved and assignment of responsible division/department at the SWRCB with estimates of the amount of funding needed to accomplish the goals and objectives.

(4) Recommendations 4-2 and 8-5 concern the consolidation of small water systems with larger water systems. 4-2 recommends that the State Water Board continue to promote consolidation of small systems where feasible and 8-5 recommends enactment of legislation to mandate that small systems be annexed to adjacent large water systems. These two recommendations are contradictory as one promotes consolidation and the other requires it. Also, there is no distinction in this recommendation between small systems that are well managed with ones that are in poor condition. If a small system has no water quality problems, has not had any violations, and is financially strong, why must they be annexed to adjacent large systems? This recommendation should focus on assistance for struggling small systems with water quality issues and are not in financial condition to abate these problems.

(5) Section 4.6 (page 84) states that compliance with the new hexavalent chromium MCL will have a large monetary impact on small systems. The cost of compliance will also have large monetary impact on some large systems due to treatment costs. Please acknowledge this impact for both large and small systems.

(6) Recommendation 3-1 states that the SWRCB will encourage large water systems to assist neighboring water systems in sampling and analysis. Additional details should be added to this recommendation. Is this suggesting that the large system customers pay for the cost of sampling and analysis for customers served by another water system?

(7) Recommendations 5-2, 9-1, 9-2 and 9-3 concern emergency preparedness. All three of these recommendations should be in place as a requirement for all PWS, regardless of size.

Thank you for the opportunity to submit these comments.

Sincerely,

Michael R. Markus, P.E., D.WRE, BCEE, F.ASCE
General Manager