

DRAFT - Initial Response to Comments for Proposed 1,2,3-Trichloropropane (1,2,3-TCP) Maximum Contaminant Level (MCL) Regulations

Commenter Name/Organization	Category	DRAFT Summarized Comment/ Proposed Regulation Change	DRAFT Response Summary
Alexander Gouyet	A - Cost Recovery	"allow water systems to recoup... costs from [responsible parties]..."	The State Water Board is aware that some public water systems have been able to successfully recover the cost of treatment from responsible parties. Although adoption of the proposed regulations may provide clarity and assist public water systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations. Any action the State Water Board could take to assist in recouping costs of treatment for public water systems would be taken outside of this regulatory process, and is, therefore, outside of the scope of these regulations.
Alexander Gouyet	B - Adopt 5 ppt	Set the MCL at 5 ppt	Thank you for your support.
California Rural Legal Assistance Foundation	A - Cost Recovery	"...choosing to allow greater cancer risk because of the economic factors benefits only the responsible parties" "In fact, setting the MCL at 5 ppt would expedite cost-recovery efforts..."	The State Water Board is aware that some public water systems have been able to successfully recover the cost of treatment from responsible parties. Although adoption of the proposed regulations may provide clarity and assist public water systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations.
California Rural Legal Assistance Foundation	B - Adopt 5 ppt	"...the adoption of a 5 ppt MCL should not be delayed any further."	Thank you for your support and your comment. The State Water Board agrees and has therefore made adoption of the 1,2,3-TCP MCL one of its highest priorities.
California Rural Legal Assistance Foundation	P - Disproportionate Effect	"More than half of the state's contaminated wells are found in [San Joaquin Valley], particularly in small, poor, rural communities..."	The State Water Board is aware that some communities may be disproportionately affected by 1,2,3-TCP. The State Water Board's Division of Drinking Water District offices provide technical support to public water systems and funding opportunities are available through the Division of Financial Assistance through loans and grants.
Armando Valdez	B - Adopt 5 ppt	Set the MCL at 5 ppt	Thank you for your support.
Various (53 groups)	A - Cost Recovery	"...choosing to allow greater cancer risk because of the economic factors benefits only the responsible parties" "In fact, setting the MCL at 5 ppt would expedite cost-recovery efforts..."	Thank you for your support. The State Water Board is aware that some public water systems have been able to successfully recover the cost of treatment from responsible parties. Although adoption of the proposed regulations may provide clarity and assist public water systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations. Any action the State Water Board could take to assist in recouping costs of treatment for public water systems would be taken outside of this regulatory process, and is, therefore, outside of the scope of these regulations.
Various (53 groups)	B - Adopt 5 ppt	"...the adoption of a 5 ppt MCL should not be delayed any further."	Thank you for your support and your comment. The State Water Board agrees and has therefore made adoption of the 1,2,3-TCP MCL one of its highest priorities.

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Various (53 groups)	P - Disproportionate Effect	More than half of the state's contaminated wells are in rural, lower-income regions.	The State Water Board is aware that some communities may be disproportionately affected by 1,2,3-TCP. The State Water Board's Division of Drinking Water District offices provide technical support to public water systems and funding opportunities are available from the Division of Financial Assistance through loans and grants.
Del Rey Community Services District	I - Grandfathering	Supports the proposed grandfathering regulations. Early monitoring helped early efforts to plan for remediation in advance of the MCL adoption. "Incentivizing early monitoring is the right policy"	Thank you for your support. Substitution of samples encourages public water systems to monitor their drinking water sources in advance of drinking water standards; this early sampling helps public water systems with contaminated sources prepare for future compliance actions and begin planning well in advance of the effective date of the regulations. Not allowing substitution of results may discourage some public water systems from performing early sampling, leading to increased delays in reducing the amount of contamination in drinking water.
City of Bakersfield/Duane Morris	D - Compliance plans	"...Bakersfield respectfully requests additional time to come into compliance with the new regulations. [The request] is necessary because of the number of significant capital improvement projects [necessary to achieve compliance]"	Granular activated carbon is neither a new nor a novel technology requiring extensive preliminary planning and design to implement. A compliance period to provide public water systems additional time to come into compliance with the MCL for 1,2,3-TCP is therefore not proposed as part of the regulations. Although public water systems may wish to avoid being declared noncompliant with the proposed MCL during the period between finding a source out of compliance and completing either installation of treatment or other activities which may bring the water system back into compliance, providing a compliance period is not necessary and not in the public interest. The State Water Board's Division of Financial Assistance has loan and grant programs that may offset the financial impact of the proposed regulation with loans and grants.
City of Bakersfield/Duane Morris	D - Compliance plans	The Safe Drinking Water Act provides for exemptions under Health and Safety Code (HSC) 116425(a), which set out a schedule for interim measures and compliance with compliance to be achieved within 12 months of granting the exemption	The State Water Board agrees that existing statutes in Health and Safety Code (HSC) section 116425 allow for some public water systems to apply and receive an exemption from an MCL. Therefore, no new exemption process needs to be included or made more specific in regulation.
City of Bakersfield/Duane Morris	D - Compliance plans	HSC 116431 (Hexavalent Chromium compliance plans) allow for a longer period of time to comply with the hexavalent chromium MCL with an approved plan. Bakersfield could present information in a compliance plan regarding feasibility, actions to achieve compliance, and scheduling of compliance. Bakersfield requests that it not be deemed in violation of the [MCL] while implementing a compliance plan or during pending approval of a compliance plan.	HSC section 116431 addresses significant cost, technology, and implementation issues unique to hexavalent chromium. GAC is a readily available and reliable technology, and similar cost and implementation issues are not anticipated with 1,2,3-TCP. Although public water systems may wish to avoid being declared noncompliant with the proposed MCL during the period between finding a source out of compliance and completing either installation of treatment or other activities which may bring the water system back into compliance, providing a compliance period is not necessary and not in the public interest.

