



Gavin Newsom  
Governor

Jared Blumenfeld  
Secretary for Environmental Protection

October 25, 2019

The Honorable Andrew R. Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator Wheeler:

I am writing in response to your letter to Governor Newsom dated September 26, 2019, which makes several accusations concerning California's implementation of federal clean water and drinking water requirements.

In the areas you identified, California is already taking action to protect its citizens and the environment. U.S. EPA's own statistics demonstrate that California exceeds the performance of many states and is ahead of schedule in meeting U.S. EPA's compliance improvement targets—which makes the unusual decision to single out California's compliance with the federal Clean Water Act and Safe Drinking Water Act all the more extraordinary.

### ***U.S. EPA Should Return to Cooperative Federalism***

Before delving into specific issues, we reaffirm our commitment to work collaboratively with U.S. EPA on behalf of our constituents. California stands ready and willing to work with its federal partners – as we have for decades – to address the issues raised in your letter.

We urge you and your Agency to return to the principles of cooperative federalism. As your regional offices know, for decades states and the U.S. EPA have worked together to ensure local, cooperative enforcement of state and federal water laws in a way that affords the greatest protection possible to people and the environment. Your letter is a significant departure from this collaborative partnership.

And it is not just California that is troubled by the retreat from our past collaborative relationship; just after you issued your letter to California, the 50-state membership of the Environmental Council of the States observed in response that “recent communications and actions by U.S. EPA are damaging engagement [between state and federal governments] and eroding our ability to jointly protect our citizens and the environment.”

The nationwide concern is not surprising; U.S. EPA has been retreating from its core commitments to clean water and safe drinking water. U.S. EPA has proposed water quality certification regulations that will dramatically curtail the states' authority to protect state waters from impacts of federally approved projects. U.S. EPA and the U.S. Army Corps of Engineers have proposed to drastically reduce the waters and wetlands protected by the federal Clean Water Act. California responded by promulgating a comprehensive wetlands policy that will protect wetlands where the federal government has abdicated its responsibility.

There are also several areas where the federal government is not fulfilling its responsibilities in California. For example, the largest source of raw sewage befouling California's beaches comes from a deficient federal facility operated by the U.S. International Boundary and Water Commission in the Tijuana River Valley. Similarly, communities in Calexico have suffered from toxic discharges entering the New River from Mexico, with little to no action from the federal government. We ask you to give immediate attention to these issues.

Moreover, the federal government has not fulfilled its responsibility to address contamination of perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA), which have been found at nearly all Department of Defense (DOD) sites in California. This contamination impacts not only the drinking water systems operated by the DOD, but also off-base drinking water wells and nearby water systems. DOD has been slow to investigate off-base and is using test methods, detection limits, and reporting levels that are not sufficiently protective of human health. DOD seems to prioritize its efforts toward on-base protection to the exclusion of nearby drinking water supplies. We ask that you work with California to investigate, monitor and, if needed, secure treatment, either on- or off-base, for water supplies contaminated with PFOS and PFOA.

I encourage U.S. EPA to recommit to its core mission to protect the environment and its history of collaboration with its state partners. None of the issues identified in your letter are unique to California, and in many states, the problems are unfortunately worse and often much worse. Collectively, the states and U.S. EPA can solve the water quality and safe drinking problems that persist nationwide. California hopes that in the future, U.S. EPA will return to being a constructive partner in protecting our citizens and the environment.

### ***California is a Widely Recognized National Leader in Clean Water Act Compliance and Enforcement***

While your letter questions California's compliance with and enforcement of the Clean Water Act generally, California is national leader in protections for water quality, with more extensive and longer extant statutory protections than the Clean Water Act provides. California enacted its Porter-Cologne Water Quality Control Act three years before the federal Clean Water Act, and many aspects of the Clean Water Act are modeled off California's lead. Moreover, the Porter-Cologne Act protects a greater variety of waters, regulates a greater range of waste, and reaches many more sources than the Clean Water



Act. California not only enforces the Clean Water Act but also enforces our own more extensive state statutory protections.

