

APPENDIX A

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ADDITIONAL QUESTIONS FOR ALL PARTIES

(Written Responses are due May 14, 1999
and Replies May 28, 1999)

The initial Questions are for all parties except the Ratepayer Representation Branch (RRB or Commission Staff). Responses and Replies should use the same numbering format as the questions below and should employ the Word Table Format, as example of which is attached as Appendix C. Questions specifically posed for RRB and "Utilities Only" questions are found at the end of Appendix A. The "Utility Only" questions are to be answered by all Class A and Class B utilities, whether or not they are participating individually in this proceeding as parties. California Water Association (CWA), as the representative of all non-party utilities, is expected to secure the responses of non-party utilities. Utility parties are expected to answer all of the questions in Appendix A, except those addressed to Commission Staff.

I. ISSUE: ADEQUACY OF SAFE DRINKING WATER REQUIREMENTS

1. Do you contend that in the past 20 years the drinking water that regulated utilities provide to customers has been unhealthy, unsafe or had other problems?
2. Are you aware of any allegations of others in the past 20 years that there are or has been delivered to customers of a regulated water utility any water which was alleged to be unhealthy, unsafe or had other problems? If you are a water utility, you may confine your answer to the districts of your utility.
3. Describe with specificity, each alleged occurrence in your answer to the questions above. If a contaminant was involved, identify the contaminant. Also, identify the specific location of each occurrence described above in the greatest detail possible, and at a minimum, by naming the regulated water utility alleged to

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have distributed the water, the water utility district, if any, or the geographical location of the utility's operations.

4. What is the basis for each allegation or problem described in answer to questions 1, 2 or 3 above?
5. For each and every problem identified in your answers to the questions above, state:
 - a. When did you first learn of the problem?
 - b. What action(s), if any, did you take upon learning or hearing of the problem?

II. ISSUE: COMPLIANCE WITH SAFE DRINKING WATER LAWS

6. Do you contend or are you aware of any allegations that the drinking water described in the above incidences does or does not meet state or federal drinking water requirements, rules and regulations of this Commission, or any Commission order to the specific utility involved? Identify the law, rule, regulation or decision alleged to be violated, if any. Explain how it is violated, what relief is requested, the applicable sanctions and whether they are adequate and how this violation may be prevented.
7. Is there evidence that the primary drinking water provided by Class A or B public utilities does not comply with existing state or federal standards or Commission regulation? If so, identify the utility and district, the standard or regulation violated, the level and frequency of non-compliance, date and location of non-compliance, relief requested and recommended supplement to the standard or regulation, if any.
8. Is there evidence that a Class A or B public utility is not complying with existing state or federal primary drinking water quality procedures or Commission required procedures? If so, identify the utility and district, the procedure violated, the level and frequency of non-compliance, date and location of non-compliance, relief requested and recommended supplement to the procedure, if any.

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9. Do you contend or are you aware of any allegations that any of the problems identified above constitute violations of state law or regulation or Commission decision or rule? Explain the allegation(s), including the law, regulation, Commission decision or rule alleged to have been violated.
10. Do you contend, or are you aware of allegations, that Commission regulated water utilities fail to comply with DHS testing requirements? If yes, explain identifying the utility, any district or geographical location of each utility, the testing requirement alleged to have been violated and when the alleged violation occurred.
11. Are the enforcement provisions of the state drinking water laws or those of this Commission adequate to protect the public from violators? If so, why? If not, why not?
12. Are Commission regulated utilities subject to additional or concomitant enforcement measures for violations of these laws? Should they be? Why or why not?
13. Should additional remedies be provided? If so, specify the additional remedy and when and how it would be applied.
14. Is a water utility under any legal or non-legal obligation to monitor and/or maintain unregulated chemicals in drinking water below the Action Level established for those chemicals if the drinking water source has been identified as *vulnerable to the presence* of that chemical? Should they be required to do so? Why or why not?
15. With respect to contaminants for which there is no enforceable DHS regulation, should regulated utilities be required to “volunteer” to monitor all, some or none of those contaminants and to exercise public notification if the Action Levels for said contaminants is exceeded, or in the alternative to eliminate use of the contaminated source? Explain your answer in detail.

