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California Proposition 18 and 79:

Ensuring the Quality and Safety of America’s Drinking Water

Overview:

The development of water treatment programs and legislation has undergone a vast evolution since the United States government began to regulate drinking water standards in the early 20th century. The initial concerns surrounding the safety of American water reserves revolved around disease causing microbes responsible for typhoid, dysentery, and cholera epidemics. Federal regulation of water treatment began in 1914 when the U.S. Public Health Service set specific standards for the bacteriological quality of the drinking water and regulations underwent minor revisions for the proceeding decades until concerns over the nation’s drinking water arose once again.

Industrial and agricultural advances emitted new chemicals into water supplies through factory discharges, street and farm field runoff, and leaking underground storage and disposal tanks. By the 1960s, further revisions and research was completed on what potential hazardous chemicals could be found in our water reservations and a minimum standard for all public water suppliers was enforced. The most dramatic advancements in the regulation of clean water occurred in the 1970s with the passage of the Clean Water Act in 1972 and Safe Drinking Water Act of 1974. These acts would lay the foundation for clean water standards that are still found today, and although they have undergone numerous amendments, stricter restrictions of chemicals such as chromium-6 must be enforced.

Presently, California is faced with three items of legislation that would impose greater constraints on the quality of public drinking water. The first regards the inability of Senate Bill 351 to properly implement limits on the amount of chromium-6 found in our drinking supplies. In retaliation, Proposition 79 has been introduced to the Senate and referred to the Committee on Environment and Public Works. The second entails the enactment of the Safe, Clean, and Reliable Drinking Water Act of 2010, which is aimed at authorizing long-term investments in order to repair decades of negligence and damage to California’s aging water system. The third and final act

Timeline of legislation

Federal Water Pollution Control Act (Clean Water Act) ([33 U.S.C. 1251 - 1376](http://www.fws.gov/scripts/exit-to-fed.cfm?link=http://www.access.gpo.gov/uscode/title33/chapter26_.html&linkname=GPO" \t "_blank); Chapter 758; P.L. 845, June 30, 1948; 62 Stat. 1155)

The original statute granted the Surgeon General of the Public Health Service, in collaboration with accompanying federal, state, and local bodies, the ability to create programs aimed at eliminating or reducing the pollution of interstate waters and tributaries and improve the quality of water both on the surface and underground. It also authorized the Federal Works Administrator to assist states and interstate agencies with the creation of treatment plants to adequately dispose of sewage and other wastes.[[1]](#endnote-0)

1962 U.S. Public Health Service Standards:

The U.S. Public Health Service (USPHS) adopted a revision to the 1946 drinking water standards and was completed by the Federal Register on March 6, 1962 (pp.2152-2155). Their reported included:

* Greater attention should be given to the increasing number of chemicals, in both quantity and variety, in water sources
* Establishing threshold for toxic substances, which should include intake from food and air
* Explanations must be given for determining the different limits on such chemicals
* These standards should be applicable to all water supplies in the U.S.
* The inclusion of a new section dealing with radioactivity

The escalating amount of toxins due to the advancements of industry were being brought to light, and the severity of such a realization would pave the way for future legislation and mandates in preserving quality drinking water.[[2]](#endnote-1)

### The Clean Water Act of 1972:

### 92nd Congress 33 U.S.C. §1251 et seq. (1972)

The basis of the Clean Water Act (CWA) of 1972 can be found in the Federal Water Pollution Control Act of 1948, but in wake of the rise in toxic chemicals in our nation’s water supply, significant reorganization and expansion was necessary. It introduced the National Pollutant Discharge Elimination System (NPDES) that would regulate a permit system for managing sources of pollution that include industrial, governmental, and agricultural facilities. This system would be controlled by the United States Environmental Protection Agency (EPA), which was proposed by Nixon and formed in 1970.[[3]](#endnote-2)

93rd Congress:

P.L. 93-523: “Safe Drinking Water Act of 1974”

### 42 U.S.C. §300f et seq. (1974)

This act specifically targets the protection of quality drinking water in the United States and includes all sources potentially designed for consumption, whether they are above or below ground. At this time, reforming environmental policy was popular and resulted in the ratification of the Clean Air Act and the National Environmental Policy Act that established the EPA in 1970 and the Water Pollution Control Act in 1974. Under the SDWA, the EPA has full responsibility for establishing standards for water treatment techniques and contaminants in drinking water. Under these provisions, water providers must continuously test the levels of known contaminants in their treated water and report their findings to the EPA as well as to the public through an annual water quality report.[[4]](#endnote-3)

95th Congress:

The Safe Drinking Water Act Amendment of 1977:

The SDWA was amended to extend authorization for technical assistance, information, training, and grants to the states.[[5]](#endnote-4)

99th Congress

1986: The Safe Drinking Water Act is further amended to:

* Enforce mandatory deadlines for the regulation of key contaminants
* To require monitoring of unregulated contaminants and to regulate more than 80 contaminants in drinking water within three years, and at least 25 more by 2001.
* To institute benchmarks for treatment technologies in disinfecting groundwater sources and providing filtration treatment for surface water sources.
* To strengthen enforcement powers
* To provide major new authorities and promote protection of ground water resources.

