



# Adoption of 1,2,3-Trichloropropane (1,2,3-TCP) Maximum Contaminant Level (MCL)

State Water Resources Control Board (State Water Board)  
Division of Drinking Water (DDW)

Public Meeting  
July 18, 2017

# Board Meeting

- Proposed resolution adopting the regulations for 1,2,3-TCP, including a maximum contaminant level, a detection limit for purposes of reporting, a best available technology, and substitution of sample results.
- Adoption of the Initial Study/Mitigated Negative Declaration

# Schedule

- Focused Stakeholder Meetings: May 2016
- Public Workshops: July 2016
- Public Comment Period: March 4 – April 21, 2017, 5:00 pm
- Public Hearing: April 19, 2017
- Board Adoption: July 18, 2017
- *Effective Date of Regulations: October 1, 2017*

# Presentation Outline

- Regulations for Adoption
  - Maximum Contaminant Level (MCL)
  - Detection Limit for purposes of Reporting (DLR)
  - Best Available Technology (BAT)
  - Public Notification & Consumer Confidence Report
  - “Grandfathering”
- Response to Common Public Comments

# 1,2,3-TCP MCL – Proposed Regulation

Proposed MCL of 5 parts per trillion (ppt) is based on **Health and Safety Code Section 116365:**

State Water Board must set the MCL “at a level that is as close as feasible to the corresponding public health goal placing primary emphasis on the protection of public health, and that, to the extent technologically and economically feasible...”

# 1,2,3-TCP DLR – Proposed Regulation

- Proposed DLR of 5 ppt
- Provides a consistent definition of “non-detect” when monitoring for 1,2,3-TCP
- Analytical methods have been in use for over a decade
- More than 20 CA-certified laboratories using the methods

# 1,2,3-TCP BAT – Proposed Regulation

- The proposed BAT is **Granular Activated Carbon (GAC)**
  - Already in use for 1,2,3-TCP treatment
  - Removes 1,2,3-TCP to less than the proposed DLR
  - Readily available and reliable technology
- BAT designation does not prevent permitting of alternative technologies capable of removing 1,2,3-TCP.

# 1,2,3-TCP Public Notification & Consumer Confidence Report – Proposed Regulation

- Public Notification & Consumer Confidence Report
  - New language for 1,2,3-TCP health effects
  - New language for sources of 1,2,3-TCP contamination



# Proposed “Grandfathering” Regulations

- Addition to Organic Chemical Initial Monitoring regulations
- Allows samples collected two years prior to MCL effective date to be substituted for initial monitoring samples
  - Requests must be made in writing to applicable District Office
  - Can only substitute samples in like calendar quarters (e.g. Q2 2016 for Q2 2018)
  - Can only substitute three of the four quarterly samples – must collect at least one sample during initial monitoring
  - Will also apply to future organic chemical MCLs

# Response to Comments

- 465 written comments submitted
- 20 verbal comments at the public hearing
- Majority in support of the proposed regulations

# Comment - “Compliance Period”

*Comments that regulations should include a compliance period so that water supplier is not deemed ‘out-of-compliance’ while following approved compliance plan*

# Response - “Compliance Period”

- GAC is neither new nor novel technology
- Unique cost and implementation issues are not anticipated
- Extensive research to develop better treatment technologies is NOT necessary
- Inclusion of a Compliance Period can be confusing to the public

*No Proposed Change to Regulations*

# **Comment - “Include Blending as a Best Available Technology”**

*Comments that blending should be included as a BAT or approved treatment and that blending criteria should be included in regulations*

# Response - “Include Blending as Best Available Technology”

- Blending does not need to be designated as a BAT to be approved by a District Office for treatment of 1,2,3-TCP
- Blending is highly site-specific and variable, making criteria in regulations inappropriate

*No Proposed Change to Regulations*

# **Comment- “Disproportionate Impact on Small, Rural, Disadvantaged Communities”**

*Comments that the cost of treatment for 1,2,3-TCP disproportionately affects small, poor, rural communities.*

*Treatment will be difficult to afford for disadvantaged communities*

# Response - “Disproportionate Impact on Small, Rural, Disadvantaged Communities”

- The occurrence data shows that the contamination has a large impact on small communities in several rural agricultural counties
- Financial and technical assistance is available from DFA funding programs and DDW District Offices
- Consolidation of facilities, management or operation with nearby large water systems will be evaluated

*No Proposed Change to Regulations*



# Comment- “Cost Recovery”

*Comments suggesting that the regulations should specifically address and support ‘cost recovery’ of compliance costs and other impacts from potential responsible parties*

# Response - “Cost Recovery”

- The 1,2,3-TCP MCL was developed without consideration of cost recovery
- Cost recovery actions by water systems do not require the proposed regulations to allow those actions

*No Proposed Change to Regulations*

# Comment – Cost-Benefit Analysis

- *Comment stating that the State Water Board should have performed a cost-benefit analysis*
- Response – The State Water Board is required by the Health and Safety Code to set MCLs as close to the PHG as is economically and technologically feasible.
- Economic methods required of the U.S. EPA are not what the State Water Board is required to use.
- *No Proposed Change to Regulations*

# Comment – Wastewater Treatment

- *Comment – The State Water Board should have considered the factors in Water Code 13241 and the economic impact of the 1,2,3-TCP MCL to wastewater systems.*
- Response – Water Code factors were considered to the extent they were relevant
- The State Water Board does not believe there will be economic impacts to wastewater from 1,2,3-TCP
- *No Proposed Change to Regulations*

# Additional Information

- 1,2,3-TCP information website
  - [http://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/123TCP.shtml](http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/123TCP.shtml)
  - Or search for “SWRCB 123”
- 1,2,3-TCP proposed regulation website
  - [http://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/123TCP\\_SBDDW-17-001.shtml](http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/123TCP_SBDDW-17-001.shtml)

# Questions