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## 2023 Intro to Environmental Law Series

- Drinking Water/PFAS Law 101 – August 2, 2023 at 12pm
- Land Use Law 101 – August 29, 2023 at 12pm
- 2023 Environmental Law Conference at Yosemite – October 19-22, 2023

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CALIFORNIA LAWYERS ASSOCIATION

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### **California Lawyers Association (CLA)**

- Nonprofit, voluntary organization dedicated to the professional advancement of attorneys practicing in the state of California

### **Environmental Law Section (ELS)**

- Mission is to advance the quality, breadth, and availability of information and services related to environmental, natural resources, land use, and energy law, and to enhance the profession by cultivating a well-informed, collegial, and diverse group of lawyers and law students throughout the state

### **New Lawyers Section (NLS)**

- Represents all lawyers in California in their first 8 years of practice
- Mission is to advance practical skills, leadership and pro bono opportunities, networking, and support to meet the unique needs of California's diverse community of new lawyers

# Intro to Environmental Law Series

## Drinking Water/PFAS Law 101



Moderator:

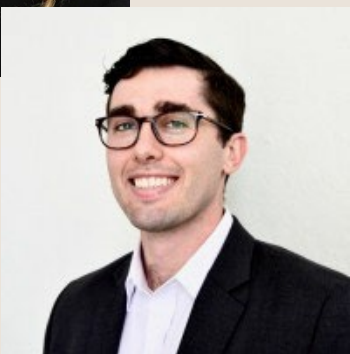
**Paige Samblanet**, Associate, Brownstein Hyatt Farber Schreck, LLP



Speakers:

**Nicole G. Di Camillo**, Attorney IV, State Water Resources Control Board

**George Croton**, Attorney, East Bay Municipal Utility District



# AGENDA

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- DRINKING WATER & PFAS LAW OVERVIEW
- WORK EXAMPLES
- OPPORTUNITIES
- RESOURCES
- WAYS TO GET INVOLVED
- QUESTIONS & DISCUSSION



# Intro to Environmental Law Series: Drinking Water 101

State Water Resources Control Board  
Division of Drinking Water



Nicole Di Camillo, Attorney IV

August 2, 2023

Nicole Di Camillo, Attorney IV  
Office of Chief Counsel (OCC)  
State Water Resources Control Board  
(State Water Board)

[Nicole.DiCamillo@waterboards.ca.gov](mailto:Nicole.DiCamillo@waterboards.ca.gov)

*Standard Lawyerly Disclaimer:*

*The views expressed in this presentation are those of the author, and do not necessarily reflect the views of the State Water Board, its individual members, or the State of California.*



# State Water Resources Control Board

## Mission Statement

*To preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.*

The screenshot shows the homepage of the California State Water Boards website. At the top, there is a navigation bar with the CA GOV logo, a home icon, and social media share buttons. Below this is a blue header with the California State Water Boards logo and a menu of icons for Board, Programs, Drinking Water, Water Quality, Water Rights, Notices, and Water Boards. A large banner image of a reservoir is overlaid with the text: "State Water Resources Control Board's role in the Sustainable Groundwater Management Act (SGMA)" and "See the latest updates and information related to SGMA." A blue button labeled "View our SGMA page" is positioned below the banner. At the bottom, there is a section for "Upcoming Events" listing a Board Meeting on July 18, 2023, and another on August 1, 2023, along with a link for a Remote Meeting. To the right, there is a section for California Governor Gavin Newsom with a "CALIFORNIA ALL" logo.



# State Water Resources Control Board

The State Water Board has Several Divisions, responsible for different areas of Water Law:

- Division of Water Rights
- Division of Water Quality
- Division of Financial Assistance
- Regional Water Quality Control Boards
- Division of Drinking Water

Home Page | California State Water Boards | waterboards.ca.gov

**Notice!** As the state transitions from the COVID-19 emergency, please contact your local Water Board to arrange necessary file reviews.

CA GOV | About Us | Contact Us | Subscribe | Settings

CALIFORNIA WATER BOARDS  
State Water Resources Control Board

Board | Programs | Drinking Water | Water Quality | Water Rights | Notices | Water Boards | Search

**State Water Resources Control Board's role in the Sustainable Groundwater Management Act (SGMA)**  
See the latest updates and information related to SGMA.  
[View our SGMA page](#)

**Upcoming Events**

Board Meeting July 18, 2023 <a href="#">Revised Agenda</a>	Board Meeting August 1, 2023	Remote Meeting - Information on how to participate in State Water Board meetings during the COVID-19 Emergency
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California Governor  
**Gavin Newsom**  
Visit Governor's Website

CALIFORNIA ALL

# Division of Drinking Water (DDW or Division)

The screenshot shows the website [waterboards.ca.gov/drinking\\_water/programs/](http://waterboards.ca.gov/drinking_water/programs/). A yellow notice banner at the top states: "Notice! As the state transitions from the COVID-19 emergency, please contact your local Water Board to arrange necessary file reviews." The navigation bar includes "About Us", "Contact Us", "Subscribe", and "Settings". The main menu features icons for Board, Programs, Drinking Water, Water Quality, Water Rights, Notices, Water Boards, and Search. The breadcrumb trail is "Home > Drinking Water > Programs".

## Drinking Water Programs

The Division of Drinking Water (DDW) regulates public drinking water systems.

News | Field Operations Branch | Program Management Branch | Resiliency and Data Branch

- **NEW!** Notice of Proposed Rulemaking, Draft Environmental Impact Report: Hexavalent Chromium Maximum Contaminant Level (SWRCB-DDW-21-003)
- **NEW!** Adoption of 2023 Division of Drinking Water Regulatory Priorities
- **NEW!** On February 16, 2023, the Division of Drinking Water proposed revised notification and response levels for manganese of 20 parts per billion (ppb) and 200 ppb, respectively, based on toxicological endpoints
- **NEW!** Drought & Conservation Reporting Webpage is Available
- **NEW!** Drinking Water Sample Collection Guidance for PER- and POLY-FLUOROALKYL SUBSTANCES (PFAS) (Revised Nov. 2022)
- **NEW!** Notice of Regulatory Requirements for Reporting Drinking Water Monitoring Sample Results
- Notice of Public Hearing and Public Comment Period for Cross-Connection Control Policy Handbook.
- The Division of Drinking Water has established a notification and response level of 3 parts per trillion (ppt) and 20 ppt, respectively, for perfluorohexane sulfonic acid (PFHxS).
- Notice of Availability of Acute Notification Level Recommendations for Cyanotoxins in Drinking Water
- Prepublication Federal Register Notice on Lifetime Drinking Water Health Advisories for Four Perfluoroalkyl Substances (PFAS): Perfluorooctanoic Acid (PFOA), Perfluorooctane Sulfonate (PFOS), Hexafluoropropylene Oxide (HFPO) Dimer Acid and its Ammonium Salt ["GenX chemicals"], and Perfluorobutane Sulfonic Acid and

### Subscribe to our Email Lists

- Subscribe to our email lists. See the "Drinking Water" section.

### Contacts

**District Offices**

- Map of DWP District Offices (PDF, New Window)
- Drinking Water Field Operation Branch Districts

**Other Contacts**

- Local Primacy Agencies (LPAs)
- CCLHO Health Officer Directory

### Information for Public Drinking Water Systems

- Information for Public Water Systems
- EAR Web Portal
- Small Water Systems Guidance Documents

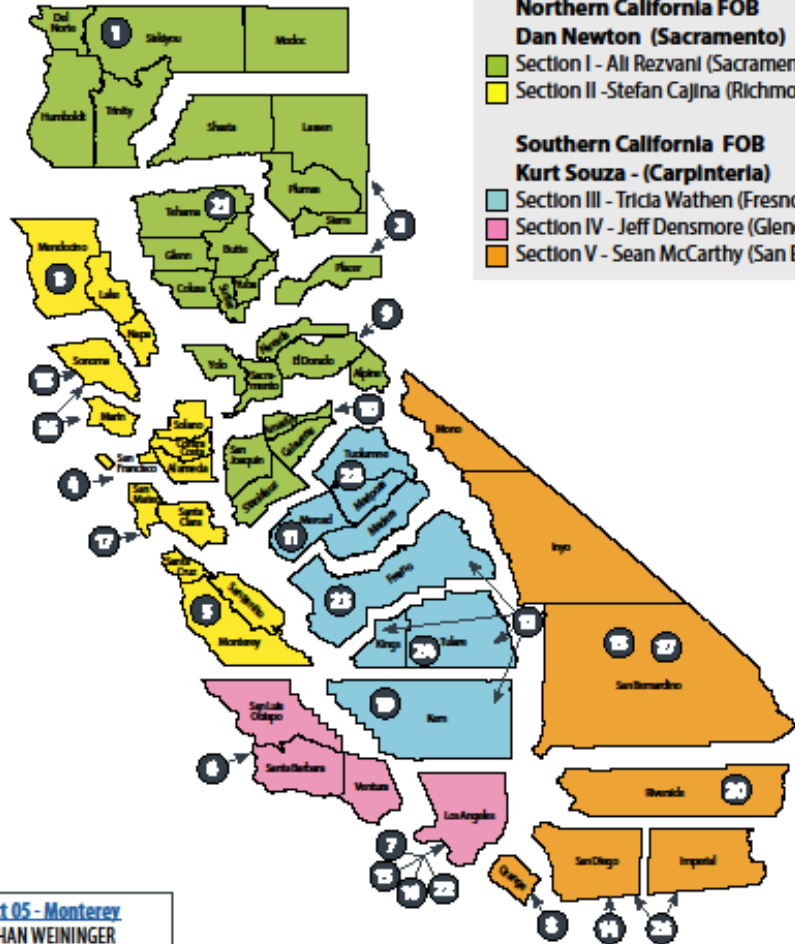
# Division of Drinking Water (DDW or Division)

- Field Operations Branch
- Program Management Branch
  - Environmental Laboratory Accreditation Program (ELAP)
  - Technical Operations
    - Regulatory Development Unit, *et al.*
- Resiliency and Data Branch
  - Quality Assurance
  - SAFER

The screenshot shows the website for the California Water Boards, specifically the Drinking Water Programs page. The page features a navigation menu with icons for Board, Programs, Drinking Water, Water Quality, Water Rights, Notices, and Water Boards. The main content area is titled "Drinking Water Programs" and includes a sub-header "The Division of Drinking Water (DDW) regulates public drinking water systems." Below this, there are tabs for "News", "Field Operations Branch", "Program Management Branch", and "Resiliency and Data Branch". The "News" tab is active, displaying a list of recent updates, including notices of proposed rulemaking, adoption of regulatory priorities, and drought reporting webpages. On the right side of the page, there are three sidebar sections: "Subscribe to our Email Lists", "Contacts" (listing District Offices and Other Contacts), and "Information for Public Drinking Water Systems" (listing various resources and portals).



STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF DRINKING WATER DISTRICT OFFICES**  
HEADQUARTERS OFFICE • (916) 449-5577 • 1001 I ST, 24TH FLOOR • SACRAMENTO CA 95814



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 ■ Section I - Ali Rezvani (Sacramento)  
 ■ Section II - Stefan Cajina (Richmond)

**Southern California FOB**  
**Kurt Souza - (Carpinteria)**  
 ■ Section III - Tricia Wathen (Fresno)  
 ■ Section IV - Jeff Densmore (Glendale)  
 ■ Section V - Sean McCarthy (San Bernardino)

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**District 12 - Visalia**  
ADAM T. FORBES  
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Updated June 27, 2023

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- DDW is divided up into Northern and Southern California Field Operations Branches, which are further divided up into 5 Sections, which are further divided up into 28 District offices.
- The Districts and Branches are not directly correlated with Regional Water Quality Control Boards.

