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DEPARTMENT OF  
PUBLIC WORKS

WATER DIVISION

April 28, 1988

CITY OF SACRAMENTO  
CALIFORNIA

1391-35TH AVENUE  
SACRAMENTO, CA  
95822-2911

916-449-5271

Law and Legislative Committee  
Sacramento, California

Honorable Members In Session:

SUBJECT: RECOMMENDATION TO OPPOSE AB 3218 (CONNELLY) RELATING TO WATER  
QUALITY STANDARDS

**SUMMARY**

Assembly Bill 3218 by Assemblyman Lloyd Connelly would set maximum contaminant levels for lead and trihalomethanes (THMs) in drinking water. It is recommended that the Law and Legislative Committee declare the City's opposition to AB 3218.

**BACKGROUND**

The 1986 Amendments to the Federal Safe Drinking Water Act required the Environmental Protection Agency (EPA) to establish maximum contaminant levels (MCLs) for 83 substances. EPA has promulgated proposed standards for 8 volatile organics and is in the process of developing MCLs for the other contaminants, including lead and THMs. The State has the authority to set its own more stringent standards for these substances and has primary enforcement responsibility.

As introduced, AB 3218 would have set MCLs for lead and trihalomethanes independent of the regulatory process already begun by the EPA. Water purveyors from around the State expressed concern about the legislature setting such standards without regard to scientific data, economic considerations, or thorough evaluation of the alternative treatment methods that might be required. In response to these concerns, Assemblyman Connelly amended the bill to impose an MCL of 20 parts per billion for lead and 50 parts per billion for THMs unless the EPA or State Department of Health Services (DOHS) adopts an equal or more stringent standard by a specified date.

Neither of these two proposed MCLs presents a significant compliance problem for the City. We are greatly concerned, however, that the legislative arena is not the best forum for setting water quality standards, which should be based

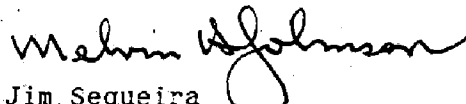
upon scientific studies. In theory, some eighty separate bills could be introduced setting different standards for various contaminants, based on differing criteria. The legislature might even establish a standard for a particular substance that required significant and expensive modifications to treatment processes - modifications which could be made obsolete by a lower standard adopted by the legislature a year or two later.

Water quality standards are important in guarding the health and safety of the public. The best way to establish those levels is through scientific studies provided to the legislative bodies.

**RECOMMENDATION**

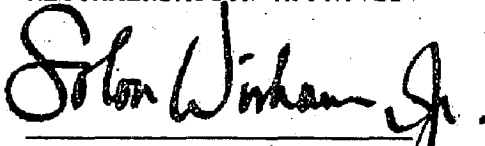
It is recommended that the Law and Legislative Committee declare the City's opposition to AB 3218, relating to water quality standards.


Respectfully submitted,

  
for Jim Sequeira  
Water Division Manager

RECOMMENDATION APPROVED:

APPROVED:

  
Solon Wisham Jr.  
Assistant City Manager

  
Melvin H. Johnson  
Director of Public Works

April 28, 1988  
All Districts

B I L L   R E F E R R A L

DATE: 3/3/88

COMMITTEE ACTION: \_\_\_\_\_

TO:

DATE: \_\_\_\_\_

FROM: Public Works

REPLY NO LATER THAN:

A.B. 3218 (Connelly) S.B.

Relating to Water Quality Standards  
(THMs)

STATUS: Pending hearing in Assembly Environmental Safety and  
Toxic Materials Committee

Please review the attached measure to determine its effect upon the City of Sacramento and complete the following questions as appropriate. During your analysis of this measure, if questions arise, please feel free to contact me at X5346. This questionnaire should be returned to me for presentation to the Council Committee on Law and Legislation. PLEASE LEAVE THE BILL ATTACHED TO THIS FORM.

