

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 22, California Code of Regulations

Adopt sections:

Amend sections: 64444, 64445, 64445.1,
64447.4, 64465, 64481

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3


OAL Matter Number: 2017-1115-01

OAL Matter Type: Regular (S)

This rulemaking action adopts a Maximum Contaminant Level for 1,2,3-Trichloropropane for drinking water in the amount of .000005 mg/L (five parts per trillion) for the purpose of protecting public health.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 12/14/2017.

Date: December 14, 2017



**Dale P. Mentink
Senior Attorney**

For: Debra M. Cornez
Director

Original: Eileen Sobeck, Executive
Director

Copy: Melissa Hall

REGULAR

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATION

For use by Secretary of State only

STD. 400 (REV. 01-2013)

per agency request

| | | | |
|--|--|--|---|
| <input type="checkbox"/> FILE <input type="checkbox"/> BERS | NOTICE FILE NUMBER Z-2017-022108 | REGULATORY ACTION NUMBER 2017-1115-015 | EMERGENCY NUMBER |
| For use by Office of Administrative Law (OAL) only | | <p>2017 NOV 15 A 10:16</p> <p>OFFICE OF ADMINISTRATIVE LAW</p> | |
| NOTICE | | REGULATIONS | |
| AGENCY WITH RULEMAKING AUTHORITY CA State Water Resources Control Board | | | AGENCY FILE NUMBER (if any) SBDDW-17-001 |

ENDORSED - FILED

In the office of the Secretary of State of the State of California

DEC 14 2017

1:39 P.M.

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | |
|--|---------------------------|---|-------------------------------------|
| 1. SUBJECT OF NOTICE | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | 4. AGENCY CONTACT PERSON | TELEPHONE NUMBER | FAX NUMBER (Optional) |
| OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | ACTION ON PROPOSED NOTICE | NOTICE REGISTER NUMBER 2017, 09-2 | PUBLICATION DATE 3/3/2017 |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | |
|--|---|
| 1a. SUBJECT OF REGULATION(S) 1,2,3-Trichloropropane Maximum Contaminant Level | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) |
| 2. CITE CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) | |
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | ADOPT |
| | AMEND Sections 64444, 64445, 64445.1, 64447.4, 64465, 64481 |
| TITLE(S) 22 | REPEAL |

3. TYPE OF FILING

| | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) | <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. | <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) | <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) |
| <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4) | <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) | <input type="checkbox"/> File & Print | <input type="checkbox"/> Print Only |
| <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) | | <input type="checkbox"/> Other (Specify) _____ | |

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
 Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
 Effective on filing with Secretary of State
 \$100 Changes Without Regulatory Effect
 Effective other (Specify) _____ **Requesting early effective date of 12/29**

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
 Department of Finance (Form STD. 399) (SAM §6660)
 Fair Political Practices Commission
 State Fire Marshal
 Other (Specify) _____

7. CONTACT PERSON
Melissa Hall
TELEPHONE NUMBER
(916) 323-0373
FAX NUMBER (Optional)
E-MAIL ADDRESS (Optional)
melissa.hall@waterboards.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE
Eileen Sobek
DATE
11/13/2017
TYPED NAME AND TITLE OF SIGNATORY
Eileen Sobek, Executive Director

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 14 2017

Office of Administrative Law

**TITLE 22, CALIFORNIA CODE OF REGULATIONS
 DIVISION 4, CHAPTER 15, ARTICLE 5.5**

(1) Amend Section 64444 to read as follows:

§ 64444. Maximum Contaminant Levels – Organic Chemicals.

The MCLs for the primary drinking water chemicals shown in Table 64444-A shall not be exceeded in the water supplied to the public.