U.S. EPA's own data show California is ahead of other states and U.S. EPA in terms of compliance and enforcement. According to data from U.S. EPA's compliance and enforcement databases (ECHO), California's performance exceeds that of many states and U.S. EPA's own performance where it implements the NPDES program.<sup>1</sup> Indeed, a recent e-mail from U.S. EPA acknowledged that California's significant noncompliance rate is below the national average "and below the National Compliance Initiative goal of 14.7% by 2022."<sup>2</sup>

Over the last year and a half, the State Water Resources Control Board (State Water Board) has dedicated resources to meet U.S. EPA's National Compliance Initiative for reducing the number of facilities in significant noncompliance. The results have been stunning. In April 2018, the State Water Board's baseline summary identified 130 facilities in significant noncompliance for the quarter preceding the baseline. The same methodology shows 58 facilities in significant noncompliance for the third quarter 2019—a 55 percent reduction.

In asserting "the need for more formal and in-depth EPA oversight," your letter offers three examples of purported Clean Water Act violations. No example supports the assertion.

One of the examples did not even involve a Clean Water Act violation: despite an allegation that the Sanitary District Number 5 of Marin exceeded its permit limits for cyanide, the District has not had a cyanide effluent limitation violation in at least eight years. US EPA's database had misreported units, and the San Francisco Bay Water Board corrected that information before September 14, 2019 (before the final review of the quarterly noncompliance report).

In another example, your letter asserts that the city of Los Angeles exceeded its permit limit for indeno(1,2,3-cd)pyrene. However, the Los Angeles Regional Water Quality Control Board found that the violations arose not from any noncompliance with the Act but from a wildfire and dismissed the penalties. U.S. EPA did not object. More recent exceedances appear to have also been the result of wildfires, and once confirmed, the Los Angeles Regional Water Quality Control Board will dismiss those violations as well.

Finally, another example cited copper detected in stormwater discharges from the University of Southern California's marine lab on Catalina Island. There was never a threat to human health since people do not drink ocean water, plus the reported levels were well below the levels that would threaten human health even if humans were to drink ocean water. By the time of receipt of your letter, the Los Angeles Water Board had already ordered the marine lab to implement best management practices to stop the discharges and to perform a survey to identify the potential sources of copper on its lands.

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<sup>1</sup> Data retrieved from <https://echo.epa.gov> [as of September 30, 2019].

<sup>2</sup> U.S. EPA email to State Water Board's Director of Office of Enforcement (Oct. 18, 2019).

## ***California is a National Leader in Addressing Safe Drinking Water Challenges***

Your letter's concerns about California's compliance with the Safe Drinking Water Act are equally unfounded. California recognizes a basic human right to safe, clean, affordable, and accessible drinking water. Since recognizing the right in 2013, California has undertaken numerous actions to make the right a reality. These actions include the recently enacted SB 200, which builds upon existing regulatory and funding efforts to address longstanding drinking water challenges, especially in rural and disadvantaged communities.

In addition, U.S. EPA's own data show that California is a national leader. Nationwide, U.S. EPA set a 2022 goal of reducing by 25 percent the number of community water systems out of compliance with health-based drinking water standards. While the number of systems out of compliance has increased by 5 percent nationally since then, California has achieved a 19 percent *reduction* with three more years to go before the 2022 deadline.<sup>3</sup>

California has achieved this success by focusing on the root of the problem. Small, disadvantaged communities make up the majority of water systems out of compliance in California and the nation. These small systems struggle to develop additional water sources, to provide the necessary treatment, or to maintain the system adequately. Rather than ignore this systemic problem, California has proactively moved to empower the State Water Board to order consolidation of failing and unsustainable systems with neighboring systems. More than 100 consolidations have been initiated or completed in the last couple of years, which has secured safe drinking water for more people and reduced the number of drinking water systems in California that are out of compliance.

Your letter identified several specific areas of concern about compliance with health-based drinking water requirements. Each is the subject of on-going enforcement actions that will lead to improvements and safe drinking water. For example, you claim two systems have serious violations of the Ground Water Rule, but both systems are already back in compliance. You also claim 44 systems have disinfection byproduct violations, but most systems with those types of violations are brought back into compliance within the next quarter. These episodic events occur nationwide. If the system cannot come back into compliance quickly, it may need capital improvements. Where water systems require capital improvements to address drinking water violations, California provides no- or low-interest loans through the Drinking Water State Revolving Fund or bond proceeds.