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Daniel Del Grande	C - Groundwater remediation	"Treatment technologies for groundwater that are available for remediation of chlorinated hydrocarbons include [listing of technologies]"	The proposed regulations are for drinking water served by public water systems. While groundwater remediation may result in improved source water, regulations pertaining to groundwater remediation are outside the scope of this regulation.
Daniel Del Grande	B - Adopt 5 ppt	General support of the MCL	Thank you for your support.
Central Valley Clean Water Association	O - Impacts on POTWs	Should have considered factors required by Water Code section 13241 because MCL will become water quality objectives when incorporated by reference into Basin Plans; should have considered in economic analysis impacts on POTWs because they may have to treat for 1,2,3-TCP if it is in their effluent.	The Division of Drinking Water disagrees that the State Water Board must consider the factors specified in Water Code section 13241 when adopting maximum contaminant levels. HSC section 116365 sets forth the factors that must be considered in setting an MCL. To add to those requirements factors besides protection of public health, and technological and economic feasibility would change that analysis. Nonetheless, to the extent that the factors in Water Code section 13241 are relevant, they were considered when developing the MCL. CVCWA has not offered anything to substantiate its assertion that this regulation will have an impact on Publicly Owned Treatment Works (POTWs), and after reviewing the possibility, the State Water Board does not believe that this is a likely possibility and is too speculative of an impact to warrant further consideration.
Dieter Jundt	A - Cost Recovery	" and allow water systems to recoup... costs from [responsible parties]..."	The State Water Board is aware that some public water systems have been able to successfully recover from responsible parties for the cost of treatment. Although adoption of the proposed regulations may provide clarity and assist public water systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations. Any action the State Water Board could take to assist in recouping costs of treatment for public water systems would be taken outside of this regulatory process, and is, therefore, outside of the scope of these regulations.
Dieter Jundt	B - Adopt 5 ppt	"Please set the [MCL]... at the 5 ppt detection limit..."	Thank you for your support.

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California Manufacturers & Technology Association/American Chemical Council	S - Cost-Benefit Analysis	The State Water Board did not perform a cost-benefit analysis using methodology similar to that used by the U.S. EPA.	The State Water Board disagrees that a cost-benefit analysis is required in order to determine the economic feasibility of the proposed MCL. Economic feasibility is not defined in HSC section 116365 and the State Water Board disagrees that it requires a cost-benefit analysis. HSC section 116365 directs the State Water Board to “[determine] economic feasibility” by “[considering] the costs of compliance to public water systems, customers, and other affected parties with the proposed primary drinking water standard, including the cost per customer and aggregate cost of compliance, using best available technology.” As documented in the regulation package, the State Water Board considered all of those elements when determining economic feasibility of the proposed regulations, but was not required to weigh the risks and the benefits. The commenter points to analysis performed by the U.S. EPA for its adoption of federal drinking water standards, and asserts that California’s analysis should also include a similar cost-benefit analysis despite the different requirements in the federal and state law. The federal Safe Drinking Water Act, unlike its California counterpart, requires a cost-benefit analysis during the development of new drinking water regulations. (42 USC 300(g)-1(b)(3)(C).) The California statute, in comparison, only requires that the MCL be set as close to the PHG as is technologically and economically feasible. HSC section 116365 states that for the purposes of determining economic feasibility, the State Water Board must consider the costs of compliance but nowhere is there a requirement to analyze the cost in relation to the benefits. The State Water Board, when proposing a standard, does not consider at which point the reduction of risk or value of a life is outweighed by the costs.
California Manufacturers & Technology Association/American Chemical Council	S - Cost-Benefit Analysis	The State Board is required to separately determine technological feasibility and economic feasibility.	The State Water board did separately determine technological feasibility and economic feasibility and did not subordinate economic feasibility to technological feasibility. The Initial Statement of Reasons shows that the proposed regulations are both technologically feasible and, separately, economically feasible.