**Table 64444-A
 Maximum Contaminant Levels
 Organic Chemicals**

| <i>Chemical</i> | <i>Maximum Contaminant Level, mg/L</i> |
|--|--|
| (a) Volatile Organic Chemicals (VOCs) | |
| Benzene | 0.001 |
| Carbon Tetrachloride | 0.0005 |
| 1,2-Dichlorobenzene | 0.6 |
| 1,4-Dichlorobenzene | 0.005 |
| 1,1-Dichloroethane | 0.005 |
| 1,2-Dichloroethane | 0.0005 |
| 1,1-Dichloroethylene | 0.006 |
| cis-1,2-Dichloroethylene | 0.006 |
| trans-1,2-Dichloroethylene | 0.01 |
| Dichloromethane | 0.005 |
| 1,2-Dichloropropane | 0.005 |
| 1,3-Dichloropropene | 0.0005 |
| Ethylbenzene | 0.3 |
| Methyl- <i>tert</i> -butyl ether | 0.013 |
| Monochlorobenzene | 0.07 |
| Styrene | 0.1 |

| | |
|--|---------|
| 1,1,2,2-Tetrachloroethane. | 0.001 |
| Tetrachloroethylene. | 0.005 |
| Toluene. | 0.15 |
| 1,2,4-Trichlorobenzene. | 0.005 |
| 1,1,1-Trichloroethane. | 0.200 |
| 1,1,2-Trichloroethane. | 0.005 |
| Trichloroethylene. | 0.005 |
| Trichlorofluoromethane. | 0.15 |
| 1,1,2-Trichloro-1,2,2-Trifluoroethane. | 1.2 |
| Vinyl Chloride. | 0.0005 |
| Xylenes. | 1.750* |
| (b) Non-Volatile Synthetic Organic Chemicals (SOCs) | |
| Alachlor. | 0.002 |
| Atrazine. | 0.001 |
| Bentazon. | 0.018 |
| Benzo(a)pyrene. | 0.0002 |
| Carbofuran. | 0.018 |
| Chlordane. | 0.0001 |
| 2,4-D. | 0.07 |
| Dalapon. | 0.2 |
| Dibromochloropropane. | 0.0002 |
| Di(2-ethylhexyl)adipate. | 0.4 |
| Di(2-ethylhexyl)phthalate. | 0.004 |
| Dinoseb. | 0.007 |
| Diquat. | 0.02 |
| Endothall. | 0.1 |
| Endrin. | 0.002 |
| Ethylene Dibromide. | 0.00005 |
| Glyphosate. | 0.7 |
| Heptachlor. | 0.00001 |

| | |
|-------------------------------------|----------------------|
| Heptachlor Epoxide. | 0.00001 |
| Hexachlorobenzene. | 0.001 |
| Hexachlorocyclopentadiene. | 0.05 |
| Lindane. | 0.0002 |
| Methoxychlor. | 0.03 |
| Molinate. | 0.02 |
| Oxamyl. | 0.05 |
| Pentachlorophenol. | 0.001 |
| Picloram. | 0.5 |
| Polychlorinated Biphenyls. | 0.0005 |
| Simazine. | 0.004 |
| Thiobencarb. | 0.07 |
| Toxaphene. | 0.003 |
| <u>1,2,3-Trichloropropane.</u> | <u>0.000005</u> |
| 2,3,7,8-TCDD (Dioxin). | 3 x 10 ⁻⁸ |
| 2,4,5-TP (Silvex) | 0.05 |

*MCL is for either a single isomer or the sum of the isomers.

NOTE: Authority cited: Sections ~~100275~~, 116271, 116350 and 116365, Health and Safety Code. Reference: Sections 116365, 116385, and 116555, Health and Safety Code.

(2) Amend Section 64445 to read as follows:

§ 64445. Initial Sampling – Organic Chemicals

(a) No change to text

(b) No change to text

(c) No change to text

(d) No change to text

(e) No change to text

(f) No change to text

(g) MTBE data (i.e., a single sample) collected in a manner consistent with this section after January 1, 1998 in which no MTBE is detected, along with a designation of nonvulnerability pursuant to subsection (d), may be used to satisfy the initial monitoring requirements in subsection (a). If the requirements are satisfied in this way by a water system, the system shall begin annual monitoring pursuant to section 64445.1(b)(1).