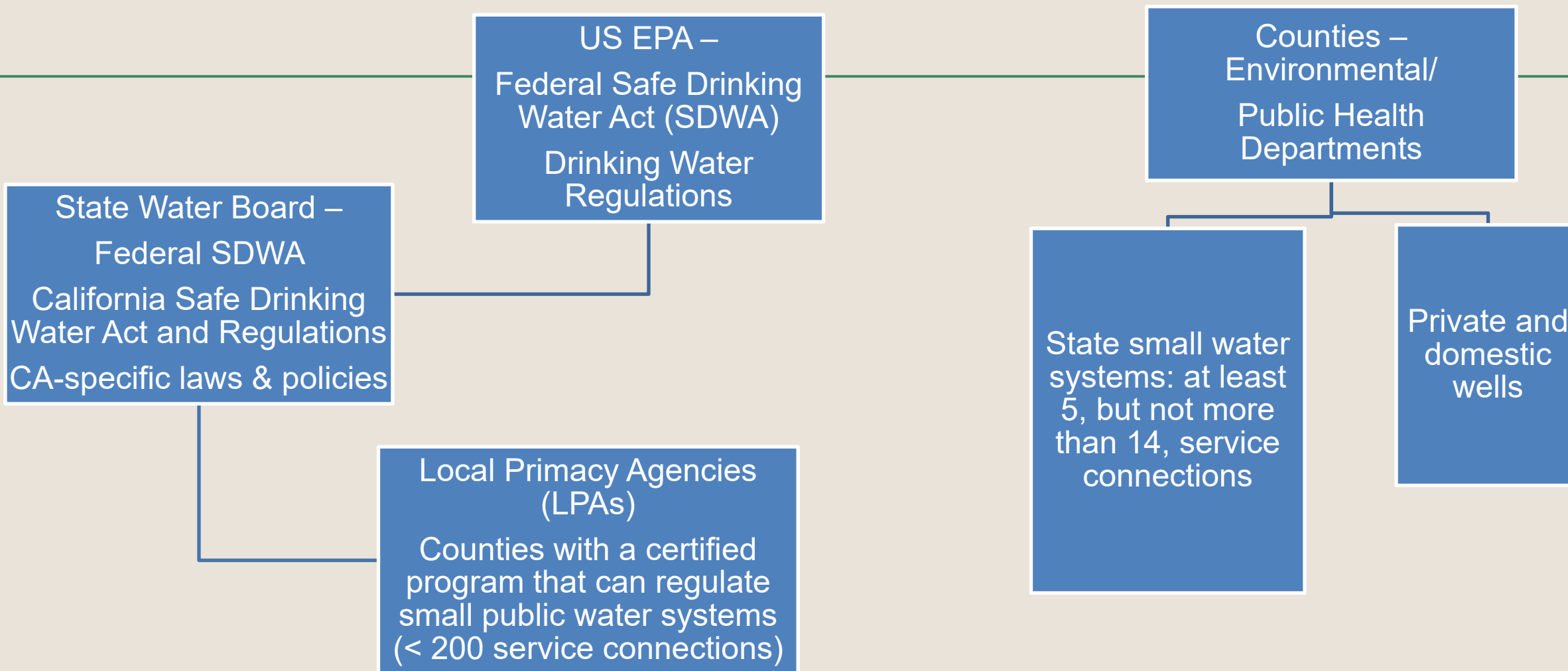


# Responsibilities of the Division of Drinking Water:

- 1. Maintain primary enforcement authority for the Federal Safe Drinking Water Act (“primacy”) under the U.S. Environmental Protection Agency (US EPA).**
2. Implement and Enforce the California Safe Drinking Water Act (Health & Safety Code, § 116270 et seq.) and its Regulations (California Code of Regulations, title 22, Division 4.)
3. Implement State Programs and Policies designed to increase access to affordable and safe drinking water (Human Right to Water Law, Safe and Affordable Funding for Equity and Resilience – SAFER, and SB 1263)



# Regulatory Framework



# Primary Enforcement Authority (“Primacy”) – Cooperative Federalism

The screenshot shows a web browser window with the URL [epa.gov/dwreginfo/primacy-enforcement-responsibility-public-water-systems](https://epa.gov/dwreginfo/primacy-enforcement-responsibility-public-water-systems). The page header includes the EPA logo and navigation links: Environmental Topics, Laws & Regulations, Report a Violation, and About EPA. The main content area is titled "Drinking Water Requirements for States and Public Water Systems" and features a sidebar with links to Home, Rules, Guidance, Training, and Resources. The main text discusses the SDWA requirements for primacy, listing maximum contaminant levels and monitoring requirements. It also mentions applicable laws like the SDWA and 40 CFR Part 142, and provides a link to requirements for state primacy.

Primacy Enforcement  
Responsibility for Public Water  
Systems

The Safe Drinking Water Act (SDWA) requires EPA to establish and enforce standards that public drinking water systems must follow, including:

- Maximum contaminant levels or treatment techniques
- Monitoring and reporting requirements

EPA delegates primary enforcement responsibility (also called primacy) for public water systems to states and Indian Tribes if they meet certain requirements. EPA recently released revisions to the primacy requirements.

**Applicable law, regulations, and guidance**

- Safe Drinking Water Act, 1974, as amended in 1986 and 1996
- Primacy Regulations 40 CFR Part 142, Subpart B, 1976, as amended in 1986
- State Programs Priority Guidance (1992)
- Revisions to Primacy Requirements (1998), 63 FR 23362 codified at 40 CFR Part 142

**Requirements for state primacy (from 40CFR142, Subpart B)**

The state must:

## Primary Enforcement Authority (“Primacy”)

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- USEPA adopts national drinking water regulations under the Federal Safe Drinking Water Act, **including primary drinking water standards**
- Federal Safe Drinking Water Act **authorizes states to apply for primary authority** (“primacy” to enforce federal Safe Drinking Water Act requirements (primacy). (42 U.S.C. § 300g-2.)
- The state of Wyoming and the District of Columbia do not have primacy. The Navajo Nation has been approved for primary responsibility for implementing SDWA on their lands, but USEPA implements the SDWA on all other tribal lands.

## Requirements for Maintaining Primacy (*Excerpt* from 40 C.F.R. 142.10)

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- State has adopted drinking water regulations which are **no less stringent than the national primary drinking water regulations**
- State has the **right of entry and inspection** of public water systems
- State has adopted and is implementing adequate procedures for the **enforcement** of such State regulations.
- State has the authority to require public water systems to give **public notice that is no less stringent than the EPA requirements**
- State has the authority to assess **civil or criminal penalties for violation of the State's primary drinking water regulations and public notification requirements**, including the authority to assess daily penalties or multiple penalties when a violation continues.

# Requirements for Maintaining Primacy (*Excerpt* from 40 C.F.R. 142.10)

## Environmental Laboratory Accreditation Program (ELAP)

The establishment and maintenance of a State program for the certification of laboratories conducting analytical measurements of drinking water contaminants pursuant to the requirements of the State primary drinking water regulations.

## Primary Enforcement Authority (“Primacy”)

- **California Safe Drinking Water Act** is intended to enable the state to **obtain and maintain the minimum requirements for primacy**. (Health & Safety Code, § 116270, subd. (h).)
- The California Safe Drinking Water Act provides the State Water Board authority to enforce the federal Safe Drinking Water Act and implementing regulations. (*Id.*, § 116350, subd. (b)(2).)
- The State Water Board may set additional or more stringent requirements. **The California Safe Drinking Water Act is intended to improve on the minimum requirements of the federal act.** (*Id.*, § 116270, subd. (f).)

## Primary Enforcement Authority (“Primacy”) – What do the Attorneys Do?

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- Provide guidance on interpretation of USEPA’s primacy requirements
- Assist with responding to USEPA’s requests of the Division – e.g., enforcement inquiries, Division’s interpretation of federal requirements, etc.
- Assist Division’s regulatory development unit in crafting regulations that comply with and implement federal drinking water standards/rules

# Responsibilities of the Division of Drinking Water:

---

1. Maintain primary enforcement authority for the Federal Safe Drinking Water Act (“primacy”) under the U.S. Environmental Protection Agency (US EPA)
2. **Implement and Enforce the California Safe Drinking Water Act (Health & Safety Code, § 116270 et seq.) and its Regulations (California Code of Regulations, title 22, Division 4.)**
3. Implement State Programs and Policies designed to increase access to affordable and safe drinking water (Human Right to Water Law, Safe and Affordable Funding for Equity and Resilience – SAFER, SB 1263)



# Implement and Enforce the California Safe Drinking Water Act and its Regulations

The California Safe Drinking Water Act regulates **public water systems** to protect public health.

Public water systems include both **publicly owned and privately owned** systems “for the provision of water for **human consumption** through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.”

Health & Safety Code, § 116275, subd. (h)

# What is a Public Water System (PWS)?



- Public water systems include **community** systems, which serve 15 or more connections for yearlong residents or 25 or more yearlong residents.
- Public water systems also serve **transient and nontransient noncommunity** water systems.



# What is a “Human Consumption”?



“**Human consumption**” means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes.

# How Many Public Water Systems are there in California?

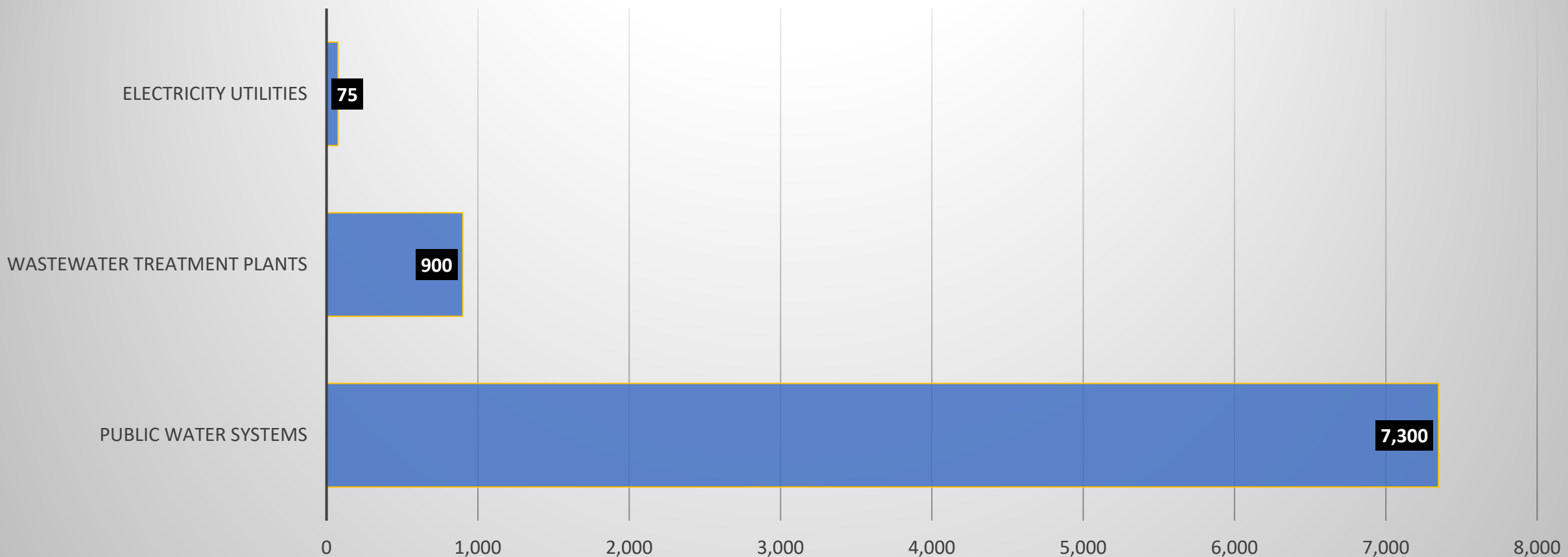
If I tell you how many other types of utilities there are, can you guess how many water systems there are in the state of California?

1. Electric utilities: 75
2. Wastewater Treatment plants: 900
3. Public Water Systems?
  1. 150
  2. 2030
  3. 7300
  4. 4027



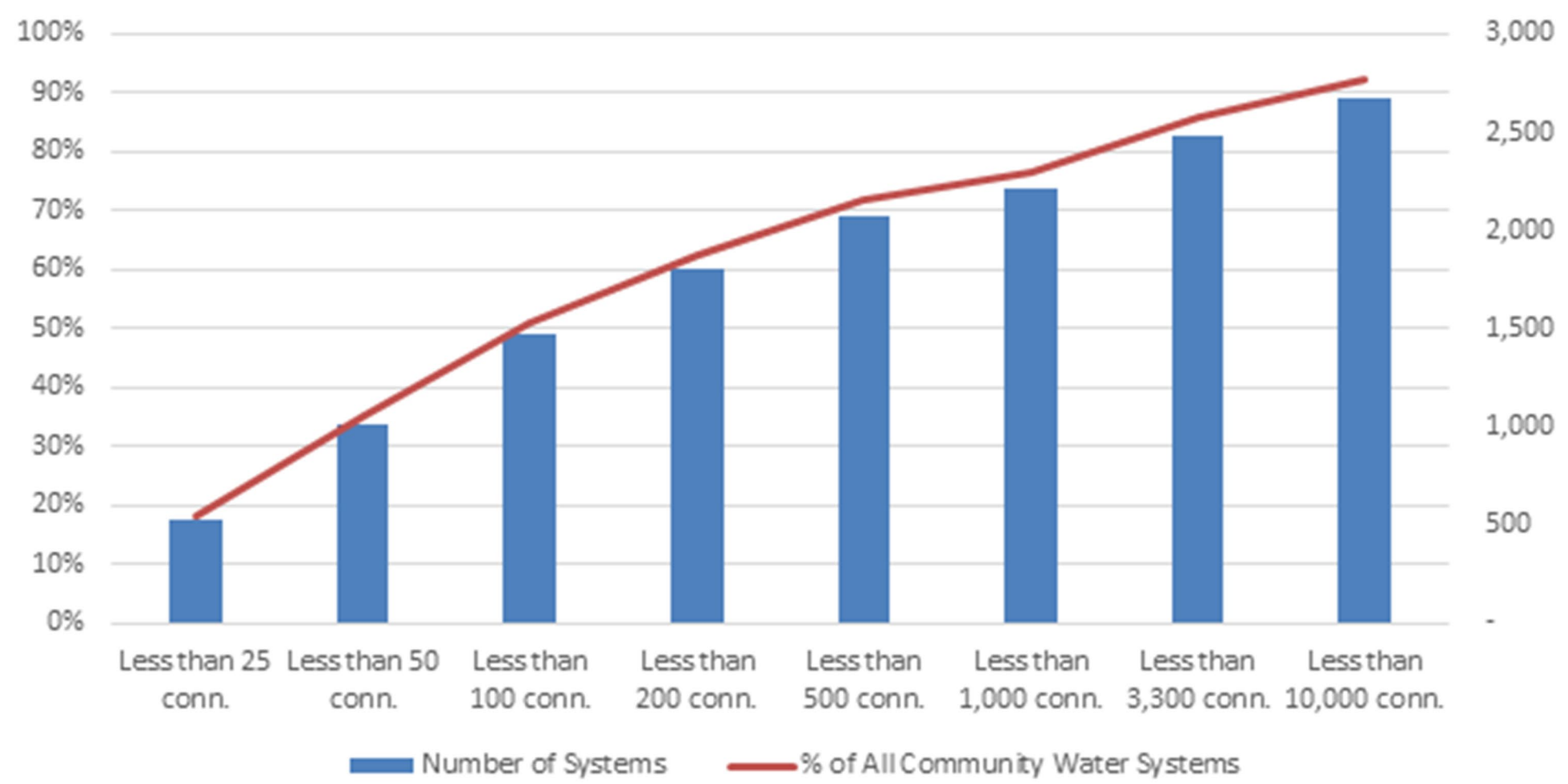
# How Many Public Water Systems are there in California?