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California Manufacturers & Technology Association/American Chemical Council	S - Cost-Benefit Analysis	<p>The key task of the peer reviewers was to review the scientific basis of the Board's determination of economic feasibility. However, the peer reviewers were severely handicapped because the Board did not disclose its cost-benefit analysis, and none of the reviewers was trained in economics.</p>	<p>The State Water Board did not perform a cost-benefit analysis in which the costs and benefits would have been specifically compared using comparable units (such as Cost in Dollars/Benefits in Dollars). Our reference to a cost-benefit analysis in the peer review document was meant to refer to our analysis of costs and our analysis of benefits, not a calculation of the ratio of costs to benefits. The information provided to peer reviewers was sufficient for a review of the cost estimation method and approach; peer reviewers were not expected to review every calculation performed nor evaluate every data point. The State Water Board submitted the peer review documents to the "external peer review entity" as required by HSC 57004(d)(1). In the July 1, 2016 Request for External Review the State Water Board recommended that an "environmental economist with experience in analyzing costs and benefits" be solicited for the review process. The State Water Board complied with the process requirements of HSC 57004 and thus, per HSC 57004(b), has "complied with this [HSC 57004] if it complies with the peer review processes established pursuant to these statutes".</p>
California Manufacturers & Technology Association/American Chemical Council	S - Cost-Benefit Analysis	<p>The documents disclosed by the State Water Board are inadequate for reproducing its work, making it impossible for the public to conduct a proper review and provide informed comments.</p>	<p>The State Water Board identified in the Initial Statement of Reasons and the Cost Estimating Methodology the steps and assumptions made by the State Water Board in identifying approximately how many systems would have to comply with the requirements, the costs for monitoring, and the costs for ongoing treatment using granular activated carbon for those systems that would have to provide treatment. There is sufficient data and descriptions of State Water Board processes available to the public to be able to assess approximate costs for systems that will have to monitor and treat; those costs are used in assessing economic feasibility of the proposed MCL.</p>
California Manufacturers & Technology Association/American Chemical Council	S - Cost-Benefit Analysis	<p>The State Water Board uses a 7% discount rate for costs, but does not discount benefits.</p>	<p>The State Water Board did not use a discounting factor when determining costs. The 7% value used in the capital recovery method equation merely represents an assumed additional cost to public water systems in the form of interest paid on a loan used to build capital improvements.</p>
Pasadena Water & Power	A - Cost Recovery	<p>GAC is expensive but responsible parties will pay for some treatment systems.</p>	<p>The State Water Board is aware that some public water systems have been able to successfully recover the cost of treatment from responsible parties. Although adoption of the proposed regulations may provide clarity and assist public water systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations.</p>
Pasadena Water & Power	B - Adopt 5 ppt	<p>Supports the MCL and DLR of 5 ppt. Supports GAC as the BAT</p>	<p>Thank you for your support.</p>

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Pasadena Water & Power	E - Blending	Some water systems will not be able to afford GAC treatment and will instead pursue blending. Recommends that regulations be expanded to recognize blending as either a BAT or an approved treatment	Blending is already considered to be a treatment technique capable of reducing contaminant concentrations to compliance levels, and therefore does not require inclusion in the regulations. Blending is highly site-specific and reliant upon operating criteria and plans that are reviewed by the Division of Drinking Water District offices; additional regulations for blending would not be appropriate.
Pasadena Water & Power	F - Non-detects	Allow a numeric value of zero for laboratory results that are less than the DLR when averaging is used for compliance with blending objectives. Compliance with blending objectives is based on a calculated value rather than a measured value, and using values higher than zero for non-detects may result in operational difficulties. Making this change to how the non-detects are considered will improve operations flexibility for PWS that use blending for treatment.	A value of zero is typically used for results that are less than the Detection Limit for the Purposes of Reporting (DLR) when calculating the running annual average of source water samples. Further defining the value of non-detects in regulation may provide clarity but may also interfere with necessary operational flexibility when establishing operations plans that are adequately protective of public health.
Environmental Working Group, Clean Water Action, Community Water Center	A - Cost Recovery	"there are responsible parties that courts have indicated can and should pay for treatment so the [proposed standard] is feasible and appropriate	The State Water Board is aware that some public water systems have been able to successfully recover the cost of treatment from responsible parties. Although adoption of the proposed regulations may provide clarity and assist public water systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations.
Environmental Working Group, Clean Water Action, Community Water Center	B - Adopt 5 ppt	Supports the MCL of 5 ppt	Thank you for your support.
Holly Welstein	A - Cost Recovery	Supports the MCL, which will allow water systems to recoup water treatment costs from responsible parties	The State Water Board is aware that some public water systems have been able to successfully recover the cost of treatment from responsible parties. Although adoption of the proposed regulations may provide clarity and assist public water systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations.
California Water Association	B - Adopt 5 ppt	Supports the MCL of 5 ppt	Thank you for your support.