(h) No change to text

(i) Results obtained from groundwater monitoring performed for an organic chemical in accordance with this section and not more than two calendar years prior to the effective date of a regulation establishing the MCL for that organic chemical may be substituted to partially satisfy the initial monitoring requirements required by this section for that organic chemical. Requests to substitute groundwater monitoring results shall be made in accordance with the following:

1. Requests shall be made in writing by the water system to the State Board; and
2. If the State Board approves the request then results from a given calendar quarter will only be eligible to substitute for a single required initial monitoring result during that same quarter of initial monitoring. (e.g. the second quarter of 2016 may be substituted for the second quarter of 2018).

3. No more than three of the four quarterly samples as required by section 64445(a) or (b) may be substituted.

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code. Reference: Sections 116385_and 116555, Health and Safety Code.

(3) Amend Section 64445.1 to read as follows:

§ 64445.1. Repeat Monitoring and Compliance – Organic Chemicals.

(a) For the purposes of this article, detection shall be defined by the detection limits for purposes of reporting (DLRs) in ~~Table~~ 64445.1-A:

**Table 64445.1-A
 Detection Limits for Purposes of Reporting (DLRs)
 for Regulated Organic Chemicals**

| <i>Chemical</i> | <i>Detection Limit for Purposes of Reporting (DLR) (mg/L)</i> |
|--|---|
| (a) All VOCs, except as listed. | 0.0005 |
| Methyl- <i>tert</i> -butyl ether. | 0.003 |
| Trichlorofluoromethane. | 0.005 |
| 1,1,2-Trichloro-1,2,2-Trifluoroethane. | 0.01 |
| (b) SOCs | |
| Alachlor. | 0.001 |
| Atrazine. | 0.0005 |
| Bentazon. | 0.002 |
| Benzo(a)pyrene. | 0.0001 |
| Carbofuran. | 0.005 |
| Chlordane. | 0.0001 |
| 2,4-D. | 0.01 |
| Dalapon. | 0.01 |
| Dibromochloropropane (DBCP). | 0.00001 |
| Di(2-ethylhexyl)adipate. | 0.005 |
| Di(2-ethylhexyl)phthalate. | 0.003 |
| Dinoseb. | 0.002 |

| | |
|--|----------------------|
| Diquat. | 0.004 |
| Endothall. | 0.045 |
| Endrin. | 0.0001 |
| Ethylene dibromide (EDB). | 0.00002 |
| Glyphosate. | 0.025 |
| Heptachlor. | 0.00001 |
| Heptachlor epoxide. | 0.00001 |
| Hexachlorobenzene. | 0.0005 |
| Hexachlorocyclopentadiene. | 0.001 |
| Lindane. | 0.0002 |
| Methoxychlor. | 0.01 |
| Molinate. | 0.002 |
| Oxamyl. | 0.02 |
| Pentachlorophenol. | 0.0002 |
| Picloram. | 0.001 |
| Polychlorinated biphenyls (PCBs) (as decachlorobiphenyl). | 0.0005 |
| Simazine. | 0.001 |
| Thiobencarb. | 0.001 |
| Toxaphene. | 0.001 |
| <u>1,2,3-Trichloropropane.</u> | <u>0.000005</u> |
| 2,3,7,8-TCDD (Dioxin). | 5 x 10 ⁻⁹ |
| 2,4,5-TP (Silvex). | 0.001 |

(b) When organic chemicals are not detected pursuant to ~~T~~table 64445.1-A.

(1) A water system which has not detected any of the VOCs on ~~T~~table 64444-A during the initial four quarters of monitoring, shall collect and analyze one sample annually. After a minimum of three years of annual sampling with no detection of a VOC in ~~T~~table 64444-A, a system using groundwater may reduce the monitoring

frequency to one sample during each compliance period. A system using surface water shall continue monitoring annually.

(2) A system serving more than 3,300 persons which has not detected an SOC on ~~Table~~ 64444-A during the initial four quarters of monitoring shall collect a minimum of two quarterly samples for that SOC in one year during the year designated by the State Board of each subsequent compliance period. The year will be designated on the basis of historical monitoring frequency and laboratory capacity.

(3) A system serving 3,300 persons or less which has not detected an SOC on ~~Table~~ 64444-A during the initial four quarters of monitoring shall collect a minimum of one sample for that SOC during the year designated by the State Board of each subsequent compliance period. The year will be designated on the basis of historical monitoring frequency and laboratory capacity.