Other violations your letter cited were exceedances of arsenic and radiological standards. These compliance problems exist, and are largely caused by the inability of small water systems to support technical, managerial, and financial capacity and system operations and maintenance, which small systems simply do not have the revenue base to support. To close

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<sup>3</sup> U.S. EPA SDWIS Federal Data Warehouse, July 2019 (SY2019Q2), SFRS NPM detail report provided by U.S. EPA to State of California on October 2, 2019.

this funding gap, SB 200 created a new Safe Affordable Drinking Water Fund and established a \$130 million annual appropriation to the State Water Board to support access to safe drinking water because federal dollars cannot be used to help these communities in need.

### ***Water Quality Issues Associated with Homelessness***

Citing media reports, your letter expresses concern that homeless persons may be impacting water quality. Although homelessness is an issue we all need to work collaboratively to solve, your concern about homelessness's impact on water quality is sensationalized and, in California, misguided.

For years, the State Water Board and the nine Regional Water Quality Control Boards have been taking actions to neutralize water quality threats from homeless camps, such as cleaning up high-risk sites and implementing measures to prevent recurrence of sanitation problems. Your letter suggests that the Water Boards should use municipal stormwater permits to require local agencies to provide sanitation stations. In fact, the Water Boards already have begun doing so. (See, e.g., Central Coast Water Board Order No. R3-2019-0073 [NPDES CA0049981].) As additional municipal stormwater permits come up for renewal and where pollution from homeless encampments threaten state waters, the Water Boards will pursue conditions requiring municipalities to assess and reduce such pollution to protect human health and the environment. Although we believe that these efforts provide a national model, we welcome more support from U.S. EPA in this area. Among other things, U.S. EPA could urge the U.S. Department of Housing and Urban Development to remove restrictions on using federal funding for the sanitation needs of the homeless and update its municipal stormwater regulations with specific requirements.

### ***The City and County of San Francisco's Combined Sewer System***

Your letter also raises concerns about San Francisco's combined system for dealing with urban runoff and sewage. Such combined systems have the important advantage of treating urban runoff before it reaches California's waters. On the other hand, during extreme or persistent storms, the combined system may overflow, resulting in only partially treated sewage reaching the ocean. Your letter is wrong in suggesting that the San Francisco system's overflow during wet weather violates the Clean Water Act. As you must know, the Clean Water Act allows combined sewer systems to provide lesser treatment during wet weather when the vast majority of the waste stream is stormwater. (33 U.S.C. § 1342(q)(1)). In addition, contrary to your letter's suggestion, the Clean Water Act does not require combined sewer systems to apply biological treatment during those same conditions. (*Ibid.*) California believes in minimizing the occurrences of partial treatment, however, which is why the San Francisco Bay Water Board has been taking actions to improve San Francisco's performance.

On September 11, 2019, the San Francisco Bay Water Board adopted an updated and more stringent NPDES permit for San Francisco's oceanside discharges. U.S. EPA publicly supported

that update, which requires San Francisco to evaluate, prioritize, and propose alternatives (with an implementation schedule) to eliminate or to reduce discharges of partially treated wastewater to sensitive areas, including beaches. That permit happens to be a joint permit and U.S. EPA has failed to act on its portion of the permit. Beyond the permit update, the San Francisco Bay Water Board and U.S. EPA have been pursuing a joint enforcement action involving San Francisco's combined system. U.S. EPA recently abandoned the joint enforcement effort with California and has instead chosen to proceed unilaterally. This development is confounding, and contrary to long history of productive state-federal cooperative enforcement.