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California Water Association	D - Compliance plans	The proposed regulations do not recognize that complying with the proposed MCL may include "challenging and time-consuming actions". Many water systems may violate the MCL despite efforts to comply.	Granular activated carbon is neither a new nor a novel technology requiring extensive preliminary planning and design to implement. A compliance period to provide public water systems additional time to come into compliance with the MCL for 1,2,3-TCP is therefore not proposed as part of the regulations. Although public water systems may wish to avoid being declared noncompliant with the proposed MCL during the period between finding a source out of compliance and completing either installation of treatment or other activities which may bring the water system back into compliance, providing a compliance period is not necessary and not in the public interest.
California Water Association	D - Compliance plans	The proposed regulations should be revised to include a "firm, but flexible strategy" that would balance public health needs against cost and rate impacts for customers. Compliance programs would be tailored to system-specific requirements with safeguards and milestones. The regulations should include a phase-in period of 18-24 months.	The Division of Drinking Water District offices may work with systems on system-specific plans to avoid violating the proposed MCL or coming into compliance with the regulations but the State Water Board does not consider allowing a water system to remain in compliance while serving water that does not meet the proposed 1,2,3-TCP MCL to be adequately protective of public health.
California Water Association	G - CEQA	Does not challenge the conclusions drawn by the IS/MND, but believes document should be strengthened to clarify that the environmental analysis does consider likely environmental impacts of statewide implementation of GAC.	The Initial Study/Mitigated Negative Declaration (IS/MND) analyzes potential environmental impacts of implementing Granular Activated Carbon (GAC), and demonstrates that GAC would not have significant environmental impacts. Nonetheless, there is the potential for unique circumstances at specific water systems to necessitate additional analysis and mitigation to address site-specific concerns. The State Water Board, therefore, disagrees that there are changes that should be made to the document to ensure that it would be able to be relied upon by all water systems that may implement GAC, and that site-specific conditions may require that additional analyses be completed.
California Water Association	H - BAT	"Because water systems have a duty to implement BAT, GAC is the required..."	Best Available Technology (BAT) designation does not mandate use of the BAT. Public water systems may propose alternative treatment options to the BAT when applying for a permit and, if found acceptable by the Division of Drinking Water District office, will be granted a permit to operate treatment other than Granular Activated Carbon (GAC) for the purposes of removing 1,2,3-TCP.
Jo Anne Welsch	A - Cost Recovery	"Water treatment costs will have to be recouped from the businesses responsible..."	The State Water Board is aware that some public water systems have been able to successfully recover the cost of treatment from responsible parties. Although adoption of the proposed regulations may provide clarity and assist public water systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations. Any action the State Water Board could take to assist in recouping costs of treatment for public water systems would be taken outside of this regulatory process, and is, therefore, outside of the scope of these regulations.

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Jo Anne Welsch	B - Adopt 5 ppt	"Please set the TCP [MCL] at the [DLR of] 5 ppt."	Thank you for your support.
John Fesenko	B - Adopt 5 ppt	General support of the MCL	Thank you for your support.
Kaihli Vang	B - Adopt 5 ppt	General support of the MCL	Thank you for your support.
Kathleen Hyland	A - Cost Recovery	" ... allow water systems to recoup... costs from [responsible parties]..."	The State Water Board is aware that some public water systems have been able to successfully recover the cost of treatment from responsible parties. Although adoption of the proposed regulations may provide clarity and assist public water systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations. Any action the State Water Board could take to assist in recouping costs of treatment for public water systems would be taken outside of this regulatory process, and is, therefore, outside of the scope of these regulations.
Kathleen Hyland	B - Adopt 5 ppt	"Please set the [MCL] at 5 ppt..."	Thank you for your support.
American Civil Liberties Union of CA	B - Adopt 5 ppt	Support of the MCL at 5 ppt	Thank you for your support.
American Civil Liberties Union of CA	P - Disproportionate Effect	1,2,3-TCP contamination has a disproportionate impact on communities of color	The State Water Board is aware that some communities may be disproportionately affected by 1,2,3-TCP. The State Water Board's Division of Drinking Water District offices provide technical support to public water systems and funding opportunities are available from the Division of Financial Assistance through loans and grants.
Olivenhain Municipal Water District	L - Operation and Implementation Concerns	Following a monitoring result above 5 ppt, our treatment plant will be shut down until capital improvements are completed. OMWD will then be required to use purchased water to meet demands.	How a public water system chooses to comply with the regulations is not dictated by the regulations. Some public water systems may instead choose to serve water in violation of the MCL while completing any necessary actions to resolve the MCL exceedance and provide public notice of the exceedance.
Olivenhain Municipal Water District	L - Operation and Implementation Concerns	Treating all of our water will require GAC, and will be costly to our water system.	The regulation does not mandate the use of granular activated carbon (GAC) to treat for 1,2,3-TCP. The State Water Board's Division of Drinking Water District offices provide technical support to public water systems and funding opportunities are available from the Division of Financial Assistance through loans and grants.

