
State Water Resources Control Board

NOTICE OF PUBLIC WORKSHOP AND OPPORTUNITY FOR PUBLIC COMMENT

Metal Detection Limits for Purposes of Reporting (DLR)

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) will hold a public workshop to present information and solicit public input regarding the proposed revisions to the antimony, arsenic, beryllium, cadmium, lead, mercury, nickel, and thallium detection limits for purposes of reporting (DLR) and the proposed adoption of iron, manganese, and zinc DLRs. This workshop is not part of the formal rulemaking under the Administrative Procedure Act. The formal rulemaking process for the metal DLRs regulation will be begin later this year after receipt and consideration of comments.

State Water Board staff will conduct a public workshop at the time and place described below. At the workshop, any person may present comments orally or in writing relevant to the subject described in this notice. The workshop will begin with a staff presentation summarizing the revisions to the metal DLRs, followed by an opportunity for public comment. During the comment period, members of the public will be allowed three minutes to provide oral comments, unless additional time is approved.

Thursday, November 3, 2022 – 9:30 a.m.

**Video and Teleconference Participation Only
No Physical Meeting Location**

If you would like to watch the workshop without making oral comment, join at <https://video.calepa.ca.gov/>.

For those who wish to make oral comments, additional information about participating telephonically or via the remote meeting solution is available here: https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/reg-meeting.html.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code section 7296.2, special accommodation or additional language needs may be provided for any of the following:

An interpreter to be available at the workshops;

Documents made available in an alternate format or another language; or

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Office of Public Participation at (916) 322-4265 as soon as possible, but no later than 10 business days before the scheduled workshop. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

Un intérprete que esté disponible en la audiencia;

Documentos disponibles en un formato alterno u otro idioma;

Una acomodación razonable relacionada con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 341-5600 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or their representative, may submit written comments relevant to the subject described in this notice to the Clerk to the State Water Board. To facilitate timely identification and review of written comments, please use the subject line: **“Comment Letter – Metal DLRs Workshop”**.

The formal procedure for adopting regulations under the Administrative Procedure Act has not yet begun, and these workshops are not part of that process. However, input on the proposed revisions to the metal DLRs will inform the development of the regulation. In order for those comments to be considered during the development of the formal regulations package, written comments, regardless of the method of transmittal, must be received by the Clerk by **12:00 p.m. noon, Friday, November 18, 2022**. Additional opportunities to comment on the proposed regulation will be available once the formal rulemaking process is initiated.

Written comments may be submitted as follows:

By email to: commentletters@waterboards.ca.gov;

By fax transmission to: (916) 341-5620;

By mail to: Clerk to the Board, Ms. Jeanine Townsend, State Water Resources Control Board, P.O. Box 100, Sacramento, CA 95812-0100; or

Hand-delivered to: Clerk to the Board, Ms. Jeanine Townsend, State Water Resources Control Board, 1001 I Street, 24th Floor, Sacramento, CA 95814.

Please note that under the California Public Records Act (Gov. Code, §6250 *et seq.*), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

BACKGROUND

Primary Maximum Contaminant Levels

Health and Safety Code section 116365 requires the State Water Board to establish primary drinking water standards—including primary maximum contaminant levels (MCLs) and action levels—at levels as close to the public health goal (PHG) as is technologically feasible and further requires that MCLs be reviewed every five years to determine if changes in technology or treatment techniques permit materially greater protection of public health or attainment of the PHG.

DLRs are the designated minimum levels at or above which any analytical finding of a contaminant in drinking water resulting from monitoring must be reported to the State Water Board. To adequately evaluate health risk and technological feasibility in consideration of a revised MCL, DLRs should, where feasible, be set at concentrations at or below the corresponding public health goals. The current antimony, arsenic, beryllium, cadmium, lead, mercury, nickel, and thallium DLRs are greater than the corresponding PHGs. While analytical methods are available to report data at concentrations lower than the current DLRs, many water systems and laboratories quantify reported concentrations only as low as the DLRs. The lack of occurrence data at concentrations below current DLRs impairs the State Water Board's ability to evaluate whether technology can achieve a materially greater protection of public health or attainment of the PHGs. The draft proposal would revise DLRs for these metals to concentrations closer to, or equal to, the corresponding PHGs.

