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CITY COUNCIL MEETING
JULY 27, 1985

WATER QUALITY
LEGISLATION

7-29-85

Information regarding water quality legislation AB 859 (Sher) and AB 2133 (Jones) was presented for Council's perusal. A California Municipal Utilities Association "Legislative Alert" supporting AB 2133 and opposing AB 859 was also presented to the Council. Council was apprised that staff feels very strongly that drinking water standards should not be set by an arbitrary legislative act and that the standards should be set only by serious and in-depth scientific study and testing. It was recommended that AB 2133 (Jones) be supported in that it does approach the setting of additional drinking water standards in a logical, scientific manner.

Council took a position of opposing AB 859 (Sher) and supporting AB 2133 (Jones).



CITY OF LODI

PUBLIC WORKS DEPARTMENT

COUNCIL COMMUNICATION

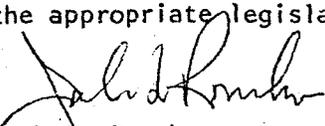
TO: City Council
FROM: City Manager
DATE: July 11, 1985
SUBJECT: Water Quality Legislation

RECOMMENDED ACTION: That the City Council take a position opposing AB 859 (Sher) and supporting AB 2133 (Jones).

BACKGROUND INFORMATION: The City of Lodi recently received the attached Legislative Alert from the California Municipal Utilities Association (CMUA). This material includes a general description of each subject Bill.

This department feels very strongly that drinking water standards should not be set by an arbitrary legislative act, and that the standards should be set only by serious and in-depth scientific study and testing. It is felt that the Jones Bill should be supported in that it does approach the setting of additional drinking water standards in a logical, scientific manner.

It is recommended that copies of the City's position on these two Bills be sent to the appropriate legislators and Jerry Jordan at CMUA.


Jack L. Ronsko
Public Works Director

Attachment

JLR/eeh

NOTE: A recent Legislative Report from CMUA is also attached

APPROVED:


THOMAS A. PETERSON, City Manager

FILE NO.

CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION

SUITE 103-1213 K STREET

SACRAMENTO, CALIFORNIA 95814

TELEPHONE (916) 441-1733

July 1, 1985

TO: Heads of Water Utilities
Water Quality Management Committee

FROM: Jerry Jordan

LEGISLATIVE ALERT

ACTION NEEDED ON WATER QUALITY LEGISLATION

After being defeated in the Assembly Ways and Means Committee, AB 859 (Sher) was amended and passed the full Assembly. In its current form it is worse than originally drafted. Originally the bill would have made primary drinking water standards out of four contaminants. It now makes "interim" primary drinking water standards out of approximately 47 action levels (copy enclosed) and states that water utilities may not purvey water exceeding these action levels until such time as they are superseded by maximum contaminant levels adopted by the Department of Health Service.

In my opinion if AB 859 is passed it will result in the current action levels being the permanent ceiling and only lower changes will be possible. If the action levels operate for two years as "interim" MCL's then the adjustments necessary to meet those standards, either through treatment or alternative water supplies, will have already been made and paid for. In addition it is unlikely that DHS or the Legislature will permit water utilities to move to higher standards when they have been meeting lower standards already.

PLEASE CONTACT YOUR LEGISLATORS IMMEDIATELY TO EXPRESS YOUR OPPOSITION TO AB 859 (SHER). The bill will be heard very soon in the Senate. Attached is some information we have used in opposing the bill; a copy of the list of action levels which would become maximum contaminant levels, and a copy of the bill.

JJ/ael
Enclosures

RECEIVED

JUL - 2 1985



CITY OF LODI
PUBLIC WORKS DEPARTMENT

Members of the Assembly

AB 859 OPPOSE - FILE NO. 107
AB 2133 SUPPORT - FILE NO. 108

CURRENT LAW

The Department of Health Services (DHS) has not yet set primary drinking water standards (i.e. maximum concentration levels-MCL's) for most synthetic organic contaminants which have recently been discovered in some water supplies. DHS has however set "action levels" which are intended as interim "warning signals". DHS makes recommendations on treatment and/or management of the risks where action levels are exceeded and recommends that consumers be notified. Although there is no force of law behind the action levels, there is 95% compliance with DHS suggestions on action levels. Water utilities voluntarily comply with these recommendations in spite of the fact that action levels are set by the DHS staff without compliance with the Administrative Procedures Act and without the benefit of serious scientific review.

AB 2133 (JONES)

1. Requires DHS to rank all contaminants found in drinking water in order of risk by January 1, 1987.
2. Requires the DHS to develop Primary Drinking Water Standards (MCL's) for the top 20 ranked contaminants by January 1, 1988.
3. Would require that Health Advisory Contaminant Levels (HACL's) be established (based only upon health assessments) for all contaminants.

AB 859 (SHER)

1. Adopts as interim Primary Drinking Water Standards approximately 47 action levels which have been established without compliance with the Administrative Procedures Act and without serious scientific review.
2. Current law provides for substantial fines and penalties for any person operating a water system in violation of a primary drinking water standards. AB 859 would subject operators of public water systems to extreme penalties for violating standards which were adopted without public input and without benefit of sufficient scientific knowledge (AB 1241, Konnyu, which has already passed the Assembly would provide for fines of up to \$25,000 per day for violation of primary drinking water standards.)
3. Five of the compounds on the action level list are listed on the basis of taste and odor considerations and not on the basis of health risks. AB 859 would result in subjecting water utilities to fines and penalties for taste and odor problems.
4. Six of the compounds listed on the action level list were not included in the AB 1803 monitoring program, and it is not clear to what extent they exist in groundwater or how a utility would monitor for them.