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Olivenhain Municipal Water District	D - Compliance plans	"Because of the short time period between adoption and expected compliance, many affected water systems would be in violation of the new standard soon after monitoring begins, as it is not feasible to install appropriate water treatment... in the time allotted"	Granular activated carbon is neither a new nor a novel technology requiring extensive preliminary planning and design to implement. A compliance period to provide public water systems additional time to come into compliance with the MCL for 1,2,3-TCP is therefore not proposed as part of the regulations. Although public water systems may wish to avoid being declared noncompliant with the proposed MCL during the period between finding a source out of compliance and completing either installation of treatment or other activities which may bring the water system back into compliance, providing a compliance period is not necessary and not in the public interest.
Olivenhain Municipal Water District	L - Operation and Implementation Concerns	"Ongoing treatment costs can be greatly impacted by operational practices such as GAC treatment... Further, the requirements that the State Board would impose as part of implementing this regulation must give full consideration to operational requirements including incorporating "non-detects" in averaging for MCL compliance, turn-around times between sampling and certification, obtaining outside laboratory results, and meeting blending objectives."	The State Water Board did include estimates of operations and maintenance costs as part of the economic feasibility discussion in the Initial Statement of Reasons (ISOR). Public water systems work closely with their Division of Drinking Water District Offices to develop system-specific operation plans that would address operational requirements.
Olivenhain Municipal Water District	Q - Loss of Confidence	Public confidence in the safety of their drinking water supply or supplier may be undermined if a water agency is deemed out of compliance.	The public may lose confidence in their water supply or supplier but the public also has a right to know when their drinking water does not meet public health standards. The State Water Board is also committed to transparency when informing the public.
Community Water Center/Clean Water Action	I - Grandfathering	Supports the grandfathering regulations in Section 64445. "...well calibrated policy that incentivized early monitoring and planning..."	Thank you for your support. We agree that allowing use of previously collected data incentivizes early monitoring and planning.
Planned Parenthood Mar Monte	B - Adopt 5 ppt	The proposed MCL should be adopted "with all expediency"	Thank you for your support and your comment. The State Board agrees and has therefore made adoption of the 1,2,3-TCP MCL one of its highest priorities.
Planned Parenthood Mar Monte	P - Disproportionate Effect	More than half of the state's contaminated wells are in rural, lower-income regions.	The State Water Board is aware that some communities may be disproportionately affected by 1,2,3-TCP. The State Water Board's Division of Drinking Water District offices provide technical support to public water systems and funding opportunities are available from the Division of Financial Assistance through loans and grants.
Planned Parenthood Mar Monte	A - Cost Recovery	"...choosing to allow greater cancer risk because of the economic factors benefits only the responsible parties" "In fact, setting the MCL at 5 ppt would expedite cost-recovery efforts..."	The State Water Board is aware that some public water systems have been able to successfully recover from responsible parties for the cost of treatment. Although adoption of the proposed regulations may provide clarity and assist public water systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations.
Lucy	B - Adopt 5 ppt	General support of the MCL	Thank you for your support.

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California Rural Legal Assistance, Inc	B - Adopt 5 ppt	Support of the MCL at 5 ppt	Thank you for your support.
California Rural Legal Assistance, Inc	I - Grandfathering	1,2,3-TCP concentrations in groundwater sources can vary unpredictably and historic data may not represent current conditions. A PWS that substitutes data that is above the proposed MCL but not as high as the “true” value for the current quarter being substituted for may delay that source from going out of compliance for at least the remainder of the quarter.	The State Water Board recognizes that the scenario described is theoretically possible but also very unlikely, and the proposed regulations include a requirement to submit a request to the State Water Board for approval and condition that substitution may only occur with State Water Board approval. The State Water Board is not required to approve a request for substitution and during review may determine that substitution is not appropriate.
California Rural Legal Assistance, Inc	I - Grandfathering	Notification of contamination to customers of that PWS and efforts to reduce contamination could therefore be delayed if the scenario described above occurs.	Substitution of samples encourages PWS to monitor their drinking water sources in advance of drinking water standards; this early sampling helps PWS with contaminated sources prepare for future compliance actions and begin planning well in advance of the effective date of the regulations. Not allowing substitution of results may discourage some PWS from performing early sampling, leading to increased delays in reducing the amount of contamination in drinking water.
California Rural Legal Assistance, Inc	I - Grandfathering	Data substitutions should only be allowed for sources that have no history of contamination and have actively sampled for the last three years.	Many public water systems have sampled for 1,2,3-TCP but few if any public water systems have or would likely actively sample for 1,2,3-TCP (or any unregulated organic chemical) for three years prior to an MCL becoming effective if they could wait for the MCL to become effective and only perform the required four quarters of initial sampling; this suggested change, therefore, would likely be less protective to public health because the change would not provide any incentive for public water systems to perform any initial sampling.
California Rural Legal Assistance, Inc	P - Disproportionate Effect	Rural and low income communities are disproportionately affected by 1,2,3-TCP contamination	The State Water Board is aware that some communities may be disproportionately affected by 1,2,3-TCP. The State Water Board’s Division of Drinking Water District offices provide technical support to public water systems and funding opportunities are available from the Division of Financial Assistance through loans and grants.
California Rural Legal Assistance, Inc	J - Underestimated Costs	The cost estimates oversimplify the categories of water systems by dividing them into groups of greater than or less than 200 service connections; this division results in water systems whose local economics and economies of scale may share more in common with one category being included in different, less similar category.	The State Water Board’s economic estimates are generalizations across the state, and are not intended to be predictive of a particular public water system’s cost. Whether the actual cost to a particular public water system is closer to one category than another is an acceptable effect of demarcation, and additional categories of water systems would not necessarily make estimated costs more meaningfully accurate to a particular public water system.

