



COACHELLA VALLEY WATER DISTRICT

Established in 1918 as a public agency

GENERAL MANAGER
Jim Barrett

ASSISTANT GENERAL MANAGER
Robert Cheng

July 19, 2019

The Honorable Gavin Newsom
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

Re: Assembly Bill 756 (AB 756) – Public Water Systems; Perfluoroalkyl Substances and Polyfluoroalkyl Substances – **Request for Veto**

Dear Governor Newsom:

Coachella Valley Water District (CVWD) writes to respectfully request your veto on AB 756 (C. Garcia), which would grant authority to the State Water Resources Control Board (State Water Board) to direct water suppliers across the state to monitor for perfluoroalkyl substances and polyfluoroalkyl substances, commonly known as PFAS chemicals.

The issue with the legislation is that it fails to target merely one or two individual chemicals, but rather attempts to reach around the whole classification of PFAS chemicals. The bill authorizes the State Water Board to not only direct individual water systems to monitor, but also permits the State Water Board to issue orders that affect *all* public water systems and require *all* public water systems to monitor for such chemicals. For smaller systems, because of the expensive and burdensome testing requirements, undertaking this testing will result in expenses that will far outweigh what their customer base is likely to be able to afford.

Furthermore, while notification requirements are currently in effect in the California Health and Safety Code § 116455, AB 756 greatly expands these requirements. In the alternative, a public water system may forgo the notification requirements only by taking impacted water sources offline. Treatment or blending water sources to reduce drinking water PFAS levels below notification levels to preserve consumer confidence and continue using these water sources is not an option in AB 756. Replacing a large percentage of the system's source water with alternatives sources, if alternative sources are even available, can have serious unintended consequences that could be triggered because AB 756 does not provide water systems the ability to develop and implement compliance plans as is the case for other regulated contaminants. While one could *infer* an exception to continue to use the source, which is allowed so long as the public notification process is followed, the operation of our legal and regulatory system is not designed to operate on inference. An explicit exception should be required in the legislation.

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The United States Environmental Protection Agency has developed an action plan to determine if two common chemicals in the PFAS family, perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), may in fact be harmful, the extent to which they exist in water systems, and what measures can be taken to reduce health risks. In addition, the State Water Board has established interim notification levels at concentrations of 13 parts per trillion for PFOS and 14 parts per trillion for PFOA. The State Water Board will be substantially lowering these thresholds later this month. When notification levels are exceeded, water systems are required to report the levels found to the appropriate local governing body and the State Water Board. All detected constituents required to be monitored, including PFAS, are made public in annual Consumer Confidence Reports. When the combined level of PFOA and PFOS exceeds the response level (70 parts per trillion), the State Water Board recommends that water systems remove the source from service or provide treatment. This phased investigation and response plan has taken place under the State Water Board's existing authority and in systems they have determined may be contaminated, an important distinction.

In closing, CVWD respectfully requests your veto on AB 756. The legislation's major failing is not allowing water systems to treat water below levels that trigger notification. An explicit exception to the public notice requirements is required to allow water systems to continue to use the water source if effectively treated.

Sincerely,



J. M. Barrett
General Manager

cc: State Water Resources Control Board Chairman Joaquin Esquivel
Assemblymember Eduardo Garcia, 56th Assembly District
Assemblymember Chad Mayes, 42nd Assembly District
Senator Jeff Stone, 28th Senate District

KJ/Comm&Leg/2019/071919AB756vetoreq