



Frequently Asked Questions about Hexavalent Chromium in Public Water Systems

DISCLAIMER: This document is intended to provide answers to questions that may arise regarding hexavalent chromium in public water systems. Nothing in this document supersedes any statutory or regulatory requirements or permit provisions for public water systems.

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General Information

1. Maximum Contaminant Level for Hexavalent Chromium – Court's Judgment Invalidating MCL

On May 31, 2017, the Superior Court of Sacramento County issued a judgment invalidating the hexavalent chromium maximum contaminant level (MCL) for drinking water. The court ordered the State Water Resources Control Board (State Water Board or Board) to take the necessary actions to delete the hexavalent chromium MCL from the California Code of Regulations and to file with the court by August 15, 2017, proof that it has done so (California Manufacturers and Technology Association, et al. v. California Department of Public Health, et al. (Super. Ct. Sacramento County, 2017. No. 34-2014-80001850).

The court's primary reason for finding the MCL invalid is that the California Department of Public Health (which was responsible for the drinking water program before it was transferred to the State Water Board) failed to comply with one of the requirements in the Safe Drinking Water Act for adopting an MCL. In particular, the department "failed to properly consider the economic feasibility of complying with the MCL." The court did "not decide whether the MCL is economically feasible." The court did not make any finding about whether the MCL adequately protected public health, nor did it reach a conclusion about whether the MCL was too low or too high. The court merely found that the department did not adequately document why the MCL was economically feasible.

The court also ordered the State Water Board to adopt a new MCL for hexavalent chromium.

Additional information can be obtained from [the Board's webpage](#).

2. The Board's Resolution.

On August 1, 2017, the State Water Board adopted amendments to the California Code of Regulations that will remove the current MCL for the pollutant hexavalent chromium found in drinking water. The State Water Board will now begin work on establishing a new MCL for the contaminant.

On August 2, 2017, the staff of the State Water Board filed the request to amend the regulations with the Office of Administrative Law (OAL). OAL approved the proposal to amend the text. The change became effective with OAL filing the change with the Secretary of State, on September 11, 2017. Thus, as of September 11, 2017, the maximum contaminant level for hexavalent chromium is no longer in effect. On August 8, 2017 the State Water Board filed documents with the court to show that it had complied with the court's writ of mandate.

Since the hexavalent chromium MCL is no longer be in place, the State Water Board will no longer enforce compliance plans that public water systems entered into for hexavalent chromium.

However, the state MCL for total chromium of 50 ppb will remain in place. Total chromium measures both trivalent and hexavalent chromium in water together and does not indicate how much of either type exists. Trivalent chromium is not considered toxic and is an essential nutrient in trace amounts. The U.S. Environmental Protection Agency's MCL for total chromium is 100 ppb

3. What should a water system do now?

Hexavalent chromium is still present in the water supply of many public water systems at levels that may be a threat to public health. Because of this, the Board will establish a new MCL for hexavalent chromium as close to the public health goal set by the Office of Environmental Health Hazard Assessment as is technologically and economically feasible. The new standard could be at the same level as the invalidated one.

Public water systems that planned and, in some cases, completed projects to install treatment may be able to use that information and experience to comply with the new MCL when it is adopted. Public water systems that have already installed and are operating treatment systems are encouraged to continue to operate these facilities.

4. When will the process start for the new Cr6 MCL and what is the estimate for when it would be completed?

The Board will use the wealth of data collected over the last three years since the standard was adopted to help craft a new MCL. Generally, regulation development takes between 18 and 24 months to complete.

5. Will the hexavalent chromium information be removed from the human right to water portal?

Not at this point. The information provided may still be useful to some parties. The Board will take care to represent the information appropriately.

6. I have a Compliance Order from the Board. What will be done with the Order?

Now that the MCL has been removed from the regulation, the Board will submit a document to each water system that received a Compliance Order voiding those directives of the Order with compliance dates in the future. You no longer have to provide public notification to your consumers about hexavalent chromium. The Board expects to submit these documents to those water systems over the next several weeks.

7. I have an approved Compliance Plan. What do I need to do?

A PWS with an approved Compliance Plan will not need to do anything. You do not need to comply with any of the requirements within the plan. You no longer have to provide public notification to your consumers. The Board will send each PWS a letter to this effect.

