

Prioritization of Drinking Water Regulations for Calendar Year 2017

State Water Resources Control Board (State Water Board)
Division of Drinking Water (DDW)



CWA Spring Conference

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Establishing Priorities for Regulatory Work

Prioritizing to **protect public health:**

- Investigating key drinking water quality issues
- New or revised PHG or MCL review
- Promulgation of new federal rule or regulation, e.g., new federal MCL
- Meeting statutory mandates
- Other priorities and staffing resources

Prioritization of Drinking Water Regulations in Calendar Year 2017

WORK PRIORITIES

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- 3) Revised Total Coliform Rule (RTCR)
- 4) Lead and Copper Rule (LCR)
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- 7) Environmental Laboratory Accreditation Program (ELAP) Regulations
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- 10) Primacy Package Applications
- 11) Work to Support Direct Potable Reuse (DPR)

Priority Drinking Water Regulations – Overview, Status, Schedule

1,2,3-Trichloropropane (1,2,3-TCP) MCL – Schedule*

- Submitted to Office of Administrative Law (OAL):
February 21, 2017
- \geq 45-Day Public Comment Period: March 4 – April 21, 2017
- Public Hearing: April 19, 2017
- Board Adoption: June/July 2017 timeframe
- Regulations Effective following OAL review/approval:
July 1, 2017 or later

** Dates are tentative and subject to change*

Surface Water Augmentation (SWA) Potable Reuse with Recycled Water

Development of regulations for safe use of recycled water for potable purposes:

- **Indirect Potable Reuse (IPR)**
 - Groundwater Replenishment – utilized for decades
 - Surface Water Augmentation – projects on the horizon
- **Direct Potable Reuse (DPR) (no environmental barrier)**
 - December 2016 Report to Legislature on feasibility of developing protective criteria for DPR

http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/rw_dpr_criteria.shtml

http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/rw_dpr_criteria/final_report.pdf

Surface Water Augmentation (SWA) Cont'd

- SWA - planned placement of recycled water into a surface water reservoir used as a drinking water supply
- DDW will propose regulations in 2017 for this indirect potable reuse
- Proposed regulations will establish criteria for water recycling agencies and public water systems

Revised Total Coliform Rule (RTCR)

- **Total Coliforms**

- Used to determine adequacy of water treatment and integrity of distribution system
- Group of related bacteria naturally present in environment, some (fecal coliform and *E. Coli*) from human/animal waste
- Indicator for potential of other pathogens

- **1989 U.S. EPA Total Coliform Rule (TCR)**

- **2013 U.S. EPA Revised Total Coliform Rule (RTCR)**

- effective April 1, 2016
- California must revise regulations to align with Federal RTCR

<https://www.epa.gov/dwreginfo/revised-total-coliform-rule-and-total-coliform-rule>

<https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P100K9MP.txt>

Revised Total Coliform Rule (RTCR) Status

- Proposed CA RTCR **ready for public review**
 - Adopts all but 9 provisions, where CA will be more stringent
 - Increased levels of monitoring to determine contamination levels
- **6 Public Workshops** held in February/ March
 - Comments received during workshops will be considered
 - **NOT FORMAL PUBLIC COMMENT PERIOD**
- Public notification beginning formal Public Comment Period (≥ 45 days) - expected in late 2017
- Public Hearing
- Board Adoption
- Regulations Effective following OAL review/approval in late 2017/early 2018

http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/rtrcr.shtml

http://www.swrcb.ca.gov/drinking_water/programs/documents/rtrcr_workshops_pn170130.pdf

Lead in Drinking Water – Current Regulations and Initiatives

- 1991 U.S. EPA Lead and Copper Rule (LCR), revised in 2007
- U.S. EPA considering long-term revisions to Lead and Copper Rule – October 2016 U.S. EPA White Paper
- CA will be revising its Lead and Copper Rule
- DDW is implementing a voluntary program for schools to test for lead in faucets and fountains
- DDW is implementing Senate Bill 1398 – 2016 Lead Service Line Inventory Requirements