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California Rural Legal Assistance, Inc	J - Underestimated Costs	State Water Board treatment estimates do not include "overhead and maintenance" costs, costs for land acquisition, or site-specific costs.	The State Water Board did include operations and maintenance costs in various analysis, with the first reference to those costs on page 17 of the Initial Statement of Reasons (ISOR). The State Water Board did not include land acquisition costs or other site-specific costs because the cost of land in California is too variable with respect to location to accurately estimate, and, as previously stated, the cost estimates are intended to be generalizations across the state, not cost guidance for a particular water system. Additionally, many PWS will not need to acquire land for construction of the assumed required treatment, further supporting not including those costs in the total estimate.
California Rural Legal Assistance, Inc	J - Underestimated Costs	The State Water Board acknowledged that the estimated annual cost to small communities is \$609, which could represent a significant financial burden to some communities, but is "dismissive of the real impact of cost increases" in relation to Water Code 106.3 and "does not recognize the levels of poverty in [some areas impacted by 1,2,3-TCP]... and the impact that rate increases can have on low-income families"	The State Water Board did recognize that the proposed regulation may be difficult to afford for smaller water systems, and described potential alternative, more affordable compliance strategies in the Initial Statement of Reasons (ISOR), and recognized the ability of obtaining funding from the Division of Financial Assistance. The State Water Board also recognizes that any additional costs are going to be difficult for some systems. The State Water Board, however, does not believe that what is considered economically feasible should be limited to only what is affordable to the smallest, most disadvantaged communities, because then there would be little or no additional protections possible for any Californians. Additionally, at the public hearing Ryan Jensen from Community Water Center indicated that his family spends \$800 per year on bottled water living in Visalia; presumably this household will eliminate or at least severely reduce their bottled water expenditures once the water delivered by the public water system is uncontaminated. Therefore, the annual estimated cost of treatment for a small water system as stated in the Initial Statement of Reasons (\$609) would be less than the cost of bottled water. A similar analysis was included as part of the Standardized Regulatory Impact Assessment developed for the Department of Finance and included in the draft regulations as an attachment to the ISOR.
California Rural Legal Assistance, Inc	K - Financial Assistance	"...to prevent the costs of remediation being passed on to already-overburdened low-income residents, the state should make funding available for disadvantaged communities to finance monitoring and remediation efforts."	The State Water Board's District Offices provide technical assistance and often work with outside groups such as the Rural Assistance Community Corporation to provide tailored assistance to eligible PWS.

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California Rural Legal Assistance, Inc	K - Financial Assistance	If the state decides to explore options to off-set the costs of providing financial assistance for 123 TCP remediation, the state should not utilize taxes on bottled water to generate funds... the State should seek additional public input on [funding methods] that do not create additional burdens on contaminated communities	Although how the State Water Board or the State of California raises funds for loans and grants is outside the scope of this regulation, the State Water Board appreciates the insight provided about the potential impacts of a tax on bottled water to support funding. The State Water Board also agrees that it is important that low-income communities not be further disadvantaged, and recognizes the challenges that are faced by these communities that not only are disproportionately affected by 1,2,3-TCP, but also are often most challenged when obtaining funding to address contamination.
Mase Milham	B - Adopt 5 ppt	General support of the MCL	Thank you for your support.
Monte Vista Water District/City of Chino/Chino Desalter Authority	B - Adopt 5 ppt	Supports the proposed MCL of 5 ppt	Thank you for your support.
Monte Vista Water District/City of Chino/Chino Desalter Authority	D - Compliance plans	The proposed regulation does not provide adequate time for water systems to comply prior to being found in violation of MCL. Noncompliance may result in reduced water supply reliability, liability to lawsuits, and loss of public trust.	The concerns about the impacts of noncompliance may be less than expected. Although there have been several lawsuits against water systems due to the quality of the water supplied, staff are aware of only a relatively small number of such suits. Unlike the federal Safe Drinking Water Act (SDWA), there is no citizen suit provision under SDWA, and civil penalties cannot be imposed under the federal SDWA citizen suit provisions. The most contaminated sources may be shut down and the vast majority of water systems will continue to serve drinking water despite an exceedance of the MCL, all while providing required public notification and following requirements set forth in any compliance order issued by the State Water Board. The public may lose confidence in their water supply or supplier but the public also has a right to know when their drinking water does not meet public health standards. The State Water Board is also committed to transparency when informing the public.
Monte Vista Water District/City of Chino/Chino Desalter Authority	E - Blending	The proposed regulation does not identify the range of actions that may be used for compliance, including blending, nor do the regulations provide guidance on blending.	On page 27 of the Initial Statement of Reasons (ISOR), the State Water Board stated that other technologies capable of treating water to the proposed MCL may exist, and that the inclusion of a technology as a Best Available Technology (BAT) does not preclude a public water system from receiving a permit allowing use of alternative treatment, including blending.