8. Do I need to sample for hexavalent chromium?

No, the requirement to sample for hexavalent chromium is no longer in effect. The Board encourages PWS to continue to sample sources for hexavalent chromium. If you do continue to sample your wells, you will need to report those results to the Board and the Board recommends you include those results in your Consumer Confidence Report.

Funding

9. I have a Division of Financial Assistance (DFA) funding project to complete a planning study on hexavalent chromium treatment; will DFA continue to fund my project?

Yes, the Board will continue to support and fund hexavalent chromium treatment planning projects, just as it supports any community's efforts to provide the best quality water available to its customers.

10. Will DFA continue to fund a construction project for hexavalent chromium?

Yes, the Board will continue to support and fund hexavalent chromium treatment construction projects along with any project that will consolidate two or more systems if the subsumed system exceeded the previous hexavalent chromium standard. A PWS that completes construction will be expected to operate those facilities.

11. I have a loan for a planning project that is not completed, can I stop the planning until the new MCL is adopted and then restart?

An agency may stop its planning project; however, the loan will then be closed out and repayment will begin. If the agency wants to resume planning at a later time, such as after a new MCL is adopted, it will have to reapply for funding.

12. I have a self-funded project to complete a preliminary study on hexavalent chromium treatment, should I continue with the project?

Each PWS will need to make its own decision on continuing a study or construction of a treatment facility.

13. I have a self-funded project to comply with the previous hexavalent chromium MCL. Will the Board be reimbursing the PWS for those costs incurred?

No, the Board will not be reimbursing PWS's for cost incurred unless they are part of a State Board DFA project, which we will continue to fund.

PWS Operations

14. I have a well that exceeded the previous hexavalent chromium MCL (10 ppb) but not the current MCL (50 ppb). The well was placed on standby status. Can I submit a permit amendment to reactivate a standby well?

Yes, you can submit a permit amendment application to reactivate the well. The Board recommends a PWS limit the use of a well that exceeds the previous hexavalent chromium MCL to reduce the risk to the public.

15. A PWS has a blending station to reduce the hexavalent chromium to below 10 ppb by blending a high and low source. Can the PWS use the high hexavalent chromium well without blending?

Yes, but the Board recommends a PWS utilize the blending facility as much as possible to supply water to their consumers at below the previous hexavalent chromium MCL. Also, the PWS will have to apply for an amended permit to alter the operation of the blending station.

16. A PWS continues to utilize a blending station to reduce the hexavalent chromium to below 10 ppb. Does the PWS have to submit a blending report?

The PWS will not be required to submit a blending report but it would be in the best interest of the PWS to continue to submit the report because the PWS will be able to use the blended water values in the Consumer Confidence Report. If the blending report is not submitted, the PWS will need to use the raw water values in the CCR.

17. How does the invalidation of the MCL affect the Consumer Confidence Report (CCR)?

Because the MCL was in effect for part of the 2017 calendar year, the regulations require that information about the hexavalent chromium MCL be included in the CCR. PWS should provide the available information that is required by the CCR. PWS may add a statement to the CCR to indicate that the hexavalent chromium MCL was invalidated during the 2017 calendar year, but that the PWS is required to report the information it collected prior to the MCL being invalidated.

For 2018 and until a new MCL is adopted, hexavalent chromium results will not be required to be included in the CCR. The Board recommends that any hexavalent chromium results that are collected by a PWS be reported in the CCR.

18. A PWS has a permitted hexavalent chromium removal treatment facility. Will the permit be revised? Will the permit be voided if the facility is not used?

The Board encourages PWS to continue to utilize any treatment facility that is permitted to supply the best quality water to their consumers. If the PWS decides not to operate the hexavalent chromium treatment facility, a PWS must submit an application for a permit

amendment to the appropriate Board DDW District Office or a Local Primacy Agency (LPA), to modify the PWS's permitted treatment.

19. What messaging should an affected PWS provide to its customers?

An affected PWS no longer has to provide public notification to its consumers; however, the Board recommends that the PWS provide some type of notification that explains what happened regarding the hexavalent chromium MCL and what the PWS is doing in the interim while the Board is establishing a new MCL.

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