### **Response to U.S. EPA's Request**

Although U.S. EPA's own data show that California already outperforms the national averages in core metrics on implementation and enforcement of the federal programs, California wants to work in good faith with U.S. EPA to solve the complex environmental challenges we still face. Attached to this letter is a list of actions the state is already undertaking and which are also responsive to the allegations in your September 26<sup>th</sup> letter. Using its broad authority to protect water quality and advance California's human right to water, the State Water Board is implementing each of these actions (and, indeed, has been doing so well before your letter was sent). The attachment also identifies additional dates for expected outcomes and timelines for certain actions. The actions California already has under way to address clean water for Californians include aggressive steps to:

1. Encourage applicants for water loans and grants to submit proposals that will address sanitation issues for the homeless; expand requirements in upcoming municipal stormwater renewals to address homeless encampment wastes that reach stormwater systems; and amplify successful local programs and partnership to prevent water quality impacts and address sanitation needs of the homeless.
2. Complete enforcement-related negotiations to ensure further upgrades to San Francisco's combined system.
3. Prioritize enforcement with a goal to meet U.S. EPA's national compliance initiative targets at least one year before U.S. EPA's 2022 deadline.
4. Complete data reliability and alignment issues between U.S. EPA and Water Boards' enforcement databases.
5. Realign enforcement priorities to assure additional follow-up for facilities that receive mandatory minimum penalties.
6. Implement California's Safe and Affordable Drinking Water Fund by consolidating unsustainable drinking water systems, appointing administrators, providing replacement water, and expanding opportunities to provide operation and maintenance funding to small disadvantaged community water systems.
7. Perform additional testing and to ensure drinking water in California's schools comply with applicable lead standards.
8. Remove lead fittings and service lines from community water systems.



We look forward to working with U.S. EPA on these actions. California is a leader in protecting water quality as well as the environment in general, and we have a long history of productive collaboration with both regional and national U.S. EPA staff. I urge U.S. EPA to fulfill its own obligations and to honor our long history of collaboration by recommitting to a partnership with California.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Blumenfeld".

Jared Blumenfeld  
Secretary  
California Environmental Protection Agency

## **Water Quality and Drinking Water Improvement Actions**

This document details the actions that California is already taking to protect its citizens and the environment in the areas identified in Administrator Wheeler's September 26, 2019 letter and, as requested, identifies anticipated outcomes that may serve as milestones. This document also suggests ways in which U.S. EPA may support these actions.

### ***Addressing Water Quality Issues Associated with Homelessness***

#### **Action 1: Amplify Successful Local Programs and Partnerships**

As stated in Secretary Blumenfeld's response letter to Administrator Wheeler, homelessness is an issue all levels of government need to collaborate to solve. But claims about widespread water quality issues related to homelessness are unfounded and sensationalized. While the state does not stipulate that homelessness is a primary driver of water quality issues, we nevertheless are providing a substantive response detailing a number of ongoing initiatives in this arena.

The State Water Board currently provides state bond proceeds for stormwater management to local governments, and the Department of Water Resources provides bond proceeds for urban flooding mitigation. Each bond issuance is over \$90 million. Existing partnerships provide for the provision of sanitation facilities at homeless encampments, trash collection partnerships, and restoration of riparian corridors. The State Water Board will encourage future grant applicants to submit proposals that build off these existing partnerships and include provision of sanitation services and facilitation of transition to shelters and housing for homeless people living in high flood risk urban and riparian areas.

Regional water boards also are considering new stormwater permit requirements addressing provision of sanitation facilities, and the collection and disposal of medications and pet waste. The State Water Board is also developing guidance for regional water board actions.

The San Francisco Bay, Los Angeles, Santa Ana and San Diego Water Boards are currently working with larger metropolitan stakeholders to craft permit requirements addressing pollutants from homeless encampments and homeless persons. The large municipal stormwater permits are regional permits that incorporate watershed-based compliance pathways, which provide a model for permits throughout the state, including integrated regional planning, monitoring with adjacent municipalities and best-practices on human, pet and medical waste hauling and removal.

The Water Boards are also expanding their engagement with local partners (including local governments, non-governmental organizations, private sector organizations, and the public) to identify and expand successful models that address homelessness, sanitation, and water quality in a holistic manner. These expanded actions include



convening workshops, sharing best practices, measuring water quality, participating on local task forces, developing regulatory requirements, and promoting innovative use of financial assistance programs.

Workshops held by the State Water Board and the Central Coast Water Board in 2019 brought together stakeholders to discuss successful local partnerships, resource needs, and potential roles for the Water Boards. Moving forward, other Regional Boards will hold public meetings devoted to homelessness, provide information via their websites and electronic notification lists, support local governments to identify water quality outcomes, and develop metrics for tracking progress on sanitation and water quality objectives associated with homeless encampments.