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Monte Vista Water District/City of Chino/Chino Desalter Authority	D - Compliance plans	The proposed MCL will have significant financial and water supply reliability impacts to some PWS, and the State Water Board could help in "mapping out acceptable compliance strategies and a reasonable period of time in which to implement these strategies". The regulations should have at least a "compliance pathway" similar to the compliance plans for hexavalent chromium to allow water systems to remain in compliance while planning and constructing treatment facilities.	The State Water Board is aware that some communities may be disproportionately affected by 1,2,3-TCP. The State Water Board's Division of Drinking Water District offices provide technical support to public water systems and funding opportunities are available from the Division of Financial Assistance through loans and grants. The State Water Board acknowledges that a compliance plan process was established under SB 385 to allow public water systems that are out of compliance with the hexavalent chromium MCL to apply for and receive a compliance plan. Granular Activated Carbon (GAC) does not, however, have the same challenges as the treatment technology for hexavalent chromium; GAC is a readily available and reliable technology, and there are not similar cost and implementation issues with treatment of 1,2,3-TCP as there were with hexavalent chromium.
Monte Vista Water District/City of Chino/Chino Desalter Authority	E - Blending	Amend the proposed regulations to provide clarification and guidance on blending options for treatment.	Blending is already considered to be a treatment technique capable of reducing contaminant concentrations to compliance levels, and therefore does not require inclusion in the regulations. Blending is highly site-specific and reliant upon operating criteria and plans that are reviewed by the Division of Drinking Water District offices; additional regulations for blending would not be appropriate.
Melinda Roy	A - Cost Recovery	"...hold accountable those who have polluted our waters"	The State Water Board is aware that some public water systems have been able to successfully recover the cost of treatment from responsible parties. Although adoption of the proposed regulations may provide clarity and assist public water systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations.
Metropolitan Water District of Southern California	B - Adopt 5 ppt	Supports the proposed MCL of 5 ppt	Thank you for your support.
Metropolitan Water District of Southern California	D - Compliance plans	"...amend the proposed rule to provide a specific, reasonable time period to comply with the [MCL]... A reasonable implementation period will allow water systems time to adjust operations or install treatment without [violation] or eroding public confidence in drinking water." References SB 385 and hexavalent chromium compliance plans. "...Metropolitan recommends that the implementation schedule for 1,2,3-TCP should not be less than three to five years."	Granular activated carbon is neither a new nor a novel technology requiring extensive preliminary planning and design to implement. The State Water Board does not consider allowing a water system to remain in compliance while serving water that does not meet the proposed 1,2,3-TCP MCL to be adequately protective of public health.
Metropolitan Water District of Southern California	M - ELAP procedures	False positive or negative sample results may occur if adequate quality control and quality assurance are not implemented. The State Water Board should direct the Environmental Laboratory Accreditation Program (ELAP) to establish procedures for quality control and quality assurance.	This comment is not directly relevant to the proposed regulations, but the State Water Board, of whom ELAP is a part of, will work to help ensure that sample results are accurate when reported.

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Michael Biczynski	A - Cost Recovery	"allow water systems to recoup... costs from [responsible parties]..."	The State Water Board is aware that some public water systems have been able to successfully recover from responsible parties for the cost of treatment. Although adoption of the proposed regulations may provide clarity and assist public water systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations.
Michael Biczynski	B - Adopt 5 ppt	Supports the proposed MCL of 5 ppt	Thank you for your support.
City of Shafter	N - Treatment Design	The State Water Board should allow PWS to exercise operational flexibility to meet the proposed MCL through the most economically viable method. PWS should be allowed to deploy GAC treatment in a parallel configuration instead of a series configuration.	The State Water Board did not specify design or operational criteria for the treatment of 1,2,3-TCP in the proposed regulations. Each treatment system will have particular design and operational criteria determined as part of the permitting process at the Division of Drinking Water District offices. A proposed parallel system may or may not be approved in the permitting process after determining if the design is appropriate for a given source in a given water system.
Patrick M.K. Richardson	A - Cost Recovery	"allow water systems to recoup... costs from [responsible parties]..."	The State Water Board is aware that some public water systems have been able to successfully recover from responsible parties for the cost of treatment. Although adoption of the proposed regulations may provide clarity and assist public water systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations.
Patrick M.K. Richardson	B - Adopt 5 ppt	Supports the proposed MCL of 5 ppt	Thank you for your support.
Paula Cooper-Tipton	A - Cost Recovery	Wants "an allowance for water treatment systems to recoup their costs from [responsible parties]"	Thank you for your support. The State Water Board is aware that some public water systems have been able to successfully recover from responsible parties for the cost of treatment. Although adoption of the proposed regulations may provide clarity and assist public water systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations.
Paula Cooper-Tipton	B - Adopt 5 ppt	Supports the proposed MCL of 5 ppt	Thank you for your support.
ACWA/AWWA-CA-NV	D - Compliance plans	"it is not feasible for public agencies to install appropriate water treatment systems to comply with the MCL within the time period provided in the regulation." The comment then describes a series of steps for installing treatment.	Granular activated carbon is neither a new nor a novel technology requiring extensive preliminary planning and design to implement. The State Water Board does not consider allowing a water system to remain in compliance while serving water that does not meet the proposed 1,2,3-TCP MCL to be adequately protective of public health. Public water systems may choose to begin taking actions to remain in compliance with the proposed MCL in advance of the regulation effective date.

