



Association of California Water Agencies

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Sent via ELECTRONIC MAIL to commentletters@waterboards.ca.gov

May 31, 2016

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: ACWA Comments regarding Waste Discharge Requirements General Order R5-2012-0116-R4, Growers Within the Eastern San Joaquin River Watershed

Dear Ms. Townsend:

The Association of California Water Agencies (“ACWA”) appreciates having the opportunity to comment on the State Water Resources Control Board’s (“SWRCB’s”) draft Waste Discharge Requirements General Order R5-2012-0116-R4, Growers Within the Eastern San Joaquin River Watershed (“Draft WDR”). ACWA represents over 430 public water agencies that collectively supply 90% of the water delivered in California for domestic, agricultural and industrial uses. ACWA’s public water agency members are entrusted with the responsibility of supplying safe, high-quality drinking water. Ensuring the safety of drinking water supplies by complying with all relevant state and federal standards is the highest priority of these agencies.

ACWA has concerns about language included in Footnote 140 on page 49 of the Draft WDR that refers to the SWRCB’s proposal to disclose exact public water system wells through the GeoTracker web portal (“Location Disclosure Proposal”). The footnote proposes that “the State Water Board will no longer obscure groundwater well location information on its online groundwater information systems or withhold other records that identify the precise location of water supply wells used by public water systems,” noting that this would be “consistent with the Legislature’s clear policy direction regarding the transparency of

groundwater data.”¹ On May 23, 2016, ACWA submitted comments to the Water Board regarding the Location Disclosure Proposal, noting that “SB 83, in relevant part, amended Water Code section 13752 to require the Department of Water Resources to make well completion reports available to the public upon request. In contrast, under the current Location Disclosure Proposal, the SWRCB would make public water systems’ exact well locations readily available through the GeoTracker web portal.”²

It is our understanding that the Location Disclosure Proposal has not been finalized by the SWRCB yet, and therefore references to it in this Draft WDR are premature. ACWA would like to reiterate our concerns that “the public’s interest in immediate and uncontrolled access to well location information must be carefully weighed against the potential security and public health risks for public water systems and their customers, as well as potentially conflicting requirements and responsibilities under state and federal law,”³ and requests that references to this Location Disclosure Proposal be removed from the Draft WDR.

Sincerely,



Rebecca Franklin
Regulatory Advocate

Attach.

cc: Ms. Emel Wadhvani, Senior Staff Counsel, Office of Chief Counsel
Ms. Karen Larsen, Deputy Director, Division of Water Quality

¹ At 49.

² See attached at 1-2.

³ *Id.* at 2.



Association of California Water Agencies

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Sent via ELECTRONIC MAIL to Laura.Shook@waterboards.ca.gov

May 23, 2016

Ms. Laura Shook
Engineering Geologist, Division of Water Quality
State Water Resources Control Board
1001 I Street, 15th Floor
Sacramento, CA 95814

Re: ACWA Comments regarding SWRCB Proposal to Disclose Exact Public Water System Well Locations through GeoTracker

Dear Ms. Shook:

The Association of California Water Agencies (“ACWA”) appreciates the opportunity to comment on the State Water Resources Control Board’s (“SWRCB”) proposal to disclose the exact locations of public water system wells through the GeoTracker web portal (“Location Disclosure Proposal”). ACWA represents over 430 public water agencies that collectively supply 90% of the water delivered in California for domestic, agricultural and industrial uses. Many of ACWA’s public agency members are entrusted with the responsibility of supplying the public with safe, high-quality drinking water. Ensuring the safety of drinking water supplies by complying with all relevant state and federal standards is the highest priority of these agencies.

In a letter dated August 15, 2015, Division of Water Quality staff solicited comments from potentially interested parties on what steps, if any, the SWRCB should take in response to the enactment of SB 83 (2015). ACWA and several other listed recipients on the August 2015 letter who represent public water systems were not aware of the letter until a May 9, 2016 meeting convened by Division of Drinking Water and Division of Water Quality staff on the Location Disclosure Proposal. We appreciate SWRCB staff’s willingness to consider these comments before any final decision is made on the Location Disclosure Proposal.

ACWA has significant concerns related to the current Location Disclosure Proposal and encourages the SWRCB to enter into a meaningful dialogue with public water systems to resolve these issues before proceeding. SB 83, in relevant part, amended Water Code section 13752 to require the Department of Water Resources to make well completion reports available to the public upon request. In contrast, under the current Location Disclosure Proposal, the

SWRCB would make public water systems' exact well locations readily available through the GeoTracker web portal.

There may be a variety of legitimate reasons to provide alternative forms of public access to information contained in well completion reports. For example, ACWA acknowledges the SWRCB's stated interest in increasing the transparency and availability of groundwater data for purposes including the facilitation of efforts by governmental agencies and nongovernmental organizations to identify individuals and communities that are in need of infrastructure and sustainable water supplies as well as general research regarding groundwater quality. When considering the manner in which this sensitive information is made available, however, the public's interest in immediate and uncontrolled access to well location information must be carefully weighed against the potential security and public health risks for public water systems and their customers, as well as potentially conflicting requirements and responsibilities under state and federal law.¹

ACWA appreciates the SWRCB's outreach to public water system representatives on this important issue. We stand ready to work with the SWRCB to facilitate a meaningful dialogue with public water systems to resolve the concerns identified in this letter before any final decision is made to proceed with the Location Disclosure Proposal.

If you have any questions regarding this matter, please contact me at AdamR@ACWA.com or (916) 441-4545.

Sincerely,



Adam Walukiewicz Robin
Regulatory Advocate

cc: Ms. Cindy Forbes, Deputy Director, Division of Drinking Water
Ms. Karen Larsen, Deputy Director, Division of Water Quality
Ms. Shahla Farahnak, Assistant Deputy Director, Division of Water Quality
Mr. John Borkovich, Supervising Engineering Geologist, Division of Water Quality

¹ These include public water systems' requirements, responsibilities and practices under state and federal statutes which include, but are not limited to, the California Public Records Act, the California Information Practices Act and the federal Public Health Security and Bioterrorism Preparedness and Response Act.