

State Water Resources Control Board  
Division of Drinking Water

Final Statement of Reasons for Rulemaking,  
Including Comments and Agency Response

MAXIMUM CONTAMINANT LEVEL (MCL)  
FOR 1,2,3-TRICHLOROPROPANE (1,2,3-TCP)

Public Hearing Date: July 18, 2017  
Agenda Item No.: 3

I. GENERAL

- A. At its July 18, 2017 public meeting, the State Water Resources Control Board (State Water Board) adopted an MCL 5 parts per trillion (ppt) for 1,2,3-TCP, and related requirements, including establishing of a detection limit for purposes of reporting (DLR), identifying the best available technology for treatment, and setting public notification and consumer confidence report language. The regulations also included a method for public water systems to substitute existing water quality data for initial monitoring requirements under certain circumstances.

The Staff Report: Initial Statement of Reasons for Rulemaking (staff report), entitled "Proposed Regulations – 1,2,3-Trichloropropane (1,2,3-TCP) Maximum Contaminant Level (MCL), released March 3, 2017, is incorporated by reference herein. The staff report contained a description of the rationale for the proposed amendments.

Based on comments received during the 49 day comment period and public testimony received at the April 19, 2017 hearing, the Board adopted the MCL and the related requirements without any changes from the proposed regulations.

B. MANDATES AND FISCAL IMPACTS TO LOCAL GOVERNMENTS AND SCHOOL DISTRICTS

The State Water Board has determined that this regulatory action will not result in a mandate to any agency or school district, the cost of which are reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code. Specifically, this regulation to meet the MCL for 1,2,3-TCP in drinking water is not a requirement unique to local government and will apply equally to public and private water systems.

Similarly, public water systems can pass on the costs of implementation of the regulation through increasing service fees.

### C. CONSIDERATIONS OF ALTERNATIVES

For the reasons set forth in the Staff Report, in the staff's comments and responses at the hearing, and in the FSOR, the State Water Board determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulatory action was proposed, or would be as effective and less burdensome to affected private persons, or would be more cost-effective to private persons and equally effective in implementing the statutory policy or other provisions of law than the action taken by the State Water Board. Specifically, consistent with the requirements of Health and Safety Code section 116365, the State Water Board concluded that the MCL of 5 ppt for 1,2,3-TCP is as close to the public health goal as is economically and technologically feasible. Also, it was noted in the ISOR that the cost of the treatment on a per-connection basis is not significantly reduced whether the MCL is set at 5 ppt or at a higher value, less protective of public health. The only change when the MCL is made less stringent is the number of systems that would have to treat is reduced.

## II. MODIFICATIONS MADE TO THE ORIGINAL PROPOSAL

No modifications were approved at the board meeting and no changes were proposed that required an additional 15-day comment period. No modifications were made to the text of the ISOR, and no changes were made to the proposed regulations.

The Notice of Proposed Rulemaking and the ISOR identified three documents as having been incorporated by reference pursuant to 1 CCR Sec. 20. That statement was in error. No documents were incorporated by reference into the proposed regulations.

There are several pages in documents the Water Board identified as relying upon that have been redacted because they contain information related to critical drinking water infrastructure. Although the State Water Board relied upon the documents generally, it did not rely upon any of the specific redacted information in drafting the amendments to the regulations.

## III. COMMENTS AND AGENCY RESPONSES

Written comments were received during a 47-day comment period in response to the public Notice of Proposed Rulemaking, issued March 3, 2017. Oral comments were

also received during the APA public hearing an April 19, 2017 State Water Board workshop. Listed below are the organizations and individuals that provided comments during the comment period. Attached are two documents showing comments and responses. The first contains a summary of written comments received and abbreviated responses. The second contains quoted written and oral comments with full responses in a tabular format.

