



January 18, 2024

Submitted via: DDW-SAFERNAU@waterboards.ca.gov

Ms. Kristyn Abhold
Senior Environmental Scientist
Division of Drinking Water
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

RE: Draft White Paper Discussion On: Proposed Updates for the 2024 Drinking Water Needs Assessment

Dear Ms. Abhold:

The Association of California Water Agencies (ACWA) and the California Municipal Utilities Association (CMUA) appreciate the opportunity to provide comments regarding the State Water Resources Control Board's (State Water Board) Draft White Paper Discussion On: Proposed Updates for the 2024 Drinking Water Needs Assessment (draft document). ACWA represents over 470 public water agencies that deliver over 90 percent of the water delivered for residential, agricultural, and commercial purposes in California. CMUA represents 50 water agencies that deliver drinking water to over 75 percent of Californians.

ACWA and CMUA respectfully submit the following comments for the State Water Board's consideration.

Comment 1 – Some of the proposed expanded failing criteria could inappropriately place systems on the “failing” list.

The State Water Board maintains a list of water systems that are considered “failing” based on certain criteria. State Water Board staff recommend updating those criteria to include several indicators that could inappropriately place an otherwise healthy system on the State Water Board's “failing” list. ACWA and CMUA suggest that the following criteria are removed or weighted appropriately to prevent healthy systems from erroneously being placed on the “failing” list.

- a. *“A system fails to complete the initial lead service line inventory by October 16, 2024.”*

ACWA and CMUA do not dispute the potential hazards associated with lead service lines. However, some public water systems have reported difficulty completing the inventory due to non-compliant customers who do not allow necessary inspections. This is out of the control of public water systems and should not result in a system being placed on the “failing” list.

- b. *“Water system fails to report drought information pursuant to drought order.”*

It is unclear which drought order this criterion is referencing. Failure to report unspecified information is not a reliable indicator of a failing system.

Comment 2 – New source capacity and water outage violations would benefit from further explanation.

- a. Explore possible outcomes from a “failure to maintain adequate source capacity” violation resulting from a curtailment order.

On page 8, the draft document states that the proposed new source capacity and water outage violations include a failure to maintain adequate source capacity, which may include a curtailment order. In this scenario, a water system with an otherwise reliable source could find itself on the “failing” list because of a State Water Board curtailment order. Many smaller systems serving disadvantaged communities are in remote locations that may not have access to the larger water grid or reliable groundwater supplies (such as mountain or coastal communities). Redundant sources that might insulate a water system from curtailment may not be feasible. This new violation merits further exploration in the draft document. ACWA and CMUA suggest that staff include in the appendix a discussion of how implementation of this new requirement would function in practice and how the State Water Board would avoid unintended consequences.

- b. Include definition of “Source Capacity Planning Study.”

On page 8, the draft document states that the proposed new source capacity and water outage violations include “failure to complete a required source capacity planning study.” ACWA and CMUA suggest including a citation or embedding a definition to improve readability.

Comment 3 – Proposed SDWIS methodology may not account for length of drought.

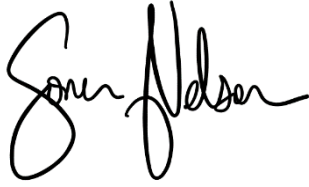
On page 8, the draft document states that step 1 of the methodology is to “determine which systems have incurred a Source Capacity Violation in the SDWIS database.” The SDWIS Data Field Code identifies outages caused by drought. However, it may not reflect the length or severity of a drought, and a water system could be unnecessarily added to the “failing” because of the lack of nuance. ACWA and CMUA suggest that the State Water Board explore how the methodology can be improved to avoid this outcome.

Comment 4 – Lowering the modeled decentralized treatment threshold for “failing” public water systems from 200 to 20 service connections is appropriate.

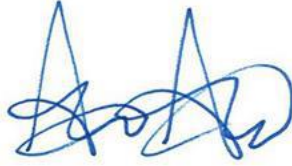
ACWA and CMUA appreciate that the State Water Board is continuing to reevaluate the Needs Assessment as the SAFER program is implemented. This is a positive update that reflects the needs of water systems that the SAFER program was designed to support.

ACWA and CMUA appreciate the State Water Board’s consideration of these comments. If you would like to discuss them, please contact Soren Nelson at sorenn@acwa.com or (916) 441-4545 or Andrea Abergel at AAbergel@cmua.org or (916) 841-4060.

Sincerely,

A handwritten signature in black ink, appearing to read "Soren Nelson".

Soren Nelson
State Relations Advocate
Association of California Water Agencies

A handwritten signature in blue ink, appearing to read "Andrea Abergel".

Andrea Abergel
Manager of Water Policy
California Municipal Utilities Association

cc: The Honorable E. Joaquin Esquivel, Chair, State Water Board
 The Honorable Dorene D'Adamo, Vice Chair, State Water Board
 The Honorable Laurel Firestone, State Water Board
 The Honorable Sean Maguire, State Water Board
 The Honorable Nichole Morgan, State Water Board
 Mr. Eric Oppenheimer, Executive Director, State Water Board
 Mr. Darrin Polhemus, Deputy Director, Division of Drinking Water, State Water Board
 Mr. Andrew Altevogt, Assistant Deputy Director, Division of Drinking Water, State Water Board