*Anticipated Outcomes:*

- Additional funding for local programs that deliver multiple benefits of improved services to homeless individuals, improved stormwater quality, and reduction of urban flood risk
- New and expanded outreach efforts
- Development of progress metrics
- Tracking and dissemination of information regarding local initiatives to support sanitation and water quality protection in and around homeless encampments.

*Requested Federal Support:*

Additional resources through the AmeriCorps program to support outreach and engagement that includes sanitation and water quality objectives along with efforts to provide housing and support to keep people from becoming homeless again. A successful AmeriCorps partnership has been operating in Santa Barbara County, where volunteers, non-governmental organizations, and local governments have helped more than 1,400 people with housing.

U.S. EPA and the Federal Emergency Management Agency (FEMA) could support state efforts by identifying opportunities to leverage existing funding programs to jointly address homelessness and water quality impacts. For example, U.S. EPA could join the U.S. Interagency Council on Homelessness to better coordinate across the federal government around homelessness, sanitation, and water quality. U.S. EPA could also provide seed funding to develop more programs like those in Santa Cruz and Riverside Counties where housed and unhoused volunteers come together to clean up degraded waterways. In addition, FEMA could provide hazard mitigation funding where homeless encampments are impacting the development and use of water resources.<sup>1</sup>

U.S. EPA needs to provide technical support for the updated municipal stormwater permits and should issue nationwide guidance about the measures municipalities must

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<sup>1</sup> For example, **section** 1210b of the Disaster Recovery Reform Act of 2018 authorizes FEMA to provide assistance to States under its Hazard Mitigation Grant Program for water resource development projects that also fall within the authority of the United States Army Corps of Engineers (USACE). Additional funding could be particularly useful in addressing encampments along the Santa Ana River below Prado Dam, which is operated by USACE.

undertake to satisfy the federal Clean Water Act's municipal stormwater permitting standards.

### ***San Francisco Combined System Permitting and Enforcement***

#### **Action 2: Complete Negotiations with San Francisco**

The San Francisco Bay Water Board and U.S. EPA Region IX have been involved in negotiations with the City and County of San Francisco to provide upgrades to its combined sewer system. The San Francisco Bay Water Board adopted an updated, more stringent permit on September 11, 2019, and anticipates continuing enforcement discussions with a goal of completing an enforcement action that will further reduce wet weather discharges of partially treated waste and reduce sanitary sewer overflows.

#### ***Anticipated Outcomes:***

The San Francisco Bay Water Board anticipates completing either a consent judgment under state law, or joining a federal consent decree, with additional system upgrades. If neither is possible, it may need to pursue either an administrative or judicial enforcement action against the City and County of San Francisco.

#### ***Requested Federal Support:***

The updated oceanside permit is awaiting U.S. EPA signature, so its requirements can take effect for purposes of facilities outside the state's jurisdiction. In addition, U.S. EPA and U.S. DOJ should continue on-going negotiations with the San Francisco Bay Water Board and the City and County of San Francisco to conclude a consent decree specifying further system upgrades.

### ***Improving Water Quality Compliance and Enforcement***

#### **Action3: Initiative to Reduce Facilities in Significant Noncompliance (SNC)**

Over the last year and a half, the State Water Board's Office of Enforcement (OE) has dedicated resources to meet U.S. EPA's National Compliance Initiative for reducing the number of facilities in significant noncompliance (SNC). To improve enforcement response, the Water Boards are updating the Quarterly Noncompliance Report (QNCR) review process. The updated process includes meetings between U.S. EPA, OE, and each regional water board to review the final QNCR, prioritize enforcement cases, and both plan and implement the appropriate enforcement response. Additionally, OE created and disseminated tables to the regional water boards that outline the violation types that trigger SNC and summarize the appropriate enforcement response consistent with U.S. EPA's Enforcement Management System.

OE is also working with the Assistant Executive Officers at each regional water board to identify staff to work on reviewing QNCR and reducing SNC. The first round of reviewing the QNCR with the regional water boards is ongoing. Future QNCR reviews will be streamlined and more efficient as staff become familiar with this process.

#### ***Anticipated Outcome:***

The improvements to the QNCR review process will reduce the number of facilities in SNC.