<b>Organizations and Individuals that Provided Comments</b>
A watchful water drinker
A. Wright
Adan Ortega
Adriana Cisneros
Aimee Arrieta
Aimee Haire
Ainne Marxer
Albert Pellizzari
Alex Little
Alexander Gouyet
Alexandra Pasfield
Alicia Sandoval
Alison
Alison Bayley
Allyson Hance
Aman Parikh
Amber Lin
Amelia Degenkolb
American Civil Liberties Union of California
Ana L. Alvarez
Anadelia Duran
Andrea Dawson
Andria Ventura
Anna Coachman
Anna Mariarella
Anthony Lin
Arienne Schneider-Stocking
Armando V.
Armando Valdez
Arvin Community Services District
Arvin Community Services District, City of Kingsburg, City of Parlier, City of Reedley, Belhi County Water District, Del Rey Community Services District, Le Grand Community Services District, Orosi Public Utility District, Vaughn Water Company, and Woodville Public Utility District
Asha Kreiling
Ashley Chu

<b>Organizations and Individuals that Provided Comments</b>
Association of California Water Agencies and the California-Nevada Section of the American Water Works Association
Azallea Bajo
B.
B. Na...
B. Raul Buza...
Barbara Broucht
Barbara Ryle
Bartolo Chavez
Becky Yip
Ben Platt
Benedicte Richardson
Beronica Flores
Bertha Lopez
Bertolo Chavez
Beth Smoker
Billie MacDougall
Blanca Flores
Bob & Joyce Jones
Brian Dodd
Brian Huse
Bryan Wilde
Bryce K.
Byers/Richardson Lawyers
C. Lopez
CA Water Association
California Manufacturers & Technology Association and the American Chemistry Council
California Rural Legal Assistance Foundation
California Rural Legal Assistance, Inc.
California Water Association
Carina Porra
Carlin Otto
Carlos Arias
Carlos Rodriguez
Carly Keller
Carol Hakeil
Carole Laval
Carolyn P.
Cary Milia
Cassandra Thompson
Catherine
Cathy Pan
Cay Canello
Cecy Gonzalez
Central Valley Clean Water Association

<b>Organizations and Individuals that Provided Comments</b>
Ceori
Charles Barrett
Charles Bultman
Charles Neifeld
Chole Cooper
Chris Heine
Chris Knipp
Christian Kearney City of Arvin, Environmental Working Group, Greenfire Law, Sierra Club, Parents for a Safer Environment, The Environmental Justice Coalition for Water, Central California Environmental Justice Network, CalPIRG, Asociacion de Gente Unida por el Agua, Center for Race, Poverty, and the Environment, Pesticide Action Network, Progressives United for Social Justice and Human Rights, El Quinto Sol de America, San Jerardo Cooperative, Inc., Food and Water Watch, Leadership Counsel for Justice and Accountability, Turtle Island Restoration Network, California Coastkeeper Alliance, Center for Environmental Health, Californians for Pesticide Reform, League of Women Voters of California, Central California Asthma Collaborative, Medical Advocates for Healthy Air, Friends of the Earth U.S., Californians for Alternatives to Toxics, Promotores Comunitarios del Desierto, Food Empowerment Project, Occidental Arts & Ecology Center, Lymphoma Foundation of America, Transition to Organics, Clean Water and Air Matter, Turning Green, California Latinas for Reproductive Justice, Alliance of Nurses for Healthy Environments, Beyond Toxics, Alaska Community Action on Toxics, Action Now, Klamath Forest Alliance, Environmental Protection Information Center, Courage Campaign, Wholly H2O, Dolores Huerta Foundation, Planting Justice, Center for Biological Diversity, GMO Free California, Safe Ag Safe Schools, Monterey Bay Central Labor Council, Physicians for Social Responsibility-Los Angeles, Environmental Action Committee of West Marin, and California Environmental Justice Alliance
City of Chino, Chino Basin Desalter Authority, City of Shafter
Clean Water Action
Clifford Hunt
Clifford Stewart
Clifton Pollard
Clive A. Henrick
Colleen Blake
Colleen Shiplee
Community Water Center
Community Water Center, Clean Water Action,
Cooper J. Smith
Cristina S. Rodriguez
D.
D. Semerick
D...
Daisy
Daniel Del Grande
Daniel Scovill
Daniel Serrano
Dave Girard