## Comparison with Other Utilities



# Fragmented Infrastructure and Too Many Small Systems

Number and Percentage of Community Water Systems





# Small Water Systems Struggle





# Small Water Systems Struggle



**88% of the State's failing water systems serve less than 500 connections**



# What does it mean to be a “failing” water system?



Systems that are on the Failing list are those that are out of compliance or that **consistently fail to meet drinking water standards:**

- Primary MCL Violation/s with Open Enforcement
- Secondary MCL Violation/s with Open Enforcement
- *E. Coli* Violation with Open Enforcement

## Implement and Enforce the California Safe Drinking Water Act

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The State Water Board adopts primary drinking water standards for contaminants in drinking water – maximum contaminant levels (MCLs) – which must be **at least as stringent as national primary drinking water standards adopted by the United States Environmental Protection Agency (USEPA)**. (Health & Safety Code, § 116365, subd. (a).)

The standards must be as close to the **public health goal set by the Office of Environmental Health Hazard Assessment as is technologically and economically feasible**, placing primary emphasis on public health. (*Ibid.*, see *id.* subd. (c).)

# What are Drinking Water Contaminants?

## National Primary Drinking Water Regulations



Contaminant	MCL or TT <sup>1</sup> (mg/L) <sup>2</sup>	Potential health effects from long-term <sup>3</sup> exposure above the MCL	Common sources of contaminant in drinking water	Public Health Goal (mg/L) <sup>2</sup>
 Acrylamide	TT <sup>4</sup>	Nervous system or blood problems; increased risk of cancer	Added to water during sewage/wastewater treatment	<b>zero</b>
 Alachlor	0.002	Eye, liver, kidney, or spleen problems; anemia; increased risk of cancer	Runoff from herbicide used on row crops	<b>zero</b>
 Alpha/photon emitters	15 picocuries per Liter (pCi/L)	Increased risk of cancer	Erosion of natural deposits of certain minerals that are radioactive and may emit a form of radiation known as alpha radiation	<b>zero</b>
 Antimony	0.006	Increase in blood cholesterol; decrease in blood sugar	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder	<b>0.006</b>
 Arsenic	0.010	Skin damage or problems with circulatory systems, and may have increased risk of getting cancer	Erosion of natural deposits; runoff from orchards; runoff from glass & electronics production wastes	<b>0</b>

# Primary and Secondary Drinking Water Standards

**National Primary Drinking Water Regulations**

Contaminant	MCL or TT (mg/L) <sup>1</sup>	Potential health effects from long-term <sup>2</sup> exposure above the MCL	Common sources of contaminant in drinking water	Public Health Goal (mg/L) <sup>2</sup>
<b>OC</b> Atrazine	0.05	Nervous system or blood problems, increased risk of cancer	Added to water during sewage/ wastewater treatment	zero
<b>OC</b> Atrachlor	0.05	Eye, liver, kidney or spleen problems; anemia, increased risk of cancer	Runoff from herbicide used on row crops	zero
<b>R</b> Alpha photon emitters	15 picocuries per liter (pCi/L)	Increased risk of cancer	Efflux of natural deposits of certain minerals that are radioactive and may emit a form of radiation known as alpha radiation	zero
<b>IOC</b> Antimony	0.05	Increase in blood cholesterol, decrease in blood sugar	Discharge from petroleum refineries, fire retardants, ceramics, electronics, solder	0.006
<b>IOC</b> Arsenic	0.01	Skin damage or problems with circulatory systems, and may have increased risk of getting cancer	Efflux of natural deposits; runoff from orchards; runoff from glass & electronics production wastes	0
<b>IOC</b> Asbestos (fibers >10 micrometers)	1 million fibers per liter (MFL)	Increased risk of developing benign mesothelial polyps	Decay of asbestos content in water mains, erosion of natural deposits	7 MFL
<b>OC</b> Atrazine	0.05	Cardiovascular system or reproductive problems	Runoff from herbicide used on row crops	0.003
<b>IOC</b> Barium	2	Increase in blood pressure	Discharge of drilling wastes, discharge from metal refineries, erosion of natural deposits	2
<b>OC</b> Benzene	0.05	Anemia, decrease in blood platelets, increased risk of cancer	Discharge from factories, leaching from gas storage tanks and handfills	zero
<b>OC</b> Benzothiazopyrene (BzA)	0.002	Reproductive difficulties, increased risk of cancer	Leaching from linings of water storage tanks and distribution lines	zero
<b>IOC</b> Beryllium	0.004	Intestinal lesions	Discharge from metal refineries and coal-burning factories, discharge from electrical, aerospace, and defense industries	0.004
<b>R</b> Beta photon emitters	15 picocuries per liter	Increased risk of cancer	Decay of natural and man-made deposits of certain minerals that are radioactive and may emit forms of radiation known as photons and beta radiation	zero
<b>DBP</b> Bromate	0.01	Increased risk of cancer	Byproduct of drinking water disinfection	zero
<b>IOC</b> Cadmium	0.01	Kidney damage	Corrosion of galvanized pipes, erosion of natural deposits, discharge from metal refineries, runoff from waste batteries and paints	0.005
<b>OC</b> Carbafuran	0.04	Problems with blood, nervous system, or reproductive system	Leaching of soil fumigant used on rice and alfalfa	0.04
<b>OC</b> Carbon tetrachloride	0.05	Liver problems, increased risk of cancer	Discharge from chemical plants and other industrial activities	zero
<b>D</b> Chloramines (as Cl <sub>2</sub> )	MCLG=0	Eye/nose irritation, stomach discomfort, anemia	Water additive used to control microbes	MRLG=4 <sup>3</sup>
<b>OC</b> Chlordane	0.05	Liver or nervous system problems, increased risk of cancer	Residue of banned pesticides	zero
<b>D</b> Chlorine (as Cl <sub>2</sub> )	MCLG=0	Eye/nose irritation, stomach discomfort	Water additive used to control microbes	MRLG=4 <sup>3</sup>
<b>D</b> Chlorine dioxide (as ClO <sub>2</sub> )	MCLG=0.1	Anemia, infants, young children, and fetuses of pregnant women; nervous system effects	Water additive used to control microbes	MRLG=0.8 <sup>3</sup>
<b>DBP</b> Chlorite	0.1	Anemia, infants, young children, and fetuses of pregnant women; nervous system effects	Byproduct of drinking water disinfection	0.8
<b>OC</b> Chlorobenzene	0.1	Liver or kidney problems	Discharge from chemical and agricultural chemical factories	0.1
<b>IOC</b> Chromium (total)	0.1	Allergic dermatitis	Discharge from steel and pulp mills, erosion of natural deposits	0.1
<b>IOC</b> Copper	TT: 1.3 Action Level: 1.3	Short-term exposure: Gastrointestinal distress. Long-term exposure: Liver or kidney damage. People with Wilson's Disease should consult their personal doctor if the amount of copper in their water exceeds the action level.	Corrosion of household plumbing systems, erosion of natural deposits	1.3
<b>M</b> Cryptosporidium	1	Short-term exposure: Gastrointestinal illness (e.g., diarrhea, vomiting, cramps)	Human and animal fecal waste	zero

**Legend**

- D** Disinfectant
- DBP** Disinfection Byproduct
- IOC** Inorganic Chemical
- M** Microorganism
- OC** Organic Chemical
- R** Radionuclides

- Maximum Contaminant Levels (MCLs) set by USEPA and the State Water Board
- Public water systems are required to comply with primary and secondary drinking water standards. (Health & Safety Code, § 116275, subd. (a)(1).)
- The State Water Board adopts **secondary drinking water** standards, as necessary to protect the public welfare, including standards for contaminants adversely affecting odor and appearance. (See Health & Safety Code, § 116275, subd. (d), 116375.)

## What are Common Drinking Water Contaminants?

Common Contaminants in Drinking Water	Health Impacts from Exposure above the MCL
<p><b>Nitrate:</b> Runoff from fertilizer use or sewage; erosion of natural deposits</p>	<ul style="list-style-type: none"> <li>• Infants could become seriously ill and, if untreated, may die</li> </ul>
<p><b>Arsenic:</b> Erosion of natural deposits, runoff from orchards or glass and electronics production wastes</p>	<ul style="list-style-type: none"> <li>• Skin damage</li> <li>• Circulatory problems</li> <li>• Increased risk of cancer</li> </ul>
<p><b>Combined uranium:</b> Runoff from fertilizer use or sewage; erosion of natural deposits</p>	<ul style="list-style-type: none"> <li>• Increased risk of cancer</li> <li>• Kidney toxicity</li> </ul>
<p><b>Total trihalomethanes:</b> Runoff from fertilizer use or sewage; erosion of natural deposits</p>	<ul style="list-style-type: none"> <li>• Liver and kidney problems</li> <li>• Central nervous system problems</li> <li>• Increased risk of cancer</li> </ul>

## What are Common Drinking Water Contaminants?

Common Contaminants in Drinking Water	Health Impacts from Exposure above the MCL
<p><b>Total haloacetic acids:</b> Runoff from fertilizer use or sewage; erosion of natural deposits</p>	<ul style="list-style-type: none"> <li>• Increased risk of cancer</li> </ul>
<p><b>Fluoride:</b> Water additive that, at safe levels, promotes strong teeth; erosion of natural deposits; discharge from fertilizer and aluminum factories</p>	<ul style="list-style-type: none"> <li>• Bone disease (pain and tenderness of the bones)</li> <li>• Children may get mottled teeth</li> </ul>
<p><b>Microbiological contaminants:</b> Human and animal fecal waste</p>	<ul style="list-style-type: none"> <li>• Short-term effects: Gastrointestinal illness, such as diarrhea, vomiting, and cramps</li> <li>• Legionnaire's Disease, a type of pneumonia</li> </ul>

## What are Common Drinking Water Contaminants?

Common Contaminants in Drinking Water	Health Impacts from Exposure above the MCL
<p><i>E. coli</i>: Human and animal fecal waste</p>	<ul style="list-style-type: none"> <li>• Short-term effects: Gastrointestinal illness, such as diarrhea, cramps, nausea, and headaches</li> <li>• Special health risk for infants, young children, and people with severely compromised immune systems</li> </ul>
<p>DBCP (1,2-Dibromo-3-chloropropane): Runoff from soil fumigant</p>	<ul style="list-style-type: none"> <li>• Reproductive difficulties</li> <li>• Increased risk of cancer</li> </ul>



# How Does DDW Implement and Enforce the SDWA?

---

## Permits (Health & Safety Code, § 116525 et seq.)

1. A public water system cannot operate without a permit from the State Water Board. (Health & Safety Code, § 116525.)
2. The permit implements applicable requirements, and may include conditions for system improvements or for technical, financial or managerial capability to ensure a reliable and adequate supply of water at all times that is pure, wholesome, potable, and does not endanger the health of consumers. (Health & Safety Code, § 116540.)



# How Does DDW Implement and Enforce the SDWA?

---

## Permits (Health & Safety Code, § 116525 et seq.)

3. The State Water Board may suspend or revoke a permit for failure to comply with the permit or any requirements of the California Safe Drinking Water Act, implementing regulations, or State Water Board orders. (Health & Safety Code, § 116625.)