Secondary Maximum Contaminant Levels

Secondary MCLs currently lack DLRs. The draft proposal would establish DLRs for metals with secondary standards to ensure that methods used in performing required analyses are sufficiently sensitive to ascertain compliance with those standards.

Draft Proposal

Based on survey responses from accredited laboratories performing metal analyses in drinking water, State Water Board staff have developed a draft proposal for revisions to the metal DLRs in two phases. Phase I would lower the lead and nickel DLRs and establish DLRs for iron, manganese, and zinc. Phase II would lower the DLRs for antimony, arsenic, beryllium, cadmium, lead, manganese, mercury, and thallium with a three-year compliance schedule. The compliance schedule would accommodate for variability in financing, approval, and equipment procurement processes across commercial and municipal laboratories, and provide time for the laboratory industry to develop sufficient analytical capacity at the proposed metal DLRs. Proposed DLR changes are summarized in Table 1.

Table 1. Current and Proposed Metal DLRs

Contaminant	PHG (mg/L)	Standard (mg/L)	Current DLR (mg/L)	Proposed DLR (mg/L)	
				Phase I	Phase II
Antimony	0.001	0.006	0.006	<i>No change</i>	0.001
Arsenic	0.000004	0.010	0.002	<i>No change</i>	0.0005
Beryllium	0.001	0.004	0.001	<i>No change</i>	0.0005
Cadmium	0.00004	0.005	0.001	<i>No change</i>	0.0005
Iron	<i>None</i>	0.3	<i>None</i>	0.10	<i>No change</i>
Lead	0.0002	0.015	0.005	0.001	0.0005
Manganese	<i>None</i>	0.05	<i>None</i>	0.020	0.010
Mercury	0.0012	0.002	0.001	<i>No change</i>	0.0002
Nickel	0.012	0.1	0.01	0.005	<i>No change</i>
Thallium	0.0001	0.002	0.001	<i>No change</i>	0.0008
Zinc	<i>None</i>	5.0	<i>None</i>	0.050	<i>No change</i>

The draft proposal would also include the following changes:

- Correction of the uranium DLR to reflect the unit conversion from mg/L to pCi/L and
- Revisions to the lead and copper reduced monitoring frequency and large water system corrosion control treatment study criteria such that the criteria are not dependent on the lead DLR or federal lead method detection limit.

Cost Estimates

Cost estimates for metal analytical methods for the proposed DLRs are summarized in Table 2.

Table 2. Estimated Analytical Cost for Proposed Phase II DLRs

Analytical Method	Analysis Type	Current Cost	Phase II Cost
EPA Method 200.7	Single	\$38	\$54
	Suite	\$23	\$33
EPA Method 200.8	Single	\$32	\$36
	Suite	\$29	\$35
EPA Method 245.1	Single	\$71	\$104
SM 3113B	Single	\$40	\$56

State Water Board staff are inviting public comments on analytical costs and the technological feasibility of the draft proposal for consideration prior to commencing the formal rulemaking process.

CONTACT INFORMATION

Other inquiries concerning the metal DLRs regulation development may be directed to:

Melissa Hall, P.E.
Senior Water Resource Control Engineer
State Water Resources Control Board, Division of Drinking Water
1001 I Street, 17th Floor
Sacramento, CA 95814
Email: Melissa.Hall@waterboards.ca.gov

**Please identify the correspondence by using the State Water Board identifier,
“Comment Letter – Metal DLRs Workshop” in any inquiries or written comments.**

October 19, 2022

Date

Courtney Tyler for

Jeanine Townsend
Clerk to the Board