This amendment further strengthened the regulatory power of the EPA and highlighted the growing governmental concern over the adverse effects of pollution on the environment and health. This amendment greatly increased the pace at which the EPA could regulate contaminants but provided no means of assisting those that would struggle to meet this legislation.[[6]](#endnote-5)  
  
104th Congress:

S. 1316: “Safe Drinking Water Act Amendments of 1996:

The President signed the Safe Drinking Water Act Reauthorization requiring states to implement or institute:

* A revolving loan fund (SRF) to supply money to communities to improve their drinking water facilities;
* Source water protection - identify areas that may produce more pollution to sources of drinking water and assess potential pollution threats in these areas;
* Capacity development - acquire the authorization to prohibit the institution of new drinking water systems that do not have the capacity (technical, financial, and managerial) to meet health-based standards, and establish capacity development strategies for accessible systems and;
* Promote public water systems in developing an annual "consumer confidence report" that would give customers information about their water sources, the contaminants in their water, and the health effects of these contaminants.
* Added risk assessment – in other words, when the EPA were to propose new regulations, they would have to produce a health risk reduction and cost analysis.

Within ten years, the number of regulated contaminants soared from 23 to 83. Although most households would not have any trouble complying with these restrictions, but many of the households that are served by one of the 52,000 small public water systems could face substantial increase in costs. Before this amendment, the SDWA provided no aid to help communities meet the cost of complying with these rules.[[7]](#endnote-6)

Open Legislation: California

107th Congress

Senate Bill 351:

Existing law had required the measurement of chromium-6 within drinking water sources, but no standard had been set in regulating it. The adoption of this bill would organize a committee to be formed by January 1, 2003 and a standard presented by January 1, 2004.[[8]](#endnote-7)

112th Congress

Proposition 79: Protecting Pregnant Women and Children From Hexavalent Chromium Act of 2011

Although nearly seven years after its legislatively mandated deadline, the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) released its proposed Public Health Goal (PHG). PHG is the daily exposure level that is deemed safe in drinking water throughout a lifetime. The act supports the proposed PHG of 0.02 parts per billion for chromium-6, which is an extremely toxic form of chromium that is found in many industrial products.[[9]](#endnote-8)

Conclusion:

The struggle for cleaner waters and stricter regulations continues to be fierce in the state of California. The California Water Bond was slated to be on a November ballot last year, but the governor, Arnold Schwarzenegger, took it off on the grounds that budgetary issues should take precedence for the time being. "It's critical that the water bond pass,” stated Schwarzenegger. “I will work with the Legislature to postpone the bond to 2012 and avoid jeopardizing its passage."[[10]](#endnote-9) This neglect will only continue to worsen, as contamination of the nation’s water reserves remains unhindered. Proposition 79 and 18 remain open, and it is up to the voters to see this legislation through. In order to motivate the government to take the necessary steps to ensure the safety of our drinking water, the people must first collectively voice their opinions.

1. "Federal Water Pollution Control Act (Clean Water Act) of 1948." *FedCenter*. FedCenter.gov. Web. <http://www.fedcenter.gov/Bookmarks/index.cfm?id=2431>. [↑](#endnote-ref-0)
2. Pontius, Frederick W. "Appendix B: 1962 U.S. PUBLIC HEALTH SERVICE STANDARDS." *Drinking Water Regulation and Health*. New York, NY: Wiley-Interscience, 2003. 621-33. Print. [↑](#endnote-ref-1)
3. To Amend the Federal Water Pollution Control Act. 92nd Cong. (1972). Print. < http://www.glin.gov/download.action?fulltextId=68260&documentId=67980&glinID=67980 [↑](#endnote-ref-2)
4. H.R.13002, 93 Cong. (1974) (enacted). Print. http://thomas.loc.gov/cgi-bin/bdquery/D?d093:15:./temp/~bdB5dS:@@@L&summ2=m&|/home/LegislativeData.php?n=BSS;c=93| [↑](#endnote-ref-3)
5. S. 1528, 95 Cong. (1977) (enacted). Print. < http://thomas.loc.gov/cgi-bin/bdquery/D?d095:23:./temp/~bd4EYu:@@@L&summ2=m&|/home/LegislativeData.php?n=BSS;c=95|> [↑](#endnote-ref-4)
6. EPA. *President Signs Safe Drinking Water Act Amendments*. *Safe Water Drinking Act*. 20 June 1986. Web. <http://www.epa.gov/history/topics/sdwa/04.htm>. [↑](#endnote-ref-5)
7. S. 1316, 104 Cong. (1996) (enacted). Print. < http://thomas.loc.gov/cgi-bin/bdquery/D?d104:16:./temp/~bdF6S3:@@@L&summ2=m&|/home/LegislativeData.php?n=BSS;c=104| [↑](#endnote-ref-6)
8. United States. Cong. Senate. 107 Cong. S. Rept. 351. Official California Legislative Information. Web. 10 July 2001. <ftp://leginfo.public.ca.gov/pub/01-02/bill/sen/sb\_0351-0400/sb\_351\_cfa\_20010711\_151823\_asm\_comm.html>. [↑](#endnote-ref-7)
9. S. S. 79, 112 Cong. (2011) (enacted). Print. < http://thomas.loc.gov/cgi-bin/bdquery/D?d112:1:./temp/~bdhaKv:@@@L&summ2=m&|/home/LegislativeData.php?n=BSS;c=112> [↑](#endnote-ref-8)
10. McGreevy, Patrick. *The Los Angeles Times*. 30 June 2010. Web. 04 Mar. 2011. <http://articles.latimes.com/2010/jun/30/local/la-me-arnold-water-20100630>. [↑](#endnote-ref-9)