## How Does DDW Implement and Enforce the SDWA?

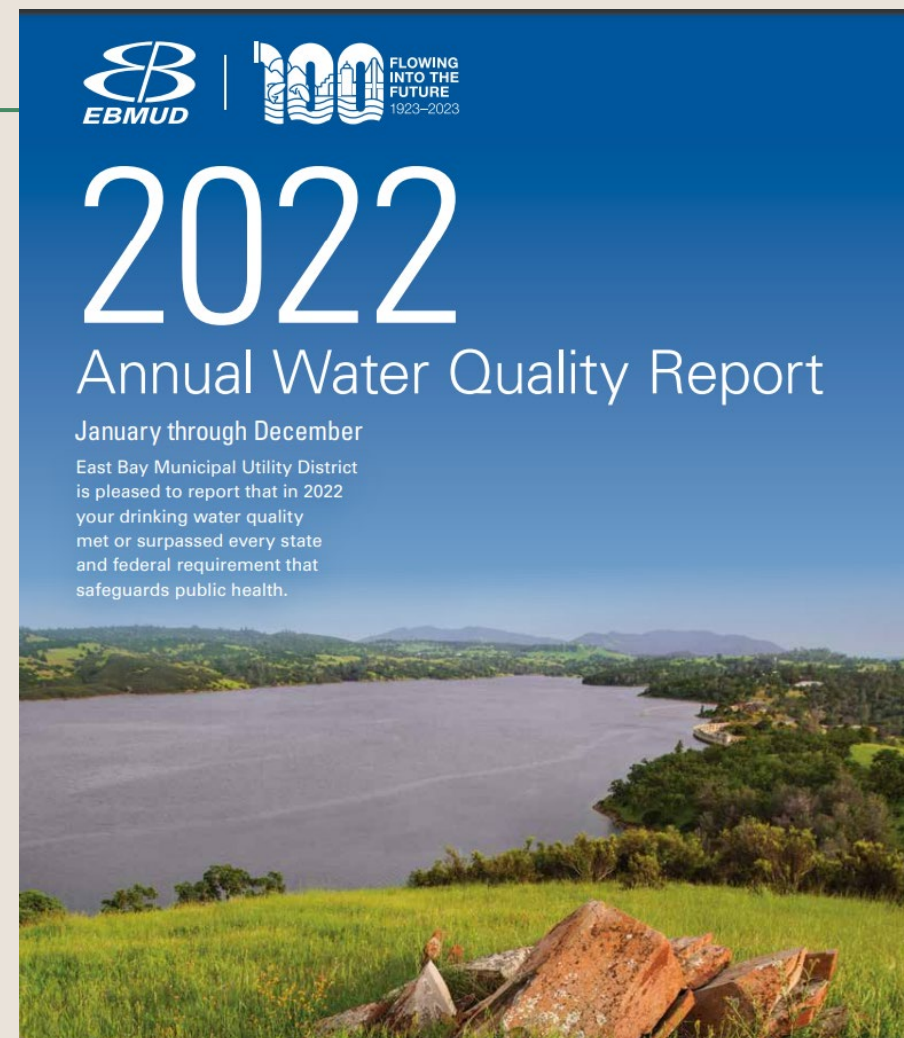
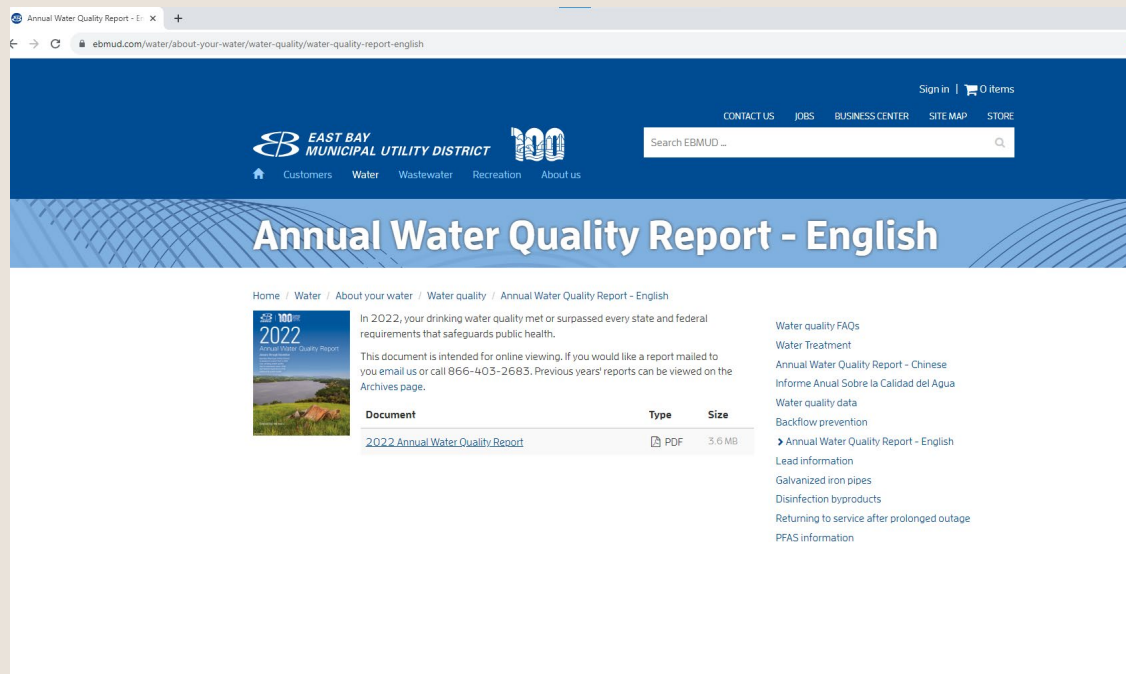
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**Monitoring and Reporting.** The State Water Board may require monitoring and technical reporting as part of a permit application, as a condition of a permit, or in a separate order. (Health & Safety Code, § 116530.)

**Public Notification** (Health & Safety Code, § 116450 et seq.)

1. A public water system must notify the State Water Board and users of violations of primary drinking water standards and other requirements. (Health & Safety Code, § 116450.)
2. A public water system must prepare an annual consumer confidence report and distribute it to customers. (Health & Safety Code, § 116470.)

# Consumer Confidence Reports – Look Up Your Water System’s Compliance!



# How Does DDW Implement and Enforce the SDWA?

---

## Enforcement

The California Safe Drinking Water Act includes substantial enforcement authority. (Health & Safety Code, §§ 116625, 116655 et seq., 116725 et seq.)

1. The State Water Board may issue a citation or other order requiring correction of a violation. (Health & Safety Code, §§ 116650, subd. (c), 116655.)

# How Does DDW Implement and Enforce the SDWA?

---

## Enforcement

2. The State Water Board may issue a citation assessing a civil penalty. (Health & Safety Code, § 116650, subds. (d) & (e).)
3. Civil penalties may be imposed in court for violations, including violation of a citation or other order or operation with without a permit. (Health & Safety Code, § 116725.)



State Water Resources Control Board  
Division of Drinking Water

September 21, 2022

System No. 2810001

Tanner Hiers, Administrative Contact  
Howell Mountain Mutual Water Company  
P.O. BOX 9  
Angwin, CA 94508

**CITATION NO. 02\_03\_22C\_023**  
**FAILURE TO MONITOR FOR DISINFECTION BYPRODUCTS**  
**FOR SECOND QUARTER 2022**

Enclosed is Citation No. 02\_03\_22C\_023 (hereinafter "Citation"), issued to the Howell Mountain Mutual Water Company (hereinafter "System"), public water system. Please note that there are legally enforceable deadlines associated with this Citation.

The System will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Citation. California Health and Safety Code, (hereinafter "CHSC") Section 116577 provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including, preparing, issuing and monitoring compliance with a citation. The System will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the System for the current fiscal year.

A process exists by which a public water system can petition the State Water Board for reconsideration of this citation. Petitions sent to the State Water Board "shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order or decision was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition." (Health & Saf. Code, § 116701, subd. (b).)

Petitions must be received by the State Water Board within 30 days of the issuance of this citation by the State Water Board. If the 30th day falls on a Saturday, Sunday, or state

Citation No. 02\_03\_22C\_023

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**Name of Public Water System:** Howell Mountain Mutual Water Company

**Water System No:** 2810001

**Attention:** Tanner Hiers, Administrative Contact  
Howell Mountain Mutual Water Company  
P.O. BOX 9  
Angwin, CA 94508

**Issued:** September 21, 2022

**CITATION FOR NONCOMPLIANCE**  
**CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555 AND**  
**CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64534.2**  
**FAILURE TO MONITOR FOR DISINFECTION BYPRODUCTS**  
**2022**

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board") to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4,

# How Does DDW Implement and Enforce the SDWA? What Do Attorneys Do?

---

- Provide guidance on interpretation and implementation of the California Safe Drinking Water Act and its implementing regulations
- Assist Division with the PWS permitting process
- Assist Division with enforcement of violations of the Act, regulations, permit requirements, etc., including the process for revocation of permits



# How Does DDW Implement and Enforce the SDWA? What Do Attorneys Do?

---

- Assist Division's regulatory development unit in crafting regulations that implement drinking water standards and other requirements
- Assist Division in implementation and enforcement of the Environmental Laboratory Accreditation (ELAP) rules and regulations
- Review and respond to petitions challenging the Division's orders, citations, etc.



# How Does DDW Implement and Enforce the SDWA? What Do Attorneys Do?

---

- Assist Division in drafting legislation and responding to legislation affecting the Division
- Advise the State Water Board on the Division's responsibilities and drinking water matters
- Assist in litigation brought against the State Water Board concerning drinking water matters

# Responsibilities of the Division of Drinking Water:

---

1. Maintain primary enforcement authority for the Federal Safe Drinking Water Act (“primacy”) under the U.S. Environmental Protection Agency (US EPA)
2. Implement and Enforce the California Safe Drinking Water Act (Health & Safety Code, § 116270 et seq.) and its Regulations (California Code of Regulations, title 22, Division 4.)
3. **Implement State Programs and Policies designed to increase access to affordable and safe drinking water (Human Right to Water Law, Safe and Affordable Funding for Equity and Resilience – SAFER, SB 1263)**

# California-specific Laws and Policies for Increasing Access to Safe and Affordable Drinking Water



- **Human Right to Water Law (2012)**
- SB 200: Safe and Affordable Funding for Equity and Resilience (SAFER) (2019)
- SB 1263 (2016): New requirements designed to discourage the establishment of new, unsustainable public water systems.

# California-specific Laws and Policies for Increasing Access to Safe and Affordable Drinking Water

## Human Right to Water Law

On September 25, 2012, Governor Edmund G. Brown Jr. signed Assembly Bill (AB) 685, making California the first state in the nation to legislatively recognize the human right to water.

Now in the Water Code as Section 106.3, the state statutorily recognizes that **“every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.”**



# California-specific Laws and Policies for Increasing Access to Safe and Affordable Drinking Water








- Human Right to Water Law (2012)
- **SB 200: Safe and Affordable Funding for Equity and Resilience (SAFER) (2019)**
- SB 1263 (2017): New requirements designed to discourage the establishment of new, unsustainable public water systems.













# California-specific Laws and Policies for Increasing Access to Safe and Affordable Drinking Water

## Safe and Affordable Funding For Equity and Resilience (SAFER) Program (SB 200, 2019)

**Notice!** As the state transitions from the COVID-19 emergency, please contact your local Water Board to arrange necessary file reviews. ×

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# SAFER DRINKING WATER

SAFE AND AFFORDABLE FUNDING FOR EQUITY AND RESILIENCE

[Home](#) | [Safer](#)

## Welcome to the SAFER Drinking Water Site

California's Human Right to Water law declares that "every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

Using short- and long-term strategies, SAFER is designed to ensure Californians who lack safe, adequate, and affordable drinking water receive it as quickly as possible, and that the water systems serving them establish sustainable solutions. In doing so, SAFER minimizes the disproportionate environmental burdens experienced by some communities and advances justice for people of all incomes, races, and cultures.

## SAFER – Tools and Funding

- SAFER Program establishes a set of **tools, funding sources, and regulatory authorities** to help struggling water systems sustainably and affordably provide safe drinking water.
- The SAFER Program is driven by **collective responsibility**: water systems, non-profit organizations, governments, a community advisory board, and other interested parties work together to develop and implement solutions.



## SAFER – Tools and Funding

---

- Building local capacity through **consolidations, administrators, technical assistance**, and working with systems, the communities they serve and other partners to find long-term solutions to their specific problems.
- Close collaboration with the Division of Financial Assistance (DFA) and Office of Public Participation (OPP). Funding through DFA and public notifications and meetings are integral to these processes.



# SAFER – Tools and Funding – Division of Financial Assistance (DFA)


**Notice!** As the state transitions from the COVID-19 emergency, please contact your local Water Board to arrange necessary file reviews.

