



February 12, 2019

Human Right to Water  
Attn: Carolina Balazs  
Office of Environmental Health Hazard Assessment  
1515 Clay Street, 16th Floor  
Oakland, CA 94612  
*Via Electronic Mail*

RE: Comments on OEEHA Framework & Tool for Evaluating California's Progress in Achieving the Human Right to Water January 2019

On behalf of the Leonardo DiCaprio Foundation (LDF), I welcome the opportunity to submit these comments to Office of Environmental Health Hazard Assessment (OEHHA) on the January 2019 draft of "Framework and Tool for Evaluating California's Progress in Achieving the Human Right to Water." The LDF Water Program works with community leaders, academic researchers, and government staff on environmental and drinking water protections through the state. Our staff and partners are committed to working with you to fulfill this important promise to the residents of California.

#### Component 1: Water Quality

- Consider including failures to comply with secondary drinking water standards as well. Secondary standards are fully enforceable under California law.<sup>1</sup> Moreover, classification as a "secondary" contaminant does *not* assure safety to all populations at *any* level of exposure.
- P. 11 Contaminants Selected. Manganese is a widespread and significant problem for water systems in South and Southeast Los Angeles. (see attached study) We are concerned that EPA may have looked at general population averages when setting the MCL for manganese, or overlooked governmental and other credible scientific studies that identify health and developmental risks to infants and children from extended exposure to manganese through ingestion or skin contact.<sup>2</sup>
- Consider including violations for monitoring and reporting as an additional indicator under this factor. A recent study found that very small and small water systems are more likely to show a disproportionate number of MR violations. The study claims chances are

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<sup>1</sup> (Cal. Code Regs., tit. 22, section 64449. (see here [http://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/Manganese.shtml](http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Manganese.shtml))

<sup>2</sup> See, e.g., [http://www.epa.gov/teach/chem\\_summ/manganese\\_summary.pdf](http://www.epa.gov/teach/chem_summ/manganese_summary.pdf);  
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3282923/> (with links to studies establishing detrimental health effects to children from exposure to manganese in drinking water.)

good they water quality violations would also be found at these systems if regulators were to enforce MR.<sup>3</sup>

- P. 11 Contaminants Selected. FN 10. Consider using the data made available from MR of hexavalent chromium when it was regulated for a short while. This can be weighted proportionately given the short timeframe, while establishing a place for this data once it regulated again.

#### Component 2: Water Accessibility

- P.18-19 Physical Vulnerability Subcomponent. Consider not only how many wells a system has, but how many wells a system has had over its years of service. The systems are only supposed to report on quality in existing wells. This skews our understanding of the health of their source waters because it doesn't provide a complete picture of vulnerability. If a system's last well is not showing any exceedances, but 4:5 of its wells have been shutdown due to contamination or shortage, that system is very vulnerable. Historical SDWIS records show inactive wells.
- P.19 Physical Vulnerability Subcomponent. Consider looking at monthly reporting of conservation achievements required by the State Water Board as of 2015. Those that successfully achieved their mandatory gpcd reduction are likely less vulnerable to shortages than those that were not successful.
- P.20 Institutional Capacity. Consider cross-referencing annual capital expenditure plans and water quality reports to see whether systems plan to invest in treatment technologies that address water quality exceedances.
- P.21 Managerial Constraints. Consider additionally working with the Secretary of State, CPUC, or IRS (in the case of mutual) to inspect annual financial reports (990 tax form).
  - These reports should identify whether board members are also employees of the system. CA Corp. code forbids more than 49% of a water utility board be composed of employees. It's considered double-dipping.
  - These reports should also identify irregular accounting, such as erratic value depreciation of assets or large cash reserves.
  - These reports should identify patterns of over-compensation such as large raises or job creation for an existing employee.

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Thank you for the opportunity to submit these comments. We look forward to working with you to ensure that the state and water systems establish quality and supply controls, governance, and affordability structures that ensure the human right to water is successfully achieved.

Best Regards,  
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Water Program Director



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<sup>3</sup> Marcillo & Krometis, <https://doi.org/10.1002/aws2.1120> (January 2019)