



Comment Letter–Safe Drinking Water Plan due 12.15.2014

Not all public water systems are governed by a State agency. Los Angeles Department of Water and Power LADWP does not come under the jurisdiction of the California Public Utilities Commission or the Department of Corporations. Board of Water and Power Commissioners govern the LADWP while City Council for the City of Los Angeles has ultimate jurisdiction.

You fail to include AB 2403 (2013) that alters the definition of water and the relationship to Proposition 218 requirements:

“Water” means any system of public improvements intended to provide for the production, storage, supply, treatment, or distribution of *water from any source*.

For the City of Los Angeles, this means the capture of stormwater, without treatment, and reuse. This is not Rainwater Harvesting for use on private property, but capture for use on public property. Geared toward landscape water use, there is no procedures to prohibit use by humans including the homeless. Los Angeles County Department of Public Health as jurisdiction for public health issues. In some instances, stormwater will be captured to be treated in the wastewater plant for groundwater recharge.

Stormwater is under the jurisdiction of the USEPA NPDES National Pollutant Discharge System MS4 Permit through the LA Regional Water Quality Control Board and the State Water Board. Board of Public Works has jurisdiction over the City of Los Angeles Bureau of Sanitation. City Council has jurisdiction over the Board of Public Works.

It is not currently considered a “Water Asset” as that category triggers jurisdiction by the LADWP Board of Water and Power Commissioners.

Please note that the LA Regional Water Quality Control Board allows stormwater capture through EWMP Enhanced Watershed Management Plans as compliance for the MS4 permit, bypassing water quality compliance monitoring.

AB 54 adds governance issues with the mutual water companies.

Division of Drinking Water Other Activities include

- (1) the development and processing of regulations related to drinking water,
- (2) development of drinking water standards
- (3) review of potential projects for groundwater recharge
- (4) provision of information to other state agencies regarding activities that might impact drinking water sources, and
- (6) a registry of residential point-of-entry (POE) and point-of-use (POU) water treatment devices.

Local county health officer may have authority for PWS with less than 200 service connections. Fifty-eight counties are covered.

You state:

Recommendations

2-2 The State Water Board will identify the most efficient mechanism of working more closely with LAFCOs to help address technical, managerial, and financial issues with small agencies under their purview that operate a PWS

Comments:

In densely populated cities such as Los Angeles, with a hunger for more water supply to increase development, we suggest you discern the autonomy of the ownership and not open the process to a water supply grab. LAFCOs are processes not evident to the general public. LAFCOs does no outreach to the public nor are they elected by the citizens.

Many groundwater basins are adjudicated. Ownership rights to groundwater should not be taken lightly. The use of water for those households served should take more consideration than a LAFCO division and allocation.

You state:

Recommendations

4-2 The State Water Board will continue to promote consolidation of small water systems where ever feasible since consolidations with a larger water system is the best solution.

Comments:

We disagree that consolidation is the best solution. State Water Board is promoting water supply to be controlled by systems not owned by stakeholders or have an interest in the customers served. This is a clear WATER GRAB. We see no authorities that allow just a blatant move with no due process or vote of the citizens or shareholders.

You state:

Recommendations

8-5 The State Water Board recommends enactment of legislation to mandate a requirement that a small public water system that is within the sphere of influence of a larger water system should be required to annex to the larger system. Any legal or financial barriers to such consolidations should be addressed and funding options to facilitate consolidation should be made available such as through changes to the SDWSRF and/or future water bonds. The State Water Board will use the Transition Advisory Group as a forum to address barriers to consolidation, and receive recommendations.

Comments:

State Water Board is intruding on rights-both property and water rights. This should cease. No legislation should be pursued.

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