



Assembly
California Legislature

ASSEMBLY COMMITTEE ON
ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

LUIS A. ALEJO, CHAIR
ASSEMBLYMEMBER, THIRTIETH DISTRICT

March 14, 2013

To: Members of the Assembly Committee on Environmental Safety & Toxic Materials
From: Assemblymember Luis Alejo, Chair
Subject: Oversight Hearing on Drinking Water Program Organization: Improving State Assistance and Regulation of Public Drinking Water Systems

The Assembly Environmental Safety and Toxic Materials Committee (ESTM) will be holding an oversight hearing on Monday, March 18, 2013, to review the status of California's Drinking Water Program (DWP).

The Committee will be following up on testimony received at the November 14, 2012, ESTM hearing. During that hearing, the Committee reviewed the actions that State agencies, including the Department of Public Health (DPH), which manages the State's DWP, have taken to address the issue of contaminated drinking water, especially in disadvantaged communities.

The March 18th hearing will focus on whether efficiencies can be achieved and effectiveness can be improved if the DWP is moved from DPH, which is housed within the California Health and Human Services Agency, to the California Environmental Protection Agency (CalEPA).

Specifically, the hearing will seek to investigate progress on the following statement regarding review of the DWP, submitted in the Proposed 2013-2014 State Budget in January, 2013, by Governor Brown:

"The Administration is reviewing the State's activities related to the provision of safe drinking water and to recommend efficiencies and alignments to maximize the State's ability to ensure that all members of the public have access to safer water. In addition, the State Water Resources Control Board will recommend potential funding mechanisms to provide disadvantaged communities with safe, affordable, and reliable water. Stakeholders will be consulted in the development of a proposal to improve the administration of the water programs and to implement sustainable funding mechanisms".

This ESTM hearing will gather information and take testimony on policy issues related to the State's drinking water program, including:

- How can we, as a state, ensure that all Californians have access to safe drinking water sources?
- Can the water quality program management experience of the California Environmental Protection Agency be useful in informing the management of the State's DWP?
- Is it efficient and effective to have the DWP housed in a different agency than the agency that oversees water quality?
- Will moving the DWP from the DPH to CalEPA provide program efficiency and effectiveness?

Last year, the Legislature and Governor Brown recognized the principle that all people have a right to safe and accessible drinking water by enacting AB 685 (Eng). This state policy declares that every human being has the right to clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. While in California the vast majority of residents receive drinking water that meets public health standards, recent studies have shown that many disadvantaged and rural communities have not had access to safe, accessible and affordable drinking water for years.

Prevalence of Groundwater Contamination in Disadvantaged Communities: A recent State Water Resources Control Board (SWRCB) report, "Communities that Rely on Contaminated Groundwater," identified 682 community public water systems (PWS) that rely on contaminated groundwater as a primary source of drinking water. These community water systems serve nearly 21 million people. The SWRCB report also revealed that 265 community PWS that rely on contaminated groundwater and serve a little over two million people had received at least one drinking water quality violation within the last DPH compliance cycle. According to this report, most of the community PWS with violations of drinking water standards are located in the Southern California Inland Empire, the east side of San Joaquin Valley, the Salinas Valley and the Santa Maria Valley. The findings from this report and a recent UC Davis study, "Addressing Nitrate in California's Drinking Water," suggest that drinking water contamination in California disproportionately affects small, rural and low-income communities that depend mostly on groundwater as their drinking water source.

An additional two million Californians rely on groundwater from either a private domestic well or a smaller groundwater-reliant system that is not regulated by the State. Most of these residents lack an assessment of their water because they are not required to test its quality.

The State Drinking Water Program: In 1974, the federal Safe Drinking Water Act (SDWA) was passed by the U.S. Congress to protect public health by regulating public drinking water sources. The federal SDWA authorized the U.S. Environmental Protection Agency (US EPA) to establish mandatory drinking water standards. In 1976, the California Safe Drinking Water Act (CA SDWA) was enacted to build on and strengthen the federal SDWA. The CA SDWA authorizes DPH to protect the public from contaminants in drinking water by establishing maximum

contaminants levels that are at least as stringent as those developed by the US EPA. The DWP's mission includes the enforcement of the federal and state safe-drinking water acts and the oversight of PWS throughout the state.

In California, several agencies have responsibility over water quality; however, DPH is the only agency in charge of the DWP and required to enforce the quality and safety of the State's drinking water. DPH responsibility for the quality of drinking water begins when water is pumped from a drinking water well or surface-water intake point. The SWRCB and the Regional Water Quality Control Boards are responsible for the quality of the water source before the water is pumped.

The DWP, which is a component of the Division of Drinking Water and Environmental Management within the Center for Environmental Health, regulates over 8,000 PWS by inspecting the systems, issuing permits, taking enforcement actions when necessary, and implementing new requirements due to changes in law or regulations. DPH has delegated the DWP regulatory authority for small PWS serving less than 200 service connections to thirty-four counties in California. The delegated counties (local primacy agencies) regulate approximately 4,600 small PWS that are usually owned by schools, churches and small businesses, like restaurants and hotels.

The DWP also provides information on drought preparedness and water conservation; oversees water recycling projects; certifies residential water treatment devices; certifies drinking water treatment and distribution operators; supports and promotes water system security; provides support for small water systems and for improving technical, managerial, and financial capacity; oversees the Drinking Water Treatment and Research Fund; and provides funding opportunities for water system improvements, including funding under Proposition 50, Proposition 84, and the Safe Drinking Water State Revolving Fund.

Related legislation:

- 1) AB 145 (Perea - Rendon). Transfers the DWP from DPH to the SWRCB. This bill has been double referred to the Assembly Committees on Water, Parks and Wildlife and on ESTM.
- 2) SB 117 (Rubio). Transfers the various duties and responsibilities imposed on DPH by the California Safe Drinking Water Act to the SWRCB, and makes conforming changes. This bill has been double referred to Senate Committees on Health and on Environmental Quality.