(c) When organic chemicals are detected pursuant to ~~Table~~ 64445.1-A.

(1) Prior to proceeding with the requirements of paragraphs ~~(e)~~(2) through (7), the water supplier may first confirm the analytical result, as follows: Within seven days from the notification of an initial finding from a laboratory reporting the presence of one or more organic chemicals in a water sample, the water supplier shall collect one or two additional sample(s) to confirm the initial finding. Confirmation of the initial finding shall be shown by the presence of the organic chemical in either the first or second additional sample, and the detected level of the contaminant for compliance purposes shall be the average of the initial and confirmation sample(s). The initial finding shall be disregarded if two additional samples do not show the presence of the organic chemical.

(2) If one or both of the related organic chemicals heptachlor and heptachlor epoxide are detected, subsequent monitoring shall analyze for both chemicals until there has been no detection of either chemical for one compliance period.

(3) A groundwater sampling site at which one or more of the following chemicals has been detected shall be monitored quarterly for vinyl chloride: trichloroethylene,

tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, or 1,1-dichloroethylene. If vinyl chloride is not detected in the first quarterly sample, the sampling site shall be monitored once for vinyl chloride during each compliance period.

(4) If the detected level of organic chemicals for any sampling site does not exceed any shown in Table 64444-A, the water source shall be resampled every three months and the samples analyzed for the detected chemicals. After one year of sampling an approved surface water system or two quarters of sampling a groundwater system, the State Board will consider allowing the water supplier to reduce the sampling to once per year upon request, based on a review of previous sampling data. Systems shall monitor during the quarter(s) which previously yielded the highest analytical results.

(5) If the detected level of an organic chemical for any sampling site exceeds that listed in Table 64444-A, the water supplier shall report this information to the State Board within 48 hours of receipt of the result. Unless use of the contaminated source is discontinued, the water supplier shall resample the contaminated source and compliance shall be determined as follows:

(A) Water systems serving more than 3,300 persons shall sample monthly for six months and shall submit the results to the State Board as specified in Section 64469. If the average concentration of the initial finding, confirmation sample(s), and six subsequent monthly samples does not exceed the MCL shown in Table 64444-A the water supplier may reduce the sampling frequency to once every three months. If the running annual average or the average concentration of the initial finding, confirmation sample(s), and six subsequent monthly samples exceeds the MCL shown in Table 64444-A, the water system shall be deemed to be in violation of Section 64444.

(B) Water systems serving 3,300 persons or less shall sample quarterly for a minimum of one year and shall submit the results to the State Board as specified in Section 64469. If the running annual average concentration does not exceed the MCL

in ~~T~~table 64444-A, the water supplier may reduce the sampling frequency to once every year during the quarter that previously yielded the highest analytical result. Quarterly monitoring shall resume if any reduced frequency sample result exceeds the MCL. If the running annual average concentration exceeds the MCL in ~~T~~table 64444-A, the water system shall be deemed to be in violation of ~~S~~section 64444.

(C) If any sample would cause the running annual average to exceed the MCL, the water system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

(6) If any resample, other than those taken in accordance with paragraph (e)(5) of this section, of a water sampling site shows that the concentration of any organic chemical exceeds a MCL shown in ~~T~~table 64444-A, the water supplier shall proceed in accordance with paragraphs (e)(1) and (e)(4), or paragraph (e)(5).

(7) If an organic chemical is detected and the concentration exceeds ten times the MCL, the water supplier shall notify the State Board within 48 hours of the receipt of the results and the contaminated site shall be resampled within 48 hours to confirm the result. The water supplier shall notify the State Board of the result of the confirmation sample(s) within 24 hours of the receipt of the confirmation result(s).

(A) If the average concentration of the original and confirmation sample(s) is less than or equal to ten times the MCL, the water supplier shall proceed in accordance with ~~subsection~~paragraph (e)(5).

(B) If the average concentration of the original and confirmation samples exceeds ten times the MCL, use of the contaminated water source shall immediately be discontinued, if directed by the State Board. Such a water source shall not be returned to service without written approval from the State Board.

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code. Reference: Sections 116385, 116450, 116460, and 116555, Health and Safety Code.