

April 11, 2025

Darrin Polhemus
Deputy Director, Division of Drinking Water
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

RE: Opportunity to inform and establish Post-Wildfire Water Quality Guidance to be followed by Public Water Systems and Division of Drinking Water

Dear Director Polhemus,

The Association of California Water Agencies (ACWA) sees itself as a valuable partner to the Division of Drinking Water (DDW) in informing state actions to ensure safe drinking water for all Californians. We now see an opportunity to discuss and work with DDW on developing guiding principles for consistency in post-wildfire disaster orders for public water systems (PWS) related to drinking water. Wildfires appear to be the new normal in California, and it will be important ensure that application of rules is applied consistently during stressful times where expediency is needed.

We come to you with this idea following the recent Los Angeles Fires during which affected ACWA members worked tirelessly to protect drinking water infrastructure and keep customers informed about drinking water safety. The recent Los Angeles Fires marked the first large scale application of benzene reporting requirements set by AB 541 (Wood, 2023) that we are aware of.

AB 541 sets requirements for PWS that have experienced a wildfire event, if the event damaged or destroyed a structure or structures connected to the public water system's water distribution system, to perform sample collection and analysis of its source waters, treatment facilities, conveyance facilities, distribution systems, or a combination thereof, for the presence of benzene as soon as it is safe to do so. Affected ACWA members followed the direction to test for benzene and communicate sampling findings to DDW. AB 541 also requires that if PWS conduct sampling and find detectable concentrations of benzene, the state board may require a public water system response, including all the following:

- A requirement that investigation and additional testing be completed in consultation with, or at the direction of, the state board.
- Timelines for investigation and additional testing.
- Additional testing frequency and duration.
- Additional testing locations, such as specific locations within a distribution system.
- Flushing prior to confirmed detections of contamination.

- Requirements to provide notice to affected customers upon a finding of contamination, including the form and content of the notices and when the notice shall be provided.
- Remediation measures if contamination is found in the source waters, treatment facilities, conveyance facilities, distribution systems, or a combination thereof, such as taking sources offline, flushing within the distribution system, repairs, and replacements.

Following the Los Angeles Fires, DDW released Drinking Water Orders (Orders) to affected PWS to inform customers about detection of benzene in their drinking water via a Tier 1 Notice Letter to avoid drinking affected water until the affected PWS was able to sample and report that benzene is no longer present. ACWA members who met this criteria (sampling and finding detectable benzene) followed the Orders received from DDW, which is consistent with AB 541. However, we have heard from at least one ACWA member that application of AB 541 was applied inappropriately to their situation. Las Virgenes Municipal Water District (Las Virgenes) sampled for benzene following damage to their infrastructure, but never lost water pressure in the affected infrastructure and never detected benzene within their system.

Las Virgenes successfully mitigated disaster to protect drinking water within their system and even went so far as to inform customers that their drinking water was safe during this emergency (one less thing to worry about during a very challenging time). Despite this finding and success by Las Virgenes staff to maintain drinking water operations, DDW still sent an Order requiring Las Virgenes to send Tier 1 Notice Letters to customers to avoid drinking water until further notice, and was unwilling to listen to the unique situation Las Virgenes. By our interpretation of AB 541, Las Virgenes should not have been required to send Tier 1 Letters to customers because benzene was not found in water samples. This outcome is disappointing to hear about because Las Virgenes took all the right steps, protected their drinking water system for customers (and communicated this), but was then forced to rescind that statement very quickly. This turn of events is concerning for maintaining public trust in drinking water. We think this is an opportunity to engage with DDW to better prepare for future wildfires, and disasters more broadly, to ensure that PWS and DDW are on the same page for post-wildfire water quality guidance.

ACWA wishes to engage with DDW to establish guiding principles to ensure consistent application of existing rules (including AB 541) post-wildfire and post-disaster more broadly. We can appreciate that local DDW offices may find themselves in situations where there is limited time, and the need to make judgement calls to best follow existing laws, such as what AB 541 requires. Our members want to be proactive in this space, and engage as we have with past emerging issues. We see opportunity and value in developing guidance for DDW and PWS to follow in distribution systems, watersheds, and others for a consistent approach throughout the state. ACWA sees this approach as good industry practice to proactively prepare for future disasters (wildfires and more broadly for earthquakes, flooding, etc), and we want to work with DDW to see this approach thought through.

ACWA proposes guidance be developed to accrue a checklist to be followed by PWS and DDW to ensure consistent application of rules, and establish best practices being used by PWS that can affirmed more broadly as industry standards for post-wildfire water quality. ACWA has started having conversations about developing this resource, and we want to involve DDW into this

effort as soon as possible so that we can avoid future post-disaster challenges as efficiently as possible.

Over the years, we have participated in many valuable and insightful discussions across many topics of interest to ACWA and to DDW to ensure that PWS are heard, and that regulatory requirements are enforced consistently to ensure ambitious drinking water standards for Californians. We see this as yet another opportunity to do so.

Please let us know if you have any questions, and when you and your team may be available to discuss this topic further. We look forward to your response.

Sincerely,

Nick Blair

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