



December 15, 2014

Sent via e-mail to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov).

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



**Re: Comments to Draft Safe Drinking Water Plan**

Dear Members of the State Water Resources Control Board,

Leadership Counsel for Justice and Accountability, Community Water Center, the Asociación de Gente Unida por el Agua, and small community water systems serving DACs, respectfully submit these comments on the Draft Drinking Water Plan (Draft Plan). We thank you and your staff for the development of the Draft Plan, and for the stakeholder process that included meetings throughout the state.

Our joint comments and ongoing participation in the development of the Plan are intended to advance the Human Right to Water, and improve access to safe drinking water and infrastructure funding for California's disadvantaged communities. As such, we intend to continue to engage on this effort alongside communities so that measureable milestones on reducing the number of communities and residents that lack safe drinking water are both set and met over the next five years.

**The Draft Plan Includes Recommendations that Will Improve Drinking Water Quality and Affordability Throughout the State yet Exclude State Smalls and Domestic Wells**

We strongly support prioritized funding for small public water systems serving DACs and the extension of emergency grant funds. We look forward to working with the Board and other state agencies to ensure that funding programs support these recommendations. We are concerned, however, that state smalls and domestic wells are not included in this recommendation. While we understand that this report was especially focused on public water systems, the state recognizes the gap that previous efforts have created with respect to state smalls and domestic wells. Programs

designed to support the most vulnerable communities should not exclude those residents and perpetuate historic exclusion.

### **Recommendations Must Be Supported By Effective Implementation Measures**

We strongly support several of the recommendations contained in the report but are concerned that without strict timelines and/or implementation measures, the goals will go unrealized. In addition to working with the Transition Advisory Group to further several of the Plan's recommendations, we would also like to work with the Board and staff to incorporate appropriate timelines and, if possible, implementation measures into the Plan before it is finalized to support the most critical recommendations, including but not limited to:

- Development of a new funding source, including but not limited to taxation on the use of fertilizer through a fee on nitrogen fertilizing materials or through a point-of-sale fee on agricultural commodities, and / or a water use fee, to secure safe and affordable drinking water for DACs.
- Development of an assistance program to lower drinking water costs and / or expenses for lower income Californians.
- Development of programs and policies designed to facilitate and encourage regional solutions.

### **Recommended Improvements to the Draft Plan**

There are aspects of the Draft Plan – and omissions – that we find disappointing and we urge the Board to address these deficiencies in the Final Plan.

We recommend that the Plan develop a specific goal for the amount of systems it intends to return to compliance over a five year period. We believe the same is needed for other measures of success including the number of regional solutions underway and the number of residents and communities with safe and affordable drinking water.

While we strongly support many of the recommendations related to regional solutions, such solutions must not be limited to County Service Areas. Additionally, we do not support the recommendation that communities and residents within city and district spheres of influence be subject to mandatory annexation. While we support policies and programs that promote annexation in many circumstances, mandatory annexation threatens to expose residents and communities to a lack of representation, unfair rate structures and exclusion from democratic processes.

Coordination with LAFCOs and LEHJs along with other local governments is critical to creating more effective governance structures yet we do not support the recommendation that new service districts be developed if existing systems can better serve unserved or underserved communities. Greater emphasis should be placed on developing regional solutions than creating new districts when possible. Additionally, the Board and other state agencies should coordinate with local government on land use planning efforts to ensure that such efforts support the quality and sustainability of drinking water and wastewater services in DACs.

We support the recommendation that information related to the drinking water program be more transparent but suggest that such transparency be extended to all activities impacting drinking water quality including point and non-point discharges and groundwater pumping.

While we believe water conservations measures are critical as a means to secure sustainable water supplies in rural areas, we are concerned with the over reliance on meters to accomplish this in DACs. While meters might be good for some communities, other conservation measures may be more attainable, sustainable and achievable in others. For those that are interested and able to install meters, there must be grant funding and technical assistance to support meter installations and operations and to help develop appropriate rate structures.

While we understand that the primary charge of this study was to assess public water systems, we hoped to see an analysis of the obstacles facing state smalls and domestic wells. We would like to work with the Board in the near future to include analyses, recommendations and implementation plans to address the critical water quality and reliability concerns facing residents reliant on state smalls and domestic wells. At the very least, the Final Plan should include a recommendation that commits the Board to assessing and addressing this issue with appropriate timelines and implementation measures in place.

There is insufficient discussion of, and measures to address, source water protection. While there is acknowledgment that industrial and agricultural pollution, as well as failing septic systems, have impacted and continue to impact drinking water sources and impact the public health and economic security of many Californians, there are no recommendations addressing non-point source pollution and no recommendations related to prevention of further contamination from pollution sources. Recommendations and implementation measures must be included in the Plan to address and remediate both existing contamination – through remediation efforts - and prevent further contamination, including, but not limited to programs to transition communities off of septic systems and programs to prevent discharges from industrial and agricultural users.

We again thank the Board and staff for its work to develop and submit this Draft Plan for public comment and welcome any questions you may have. We look forward to working with you to ensure that this Plan, along with its implementation, leads to safe, clean and affordable drinking water for all Californians.

Sincerely,



Phoebe Sarah Seaton  
Executive Director  
Leadership Counsel for  
Justice and Accountability



Omar Carrillo  
Policy Analyst  
Community Water Center