#### **Action 4: Verification and Alignment of U.S. EPA's ICIS-NPDES Data Quality Inventory for California with Water Board Databases and Regional Water Board Enforcement Efforts**

The supposed violations and discharge events cited in Administrator Wheeler's September 26, 2019 letter were identified by using U.S. EPA's ICIS-NPDES Data Quality Inventory. As California's response demonstrates, a number of these examples were erroneous, and other identified violations pose no significant threat to water quality or even merit an enforcement response. The ICIS database is also difficult to use. There are many existing data transfer issues with the ICIS database, and it is not currently possible to identify the violation that has been flagged as an instance of SNC without requiring extensive staff research to determine and prioritize the violations.

The Water Boards are working to verify and align the ICIS-NPDES Data Quality Inventory for California so that it accurately reflects information provided by permittees under NPDES self-reporting requirements. To do this, and thereby improve the utility of the ICIS-NPDES Quality Inventory, OE has been an active participant in U.S. EPA's SNC Workgroup and two of its subcommittees, the SNC Data Subcommittee and the Communications and Policy subcommittee. OE staff has taken the lead on some of the Data Subcommittee tasks and drafted resources for state and U.S. EPA regional staff to aid in investigating the reason(s) a facility is in SNC. Currently, the SNC list is not a useful management tool, because it flags violations as significant when there are not significant water quality impacts nor significant impact to the regulatory program.

##### *Anticipated Outcome:*

Improvements in the ICIS database will make the SNC list a useful management tool for California water quality enforcement measures.

##### *Requested Federal Support:*

- Dedicate additional resources to improving the ICIS-NPDES Quality Inventory database, or replace it with a modern information system.
- Revisit the definition of what qualifies as SNC to make these types of violations a more meaningful indication of threats to water quality or assessment of tNPDES regulatory program compliance.

#### **Action 5: Identify and Elevate Facilities with Mandatory Minimum Penalty Violations that Form the Basis for SNC**

California law imposes mandatory minimum penalties (MMPs) for specified violations of national pollutant discharge elimination system (NPDES) permits. Currently the Water Boards prioritize resolving MMPs within 18 months of the violations. However, when the Water Boards assess mandatory penalties for NPDES violations, which require at least a \$3,000 per violation per day penalty, U.S. EPA does not recognize the penalty alone as adequate enforcement for facilities in SNC. This can create a situation where a

Water Board has completed a prioritized enforcement action by imposing MMPs, but U.S. EPA does not regard that enforcement as sufficient to remove the SNC listing.

The Water Boards commit to conduct a review NPDES permit violations that result in a publicly owned treatment works (POTW) appearing on U.S. EPA's SNC list. That review will screen the facilities to ensure that before a Water Board resolves the MMP violations, it consider additional enforcement actions. The screening will consider whether additional enforcement, including issuance of discretionary liability and/or injunctive relief is warranted in order to correct the underlying cause of the violation(s), bring the facility back into compliance, and prevent similar violations in the future.

*Anticipated Outcome:*

Administrator Wheeler's letter cites 15 major POTWs in significant noncompliance and 11 non-major POTWs that are currently in significant noncompliance. By committing to the actions above, the Water Board will ensure that additional enforcement actions are conducted to bring facilities back into compliance when appropriate.

***Improving Access to Safe Drinking Water***

**Action 6: Implementation of Safe and Affordable Drinking Water Fund**

In July 2019, Governor Newsom signed SB200. This legislation created the Safe and Affordable Drinking Water Fund and provided an ongoing appropriation of \$130 million per year to fund the program. The Safe Affordable Drinking Water Fund and associated programs created by SB 200 build upon existing regulatory and funding efforts to address longstanding drinking water issues in small water systems in disadvantaged communities. Small, disadvantaged communities make up the majority of water systems out of compliance in California, and the nation. The Federal Safe Drinking Water Act and the Drinking Water State Revolving Fund are both structured to work better with large municipal water systems and provide limited funding and ineffective tools for addressing small water systems in disadvantaged communities. With SB200, and preceding state legislation, California now has both the tools and the funding to accelerate all communities' access to safe and affordable drinking water.