The undersigned organizations are very concerned with providing wholesome, pure, and potable water and urge that you choose the more balanced approach of AB 2133 and reject AB 859.

ASSOCIATION OF CALIFORNIA WATER AGENCIES

CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION

CALIFORNIA WATER ASSOCIATION

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION

SUITE 103 - 1213 K STREET

SACRAMENTO, CALIFORNIA 95814

RECEIVED
TELEPHONE (916) 441-1233

JUL 10 1985

July 10, 1985



CITY OF LODI

PUBLIC WORKS DEPARTMENT

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Water Quality Bills

Two water quality bills, one bad and one mostly good, have cleared the Assembly. Because of testimony of the Department of Health Services, Legislators have been able to vote for both bills and assume consistency.

AB 859 (SHER-Oppose), in its original form, would have made primary drinking water standards out of four action levels and required the customers be notified whenever any amount of the chemicals were detected. The bill was defeated in its first hearing in Ways and Means Committee but, as is often the case, was granted reconsideration.

AB 859 was reheard along with AB 2133 (JONES-Support) in a subcommittee of Ways and Means on June 24, 1985. The Jones bill would require the Department of Health Services (DHS) to rank all contaminants and, within two years, develop maximum contaminant levels for the top twenty on the list. During the hearing Sher amended his bill to require that all current action levels (approx. 47) become interim maximum contaminant levels with the full force of primary drinking water standards. Five of those action levels are there only because of taste or odor consideration not because of health risks. In addition the bill would prevent utilities from selling water over the action levels without a variance approved by DHS. We believed AB 859 to be dead in the Subcommittee until a DHS representative indicated that DHS supported the bill as amended. The next day DHS withdrew their support but the damage had already been done. Legislators not wishing to vote against any water quality bills were able to vote for both bills and quote DHS as saying both approaches were consistent and would work.

If AB 859 passes it will become the permanent maximum contaminant levels. After two years of meeting the standard it is inconceivable that DHS would allow utilities to move to a higher level. Another bill, AB 1241 - which OCUA is currently neutral on - would provide for up to \$25,000 per day in fines for violating primary drinking water standards. In conjunction with AB 859 it could result in \$25,000 per day fines for exceeding taste and/or odor standards.

PLEASE CONTACT YOUR LEGISLATORS AND VOICE YOUR OPPOSITION TO AB 859. THE ACTION LEVELS WHICH WOULD BECOME PRIMARY DRINKING WATER STANDARDS ARE ADOPTED WITHOUT CONFORMING TO THE ADMINISTRATIVE PROCEDURES ACT AND WITHOUT SERIOUS SCIENTIFIC REVIEW. IN FACT THERE IS NO PUBLIC INPUT AT ALL. BOTH AB 859 AND AB 2133 HAVE BEEN SET FOR 7/16/85 IN SENATE TOXICS & PUBLIC SAFETY MANAGEMENT COMMITTEE.

CITY COUNCIL

DAVID M. HINCHMAN, Mayor
FRED M. REID
Mayor Pro Tempore
EVELYN M. OLSON
JAMES W. PINKERTON, Jr.
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634

THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

August 14, 1985

The Honorable Art Torres, Chairman
State Senate
State Capitol Building
Sacramento, CA 95814

Dear Mr. Torres:

Please be advised that the Lodi City Council, at an Adjourned Regular Meeting held July 24, 1985, took the following action regarding proposed water quality legislation:

- a) Council took a position of opposition to AB 859 (Sher)
- b) Council supported AB 2133 (Jones)

The Lodi City Council feels that drinking water standards should not be set by an arbitrary legislative act, and that the standards should be set only by serious and in-depth scientific study and testing. It is felt that the Jones Bill should be supported in that it does approach the setting of additional drinking water standards in a logical, scientific manner.

Very truly yours,

CITY COUNCIL,
CITY OF LODI, CALIFORNIA

By: 
Alice M. Reimche
City Clerk

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City Attorney

August 14, 1985

The Honorable Rebecca Morgan, Vice Chairman
State Senate
State Capitol Building
Sacramento, CA 95814

Dear Ms. Morgan:

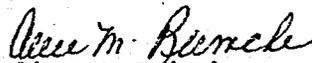
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City Attorney

August 14, 1985

The Honorable Gary K. Hart
State Senate
State Capitol Building
Sacramento, CA 95814

Dear Mr. Hart:

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Alice M. Reimche
City Clerk

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THOMAS A. PETERSON
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RONALD M. STEIN
City Attorney

August 14, 1985

The Honorable Bill Lockyer
State Senate
State Capitol Building
Sacramento, CA 95814

Dear Mr. Lockyer:

Please be advised that the Lodi City Council, at an Adjourned Regular Meeting held July 24, 1985, took the following action regarding proposed water quality legislation:

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THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
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August 14, 1985

The Honorable Jim Nielsen
State Senate
State Capitol Building
Sacramento, CA 95814

Dear Mr. Nielsen:

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By: Alice M. Reimche
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RONALD M. STEIN
City Attorney

August 14, 1985

The Honorable Robert Presley
State Senate
State Capitol Building
Sacramento, CA 95814

Dear Mr. Presley:

Please be advised that the Lodi City Council, at an Adjourned Regular Meeting held July 24, 1985, took the following action regarding proposed water quality legislation:

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ALICE M. REIMCHE
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RONALD M. STEIN
City Attorney

August 14, 1985

The Honorable H. L. Richardson
State Senate
State Capitol Building
Sacramento, CA 95814

Dear Mr. Richardson:

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