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CALIFORNIA WATER BOARDS State Water Resources Control Board


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## Financial Assistance Funding - Grants and Loans

The Division of Financial Assistance (DFA) has the lead in administering the State Water Resources Control Board's financial assistance programs. These programs include loan and grant funding for construction of drinking water treatment and distribution systems, municipal sewage conveyance and treatment systems; water recycling facilities; remediation for underground storage tank releases and groundwater contamination; technical assistance for small communities; nonpoint source pollution control projects; interim water, and operation and maintenance/Administrator support for small, disadvantaged community water systems; and drought support for individual households. DFA coordinates closely with the Division of Administrative Services, Office of Chief Counsel, Division of Drinking Water, Division of Water Quality, and the Regional Water Quality Control Board, as well as other State, federal, local, and nongovernmental



**Subscribe to our Email Lists**

- Subscribe to our email lists under "Financial Assistance (Grants & Loans)"

**Contacts**

**General Inquiries**  
Telephone: (916) 327-9978  
Fax: (916) 341-5296

**Drinking Water State Revolving Fund**  
Email: DrinkingWaterSRF@waterboards.ca.gov

**Clean Water State Revolving Fund**  
E-mail: CleanWaterSRF@waterboards.ca.gov

Other Contact Information

**Quick Links**

- DFA is essential to implementation of funding solutions for water systems, including consolidations, administrators, technical assistance, emergency funds, funds for capacity and infrastructure, etc.
- DFA provides grants, loans, etc. from federal and state sources.

# SAFER – Drinking Water Needs Assessment



Large-scale study designed to identify the greatest areas of need, and prioritization for available state funding, technical assistance, and intervention measures such as mandatory consolidation or administrator appointments.

[https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/needs.html](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/needs.html)

## 2023



DRINKING WATER  
NEEDS ASSESSMENT

APRIL 2023



Failing Water  
System List



Risk  
Assessment



Cost  
Assessment



Affordability  
Assessment

# SAFER – Ongoing Data and Information Collection

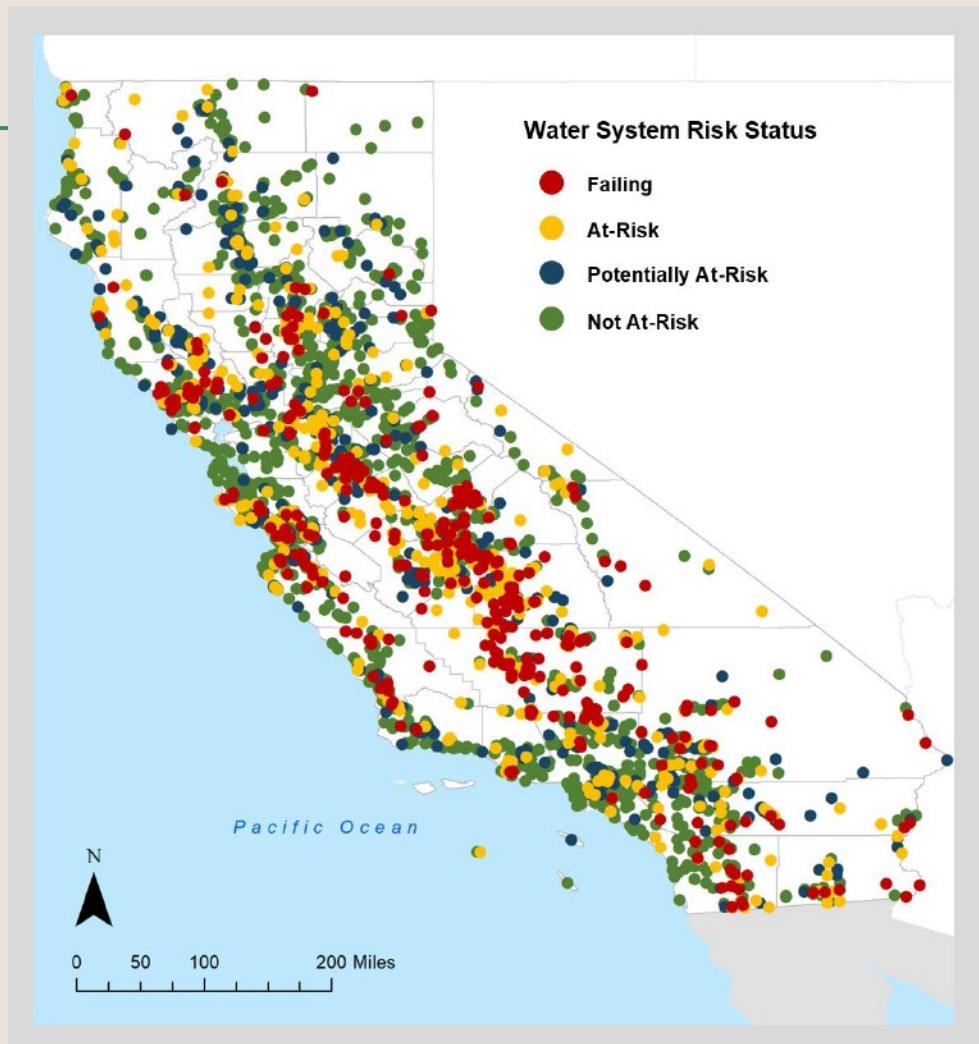
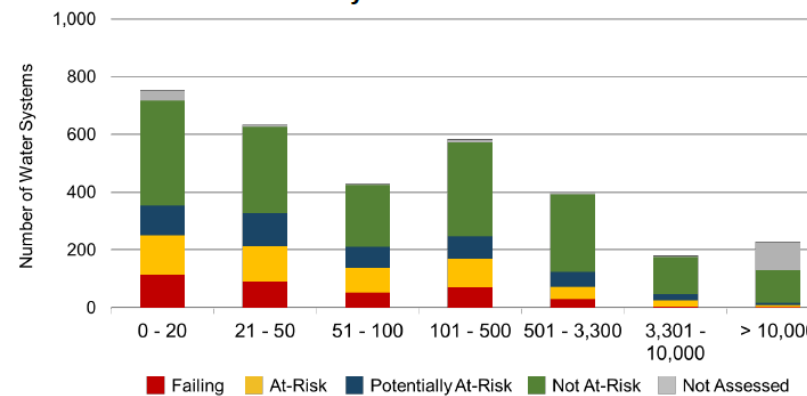


Table 29: 2023 Risk Assessment Results by Systems Size and Type

System Type	Small Systems <sup>101</sup>	Medium Systems <sup>102</sup>	K-12 Schools <sup>103</sup>
Failing	311	12	58
At-Risk	442	26	44
Potentially At-Risk	377	32	44
Not At-Risk	1,254	241	212
<b>TOTAL:</b>	<b>2,384</b>	<b>311</b>	<b>358</b>

Figure 29: Risk Assessment Results by Number of Service Connections



[https://www.waterboards.ca.gov/drinking\\_water/ertlic/drinkingwater/documents/needs/2023needsassessment.pdf](https://www.waterboards.ca.gov/drinking_water/ertlic/drinkingwater/documents/needs/2023needsassessment.pdf)

## SAFER – Drinking Water Needs Assessment

---

How many Californians don't consistently have access to clean water that meets DW standards?

1. 128,540
2. 1,211,766
3. 25,060
4. 680,784

## SAFER – Drinking Water Needs Assessment

How many Californians don't consistently have access to clean water that meets DW standards?

1. 128,540
2. **1,211,766\***
3. 25,060
4. 680,784

***\*And if taking into account K-12 schools that are a failing PWS =  
1,229,671***



# SAFER – Drinking Water Needs Assessment



## 2023



**DRINKING WATER  
NEEDS ASSESSMENT**

APRIL 2023

**Table 1: Summary of Systems on the Failing List Throughout 2022**

Water Systems	Number of Unique Systems	Total Population Served	Average Number of Service Connections	# of Systems on List Greater than 3-Yrs.
Small Water Systems <sup>5</sup>	353	318,209	249	195
Medium Water Systems <sup>6</sup>	23	893,557	9,868	11
K-12 Schools	65	17,905	6	45
<b>TOTAL:</b>	<b>441</b>	<b>1,229,671</b>	<b>715</b>	<b>251</b>

### PROVIDING ASSISTANCE

The goal of the SAFER Program is to help Failing and At-Risk systems operate sustainably and achieve the HR2W. It does this by building local capacity through consolidations, administrators, technical assistance, and working with systems, the communities they serve

<sup>5</sup> 3,000 service connections or less.

<sup>6</sup> Greater than 3,000 service connections. No system with greater than 30,000 service connections has been on the Failing list since September 2019.



# SAFER – Drinking Water Needs Assessment - Affordability



2023



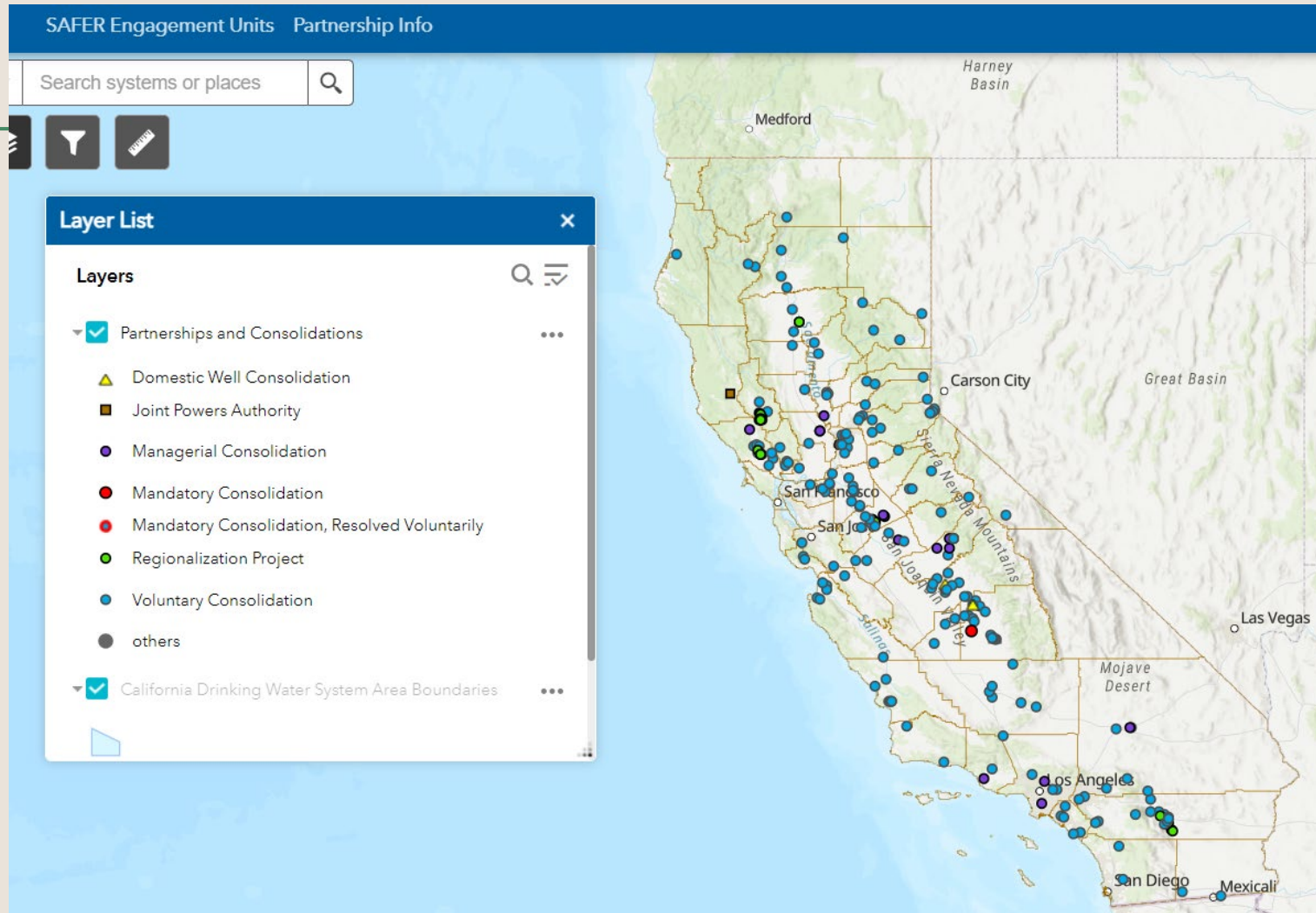
DRINKING WATER  
NEEDS ASSESSMENT

APRIL 2023

Table 39: 2021 Average Monthly Residential Customer Charges for 6 HCF by SAFER Status

SAFER Program Status <sup>145</sup>	Total Systems	Average Customer Charges for 6 HCF
<b>Failing Systems</b>	<b>236</b>	<b>\$72.67</b>
Failing DAC/SDAC	143	\$60.01
<b>At-Risk Systems</b>	<b>331</b>	<b>\$86.48</b>
At-Risk DAC/SDAC	228	\$77.84
<b>Potentially At-Risk Systems</b>	<b>283</b>	<b>\$75.74</b>
Potentially At-Risk DAC/SDAC	161	\$61.62
<b>Not At-Risk System</b>	<b>1,183</b>	<b>\$58.97</b>
Not At-Risk System DAC/SDAC	460	\$50.30
<b>Not Assessed</b>	<b>129</b>	<b>\$43.98</b>
Not Assessed System DAC/SDAC	35	\$45.30
<b>STATEWIDE:</b>	<b>2,162</b>	<b>\$67.06</b>
<i>Systems that Do Not Charge for Water or Missing Charge Data</i>	683	