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III. ISSUE: ADEQUACY OF SAFE DRINKING WATER REQUIREMENTS AND PROSPECTIVE REGULATION

16. Considering any known health risks associated with the DHS list of *regulated* chemicals or contaminants, does the maximum contaminant level established for each chemical or contaminant provide standards which, if not exceeded, adequately protect the public against this risk? Why or why not? Describe the known health risks. How can any such health risks be eliminated or minimized in the future?
17. Considering any presently known health risks associated with the DHS list of *unregulated* chemicals or contaminants, do the Action Levels established for each chemical or contaminant, if not exceeded, adequately protect the public against this risk? Why or why not? Describe the known health risks. How can any such health risks be eliminated or minimized in the future?
18. Do you contend or are you aware of allegations that the testing procedures required by DHS are inadequate?
19. If the Commission decides it would like to hear from a panel of science experts representing the parties respective views on the health risk issues, are you prepared to provide a panelist to represent your views?
20. What new rules or changes in existing rules should be considered to better regulate water utilities with respect to monitoring, preventing and/or reducing the health risk(s), if any do exist, to drinking water customers? Please provide your recommendations.
21. In General Order 103 we have a "trigger" for service quality issues by requiring the utility to keep a record of accidents (Section I. 9) and inform the public, fire chiefs, and the Commission of outages (Section II.2.) Should there be similar trigger levels for primary or secondary drinking water quality problems? Why or why not?
22. Does the DHS process to implement standards need supplemental regulation? Why or why not? What are your recommendations? What

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supplemental regulation do you recommend? How would your recommendations be implemented.

23. Does the DHS process to administer standards it sets need supplemental regulation? Why or why not? What are your recommendations? What supplemental regulation do you recommend? How would your recommendations be implemented?
24. Do the DHS procedures that apply when water fails to meet Maximum Contaminant Levels need supplemental regulation? Why or why not? What changes would you recommend, if any?
25. Provide any additional information or commentary that you wish to make about the compliance issues or adequacy of safe drinking water issues in this proceeding.

IV. UTILITIES ONLY ANSWER THE FOLLOWING BY MAY 31, 1999:

26. For each of your separate districts, over the last twenty-five years: identify each Commission order or decision, including rate authorizations and Advice Letter approval, related to correction or prevention of safe drinking water law / regulation violation.
27. Denote compliance, or lack thereof, with each Commission order etc. identified in response to the last question, indicating when compliance occurred and whether it is reflected in a subsequent Commission decision, and identify said decision.

V. RATEPAYER REPRESENTATION BRANCH ONLY RESPOND TO THE FOLLOWING:

28. Update your summary of compliance data provided by the utilities. Identify discernible trends of non-compliance with safe drinking water requirements in individual utilities, districts or in the regulated Class A and Class B water utilities at large.

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29. At this stage of information gathering, can you identify any specific instances of non-compliance which warrant further scrutiny. What additional information should be obtained? Is health risk involved? Is it clear? Is DHS public comment on compliance, or health risk needed? If so, include DHS comments in your report.
30. Provide any additional information, commentary or suggestions that you wish to make about the issues or the information-gathering process in this proceeding.
31. Upon receipt of utilities' response to questions 26 and 27 above, prepare a report on their responses with any recommendations you have. The RRB report on these responses will be due 30 days after receipt of the responses.

End of Appendix A

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FOLLOW-UP QUESTIONS FOR DHS ONLY