Lead in Drinking Water – U.S. EPA Long-Term Revisions to Lead and Copper Rule

October 2016 U.S. EPA White Paper on LCR Revisions including elements such as:

- Proactive lead service line replacement programs
- More robust public education requirements
- Targeted outreach to consumers who might have lead service lines
- Outreach to vulnerable populations - pregnant women and families with infants and young children

https://www.epa.gov/sites/production/files/2016-10/documents/508_lcr_revisions_white_paper_final_10.26.16.pdf

Draft 2017 Maximum Contaminant Level (MCL) Review

- **MCLs for 81 contaminants were evaluated**
- 31 MCLs already at Public Health Goal (PHG) or lower - excluded from further review
- 29 were not detected in public water system monitoring of sources statewide - excluded from further review
- **21 contaminants were selected for additional review**
 - For 19 contaminants, there were *no changes in technology.... that permit a materially greater protection of public health... and no new scientific evidence that indicates a materially different risk.....*
 - **Antimony:** PHG was lowered from 6 parts per billion (ppb) to 1 ppb – based on low number of detections, staff recommends no further review
 - **Perchlorate:** PHG was lowered from 6 ppb to 1 ppb – staff initiated a more in-depth review in 2016 and will present staff recommendation to the Board later in 2017
- **No new MCL revisions recommended at this time**

Cross-connection Regulations

- Board added it as a priority
- Been different version of draft regulations around for a decade or more
- Will be putting together a workgroup to further develop an approach

Environmental Laboratory Accreditation Program (ELAP)

- ELAP - accredits laboratories conducting environmental testing for regulatory compliance in California
- In 2017, ELAP will draft regulations and conduct workshops
- Tentative Board Meeting for adoption – early 2018

http://www.waterboards.ca.gov/drinking_water/certlic/labs/index.shtml

Point of Use/Point of Entry (POU/POE) Permanent Regulations

Final regulations not expected to significantly differ from emergency regulations:

- Only public water systems with <200 service connections
- Must show centralized treatment not economically feasible
- Devices must undergo pilot testing
- Water systems must meet various technical, managerial, and legal requirements
- Affected public must not substantially oppose installation
- Continued monitoring and public outreach after installation
- Water systems must submit funding application

POU/POE Permanent Regulations Cont'd

Status and Next Steps

- Emergency regulations adopted April 1, 2016*
- Permanent regulations currently under development – have to be effective by January 1, 2018
- Staff workshops in Monterey and Coachella Valley in March 2017; live webinar
- Public Comment Period: summer 2017
- Board Adoption: fall/winter 2017
- Effective after OAL review/approval: January 1, 2018

* http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2016/rs2016_0015_with_emerg_regs.pdf
http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/POEandPOUTreatment.shtml

California Unregulated Contaminant Monitoring Rule/Regulation (UCMR)

- New monitoring to evaluate occurrence data for unregulated contaminants that do not have MCLs but may be a problem, e.g., NDMA; 1,4-dioxane; PFOS/PFOA
- Occurrence data necessary for development of MCLs - to assess extent of contamination, evaluate potential health risk, and determine costs
- State Water Board will coordinate with U.S. EPA on 2018 UCMR 4 and the Office of Environmental Health Hazard Assessment (OEHHA) on selection of candidates and detection limits

Primacy Packages

- To maintain primacy, states must demonstrate that state regulations are legally enforceable and at least as stringent as federal regulations
- States submit a primacy package to U.S. EPA, including a 'crosswalk', to show how adopted state regulations align with all provisions of the federal regulations
- DDW has a backlog of primacy packages, some dating back to pre-1997
- High priority for U.S. EPA – DDW staff is coordinating with U.S. EPA to reduce backlog
- DDW staff completed two crosswalks in 2016 (LT1 and LT2)

Questions

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