# SAFER – Expanding Consolidations



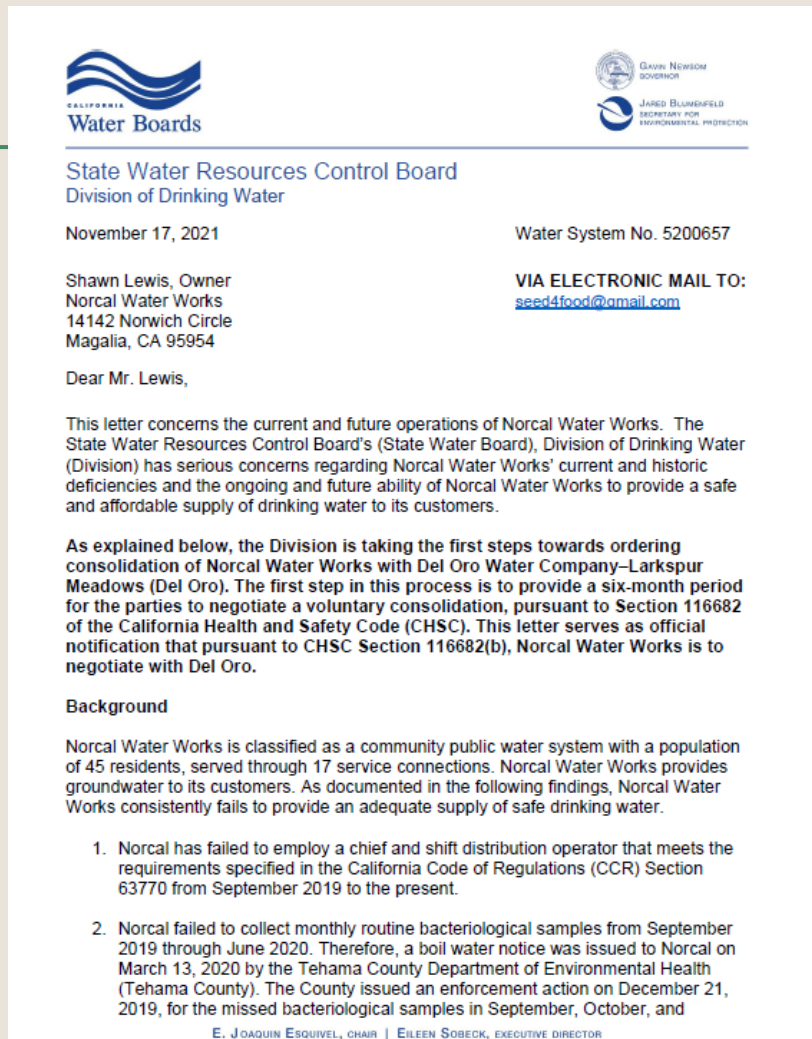
- Consolidation is the joining of two or more water systems, which commonly includes a smaller, failing system being absorbed into a larger, more well-functioning water system.
- Can be **mandatory or voluntary**.
- Can be physical or managerial.


## Mandatory Consolidation Requirements (*Excerpt* from Health & Safety Code, § 116682):


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- A public water system or a state small water system, **serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water**, or is an at-risk water system.
- Consolidation of the receiving water system and subsumed water system or extension of service is appropriate and **technically and economically feasible**.
- Consolidation or extension of service is an **effective and cost-effective means** to provide an adequate supply of safe drinking water.

# SAFER – Funding for More Consolidations



 CALIFORNIA Water Boards

 GAVIN NEWSOM GOVERNOR

 JARED BLUMFELD SECRETARY FOR ENVIRONMENTAL PROTECTION

State Water Resources Control Board  
Division of Drinking Water

November 17, 2021

Water System No. 5200657

Shawn Lewis, Owner  
Norcal Water Works  
14142 Norwich Circle  
Magalia, CA 95954

VIA ELECTRONIC MAIL TO:  
[seed4food@gmail.com](mailto:seed4food@gmail.com)

Dear Mr. Lewis,

This letter concerns the current and future operations of Norcal Water Works. The State Water Resources Control Board's (State Water Board), Division of Drinking Water (Division) has serious concerns regarding Norcal Water Works' current and historic deficiencies and the ongoing and future ability of Norcal Water Works to provide a safe and affordable supply of drinking water to its customers.

As explained below, the Division is taking the first steps towards ordering consolidation of Norcal Water Works with Del Oro Water Company-Larkspur Meadows (Del Oro). The first step in this process is to provide a six-month period for the parties to negotiate a voluntary consolidation, pursuant to Section 116682 of the California Health and Safety Code (CHSC). This letter serves as official notification that pursuant to CHSC Section 116682(b), Norcal Water Works is to negotiate with Del Oro.

**Background**

Norcal Water Works is classified as a community public water system with a population of 45 residents, served through 17 service connections. Norcal Water Works provides groundwater to its customers. As documented in the following findings, Norcal Water Works consistently fails to provide an adequate supply of safe drinking water.

1. Norcal has failed to employ a chief and shift distribution operator that meets the requirements specified in the California Code of Regulations (CCR) Section 63770 from September 2019 to the present.
2. Norcal failed to collect monthly routine bacteriological samples from September 2019 through June 2020. Therefore, a boil water notice was issued to Norcal on March 13, 2020 by the Tehama County Department of Environmental Health (Tehama County). The County issued an enforcement action on December 21, 2019, for the missed bacteriological samples in September, October, and

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR



 CALIFORNIA Water Boards

- **94 Completed Consolidations**
- **56,000 more people now have safe drinking water**



# SAFER – Expanding Consolidations

## Orosi High School

December 20, 2022

**County:** Tulare

**Population:** 1,200

**Challenges:** Nitrate MCL violation

**Consolidation date:** April 2022



Figure 1. Orosi High School well site  
Source: DDW inspection

Orosi High School is located in Orosi, CA in Tulare County and serves a population of 1,200 staff and students. The school previously supplied water from a single ground well and a partial connection to Orosi Public Utilities District (PUD). In 2018, Orosi High School was issued Compliance Order 03\_24\_18R\_002 for violation of the Nitrate maximum contaminant level.

Although the school was partially connected to Orosi PUD, all restrooms and sinks were still connected to the contaminated well. The State Water Resources Control Board's Division of Financial Assistance provided \$514,383 in Urgent Drinking Water Needs funding to get the remainder of the school connected. As of April 22, 2022, Orosi High School has been receiving 100% of their drinking water supply from the Orosi PUD through a master meter connection. The existing well will be used for irrigation for the school site only.

## De Rancho Y Mobile Villa

January 10, 2023

**County:** Kern

**Population:** 200

**Challenges:** Loss of water supply

**Consolidation date:** November 2022



De Rancho Y Mobile Villa.  
Source: <https://www.google.com/maps>

De Rancho Y Mobile Villa (De Rancho) is in Bakersfield, CA and serves a population of 200 through 90 unmetered service connections. The community was served by one groundwater well source drilled to a depth of 300 feet equipped with a submersible pump and one hydro-pneumatic pressure tank. The water system did not maintain storage or back-up power supply.

On August 16, 2022, the water system experienced a full water outage. De Rancho is within the California Water Service Company – Bakersfield (CWS – Bakersfield) service area and Self-Help Enterprises (SHE) helped facilitate an emergency connection to CWS – Bakersfield. De Rancho self-funded the emergency connection and installation of a backflow device to a CWS – Bakersfield water meter. SHE provided residents an interim supply of bottled water and the temporary connection was made on August 19, 2022.

In October 2022, the Division of Financial Assistance approved the use of SHE Technical Assistance Emergency Funding to permanently connect De Rancho to CWS – Bakersfield. The project included permanent installation of approximately 600 feet of piping and the destruction of De Rancho's on-site wells. Following the completed consolidation, the Visalia District inactivated the De Rancho Y Mobile Villa water system on November 30, 2022.



# SAFER – Administrator Authority and Funding



## State Water Resources Control Board

October 10, 2022

System No. 4900608

Sage Smith-Taylor, President  
Six Acres Water Company  
29730 River Road  
Cloverdale, CA 95425

### COMPLIANCE ORDER NO. 02\_18\_22R\_007 **ADMINISTRATOR ORDER TO SIX ACRES WATER COMPANY AND SELECTION OF DEMERY AND ASSOCIATES AS THE FULL-SCOPE ADMINISTRATOR**

Enclosed is Compliance Order No. 02\_18\_22R\_007 ("Order"), issued to the Six Acres Water Company ("Six Acres") public water system. Please note that there are legally enforceable directives associated with this Order.

The State Water Board appreciates the willingness of Six Acres and Demery and Associates to work together over the past several months. As discussed in the Order, Six Acres is ordered to accept Demery and Associates as a Full-scope administrator and allow Demery and Associates to exercise full authority and control over the Six Acres public water system. The State Water Board looks forward to continuing to work with both Six Acres and Demery and Associates as they develop and implement a sustainable long-term solution.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the State Board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Board for reconsideration of the citation, order or decision.

Petitions must be received by the State Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the State Board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

**A Water System Administrator is a qualified specialist that provides Technical, Managerial, and/or Financial expertise to struggling water systems.**

**Disadvantaged communities served by a failing water system on the Human Right to Water list are eligible for an Administrator Appointment funded by the State Water Board, through SAFER program funding.**

# SAFER – Administrator Authority and Funding



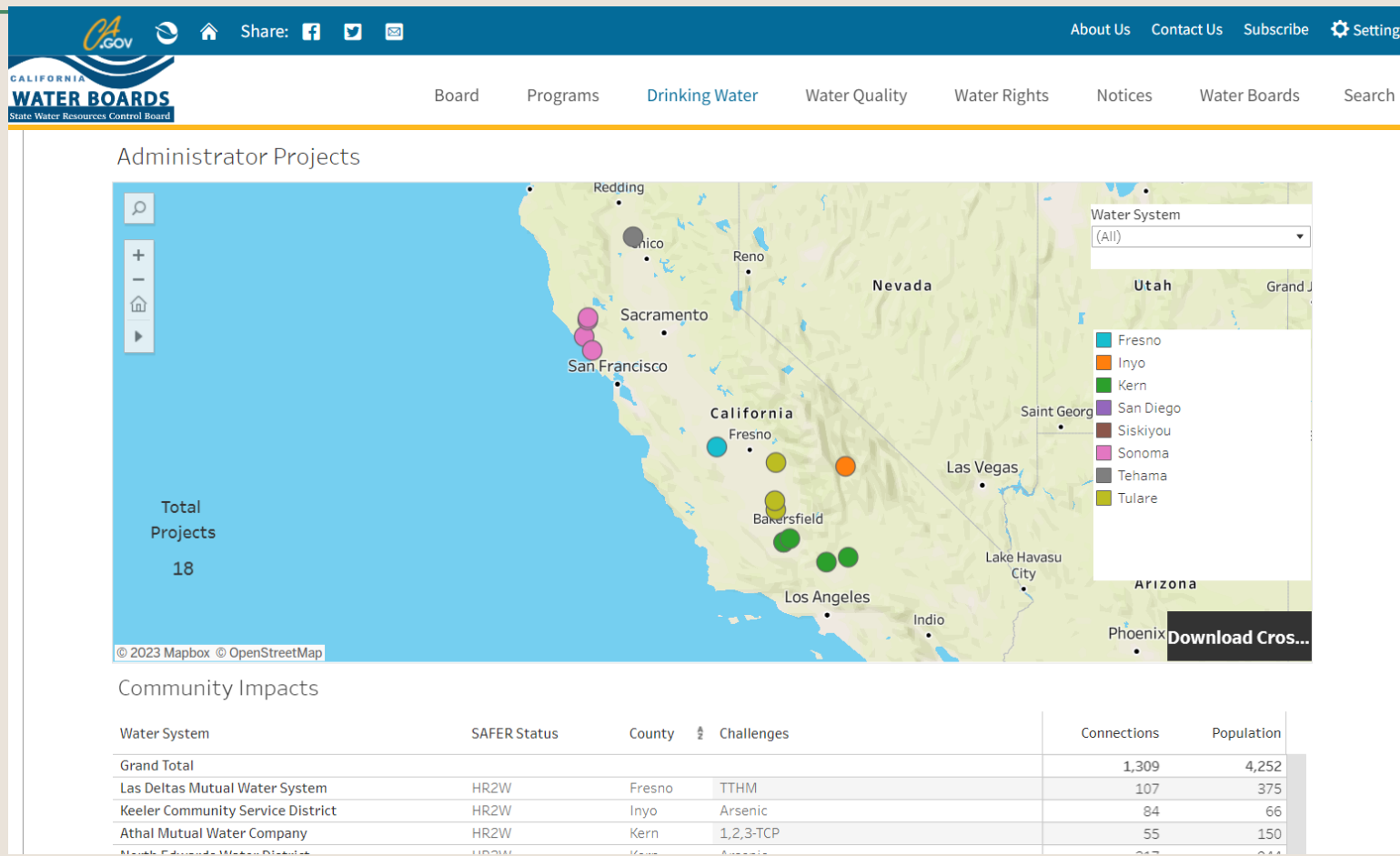
## ADMINISTRATOR POLICY HANDBOOK

September 2019  
(Revised February 2023)