PLEASE TYPE YOUR RESPONSE

1. Briefly describe the provisions of the bill (attach additional sheets if necessary).

AB 3218 establishes maximum contaminant levels (MCLS) for lead and trihalomethanes in drinking water. The bill establishes an MCL for lead of 20 parts per billion, which must be met by January 1, 1989. The bill also establishes an MCL for trihalomethanes (a by-product of the chlorination process) of 50 ppb, effective January 1, 1990. The MCL would be lowered to 25 ppb, effective January 1, 1992 unless the EPA or State Department of Health Services establishes a more stringent MCL by regulation prior to that date.

2. Should this measure be: (Please circle desired position)

Supported

Opposed

Supported if Amended

Placed on Watch List

Other (explain)

3. Please explain your reasons for the above determination, including how this measure affects your Department and the fiscal impact of this measure to the City. (Your analysis will be used in communicating with the Governor and the Legislature, so please make your comments in a format that can be used in a letter to those officials.) (Attach additional sheets if necessary.)

See attached

3. The U.S. Environmental Protection Agency (EPA) and the State of California's Department of Health Services are presently reviewing their standards for lead and trihalomethanes (THMs) as well as many other chemicals and materials. The formulation of new maximum contaminant levels (MCLs) for lead and THMs is expected within the next few years. These new standards will be based on a review of all known information regarding the two materials (including economic considerations) with input from all concerned parties. Assembly Bill 3218 is premature and the levels set by the bill have no apparent health or scientific base.

The fiscal impact to the City of the proposed lead standard of 20 parts per billion (ppb) is minimal. However, the impact of the THM standards proposed by AB 3218 can be measured in millions of dollars. The 1990 level of 50 ppb would not be too difficult to meet. The City's current levels of THMs are generally below the 50 ppb level.

It will be impossible, however, to meet the 1992 MCL of 25 ppb proposed by the bill unless major modifications to our 2 treatment facilities are made. The capital cost of these new facilities is estimated at \$10 million. The annual cost of operating and maintaining these facilities will be approximately \$1.8 million.

4. Specify the City's legislative policy guideline(s) applicable to this measure (if any).

7.3 (d): Establish practical environmental standards in the areas of land use air quality, water quality, and solid waste management. Such standards should be based on detailed technical data not requiring improvements beyond the state of current technology and recognizing the fiscal impact of compliance with these standards.

5. If this measure could be amended to either improve its favorable aspects or to minimize its adverse aspects, which amendments would you propose?

This bill is simply not needed. The regulations developed by the EPA and DOHS will be more than adequate. No amendments are recommended.

6. List known support or opposition to this measure by groups with which you are familiar and include addresses and phone numbers, if known. League of California Cities position: Position Pending

California Municipal Utilities Association: Opposed (441-1733)

Association of California Water Agencies: Position Pending (441-4545)

7. Does this bill involve a State-mandated local program? If so, does the bill contain an S.B. 90 waiver, or an appropriation for allocation and disbursement to local agencies pursuant to Revenue and Taxation Code Section 2231?

Not as defined by SB 90. However, the bill would have a significant impact on city operation and expenditures.

8. Using a rating scale of 1 to 10 (with 10 as the most important), how important do you think this bill is to the City of Sacramento?  
10 (due to the adverse economic impact)

AMENDED IN ASSEMBLY APRIL 18, 1988

CALIFORNIA LEGISLATURE—1987-88 REGULAR SESSION

ASSEMBLY BILL

No. 3218

Introduced by Assembly Member Connelly

February 11, 1988

An act to add *and repeal* Sections 4027.3 and 4027.5 ~~to~~ of the Health and Safety Code, relating to drinking water standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 3218, as amended, Connelly. Drinking water standards.

Existing law requires the State Department of Health Services to establish maximum contaminant levels for chemicals in drinking water.

This bill would establish maximum contaminant levels for lead and total trihalomethanes in drinking water, except as otherwise specified.