<b>Organizations and Individuals that Provided Comments</b>
David and Susan May
David Gonzalez O...
David J. Evans
Deb Porter
Debbie M.
Deborah K. Mar
Del Rey Community Services District
Desmond Murray
Devon Merriman
Devrasaif
Diane Smader
Dick Liu
Dieter Jundt
Donna Pellizzari
Doryanna Moreno
Dr. Jeff Z.
Duane Morris LLP on behalf of the City of Bakersfield
E. Bloom
E. Calderon
E...th E.
Ed McCormick
Eduardo L. Colmenares
Edward E. Thompson
Edwin S. Ramirez
Eleazor Gonzalez
Elena S.
Eliza Ramierez
Elizabeth Allen
Elizabeth Martinez
Elizabeth Rhodes
Elizabeth V. Dickinson
Ellie Campbell
Elliot R. Frost
Emilia Kaldis
Emily Cook
Emily Jones
Environmental Working Group
Environmental Working Group, Clean Water Action, and Community Water Center (2,228 supporters/signatories)
Eric Fieberling
Erik Dunlap
Erin Fieberling
Ernesto
Esmeralda Marquez

<b>Organizations and Individuals that Provided Comments</b>
Esperanza
Estela Escoto
Ethan Kaplan
Evangeline and Ted Leash
Evasto Ferreira A.
Fidd Perez
Flor Reyes
Forrest Brown
Francisco Perez O.
G. D'buyo
G. Fujikara
Gabriel Bloom
Gerald B.
Gianni Pellizzari
Gloria Eppler
Gordon D. Cremer
Grace K.
Grant Walters
Greg Hamilton
Gustavo Aguirre
Haley Kleine
Haven Fiering
Haydee Trujillo
Hetal Jariwala
Hilary Powell-Wright, Kevin Wright, & Norah Wright
Holly Welstein
I...
Ian Jones
Illegible (27 comments)
Inland Empire Utilities Agency
Irene Kaufman
Iris Hawks
Irma Badillo
Isaul Reyes
J. H.
J. Hughes
J. Limbach, D.K. Meadows
J. Rosario Moreno R.
J. Sauado
J. Sekow
J.A.
Jack Hawks
James L Rodgers
Jane Austin

<b>Organizations and Individuals that Provided Comments</b>
Janet Miller
Janice Wenning
Jared Brick
Jasif Jan Tomas
Javier S.
Jean Y.
Jeanne Ross
Jeff Wolfold
Jeni-Ann Kren
Jenifer A.
Jennifer Denbou
Jennifer Kemper
Jennifer Lewis
Jesse Barlow
Jesse Greywolf
Jesse Griffin
Jessica Rodriguez
Jessie Octtinger
Jesus Sandoval
Jim and Mary Smith
Jo Anne Welsch
Joan S. Stauffer
Joe Lahiff and Lana Radosavljevic
Johanna Heine
John Crowley and family
John Fesenko
John Johnson
John Leal
Jose Gurrola
Joyce Chu
Juan C.
Juan Cardenos
Juan Juarez
Juan Muniz
Judith
Judith Barker
Julie Ansara
Julie McNamara
Julie Sonksen
K. and K. Bradfield
K. Bennett
Kaihli Vang
Kaihli Vang
Kara Cox

<b>Organizations and Individuals that Provided Comments</b>
Karina Vazquez
Karla Rodriguez
Katherine Cheng
Katherine Murphy
Kathleen Hyland
Katie Brohawn
Katie Ferrell
Katrina Turman
Keith A. Jantzen
Kelsey Langsdane
Kena Cadore
Kim Yip
Kimberly Hawks
Krista Farey, Vishwanath Lingappa, Anuradha Lingappa
Kristie Glatze
Kwok Siong/Siew Poh Tong
Kyle Janssan
Kyra Gordon & Illegible
Lara Asmundson
Laura Yazmin Trujillo
Laura Zaulala
Laurel R. Weeks
Lauren Nakusato
Lawrence M. Carson
Leah Duffy
Leila Khan
Leslie K. Hunt
Liam Bogfelt
Lila Hawks
Linda Mitteness
Linda S. Cain
Linden Young
Linden Young
Lindsey Stratton
Liz Figueroa
Loren Hajeda and Dana Caulder
Luann Alci
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Luis Gustavo
Luis Sanchez
Lynette Ubois
Lynne Olsen

