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Submitted via email: hr2w@oehha.ca.gov

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Subject: Comment Letter- Public Review Draft: Achieving the Human Right to Water in California- *an assessment of the state's community water systems*

Dear Dr. Balazs:

Thank you for the opportunity to provide comments on the Office of Environmental Health Hazard Assessment (OEHHA) Public Review Draft "Achieving the Human Right to Water In California- An Assessment of the State's Community Water Systems" (report and tool). Developing environmental indicators for a complicated topic such as the cost, quality and availability of water supplies is not an easy task. This task is particularly challenging when the information provided by the indicators will be used to make public policy decisions about management of one of the resources that is essential for human society (which include water, sanitation, food, heat, power, etc.) There is already a high degree of suspicion among some segments of the public about the quality of public drinking water supplies – even those that are demonstrated through regular testing to surpass regulatory requirements and even other health indicators. It is vital that a tool developed to evaluate public drinking water supplies by a state agency that is responsible for health hazard assessment ensure that the information in the tool is robust, accurate and relevant. Our comments are provided in that context.

Water Quality Indicator 1

The Tool displays a score for San Juan Water District that indicates that during the time period evaluated (2008-16), one violation of a maximum contaminant level occurred in San Juan's drinking water supply. San Juan did not report any violations of an MCL during that period, so this data is not accurate, nor is the score that is based on this data. There does not appear to be any mechanism to correct this information in the Tool. OEHHA should define a process to ensure that data and scores can be corrected by water agencies.

Water Quality Indicator 3

This indicator is based on the same data as that used for Water Quality Indicator 1, so any inaccuracies that are displayed in Indicator 1 are carried over into Indicator 3. This relationship thus magnifies the errors in the composite score for both the Exposure Subcomponent and the Water Quality Component. To prevent this compounding effect, OEHHA should ensure that data for individual indicators is independent.

Water Quality Indicator 4

The Tool displays a score for San Juan that indicates that 1-2 of the 14 constituents selected by OEHHA were not reported by San Juan per regulatory requirements. In fact, San Juan complied with all reporting requirements for these constituents during this timeframe. Some constituents are not required to be sampled and reported in treated water, if they are not detected in raw water, so this could be the potential source of the error in OEHHA's data. Unfortunately, the algorithm used by OEHHA is not defined in the report describing the indicators nor in the Tool itself, so we have no way of deciphering where the error is. OEHHA should provide a mechanism to allow water agencies to validate the information used by OEHHA in the Tool.

Composite Scores

The equations for the Exposure Subcomponent score and the Non-Compliance Subcomponent score both appear to return scores that do not fall within the 0-4 range that is the scale used for all of the indicators. The Exposure Subcomponent equation returns a maximum composite score of 14, and the Non-Compliance Subcomponent equation returns a maximum score of 9. The Water Quality Component equation would thus return a maximum score of 11.5. OEHHA should revise the equations to make sure that the Component Score falls within the reported range.

Water Accessibility Indicator 1

OEHHA uses the Safe Drinking Water Information System to define the number of sources available to a water agency to meet water supply needs. This database, however, includes some sources that are not active and others that are listed multiple times, and does not include others that are available to agencies for supplies. For example, using the data parameters that populate the SDWIS, the figures for the Fair Oaks Water District and the Citrus Heights Water District (both Districts that adjoin, and are hydraulically connected to the San Juan Water District retail area and are encompassed in the wholesale service area of San Juan) would be 7 sources each, which would have resulted in scores of 3 points for each. Yet, these agencies are both

listed with scores of 4 points. San Juan is given a score of 1 for this indicator, which is associated with 1-2 sources. Yet, San Juan not only has 2 primary supply sources, but also has hydraulic connections (interties) with 5 neighboring agencies, including Fair Oaks and Citrus Heights Water Districts. These latter two agencies are listed as having 12 active wells total, so an accurate score for San Juan Water District would be 4, meaning that it has access to 10 or more sources.

Based on this information, it appears that the SDWIS is not an appropriate source of data to characterize water accessibility. More information is included in Urban Water Management Plans, but even those do not include extensive information on interties or other hydraulic connections. We recommend that OEHHA collaborate with water agencies to ensure that this parameter (and indeed, the whole Tool) is accurately characterized.

Affordability Indicators

As noted above, to avoid compounding errors or to ensure that specific data points are not given more significance than is warranted, individual indicators should be based on data that is independent from data used for other indicators. All three of the affordability indicators use the data provided by water agencies in the Electronic Annual Report (EAR) for the monthly bill associated with 6 hundred cubic feet of water (CCF) use by a residential account. Using this single parameter for all three indicators triple-counts the significance of this data point.

Furthermore, the questions posed in the EAR concerning the water bills for different levels of monthly residential consumption were not precise, so the responses from water agencies may not have been consistent or even completely accurate. For example, many water agencies receive property tax revenues, which are collected from residential customers via the semi-annual property tax assessment. If water agencies only used their rates to calculate monthly water bills, these property tax costs to their residential customers would not have been included in the EAR data, and thus not displayed accurately in the OEHHA Tool. Similarly, other charges that may not occur monthly (such as fees for various services or even fees that are billed via the water bill, but not necessarily on a monthly basis) may not have been included.

As noted in the report on the Tool, OEHHA only found this water bill data for 1,158 of the 2,903 water systems that are evaluated in the Tool. Consequently, a composite score cannot be calculated for over 60% of the agencies evaluated in the Tool, thus leading to significant problems with being able to use the Tool to accurately characterize achievement of the Human Right to Water in California, or using the Tool to make public policy decisions.

The California Budget and Policy Center estimates that in California, the average income needed to make ends meet for a family of four is \$6,329 per month (see their “Making Ends Meet” report). The average cost of water for 6 CCF identified in the report is \$41.39. According to census data, the median family income in California is \$6,834 per month. Comparing these statewide figures would result in water bills averaging less than 1% of either median family income or the income identified as necessary to make ends meet – a level that has been defined by both the US Environmental Protection Agency and the United Nations as affordable. However, the Tool displays varying shades of percentages of different income metrics, which could lead a reader to conclude that any rating below “4” is unaffordable, even though ratings of 1, 2 and 3 (which apply to 96.2% of the agencies for which there is data) all fall within the EPA definition of affordable. The report and Tool should more clearly explain that water systems are being analyzed against this backdrop and that a holistic approach to affordability is necessary to address the larger challenges with affordability in the state.

It was stated by Dr. Pierce at the Academic Workshop that water affordability has very little to do with water rates and that water systems cannot account for overall affordability challenges. This is a critically important point that should be highlighted in the presentation of the Tool. In fact, the State Water Resources Control Board’s January, 2019 report on “Options for Implementation of a Statewide Low-Income Water Rate Assistance Program” states that 72% of Californians whose income is below 200% of the federal poverty level do not receive water bills, because they live in rental housing. Rental housing costs are not directly correlated with water bills, and fluctuate because of other more significant factors (market price and availability of housing, mortgage rates, other economic drivers, etc.), so comparing hypothetical water bills to income levels for segments of the population that do not receive water bills makes the comparison meaningless, and thus any indicator scores based on this comparison inaccurate.

Thanks again for the opportunity to provide comments on the Tool. We look forward to working with OEHHA to improve the information in the Tool and its usefulness for deliberations on policy issues associated with public water supplies in California.

Sincerely,



Paul Helliker
General Manager