Prepared by:  
THE DIVISION OF DRINKING WATER  
STATE WATER RESOURCES CONTROL BOARD  
STATE OF CALIFORNIA

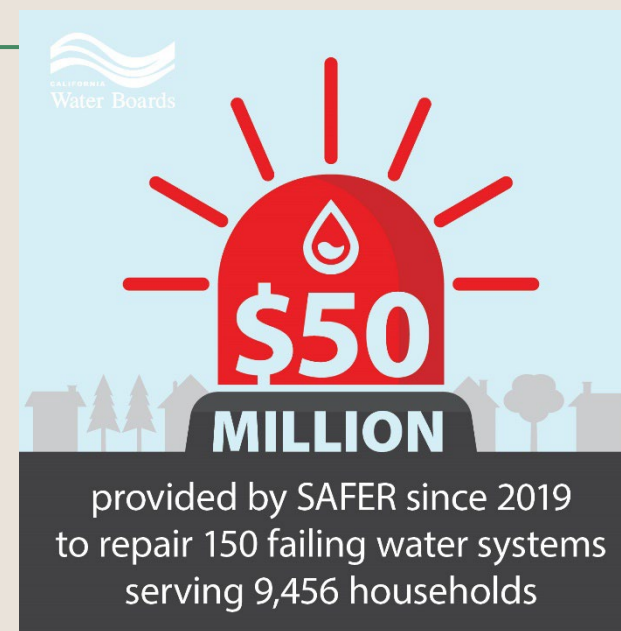
- An administrator steps in to help run a PWS that is failing or at-risk.
- Various Entities:
  - Non-profit technical assistance providers (e.g., CRWA)
  - Counties (e.g., Sonoma and Tulare)
  - For-profit water systems (e.g., Russian River Utilities), and
  - Engineering services providers (e.g., Provost and Prichard, Stantec).
- Funded by SAFER.

# SAFER – Administrator Authority and Funding



The State Water Board has currently designated 18 public water systems in need of an administrator, representing approximately 4,252 people and 1,309 service connections, in 8 counties.

# SAFER – Additional Funding Sources Bring Success



# SAFER – Additional Funding Sources Bring Success

- 3,100 letters to water systems recommending consolidation
- 22 water partnership workshops
- 40% of our failing water systems are in consolidation discussions or considering the feasibility of consolidation
- 200+ consolidations currently in the queue
- Targeted letters to At-Risk systems in the future
- Focus on Regional Projects



[State Water Resources Control Board Meeting - April 19-20, 2022 – YouTube](#) (starting at 4:06:27)



# California-specific Laws and Policies for Increasing Access to Safe and Affordable Drinking Water



- Human Right to Water Law (2012)
- SB 200: Safe and Affordable Funding for Equity and Resilience (SAFER) (2019)
- **SB 1263 (2017): New requirements designed to discourage the establishment of new, unsustainable public water systems.**

## SB 1263 – Avoiding New, Unsustainable PWS

---

- “It is the policy of the state to discourage the establishment of new, unsustainable public water systems when there is a feasible alternative.”  
- California Legislature, S.B. 1263 (2016)
- Requires a “**Preliminary Technical Report**” (Health & Safety Code, § 116527)
- Applies to applications for permits for new public water systems. Requirements **in addition** to a standard public water system permit application.

## SB 1263 – Avoiding New, Unsustainable PWS



- Preliminary Technical Report is a detailed technical report studying the **feasibility of consolidating or connecting with another system nearby**, sources of water, capacity, estimates of long-term costs of operation and maintenance, **cost-comparison with consolidation**, etc.
- Preliminary Technical Report must be submitted six (6) months **before** any water-related construction can occur.

# Additional Laws and Programs Implementation

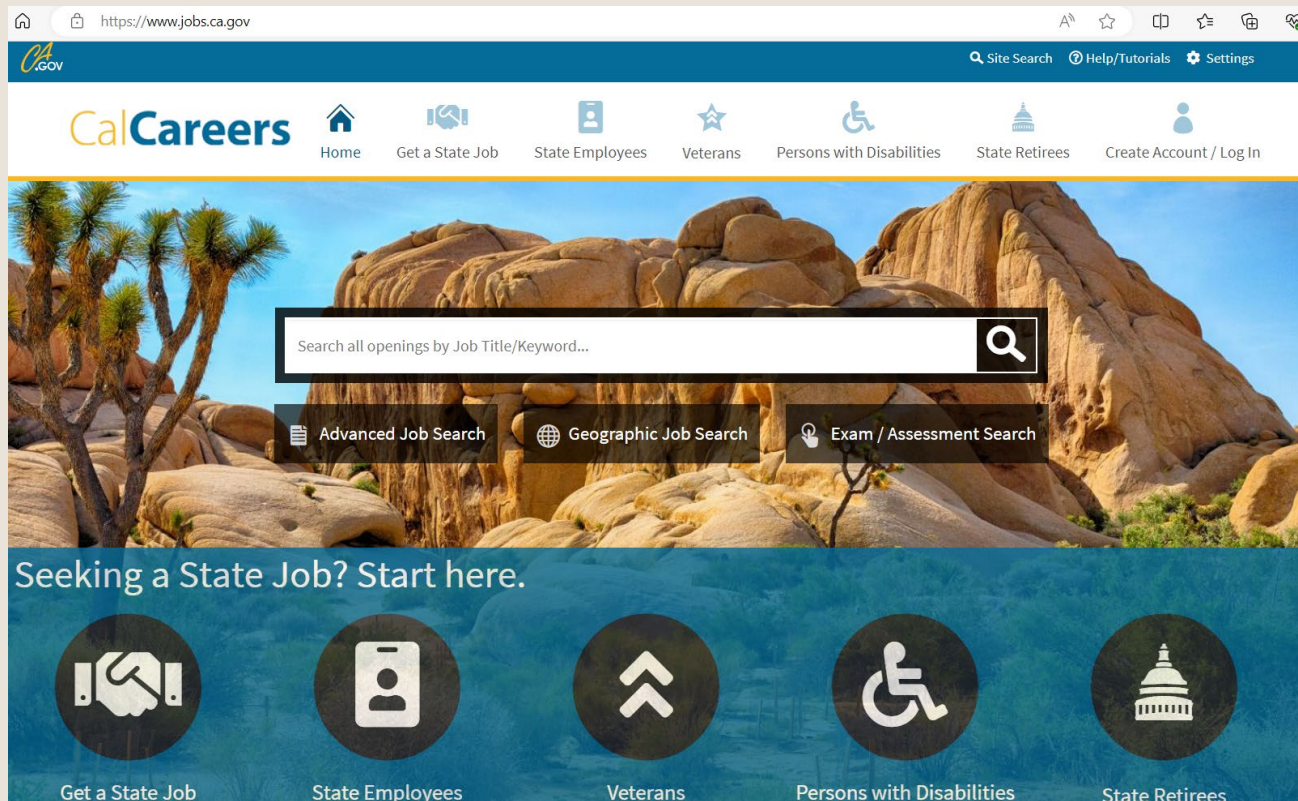
## What Do Attorneys Do?

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- Advise Division on SAFER requirements and authorities provided by SAFER, SB 1263, etc.
- Advise Division on procedures and requirements for Consolidations and appointment of Administrators
- Liaison with DFA regarding funding for technical assistance, infrastructure, etc. for failing systems
- Assist in drafting and review of policies, regulations, etc. designed to implement the SAFER program



# Legal Careers with the State Water Board

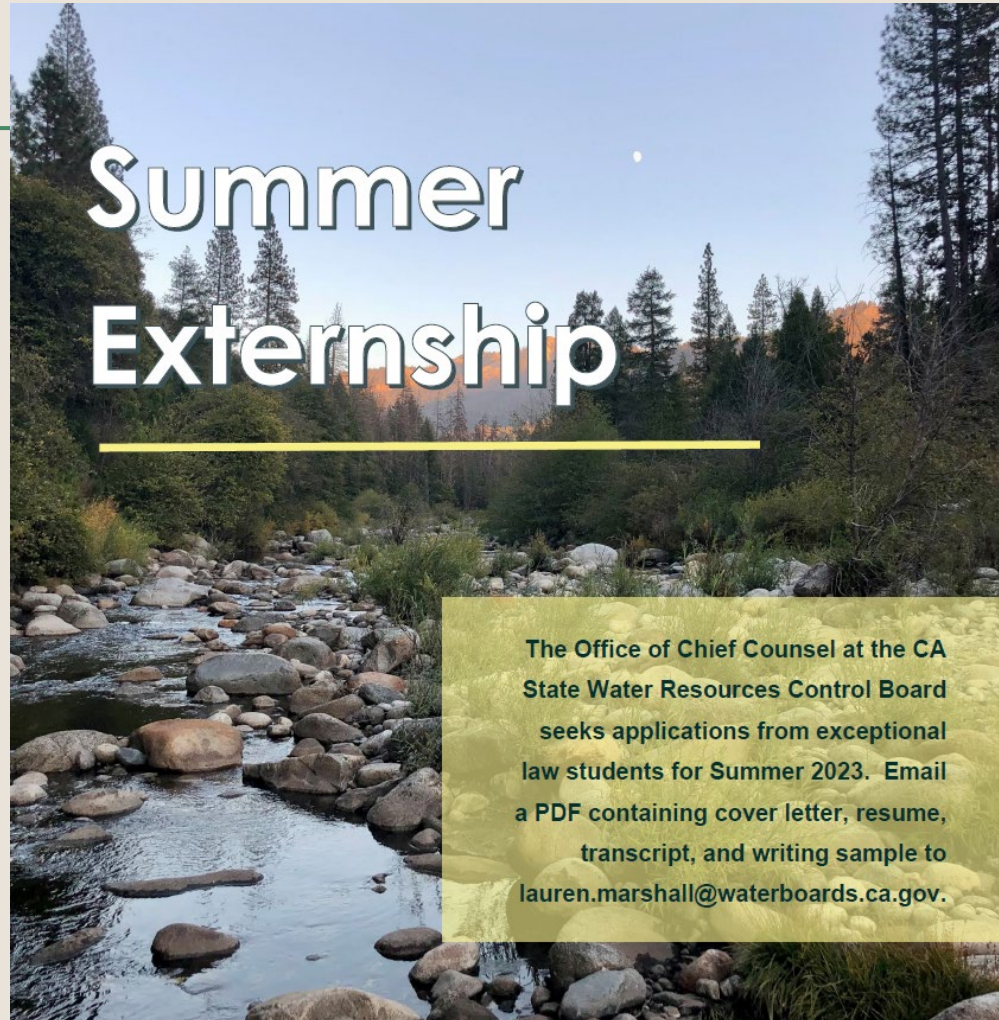


<http://www.jobs.ca.gov>

- Attorney I – V
- Graduate Legal Assistant



# Legal Careers with the State Water Board



- Legal Externships: Currently full for Fall 2023, but we will be accepting applications for Spring and Summer 2024.
- Contact Lauren Marshall, Attorney: [Lauren.Marshall@Waterboards.ca.gov](mailto:Lauren.Marshall@Waterboards.ca.gov)

Thank you!

Please contact me with any questions:

[Nicole.DiCamillo@waterboards.ca.gov](mailto:Nicole.DiCamillo@waterboards.ca.gov)



Nicole Di Camillo, Attorney IV

August 2, 2023

# **Drinking Water 101**

George Croton

August 2, 2023



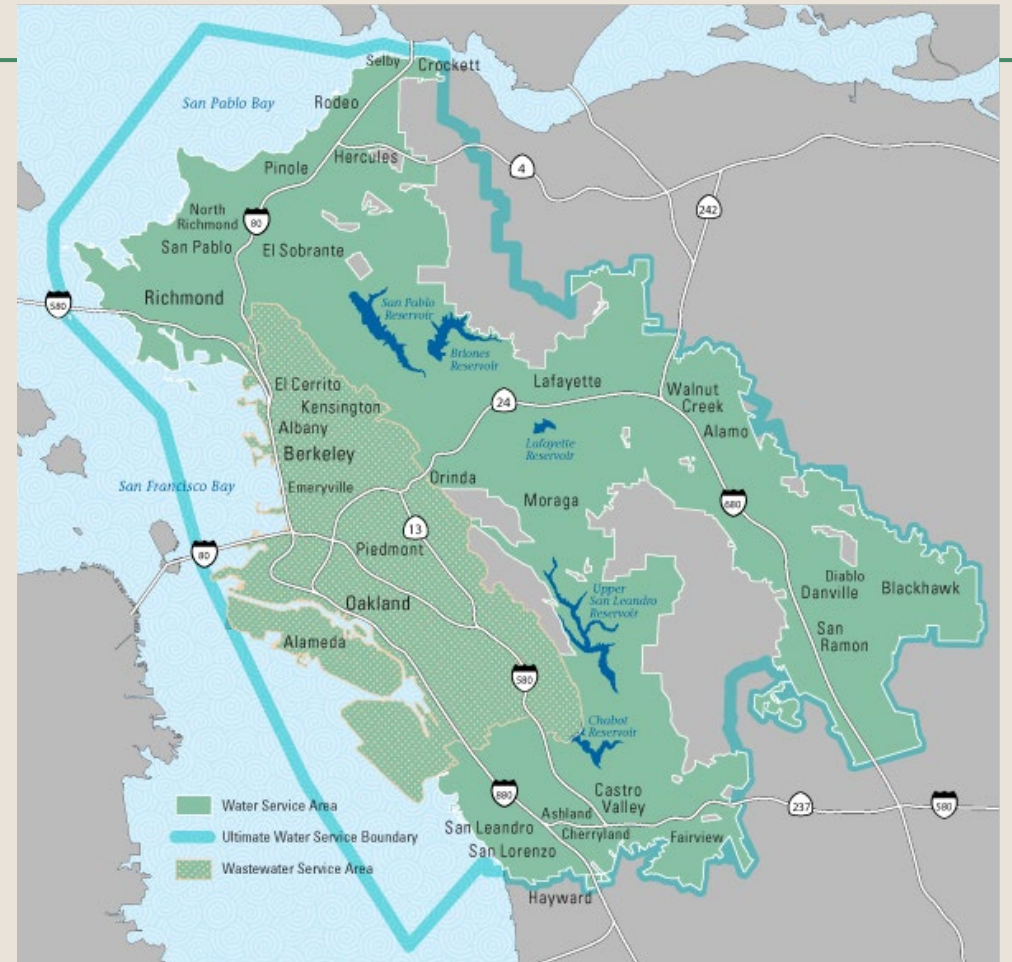
# What is EBMUD?

