

2019 Division of Drinking Water Update

State Water Resources Control Board Division of Drinking Water



CWA Spring Conference

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Recently Approved Regulations

- MCL for 1,2,3-Trichloropropane (1,2,3-TCP)
 - *Adopted July 18, 2017; effective December 14, 2017*
- Surface Water Augmentation (SWA) Regulation
 - *Adopted March 6, 2018; effective October 1, 2018*
- Permanent Point-of-Use (POU) / Point-of-Entry (POE) Regulations
 - *Adopted January 22, 2019; expected effective late March 2019*
- Direct Potable Re-use
 - *Proposed framework presented June 2018*

Hexavalent Chromium

- Background
 - 10 ppb MCL June 2014
 - Court-ordered removal of MCL September 2017
- Current Regulatory Work
 - Economic Feasibility Workshops – July/August 2019
 - Maximum Contaminant Level Development

Lead and Copper Rule (LCR)

- Proposed Regulatory Work
 - Short-Term Revisions
 - Revised Lead DLR
 - Department of Social Services Assistance
 - Lead and Copper Rule Revision

Revised Total Coliform Rule (RTCR)

- Background
 - U.S. EPA RTCR effective April 1, 2016
 - 6 public workshops held in February and March 2017
 - Draft California RTCR will
 - Adopt all but 9 federal provisions; CA more stringent
 - Increased levels of monitoring to determine contamination levels
- Proposed Regulatory Work
 - Notice of Proposed Rulemaking – Summer 2019
 - Public hearing
 - Board adoption
 - Regulations effective early 2020

Direct Potable Re-use (DPR)

- Background

- Mandate to adopt criteria by December 31, 2023
- Research required by Water Code §13561.2(c) before adopting uniform water recycling criteria
- Proposed framework presented to Board June 2018

- Proposed Rulemaking Work

- Five research projects in progress
- Work continues on overall regulatory approach
- Continued need for supporting research and establishment of expert panel
- Board update to be provided later this year

Cross-Connection Control

- Background

- Title 17, §7583(e): “Cross-Connection”

- *“an unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable.”*

- AB 1671 (2017)

- January 1, 2020 deadline to develop regulations

- May do so through adoption of a policy handbook, with at least two public hearings

- Proposed Regulatory Work

- Update/replace existing cross-connection regulations

- Develop specialist and tester certification criteria

- Draft standards to be released for initial review late summer

Environmental Laboratory Accreditation Program (ELAP)

- Background
 - Accredits environmental labs used for regulatory compliance
 - Expert Review Panel determined current regulations are inadequate
 - ELAP selected national (TNI) standards
 - Draft regulations released for multiple comment periods
 - Workshops held in 2017 and 2019
- Proposed Regulatory Work
 - Notice of Proposed Rulemaking – third quarter 2019
 - Board adoption hearing – fall 2019 / winter 2020
 - Full compliance ~3 years from adoption

Primacy Packages

- Background
 - Must demonstrate that state regulations are enforceable and no less stringent than federal regulations
 - States submit a primacy package to U.S. EPA, including a ‘crosswalk’, demonstrating enforceability and stringency
 - DDW has a backlog of primacy packages
 - High priority for U.S. EPA
 - DDW staff completed two crosswalks in 2016 (LT1 and LT2)
 - Anticipating comments from U.S. EPA on four packages

Primacy Packages

- Consumer Confidence Reports (CCRs)
 - Community Water Systems required to provide annually
 - Include information on water quality provided
 - Include health effects, definitions, and compliance information
- Public Notification (PN)
 - Water systems required to provide to consumers when there are violations or situations that may pose risk to public health
 - Three tiers
- Proposed Regulatory Work
 - Update CCR and PN Rules to at least federal standards
 - Update health effects language in CCRs
 - Notice of Proposed Rulemaking – late summer
 - Board adoption hearing – late 2019 / early 2020

Perchlorate

- Background
 - PHG lowered from 6 ppb to 1 ppb in 2015
 - Current MCL: 6 ppb
 - Current DLR: 4 ppb
 - Board approved DDW proposal to evaluate lowering DLR ahead of MCL
- Proposed Regulatory Work
 - Notice of Proposed Rulemaking – Summer 2019
 - Board adoption hearing – Fall 2019

Microplastics

- Background and Proposed Rulemaking Work
 - Emerging contaminant of concern
 - Not regulated at federal level
 - SB 1422 (2018)
 - July 1, 2020 deadline to develop definition
 - July 1, 2021 deadline for
 - Adopting standard analytical method(s)
 - Adopting requirements for four years of testing and public disclosure of results
 - Considering issuance of a notification level or other guidance
 - Accrediting qualified laboratories for analysis
 - May use policy handbook instead of regular rulemaking