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ACWA/AWWA-CA-NV	D - Compliance plans	PWS may be subject to adverse impacts besides State Water Board enforcement, such as lawsuits, loss of source capacity, and loss of public confidence in the water supply and water supplier.	The concerns about the impacts of noncompliance may be less than expected. Although there have been several lawsuits against water systems due to the quality of the water supplied, staff are aware of only a relatively small number of such suits. Unlike the federal Safe Drinking Water Act, there is no citizen suit provision under the State Safe Drinking Water Act (SDWA), and civil penalties cannot be imposed under the federal SDWA citizen suit provisions. The most contaminated sources may be shut down and the vast majority of water systems will continue to serve drinking water despite an exceedance of the MCL, all while providing required public notification and following requirements set forth in any compliance order issued by the State Water Board. The public may lose confidence in their water supply or supplier but the public also has a right to know when their drinking water does not meet public health standards. The State Water Board is also committed to transparency when informing the public.
ACWA/AWWA-CA-NV	D - Compliance plans	Federal laws provide up to 5 years for water systems to comply with new standards without being out of compliance with the new standards	Granular activated carbon is neither a new nor a novel technology requiring extensive preliminary planning and design to implement. A compliance period to provide Public Water Systems additional time to come into compliance with the MCL for 1,2,3-TCP is therefore not proposed as part of the regulations. Although Public Water Systems may wish to avoid being declared noncompliant with the proposed MCL during the period between finding a source out of compliance and completing either installation of treatment or other activities which may bring the water system back into compliance, providing a compliance period is not necessary and not in the public interest. The State Water Board's Division of Financial Assistance has loan and grant programs that may offset the financial impact of the proposed regulation.
ACWA/AWWA-CA-NV	D - Compliance plans	The CA legislature signaled its support for reasonable compliance periods when it adopted SB 385	The California legislature limited the scope of SB 385 to hexavalent chromium. Hexavalent chromium at the time of MCL adoption was considered both highly expensive and difficult to remove from drinking water. GAC is readily available and a reliable technology, and similar cost and implementation issues are not expected with 1,2,3-TCP.
ACWA/AWWA-CA-NV	D - Compliance plans	Compliance periods foster treatment technology innovation and help water systems avoid using resources on technology that may be rendered obsolete, ineffective, or harmful.	Granular activated carbon is neither a new nor a novel technology that will benefit from additional time to foster treatment technology innovation. A compliance period to provide Public Water Systems additional time to come into compliance with the MCL for 1,2,3-TCP or to foster treatment technology innovation is not in the public interest and therefore not proposed as part of the regulations.

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ACWA/AWWA-CA-NV	L - Operation and Implementation Concerns	The State Water Board must also consider that treatment costs can be impacted by operational practices, particularly for water systems that employ GAC to meet the MCL.	The State Water Board did consider general operational practices when developing the regulations. The State Water Board cannot consider every unique and site-specific element to drinking water operations that a PWS may encounter as part of their compliance actions.
ACWA/AWWA-CA-NV	F - Non-detects	When approving blending, the State Water Board must consider operational factors such as incorporating "non-detects" in averaging for MCL compliance, turn-around time for sampling, and blending objectives.	Criteria for blending and other operational concerns will be determined as part of the review performed by the Division of Drinking Water District offices when a permit application for blending is submitted. Defining operational factors for blending in regulation may provide clarity but may also interfere with necessary operational flexibility when establishing operations plans that are adequately protective of public health
Rita Minjares	B - Adopt 5 ppt	Support of the MCL at 5 ppt	Thank you for your support.
Rita Minjares	A - Cost Recovery	Adopting an MCL of 5 ppt will "hold [responsible parties] accountable for the harm they've caused"	Thank you for your support. The State Water Board is aware that some public water systems have been able to successfully recover from responsible parties for the cost of treatment. Although adoption of the proposed regulations may provide clarity and assist public water systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations.
Ryan Anthony Hatch	B - Adopt 5 ppt	General support of the MCL	Thank you for your support.
RCAC/Self Help Enterprises		Support of the MCL at 5 ppt	Thank you for your support.
RCAC/Self Help Enterprises	K - Financial Assistance	Urges the State Water Board to provide additional assistance to rural, low-income communities. Compliance costs will impact drinking water affordability for customers in small water systems. The State Water Board should dedicate additional technical assistance, training, and funding to communities with 1,2,3-TCP for the purposes of building capacity and keeping rates affordable.	Technical and financial assistance is available from the State Water Board's Division of Drinking Water and Division of Financial Assistance through existing loan and grants programs. While administration of these programs is outside the scope of the proposed regulations, State Water Board staff will continue to work with impacted public water systems to provide the assistance needed.
RCAC/Self Help Enterprises	P - Disproportionate Effect	Small water systems are disproportionately impacted by 1,2,3-TCP and often lack resources to comply with existing drinking water standards.	The State Water Board is aware that some communities may be disproportionately affected by 1,2,3-TCP. The State Water Board's Division of Drinking Water District offices provide technical support to public water systems and funding opportunities are available from the Division of Financial Assistance through loans and grants.

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Various (10 cities/districts)	A - Cost Recovery	"...we want the parties responsible... to cover the costs of treatment"	Thank you for your support. The State Water Board is aware that some public water systems have been able to successfully recover from responsible parties for the cost of treatment. Although adoption of the proposed regulations may provide clarity and assist public water systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations.
Various (10 cities/districts)	B - Adopt 5 ppt	Support of the MCL at 5 ppt	Thank you for your support.
Unknown	B - Adopt 5 ppt	General support of the MCL	Thank you for your support.
Wendy Meunier	B - Adopt 5 ppt	General support of the MCL	Thank you for your support.
Zarli	B - Adopt 5 ppt	General support of the MCL	Thank you for your support.
Various	A or B	A large number of commenters stated that the State Water Board should engage in some form of recuperation from entities that the commenters felt were responsible for the presence of 1,2,3-TCP in drinking water. These recuperative activities included: allowing or ordering water systems to recoup treatment costs, or the State Water Board directly recouping water treatment costs. These commenters also stated that the State Water Board should adopt an MCL of 5 ppt.	Thank you for your support. The State Water Board is aware that some public water systems have been able to successfully recover from responsible parties for the cost of treatment. Although adoption of the proposed regulations may provide clarity and assist public water systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations.