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TO: All Public Water Systems That Use Surface Water or Groundwater Under the Direct Influence of Surface Water

SUBJECT: STATE ADOPTION OF THE FEDERAL LONG-TERM 1 AND 2 ENHANCED SURFACE WATER TREATMENT RULES (LT1ESWTR AND LT2ESWTR)

The California Department of Public Health (Department) has been in the process of adopting the federal Long-Term 1 and 2 Enhanced Surface Water Treatment Rules (LT1ESWTR and LT2ESWTR). This process is now complete, with the new regulation having an **effective date of July 1, 2013**. The purpose of this memo is to inform you of the regulation adoption, provide an overview of the applicability of the requirements, and identify what actions are required on your part. Please note that this memo serves as a general announcement and is not intended to be a substitute for the actual regulation. The new regulation and rulemaking documents are available at <http://www.cdph.ca.gov/services/DPOPP/regs/Pages/DPH09-014LongTerm1and2EnhancedSurfaceWaterTreatmentRules.aspx>. For more information on the basis of the regulations, please see the state LT1ESWTR-LT2ESWTR Initial and Final Statement of Reasons rulemaking document.

Federal LT1ESWTR and LT2ESWTR. The federal LT1ESWTR provides increased public health protection against microbial pathogens, specifically the protozoan *Cryptosporidium*. The federal LT1ESWTR is a counterpart to the federal Interim Enhanced Surface Water Treatment Rule (IESWTR) and applies to public water systems (PWS) using surface water or ground water under the direct influence (GWUDI) and serving fewer than 10,000 persons.

The federal LT2ESWTR provides increased public health protection through control of microbial contaminants by focusing on PWS with elevated *Cryptosporidium* risk and by preventing significant increases in microbial risk that might otherwise occur when systems implement the federal Stage 2 Disinfectants and Disinfection Byproducts Rule (S2DDBPR; state S2DDBPR was adopted in a separate rulemaking [DPH-09-004] and became effective June 21, 2012). The federal LT2ESWTR applies to PWS using surface water or GWUDI.

State LT1ESWTR and LT2ESWTR. The state rulemaking:

Title 22, Chapter 17 (Surface Water Treatment), CCR

1. Adopted federal LT1ESWTR requirements, provided they are no less stringent than existing state requirements, and reorganized existing state regulations to improve readability and facilitate compliance efforts.

PWS Action Required: None anticipated, federal requirements have been implemented in California since the federal LT1ESWTR was promulgated on January 14, 2002.

2. Incorporated by reference the federal LT2ESWTR requirements.

PWS Action Required: Some of the federal requirements have been implemented in California since the federal LT2ESWTR was promulgated on January 5, 2006. The remaining federal requirements to be implemented are summarized below.

- a. Source Water Monitoring – Unless qualified for monitoring avoidance, must perform second round of monitoring according to the table below (40 CFR 141.701 through 141.707).

Source Water Monitoring Dates Table	
Systems that serve...	Must begin the second round of source water monitoring no later than the month beginning...
At least 100,000 people	April 1, 2015
From 50,000 to 99,999 people	October 1, 2015
From 10,000 to 49,999 people	October 1, 2016
Fewer than 10,000 people and monitor for <i>E. coli</i> *	October 1, 2017
Fewer than 10,000 people and monitor for <i>Cryptosporidium</i> **	April 1, 2019

* Applies only to filtered systems.

** Applies to filtered systems that meet the conditions of 40 CFR 141.701(a)(4) and unfiltered systems.

- b. Disinfection Profiling and Benchmarking Requirements – Required if PWS plans to make a significant change to its disinfection practices (40 CFR 141.708 and 141.709).
- c. Treatment Technique Requirements/Microbial Toolbox Options – May need to provide level of additional treatment for *Cryptosporidium* based on first or second round of source monitoring and bin classification, using a number of microbial tool box options available to choose from (40 CFR 141.710 through 141.713 and 141.715 through 141.720). If additional treatment is required, compliance is due according to the table below.

<i>Cryptosporidium</i> Treatment Compliance Dates Table	
Systems that serve...	Must comply with the <i>Cryptosporidium</i> treatment requirements no later than*...
At least 100,000 people	April 1, 2012
From 50,000 to 99,999 people	October 1, 2012
From 10,000 to 49,999 people	October 1, 2013
Fewer than 10,000 people	October 1, 2014

* Compliance date in table is based on first round of source monitoring and bin classification determination. If additional *Cryptosporidium* treatment is required, based on second round of source monitoring and bin classification, system must meet the treatment requirement on a schedule approved by the Department.

- d. Reporting Requirements – Must report: (1) for second round of source water monitoring, source water monitoring schedule and results (or notify Department of monitoring avoidance), (2) based on second round of source water monitoring results, *Cryptosporidium* bin classification (for filtered systems) and mean source water *Cryptosporidium* level (for unfiltered systems), (3) disinfection profiles and benchmarks prior to making a significant change in disinfection practices, (4) microbial toolbox options used to comply with filtered or unfiltered system *Cryptosporidium* treatment requirements, and (5) records specific to the microbial toolbox options used (40 CFR 141.721; see 141.721 for reporting deadlines).

- e. Recordkeeping Requirements – Must maintain initial and second round of source water monitoring results (or notification to Department of monitoring avoidance) and results of treatment monitoring associated with microbial toolbox option used (40 CFR 141.722; see 141.722 for how long to maintain records).
 - f. Sanitary Survey Requirements – Must respond in writing to significant deficiencies identified in sanitary survey report no later than 45 days after receipt of the report, indicating how and on what schedule the PWS will address the significant deficiencies noted in the survey (40 CFR 141.723).
3. Extended large PWS provisions from the state IESWTR to small PWS for flexibility. Specifically, if a small PWS (using surface water or GWUDI, using conventional or direct filtration, and serving fewer than 10,000 persons) opts to use continuous monitoring and records results at least once every 15 minutes (in lieu of grab sampling every four hours) on the combined filter effluent for turbidity, the small PWS: (a) must comply with comparable turbidity performance standards, (b) must use calibration procedures specified by the manufacturer, and (c) may use an alternative reporting method (i.e., percentile reporting).

PWS Action Required: None anticipated, unless a small PWS opts to monitor and record as described above.

4. Deleted obsolete requirements (previously in section 64650) imposed on the Department in accordance with the repeal of the Permit Reform Act of 1981.

PWS Action Required: None.

Title 22, Chapter 12 (Safe Drinking Water Project Funding), CCR

5. Revised existing state Safe Drinking Water State Revolving Fund (SDWSRF) regulations as a result of AB 983 and AB 1292, both Chaptered in 2011 to (a) improve access to financial assistance for small community water systems and not-for-profit nontransient noncommunity water systems serving severely disadvantaged communities and (b) authorize the Department to use revenue bonds to leverage the fund.

PWS Action Required: None anticipated, unless a PWS applies for funding under the SDWSRF.

If you have any further questions concerning the content of this memo, please contact CDPH's District Office overseeing your water system.