On-Site Treatment and Re-use Water Quality Standards

- Background and Proposed Rulemaking Work
 - SB 966 (2018)
 - December 1, 2022 deadline to adopt regulations
 - On-site treatment and re-use of non-potable water
 - Multi-family residential, commercial, mixed-use buildings
 - Not for untreated graywater systems used only for subsurface irrigation
 - Not for untreated rainwater systems
 - Regulations must include
 - Risk-based log reduction targets for pathogen removal
 - Water quality monitoring and reporting requirements
 - Notification and public information requirements
 - Cross-connection controls

Electronic Reporting of Drinking Water Quality Data

- Background
 - Data system/format specified in regulations inadequate
 - Current system not CROMERR-compliant [Cross Media Electronic Reporting Regulation]
 - Electronic signatures—data integrity and enforceability
 - U.S. EPA’s Compliance Monitoring Data Portal (CMDP)
 - CROMERR-compliant
 - Doesn’t meet California-specific data needs
- Proposed Rulemaking Work
 - Update regulations to specify data intake system/format meeting California data needs and U.S. EPA requirements
 - Notice of Proposed Rulemaking – mid-2019
 - Board adoption hearing – late 2019 / early 2020

Per- and Polyfluoroalkyl Substances (PFAS)

- Background and Proposed Rulemaking Work
 - Notification Levels for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) issued July 2018
 - Revised notification levels coming very soon
 - State Board continuing to investigate extent of contamination for these and other PFAS
 - Orders issued to water systems near potential sources or known contamination locations
 - PFAS data will be used to determine whether to request a public health goal from OEHHA
 - Board Workshop held in February

Future Year Regulations—Preview

- Total Trihalomethanes (TTHMs)
 - Draft Public Health Goals released for comment October 2018
 - Revised Public Health Goals for individual THMs expected 2019
- 1,4-Dioxane
 - Public Health Goal requested from OEHHA January 2019
- Nitrosamines
- Cyanotoxins – Notification Levels?
- *Legionella?*
- Detection Limits for Purposes of Reporting (DLRs)
 - Coordination with ELTAC to survey laboratories
 - Needed to evaluate occurrence and treatment capabilities

Staff Recommendation for Prioritization of Drinking Water Regulations in Calendar Year 2019

PROPOSED WORK PRIORITIES

1. Hexavalent Chromium MCL
 - a. Economic Feasibility
 - b. Maximum Contaminant Level
2. Lead and Copper Rule (LCR)
 - a. Short-Term Revisions
 - b. Revised Lead Detection Limit for Purposes of Reporting (DLR)
 - c. Department of Social Services Consultation for Daycares
 - d. Lead and Copper Rule Revision
3. Revised Total Coliform Rule (RTCR)
4. Direct Potable Re-use (DPR)
 - a. Research and Framework
 - b. Regulations

Staff Recommendation for Prioritization of Drinking Water Regulations in Calendar Year 2019

PROPOSED WORK PRIORITIES

5. Cross-Connection and Backflow Protection Control
 - a. Review of Existing Regulations
 - b. Policy Handbook
6. Environmental Laboratory Accreditation Program (ELAP) Regulations
7. Primacy Package Applications
 - a. Consumer Confidence Reports
 - b. Public Notification
8. Revised Perchlorate DLR

Staff Recommendation for Prioritization of Drinking Water Regulations in Calendar Year 2019

PROPOSED WORK PRIORITIES

9. Microplastics
 - a. Definition
 - b. Testing and Reporting Requirements
10. Water Quality Standards for On-Site Treatment and Reuse
11. Electronic Reporting of Drinking Water Quality Data
12. Investigation of Per- and Poly-fluoroalkyl Substances (PFAS)

Staff Recommendation for Prioritization of Drinking Water Regulations in Calendar Year 2019

PROPOSED WORK PRIORITIES—Short Version

1. Hexavalent Chromium MCL
2. Lead and Copper Rule (LCR)
3. Revised Total Coliform Rule (RTCR)
4. Direct Potable Re-use
5. Cross-Connection Control Regulations
6. Environmental Laboratory Accreditation Program (ELAP)
7. Primacy Package Applications
8. Direct Potable Re-use
9. Revised Detection Limit for Purposes of Reporting for Perchlorate
10. Microplastics
11. Water Quality Standards for On-Site Treatment and Re-use
12. Per- and Poly-fluoroalkyl Substances (PFAS) Investigation

Questions

Maximum Contaminant Level (MCL) Review

- Background
 - Health and Safety Code §11635 requires
 - MCLs to be reviewed every five years
 - Public notice by March 1 of MCLs to be reviewed
 - MCLs set as close to Public Health Goal as economically and technologically feasible
 - All MCLs were reviewed in 2018
 - Staff recommends no further review for 2019

DLR Limitations Review

- DLR = Detection Limit for purposes of Reporting
- PHG = Public Health Goal
- >30 contaminants with DLR > PHG
- Working with ELTAC and laboratory community to determine which DLRs can be lowered