- EBMUD is a public entity created by voters in the East San Francisco Bay in 1923.

  - “To manage the natural resources with which the District is entrusted; to provide reliable, high-quality water and wastewater services at fair and reasonable rates for the people of the East Bay; and to preserve and protect the environment for future generations.”

- Governed by a Board of Directors consisting of seven members publicly elected by geographical wards.

- EBMUD provides water to approximately 1.4 million customers in Alameda and Contra Costa Counties.



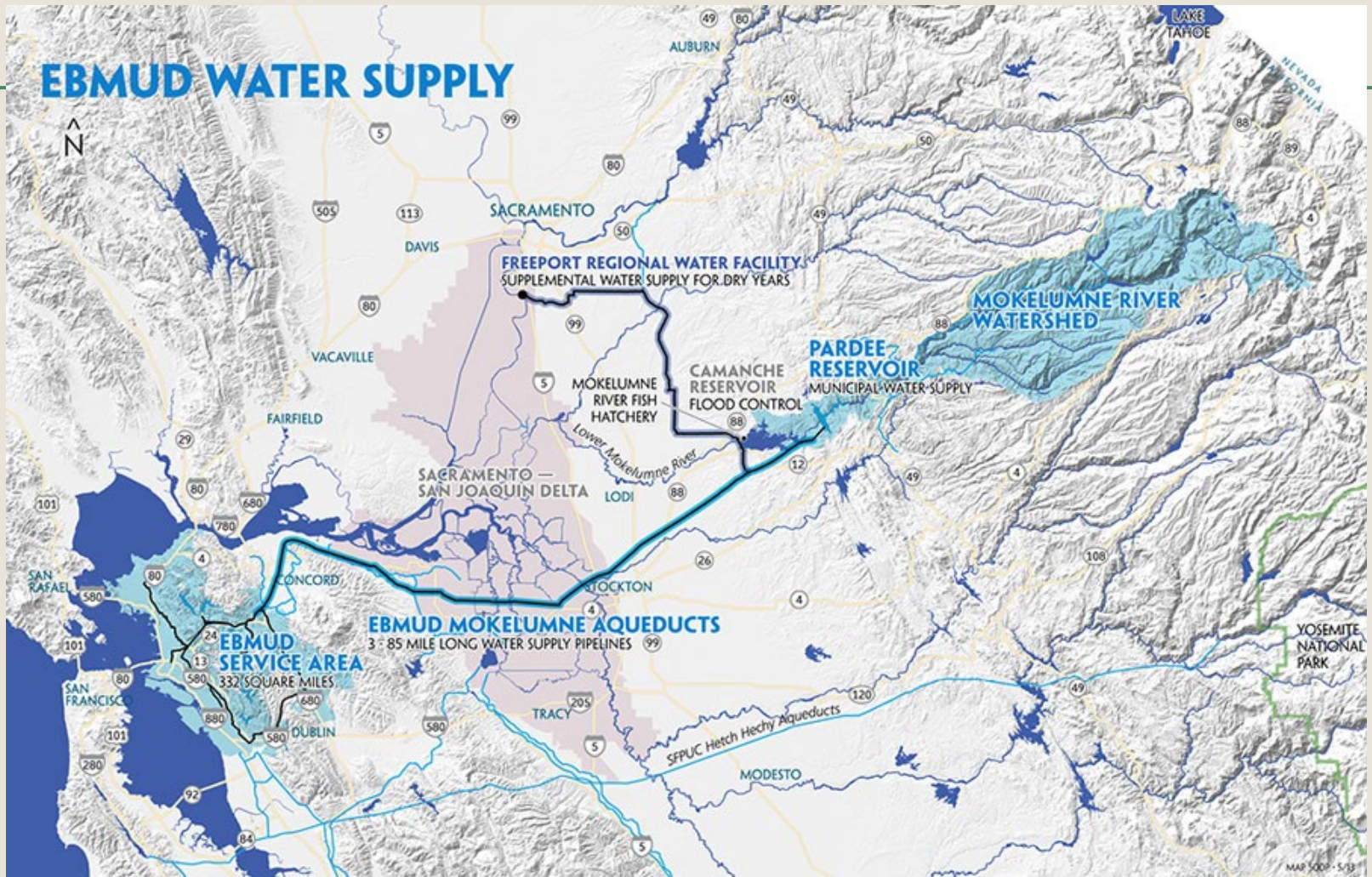
# EBMUD's Water Supply

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- EBMUD captures snowmelt from 575 square miles of the Mokelumne River watershed and collects it at Pardee Reservoir, 90 miles east of the Bay Area.
  - Water rights for up to 325 million gallons daily from the Mokelumne River watershed.
  - Additional water (less than 10-percent of total supply) comes from local watersheds in Alameda and Contra Costa Counties.
- The District diverts a portion of this flow through an 82-mile-long aqueduct system to terminal reservoirs and water treatment plants located in the East Bay Area.
  - Upper San Leandro, Sobrante, Orinda, Lafayette, and Walnut Creek water treatment plants.
- EBMUD has a contract with the U.S. Bureau of Reclamation for up to 100 MGD from the Sacramento River in dry years.



# EBMUD's Water Supply









# Supply and Quality

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- EBMUD operates its reservoirs in accordance with water right permits and licenses issued by the State Water Resources Control Board and the Federal Energy Regulatory Commission (FERC). Those permits and licenses establish streamflow and diversion limitations.
- EBMUD must also meet federal and state drinking water standards set by the U.S. EPA and the State Water Resources Control Board.

# Supply and Quality

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- Prior to the Safe Drinking Water Act (SDWA), regulation consisted of a patchwork of state- and local-level water regulations created to deal with providing adequate quantities of drinking water to growing communities.
  - First major federal effort was the 1912 US Public Health Service Act, whereby Congress sought to prevent communicable diseases from being introduced into and transmitted via water by, for example, eradicating waterborne typhoid.
  
- Mounting concern during the 1960s over the environmental harms posed by industrial runoff and synthetic chemicals leaching into the water supply.
  - The Community Water Supply Study, published in 1970, concluded that 90 percent of surveyed drinking water systems exceeded permissible microbe levels.

# Safe Drinking Water Act

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- Congress enacted the Safe Drinking Water Act (SDWA) in 1974 to establish uniform quality standards for the public water systems in the United States. The federal SDWA prohibits states from enacting drinking water laws less stringent than those established by the EPA.
- In 1976, the Legislature enacted California's SDWA, declaring water delivered by California's public water systems "should be at all times pure, wholesome and potable, and adopting procedures to be followed in an effort to accomplish this objective." *Coshow v. City of Escondido*, 132 Cal. App. 4th 687, 703 (2005).



# Safe Drinking Water Act

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- EPA has established protective drinking water standards for more than 90 contaminants.
- EPA sets national standards for drinking water to protect against health risks, considering available technology and costs. These National Primary Drinking Water Regulations (NPDWRs) set enforceable maximum contaminant levels (MCLs) and required treatment methods.
  - As well as testing and public reporting requirements.

# How are MCLs set?

- EPA looks to whether:
  - The contaminant may have an adverse effect on the health of persons
  - The contaminant is known to occur or there is a high chance that the contaminant will occur in public water systems at levels of public health concern
  - Regulation of the contaminant presents a meaningful opportunity for health risk reductions for persons served by public water systems
- EPA reviews health effects data and prepares a health risk reduction and cost analysis (HRRCA).
  - Cost of installing treatment technologies, monitoring and analysis, management and oversight costs
  - EPA may adjust the MCL to a level that "maximizes health risk reduction benefits at a cost that is justified by the benefits."

# EBMUD Treatment Process

- All water delivered to customers is filtered through sand and anthracite. Each water treatment plant also provides disinfection, fluoridation and corrosion control.
- EBMUD conducts over 20,000 laboratory tests each year, testing for the presence of more than 100 substances including microorganisms, pesticides, herbicides, asbestos, lead, copper, petroleum products, and by-products of industrial and water treatment processes.



# PFAS

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- Per- and polyfluoroalkyl (PFAS) substances are chemical compounds that were historically used in a wide variety of manufacturing processes and consumer products.
  - Known as “forever chemicals” because they do not naturally degrade over time and are easily transmissible through a variety of media.
  - Shown to have harmful short- and long-term impacts on human health and wildlife.
- According to a recent study by the U.S. Geological Survey, at least 45% of the nation’s tap water is estimated to be contaminated with one or more types of PFAS.
  - As many as 97-98% of Americans may have PFAS in their bloodstreams, according to the Centers for Disease Control.



# PFAS

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- On March 14, 2023, EPA announced a proposed NPDWR to establish Maximum Contaminant Levels for six PFAS compounds.
- The proposed rule would require public water systems to:
  - Monitor for these PFAS;
  - Notify the public of the levels of these PFAS;
  - Reduce the levels of these PFAS in drinking water if they exceed the proposed standards.
- Expected to be finalized by end of 2023.

# PFAS

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- MCLs for PFAS in California have not yet been established, but are a priority for the Division of Drinking Water.
- The Division of Drinking Water has requested that the Office of Environmental Health and Hazard Assessment (OEHHA) develop Public Health Goals (PHGs) for several PFAS.
  - PHGs serve as the basis for the development of MCLs.
- California does have Notification Levels (NLs) and Response Levels (RLs) for PFAS.
  - NLs are nonregulatory, precautionary health-based measures. But if contaminant levels exceed an RL, the SWRCB requires that the water source in question be taken out of service or treated.

# How is EBMUD's water impacted?

- EBMUD's drinking water sources are well protected from human-made contaminants, including PFAS.



- EBMUD sampled its source waters and treated waters in 2020 and 2021 for PFAS.

- All results were below California's Notification Levels. Some low concentrations of some PFAS compounds were detected in local reservoirs, including PFOA and PFOS.

- Some individual PFOA and PFOS results were slightly higher than the new standards proposed by EPA.

# How is EBMUD responding?

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- Litigation

- PFAS AFFF Multi-District Litigation is currently home to over 2,500 cases and is being presided over by Judge Richard Gergel of the United States District Court of South Carolina.

- \$10-12 billion dollar settlement tentatively reached for public water systems.

- Treatment as required

- Traditional drinking water treatment technologies are not able to remove PFAS.

- Developing technologies include activated carbon adsorption, ion exchange resins, and high-pressure membranes.

- GAC has been shown to effectively remove PFAS from drinking water when it is used in a flow through filter mode after particulates have already been removed.





## WAYS TO GET INVOLVED

- Join [CLA](#), [ELS](#), [NLS](#), or other Sections once you graduate and are admitted to the Bar
- Attend webinars, [101 Series](#), and in-person [events](#) (e.g., [Yosemite Conference](#), Diversity Conference, Annual Meeting)
- Earn [MCLE credit](#) through online videos or self-study materials
- Submit an article for our eNews or other Section [publications](#)
- Watch NLS's [10 Minute Mentor](#) videos on YouTube
- Participate in [Student Negotiation](#) and Writing Competitions
- Join our Book Club, [Mentorship Program](#), and Legislation Committee
- Apply for Summer [Diversity & Inclusion Fellowships](#)
- Check out our [Job Board](#)

NEW  
LAWYERS



## QUESTIONS & DISCUSSION

## THANK YOU!

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- [Environmental Law - California Lawyers Association \(calawyers.org\)](http://Environmental Law - California Lawyers Association (calawyers.org))
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