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April 21, 2017

State Water Resources Control Board
Attn: Jeanine Townsend, Clerk of the Board
1001 I Street, 24th Floor
Sacramento, CA 95814

VIA EMAIL: commentletters@waterboards.ca.gov

Re: Comment Letter – Proposed Rulemaking - 1,2,3-Trichloropropane Maximum Contaminant Level

Dear Ms. Townsend,

On behalf of Olivenhain Municipal Water District, thank you for the opportunity to provide the State Water Resources Control Board with input on the proposed rulemaking on 1,2,3-Trichloropropane Maximum Contaminant Level. OMWD provides 84,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

OMWD has many concerns about the proposal including the potential impacts to daily operations, unknown capital improvements necessary for compliance, and the costs that will ultimately be borne by ratepayers across the state. The very short amount of time to bring operations into compliance before the possibility of being deemed in violation is also a matter of great concern.

Following implementation of the 1,2,3-TCP MCL, at the point in which routine monitoring for 1,2,3-TCP reveals detection above the notification level of 500 ppt, OMWD customers will need to be notified. Following detection levels above the MCL of 5 ppt, OMWD's David C. McCollom Water Treatment Plant, which utilizes ultrafiltration membrane technology, will need to be shut down until capital improvements are implemented to allow treatment below the MCL. During this time, while its treatment facilities sit idle, OMWD will be required to utilize expensive, treated water connections from San Diego County Water Authority to meet all demands, incurring additional expenses for ratepayers.

One hundred percent of OMWD's DCMWTP treated water flow stream of 34 MGD would require treatment via granular activated carbon, which would require a GAC system to be designed and constructed as a new process at the existing facility. Using the State Administrative Manual Cost Estimating Methodology and Cost Curves, the estimated capital costs to OMWD to install a GAC system are \$10.62 million. Estimated additional operations and maintenance costs are \$2.25 million per year, although due to the complex configuration of OMWD's DCMWTP, both capital and annual costs may be higher.



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The timing of this regulation is also of the utmost concern for most water agencies. If adopted in 2017, the draft regulation would require water agencies to monitor for 1,2,3-TCP beginning in January 2018. Because of the short time period between adoption and expected compliance, many affected water systems would be in violation of the new standard soon after monitoring begins, as it is not feasible to install appropriate water treatment systems to comply with the MCL within the time allotted. The steps to properly install necessary treatment include identifying and evaluating available technologies, pilot testing, designing treatment facilities, budgeting expenses, obtaining permits and environmental review, and constructing new treatment systems. All of this can take years and require significant financial investment by ratepayers.

Higher up-front capital costs are not the only burden that the proposed MCL would place upon ratepayers. Ongoing treatment costs can be greatly impacted by operational practices such as GAC treatment, identified in the rule as the best available technology for this contaminant. Further, the requirements that the State Board would impose as part of implementing this regulation must give full consideration to operational requirements including incorporating “non-detects” in averaging for MCL compliance, turn-around times between sampling and certification, obtaining outside laboratory results, and meeting blending objectives.

In addition to being subject to State Board enforcement actions, there are significant adverse impacts when a water agency is deemed out of compliance with a public health-based drinking water standard. Further, the water agency is subject to legal liability and lawsuits (lawsuits filed by California River Watch against the cities of Livingston and Vacaville are two examples). In addition, public confidence in the safety of their drinking water may be seriously undermined along with their confidence in their water supplier.

OMWD strongly recommends that the State Board amend the proposed rule to provide a specific, reasonable time period to enable water agencies to comply with the new 1,2,3-TCP MCL before they may be deemed in violation. If you or your staff should need any additional details pertaining to this assessment, please do not hesitate to contact me at 760-753-6466 or kthorner@olivenhain.com.

Regards,



Kimberly A. Thorner
General Manager

CC: Kim Craig, Deputy Cabinet Secretary, Office of Governor Edmund G. Brown, Jr.
Assemblywoman Marie Waldron
Assemblyman Rocky Chavez
Assemblyman Brian Maienschein
Assemblyman Todd Gloria
Senator Pat Bates
Senator Joel Anderson

Senator Toni Atkins

Mark Muir, Board Chairman, San Diego County Water Authority

Tom Howard, Executive Director, State Water Resources Control Board

Eric Oppenheimer, Chief Deputy Director, State Water Resources Control Board Planning
and Performance

Dave Bolland, Director of Regulatory Relations, Association of California Water Agencies