

May 11, 2020

Ms. Jeanine Townsend
Clerk to the Board
STATE WATER RESOURCES CONTROL BOARD
P. O. Box 100 Sacramento, California 95812-2000
Via: commentletters@waterboards.ca.gov

Re: COMMENTS – White Paper On Economic Feasibility Analysis In Consideration of a Hexavalent Chromium MCL

Dear Ms. Townsend:

We are submitting this comment letter on behalf of the San Gabriel Valley Water Association (SGVWA) in response to the White Paper On Economic Feasibility Analysis In Consideration of a Hexavalent Chromium MCL (“the White Paper”), released for public comment by the State Water Resources Control Board in February 2020. The SGVWA represents 60 members in the main San Gabriel Basin comprised of special districts, municipal water utilities, mutual water companies and investor-owned utilities. Our members provide drinking water to over 2 million residents of the San Gabriel Valley safeguarding their health and safety. While the White Paper addresses economic feasibility resulting from a court-mandated standard for hexavalent chromium (Cr6), we recognize the implications for all future safe drinking water standards.

The main San Gabriel Basin overlies the nation’s largest safe drinking water U.S. EPA Superfund site, and we have managed to address the contamination while not leaving any water system behind, regardless of their economic status. That is why we disagree with the White Paper’s premise that accounting for economic feasibility of drinking water standards by factoring community water systems of limited financial means and their residents, sacrifices the greater good for people who live in more affluent areas. Having to choose between poor and wealthier communities in providing safe drinking water is a false choice that can be avoided by working through the hard questions about affordability that adds up to economic feasibility.

We agree with comments by others, that the State Water Board should strive to be responsive to the Superior Court ruling that invalidated the MCL for hexavalent chromium in 2017, by developing a policy to be followed by the Division of Drinking Water (DDW) in determining economic feasibility in the MCL process.

A policy on economic feasibility by the State Water Board should answer the following questions :

1. Do the proposed MCLs (or other standards or policies) provide public health benefits that justify the costs of implementation? If benefits are deemed to exceed or otherwise justify costs, then
2. Is the MCL affordable?

To answer those questions we believe that the Division of Drinking Water should include a screening-level assessment to ensure that suitable data is available to describe the full range of impacted system sizes and locations and analyze the corresponding benefit and cost implications. This assessment should identify whether further data collection and/or technical analysis is warranted.

The policy should include a Benefit-Cost analysis (BCA) to help ensure that the MCL will be an efficient and effective investment of resources in public health protection. The result of that assessment will help in the evaluation of the affordability of the proposed MCL resulting from the BCA. This includes the application of community-level affordability metrics to determine whether the proposed MCL is affordable for impacted communities.

No one metric or threshold is sufficient as a decision rule for identifying affordability concerns. However, several methods and metrics exist that will allow the Board to identify those communities for which the cost of compliance will pose an undue economic hardship for a disproportionate number of households. Such approaches include efforts to:

- Quantify the range of potential assistance needs based on those communities for which costs associated with compliance are deemed to be unaffordable.
- Evaluate the ability of the state to provide the projected level of assistance, including through grants, loans, and other methods. A key consideration in this assessment is to understand whether the demand will divert spending on infrastructure rehabilitation and other necessary investments that are likely to provide greater health protection benefits to ratepayers.

We agree that most proposed MCLs will be more economically and technically challenging for small systems to satisfy compared to large systems. However, the populations served by these small systems deserve the same level of public health protection as larger systems. The costs of all potential options for small system compliance should be examined, including for point of use treatment, consolidation (both physical and/or managerial/technical consolidation options), and non- treatment options. The resulting impacts to individual communities should be assessed and examined as part of the affordability assessment.

We appreciate this opportunity for presenting our comments and suggestions on economic feasibility in the setting of safe drinking water standards. We are eager to engage in a stakeholder effort with the State Water Board to assure that no one gets left behind in the quest for safe drinking water.

Sincerely yours,

Anthony Zampielo
Executive Secretary
SGVWA

Cc:

The Honorable Joaquin Esquivel, Chair, SWRCB
Members of the State Water Resources Control Board
Mr. David Zonana, Supervising Deputy Attorney General
Mr. Charles Wilson, President CEO, SCWC
Mr. Ray Kolisz, Chairman, CWSA
Mr. Adan Ortega, Executive Director, CalMutuals
Ms. Cindy Tuck, Legislative Director, ACWA