

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

June 2, 1993

(Executive Committee--Action)

To: Board of Directors (Special Committee on Legislation--Action)
 (Water Problems Committee--Information)

From: General Manager

Subject: Need for Appropriate Legislation to Allow the Use of Copper Sulfate in Drinking Water Reservoirs to Control Algae Growth

Report

A California drinking water utility was recently cited for violation of Fish and Game Code Section 5650 by the California Department of Fish and Game (CDFG) for the use of the algicide copper sulfate in a raw water storage reservoir. This incident highlights the tension between such provisions and the use of algicides such as copper sulfate in drinking water reservoirs to meet mandates of the California Safe Drinking Water Act (SDWA) (Chapter 7 of Part 1 of Division 5 of the Health and Safety Code).

Copper sulfate is used widely throughout California, and the continued use of copper sulfate in drinking water reservoirs is extremely critical to Metropolitan and other drinking water purveyors, for the following reasons:

- The use of copper sulfate in many water supply reservoirs is essential for compliance with the California SDWA mandate "to provide a reliable and adequate supply of pure, wholesome, healthful, and potable water." Its use is necessary to control taste and odor problems associated with algae growth in order to provide water which complies with State and Federal secondary drinking water standards for taste and odor and to achieve the highest standards of customer satisfaction.
- The use of copper sulfate is necessary to assure maximum performance at drinking water treatment plants. Specifically, excessive algae growth in water supply reservoirs affects water treatment by: 1) impairing adequate filtration performance at the treatment plant; 2) increasing pH which affects the coagulation process; and 3) causing fluctuations in the dissolved oxygen level which affects effluent quality.

- Copper sulfate use is also important to prevent blooms of potentially toxic algae in water supply reservoirs.
- Currently, copper sulfate use is critical to many drinking water suppliers because there are no other effective means of controlling excessive algae growth in water supply reservoirs. This is definitely true for Metropolitan because of the type of algae in its reservoirs.

Currently, it is not clear as to whether the use of copper sulfate by water utilities to treat drinking water conveyance and storage facilities for the purposes of meeting drinking water quality requirements under the Health and Safety Code creates potential criminal liability under Fish and Game Code Section 5650. Due to this ambiguity in the law, and the apparent conflict between California SDWA requirements and Fish and Game Code requirements, it is recommended that staff be authorized to seek the appropriate legislative vehicle to amend the Health and Safety Code to eliminate this ambiguity and allow the continued use of copper sulfate by drinking water agencies without interference or prosecution by CDFG.

Board Committee Assignments

This letter is referred to:

The Executive Committee for action because of its authority to study, advise, and make recommendations with regard to legislation sponsored by the District or in any way affecting the District, pursuant to Administrative Code Section 2417 (a);

The Special Committee on Legislation for action because of its authority to review and make recommendations based upon presentations to the General Manager regarding proposals for State and Federal legislation, or amendments thereto, that may affect the District, and coordinate such review with other Committees of the Board, pursuant to Administrative Code Section 2581 (a); and

The Water Problems Committee for information because of its authority to study, advise, and make recommendations with regard to policies, sources, and means of importing water required by the District, pursuant to Administrative Code Section 2481 (a).

Recommendation

EXECUTIVE AND SPECIAL COMMITTEE ON LEGISLATION FOR ACTION

It is recommended that the Board authorize the General Manager to direct staff to pursue appropriate legislative vehicles to assure that Metropolitan and its member agencies can legally continue the responsible use of copper sulfate in drinking water reservoirs, for the purpose of complying with the California Safe Drinking Water Act mandate to provide a reliable and adequate supply of pure, wholesome, healthful, and potable water.


General Manager

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