

# Drinking Water Regulations

## Drinking Water Reorganization Task Force

December 11, 2013

Center for Environmental Health  
California Department of Public Health





# Overview

- ▶ Rulemaking process
- ▶ Recent and pending drinking water regulations
- ▶ Upcoming drinking water regulations



# Rulemaking Procedural Steps – 1

- ▶ Department/Agency drafts regulations text *and* required documents (i.e., statement of reasons, informative digest, cost estimating, fiscal impact).
- ▶ Review by the Department of Finance.
- ▶ Submittal to the Office of Administrative Law (OAL) for review, approval and publication for comment.
- ▶ Publication in the California Regulatory Notice Register (which announces availability of the regulation for the public comment period).
- ▶ A 45-day public comment period.
- ▶ There may be a second, 15-day public comment period, but only if substantive changes are made in response to comments from the prior public comment period.



# Rulemaking Procedural Steps –2

- ▶ Preparation of responses to comments and the final regulations package.
- ▶ Submittal to OAL within one year of publication in the Register.
- ▶ Final review for Administrative Procedure Act compliance by OAL—this can take up to 30 working days.
- ▶ Following OAL approval, the regulation is filed with the Secretary of State and becomes effective on January 1, April 1, July 1, or October 1 (depending on date submitted to OAL), unless an alternative effective date was established.



# Recent Drinking Water Regulations

## ▶ Proposed Regulations

- Chromium-6 Maximum Contaminant Level – public comment period August 25, 2013 – October 11, 2013

## ▶ Recent Regulations Adopted

- Long Term 1 & 2 Enhanced Surface Water Treatment Rules -- effective July 1, 2013
- Disinfectant Residual, Disinfection Byproducts, and Disinfection Byproduct -- effective June 21, 2012
- Drinking Water Title 17 minor revisions -- effective April 21, 2011
- Drinking Water Title 22 minor revisions -- effective April 21, 2011
- Point of Entry Treatment (emergency) -- effective September 22, 2011
- Ground Water Rule -- effective August 18, 2011
- Point of Use Treatment (emergency) -- effective December 21, 2010
- Revision of Safe Drinking Water State Revolving Fund -- effective April 2, 2009
- Revision of the Arsenic MCL -- effective November 28, 2008
- WaterWorks Standards -- effective March 9, 2008
- Interim Enhanced Surface Water Treatment Rule -- effective January 12, 2008
- Primary Maximum Contaminant Level for Perchlorate -- effective October 18, 2007



# Drinking Water Rulemaking Packages for 2014 – 1

- ▶ **Primary Drinking Water Standard for Hexavalent Chromium ("Chrome 6")** – Adopts a state primary drinking water standard for chrome 6. Public comment closed Oct 11. CDPH is preparing the Final Statement of Reasons.
- ▶ **Primary Drinking Water Standard for 1,2,3-Trichloropropane ("TCP")** – Adopts a state primary drinking water standard for TCP. CDPH expects to submit the proposed regulations to OAL for publication in 2014.
- ▶ **Revised Total Coliform Rule** – Adopts standards on total coliform in drinking water that are no less stringent than federal standard, and includes monitoring and reporting requirements. CDPH expects to submit the proposed regulations to OAL for publication in late 2014.
- ▶ **Groundwater Replenishment** – Clarifies outdated references and improves regulatory structure to evaluate groundwater recharge with recycled water; sets forth detailed criteria for ensuring indirect reuse of recycled water doesn't degrade the basins and is protective of public health. CDPH expects to submit the proposed regulations to OAL for publication in Spring 2014.
- ▶ **Lead and Copper Rule Short-Term Revisions** – Revises existing lead and copper regulations to be consistent with federal regulations. CDPH expects to submit the proposed regulations to OAL for publication in Spring 2014.



# Drinking Water Rulemaking Packages for 2014 – 2

- ▶ **Point of Use (POU)/Point of Entry (POE) Devices** – Replaces emergency regulations with permanent regulations governing POU and POE treatment by public water systems in lieu of centralized treatment. CDPH expects to submit the proposed regulations to OAL for publication in Spring 2014.
- ▶ **Environmental Laboratory Certification (ELAP)** – Revises and updates existing regulations to reflect changes in statute and the laboratory industry. CDPH expects to submit the proposed regulations to OAL for publication in 2014.
- ▶ **Surface Water Augmentation** – Adopts guidelines for the use of recycled water in surface water augmentation. Before the regulations can be developed, CDPH must convene an expert panel to make recommendations for the regulations. The panel is expected to be convened in early 2014.
- ▶ **Water Treatment Device Certification Regulation Repeal §100** – Repeals existing CDPH regulations related to water treatment device certification, as a result of AB 119 (Chapter 403, Statutes of 2013).
- ▶ **Safe Drinking Water State Revolving Fund** – CDPH is in the process of drafting Safe Drinking Water State Revolving Fund regulations.

# Questions?