Specific tools and funding that the State Water Board now has at its disposal include:

- **Consolidation Authority:** The State Water Board is working with small community water systems on voluntary consolidation agreements to combine with nearby larger systems. The State Water Board has authority to force mandatory consolidations, under appropriate circumstances, where voluntary efforts are not successful.
- **Water System Administrators:** The State Water Board has the authority to name administrators to oversee small water systems who lack management and technical capacity. Administrators work with water systems to put them on a path to long term sustainability. The State Water Board also has funding available to pay for administrators.
- **Mapping and Needs Assessment:** The State Water Board has ongoing efforts to assess water system needs including financial and other capacity issues. The



State Water Board has found that new systems go out of compliance as others are returned to compliance. Therefore, it is necessary to try and identify those systems with a high risk of failure before they are out of compliance with water quality standards. The State Water Board is also working on more accurately mapping water system boundaries and on linking water quality data (groundwater and surface water) with drinking water data.

- **Technical Reporting:** The Water Board has the authority through SB200, to require technical reports from water systems that may include both technical details about the water system and technical, managerial and financial capacity of the system. This authority will enhance our ongoing enforcement efforts.
- **Operation and Maintenance:** Funding provided by the Safe Affordable Drinking Water Fund may be utilized for ongoing operations and maintenance support. For small, disadvantaged systems this is often a missing piece that limits their ability to operate appropriate treatment technologies and is largely behind why many systems have disinfection byproduct violations, but it cannot be funded through the Drinking Water State Revolving Fund or other federal funds.

In addition to the above the State Water Board is working on interim drinking water solutions for affected communities, providing a wide range of technical assistance services and working on water system regionalization (both physical and managerial).

#### *Anticipated Outcome:*

In the first year of the Safe Affordable Drinking Water program, the State Water Board has committed to accelerating consolidations, appointing administrators, supplying communities that currently lack safe drinking water with temporary supplies, and providing assistance to vulnerable water systems to plan for long term sustainable solutions. Goals for subsequent years will be developed as part of yearly Fund Expenditure Plan, which is required by SB200. The Fund Expenditure Plan will be developed through an open public process and approved by the Water Board. In addition to enumerating yearly goals, the Fund Expenditure Plan will report on metrics from the prior year and account for expenditure of all prior year funds.

#### *Requested Federal Support:*

U.S. EPA's Safe Drinking Water Information System requires significant upgrades. The system's outdated architecture confounds California's updated mapping and needs assessment efforts. In the absence of adequate federal investments, California and other states are expending significant resources to develop their data systems to provide a more accurate snapshot of safe drinking water needs.

#### **Action 7: Test all public schools for lead**

Children are the most sensitive population for the effects of lead contamination. Unfortunately, the outdated federal lead and copper rule does not provide adequate protection for testing at sites where children may be exposed to lead in drinking water. To address this, California has issued permit amendments to all water systems serving schools to require that they include testing for lead at schools as part of their sampling programs when requested by a school. The Legislature also passed AB 746, which requires public schools to seek testing from their water systems.

*Anticipated Outcome:*

California has just completed testing over 7,100 schools and is awaiting final results from approximately 200 public schools. Once those final results are received, the State Water Board will determine how many schools still need testing and ensure that they are tested. Only 0.86 percent of sites sampled so far exceeded the lead action level of 15 parts per billion (ppb) of lead, 4.03 percent were between 5 pb and 15 ppb, and 95.11 percent were less than 5 ppb of lead.

**Action 8: Lead service line inventory and replacement**

The simplest and most effective way to address lead in drinking water is to remove the possibility of contamination from lead plumbing. The use of corrosion control, as is currently required by the federal lead and copper, is prone to occasional failure when water sources change or operational failures occur, as was the case in Flint Michigan.

California is therefore pursuing the complete removal of lead from its community water systems to provide the best safeguard to its public. California state law requires all community water systems to compile an inventory of partial or total lead service lines used in their distribution systems. By July 1, 2020, all community water systems with identified lead service lines or fittings, or with service lines that are of an unknown material, will need to submit a schedule for replacing the lines.

*Anticipated Outcome:*

By July 1, 2020, the State Water Board will receive community water systems' schedules for replacement of all lead service lines or service lines made from unknown materials. The State Water Board will then review and assess the proposals to ensure expeditious removal of all lead sources from community drinking water systems.