1. Please describe in detail the process by which Maximum Contaminant Levels are set. On page 7 (answer to question 2), you state that MCLs for chemical contaminants (are) established at levels that do not pose a danger to the public. Does this mean that when the water quality meets an MCL mean there is no health risk? If there is a health risk due to ingestion of water which contains contaminants at or below the MCL, what is it? How is this health risk determined? Does society (the public) have an input in determining what the acceptable health risk should be? It would be useful to have a sample regulatory package for one of the contaminants identified in the scoping memo as one of the contaminants about which parties in the proceeding have concern. Also, please advise whether DHS or the federal Environmental Protection Agency (EPA) is now, or anticipates, reconsidering the health risks associated with MCLs which have already been established for certain contaminants.
2. On page 2, you refer to Action Levels "which are nonenforceable health-based guidance levels to address the presence of contaminants in water for which no MCLs have been established." How are these contaminants identified and how are the Action Levels determined? Why is there no requirement that utilities test for contaminants with Action Levels? Are there no health risks associated with these chemicals? Please explain.
3. On page 4, in your answer to question 9, you say that utilities are advised to report to DHS when a new contaminant is found. How does the lab or the utility know that there is a new contaminant in the drinking water? You mention on page 3 that the detection level for the initial method of measuring perchlorate was 35 ppb and that this has improved to 18 ppb. Does this mean that before the new method was developed the utility would not even know about perchlorate contamination if the level was less than 35 ppb? Do the various contaminants have "signatures" or test results that indicates their presence? How would a utility (or lab) know that a new chemical was present unless they knew the signature of the chemical, that is, they suspected the chemical existed and developed a test for it? Please explain.

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4. On page 5, you say that contamination above ten times the MCL requires that the source be taken off-line immediately. How was the ten-times derived? Please explain the health risk associated with the ten times figure. Would any member of the public become ill or be physically injured by ingesting water contaminated at this level?
5. On page 5, you list the steps DHS may take to ensure compliance with the law. Do the local county health agencies have similar powers? Are these enforcement powers adequate? Are these steps effective? Do water utilities comply when noticed by DHS to take some action or make some change in their operating procedures? At what point is a utility considered to be in non-compliance with DHS standards, rules, regulation or orders? Does this Commission need to be more active in assisting DHS with this effort?
6. On page 5, what is a Public Health Goal? How do they compare with MCLs?
7. You describe the requirement to notify customers if water quality exceeds Action Levels or MCLs? At what point does a test exceed established standards? What are the guidelines for action when the contaminants exceed the MCLs or action levels? If these exceedences are temporary, are the guidelines or required response different? How do the existing guidelines adequately protect the public? Are utilities allowed to continue to provide water exceeding these levels? If so, why? How is the public protected from harm when delivered water exceeds MCLs or Action Levels? Does this Commission need to address this issue with respect to its regulated utilities? What action do you recommend the Commission should take?
8. Are there any water sources that have no contaminants? Is there a health risk associated with drinking pure water? Is it reasonable to say that the protection of public health by assuring water quality is actually a matter of minimizing risk given physical and financial constraints rather than eliminating risk entirely?
9. Have any regulated utilities unreasonably failed to comply with DHS instructions regarding the following matters: testing the water, treating the water, providing customer notice or complying with DHS mandates? If so, which ones and when? Do any problems still exist? Is there a need for

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improved Commission action in these areas? What action do you recommend and how would it be implemented?

10. How does DHS determine if a water source is "vulnerable to contamination"?
11. Are there any unresolved disagreements with regulated utilities currently pending? Identify the utility, the disagreement, current status of the dispute, procedure to resolve the dispute, any proposed solution, and estimated date of resolution.
12. Have any utilities failed to obey any DHS orders made outside of citations? If so, list the order, date of order, subject utility, any action by DHS or utility.
13. Do temporary excursions, under all circumstances, constitute non-compliance with the established maximum contaminant level (MCL) for a contaminant?
14. Do all excursions or exceedences of the MCL or AL constitute a danger to the public health? Why or why not? If so, under what circumstances and for which chemicals or contaminants?
15. While DHS or EPA is developing new water quality standards (e.g. MCLs) for contaminants, are there any interim safety practices that regulated water utilities could observe as prophylactic measures pending final determinations by DHS or EPA?
16. Do you have any additional comments or suggestions regarding the issues or the information gathering process in this proceeding?

End of Appendix B

APPENDIX C

WORD TABLE FORMAT

Please provide your responses to questions using a Microsoft Word Table Form at with three columns as follows, for example:

- | | | |
|--------|-----|--|
| Name X | 1. | This is the answer to the first question asked... |
| Name X | 2a. | This is the answer to the second question asked with the detailed information requested... |
| Name X | 2b. | This is the answer to the second question asked with the detailed information requested... |
| Name X | 3. | This is the answer to the third question asked... |

End of Appendix C