*The provisions of the bill would be repealed upon the department's taking specified action by way of finding or regulation with respect to these maximum contaminant levels.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. *In establishing maximum contaminant*
- 2 *levels pursuant to this act, the Legislature intends the*
- 3 *levels identified as interim levels and contingency*
- 4 *measures to protect public health in the event the*
- 5 *Environmental Protection Agency does not act by the*
- 6 *dates specified. The Legislature recognizes that it is more*

1 appropriate to establish numerical levels through the  
2 regulatory process, but that unusual circumstances  
3 warrant statutory action in the case of the two  
4 contaminants specified in this act. It is not the intent of  
5 this act to imply that the numerical maximum  
6 contaminant levels established by regulation should not  
7 be set at more stringent values, or that the numerical  
8 values should not be supplemented with additional  
9 treatment or monitoring requirements.

10 SEC. 2. Section 4027.3 is added to the Health and  
11 Safety Code, to read:

12 4027.3. (a) Effective January 1, 1989, the maximum  
13 contaminant level for lead in drinking water shall, by  
14 operation of law, become 20 parts per billion unless the  
15 United States Environmental Protection Agency has  
16 previously adopted, by regulation, an equally stringent or  
17 more stringent maximum contaminant level.

18 (b) This section shall remain in effect only until the  
19 date the department files with the Chief Clerk of the  
20 Assembly and the Secretary of the Senate a copy of a  
21 regulation adopted by the department which establishes  
22 a maximum level for lead in drinking water that is equal  
23 to, or more stringent than the level specified in  
24 subdivision (a), and as of that date is repealed, unless a  
25 later enacted statute, which is chaptered before that date,  
26 deletes or extends that date.

27 ~~SEC. 2.~~

28 SEC. 3. Section 4027.5 is added to the Health and  
29 Safety Code, to read:

30 4027.5. (a) Effective January 1, ~~1990~~ 1991, the  
31 maximum contaminant level for total trihalomethanes in  
32 drinking water shall, by operation of law, become 50 parts  
33 per billion unless the: (1) The department or the United  
34 States Environmental Protection Agency has previously  
35 adopted, by regulation, a more stringent maximum  
36 contaminant level (MCL); or

37 (2) The department makes a finding, by adopting a  
38 regulation, that the alternative disinfection technologies  
39 that can be used to achieve compliance with a total  
40 trihalomethane standard of 50 parts per billion either (A)

1 are ineffective at controlling bacterial contaminants to  
2 safe levels or (B) produce disinfection byproducts that  
3 present equal or greater health risks than the  
4 chlorination disinfection technology upon which the  
5 present maximum contaminant level (MCL) is based.  
6 Before adopting a finding pursuant to this subdivision,  
7 the department shall circulate any proposed finding for  
8 scientific peer review, including, but not limited to,  
9 submitting proposed findings to the Scientific Review  
10 Panel established pursuant to Section 39670 for review  
11 and comment.

12 (b) This section shall apply only to water systems  
13 serving populations of 10,000 or more.

14 ~~(b) Effective January 1, 1992, the maximum~~  
15 ~~contaminant level for total trihalomethanes in drinking~~  
16 ~~water shall, by operation of law, become 25 parts per~~  
17 ~~billion unless the department or the United States~~  
18 ~~Environmental Protection Agency has previously~~  
19 ~~adopted, by regulation, a more stringent maximum~~  
20 ~~contaminant level.~~

21 (c) Nothing in this section shall affect the ability of the  
22 department to grant a variance or exemption pursuant to  
23 Section 4021.

24 (d) This section shall remain in effect only until the  
25 date the department files with the Chief Clerk of the  
26 Assembly and the Secretary of the Senate a copy of a  
27 regulation adopted by the department pursuant to  
28 paragraph (1) or (2) of subdivision (a), and as of that date  
29 is repealed, unless a later enacted statute, which is  
30 chaptered before that date, deletes or extends that date.