<b>Organizations and Individuals that Provided Comments</b>
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Mario Murguia
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Martha Davia
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Metropolitan Water District of Southern California
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<b>Organizations and Individuals that Provided Comments</b>
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Michele Lanza and Sebastian Desio
Michelle Ayoob
Mick Pellizzari
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Monte Vista Water District
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Natasha N.
Natasha Funck
Nathan Cheng
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No Signature
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Olivenhain Municipal Water District
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PAN North America
Pasadena Water and Power
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Patricia Brown
Patrick Lin
Patrick M.K. Richardson
Patty Brink
Patty W.
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Paula Cardenas
Paula Cooper-Tipton
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Planned Parenthood Mar Monte
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Rafael Moreno
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Ralph Chappell
Randy Reck

<b>Organizations and Individuals that Provided Comments</b>
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Rich F.
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Rick Kleine
Rita Minjares
Rita Vargas
Rita Vargas
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Robert F.
Robert S.
Roberta Stauffacher
Roberto A...ica
Roberto Garcia
Roberto Reyes
Roger Lion
Roger Paskett
Rosa Morales
Rosa Moreno
Rosalinda Rivera
Rosario Rodriguez
Rosie Bultman
Rural Community Assistance Corporation and Self-Help Enterprises
Russell Saxten
Ryan Anthony Hatch
Ryan Jensen
S. B.
S. Q.
S. Uoning
Sajida Kaliyadan
Sandra Garcia
Sara Mrsny
Sarah A. Young
Sarah Custer
Sarah Taylor
Saul
Saul Velasquez
Scott Hamilton
Scott W.
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<b>Organizations and Individuals that Provided Comments</b>
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Sharon Yost
Shawn Jones
Sheldon (Last name Illegible)
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Spencer Smith
Stacey Kimball
Stacy Collins
Stephanie Hernandez
Stephanie Patfield
Stephanie Rodriguez
Stephen L.
Steve Crumley
Steve Edlen
Steve Edmunds
Steve Worley
Steven J. Smith
Steven Lucas and Rose Barry
Steven Williams Sinton
Stuart G. Campbell
Stuart Kendall, illegible
Susan Johnson
Susan Little
Susan Merriman
Tate Dobbins
Taylor Bennett
Ted Barmus
Teresa Chavolla
Teresa Savin
Teri Gruenwald
Thomas J. Hernandez
Thomas Stocking
Thomas Yip
Thorsten Claus
Tiffany Bayly
Tim Carlson
Tim Kieschnick
Tom Meshishnek
Tony Phillips
Tutuy
Ulla Foeln

<b>Organizations and Individuals that Provided Comments</b>
Unknown
Van Grayer
Vanem Corrce
Vaughn Water Company
Wendy Fiering
Wendy Meunier
William Barret
William C. Moore
William E. Benitz
William Nyström
Willie Lopez
Yazin Trejo
Yesenia Martinez
Yolanda Rosales
Yvonnw Milhan
Zarli

IV. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CEQA requires that state agencies consider the potentially significant environmental impacts of their discretionary actions, which include the development of regulations. The State Water Board prepared an initial study and mitigated negative declaration, concluding that with the proposed mitigation incorporated into the project, the proposed regulations would not have a significant adverse impact on the environment. The mitigated negative declaration was put out for public comment in conjunction with the proposed regulations. One comment was received, and was considered by the State Water Board as part of its adoption of the proposed regulation and mitigated negative declaration during its public hearing on July 18, 2017. A notice of determination was filed with the Office of Planning and Research on September 12, 2017.

V. PEER REVIEW

Health and Safety Code Section 57004 HSC section 57004 requires entities within the California Environmental Protection Agency to submit for external scientific peer review the scientific basis or scientific portion of a proposed rule. Five different scientific issues were identified for the peer reviewers in letters sent out September 6, 2016. Scientific peer review was conducted by three reviewers in conformance with the requirements the Cal EPA Peer Review Guidelines. The final peer review comments and the response of the State Water Board's to those comments is available on the website of the State Water Resources Control Board's at: [http://www.swrcb.ca.gov/water\\_issues/programs/peer\\_review/](http://www.swrcb.ca.gov/water_issues/programs/peer_review/).