Regulatory Update

by

Cindy A. Forbes, P.E., Chief
Southern California Drinking Water Field Operations Branch

Presented by
Joseph Crisologo, P.E.
California Department of Health Services

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First...

“Non-Federal” Regulations

- Recently Adopted
  - Secondary Maximum Contaminant Levels (SMCL)
- Formally Proposed Regulation Packages
  - Perchlorate
  - Waterworks Standards
Next…
Focus on the differences between the Federal versions and California’s versions of recently adopted or proposed “Federal” rules

- Recently Adopted
  - Radionuclide Regulation
  - Disinfection/Disinfection Byproducts (Stage 1)
  - Public Notification

- Formally Proposed Regulations
  - Arsenic
  - Interim Enhanced Surface Water Treatment Rule (IESWTR)

Note: California implements Federal regulations until State regulations are adopted
Finally...

Regulations California anticipates, or is in the process of, developing

- Cross-Connection Control
- Groundwater Recharge
- Chromium-6 Proposed regulation text
Secondary Maximum Contaminant Levels (SMCL)

- Recently adopted, with an effective date of September 28, 2006
- Clarifies compliance determinations and waiver procedures
- Key Elements of the Regulation:
  - CWS GW sources to monitor once every 3 yrs.; CWS SW sources monitored annually
  - NTNC systems monitor at least once
  - Exceeding a SMCL triggers quarterly monitoring
  - Compliance based on running annual average of quarterly results
Eligible for a nine-year waiver if:

- RAA is not greater than (3 x SMCL),
- The SMCL has no primary MCL, and
- RAA is not greater than the State notification level (if applicable)

The waiver application, which must be submitted within one year of non-compliance, includes the following:

- Complaint records
- Engineering report evaluating alternatives and costs for treatment
- Customer survey/questionnaire results

Without a waiver, use of a source > SMCL is limited to:

- 5 consecutive days of use
- < a total of 15 days per year
- Also must provide public notification, meter the source, and flush after use
Proposed Perchlorate Reg

- Department is mandated by law to set an MCL [Section 116293(b) of the Health and Safety Code]
- A public health goal of 6 ppb was established in March 2004. As a result, the Department developed the reg package and has proposed an MCL of 6 ppb.
- 45 day public comment period ended November 3rd
- Public hearing was held on October 30th in Sacramento
- The regulation applies to all CWS and NTNC
Key elements:

- Initial monitoring: 2 samples, 5-7 months apart, with at least one taken between May 1 and July 31. *(Note: data collected before June 30, 2001, may be used if meets above criteria)*
- DLR = 4 ppb
- A perchlorate detection leads to:
  - Quarterly monitoring

  *(Note: may revert back to normal monitoring if 4 consecutive quarterly results < DLR)*
Proposed Perchlorate Reg, cont.

- Perchlorate result > 6 ppb means:
  - The lab must notify the system/Dept within 48 hrs
  - Collect confirmation sample within 48 hrs...if not, Tier 1 notification required
  - If average of original sample and confirmation exceeds the MCL, Tier 1 notification within 24 hours

- Keep in mind that perchlorate is an acute contaminant and is therefore handled similarly to Nitrate.
Proposed Waterworks Standards

- The purpose is to address distribution system design, materials, installation, operation and maintenance, planning and permit requirements, and well construction requirements.
- Waterworks Standards are being revised because many of the requirements are out of date or ambiguous.
- Draft regs are posted on the DHS website - The public comment period is expected to open in the near future.
Proposed Waterworks Standards, cont.

- Requires an amended permit when a system proposes to increase the number of service connections by > 20%
- Requires an amended permit for any proposed new reservoir with 100,000 gallon (or greater) capacity
- Requires a water system O&M plan, based on deficiencies
- New distribution systems are to be designed for 40 psi (excluding fire flow)
- Operating pressure requirement of 20 psi to be maintained at all times
Proposed Waterworks Standards, cont.

- Source capacity – new approach
- Well construction and destruction requirements
- List of situations requiring permit amendments
- Water storage reservoir design and installation requirements
- Distribution system design, materials, installation, and operation
- Indirect additives to drinking water must meet NSF/ANSI 61 standards
Radionuclides

- California’s radionuclide rule became effective in June 2006
- Differences between the State rule and the Federal rule:
  - Federal: Uranium MCL = 30 ug/L
  - State: Uranium MCL = 20 pCi/L
  - State rule applies to NTNC water systems, except NTNCs do not need to collect RA-228 occurrence data and they comply with a Total Radium MCL, rather than Combined Radium
  - Conversion between ug/L and pCi/L (X0.67)
Key elements of the regulation:

- Monitor same month of each quarter
- Final two quarters may be waived if previous two were < DLR
- DLRs are specified
- Subsequent monitoring frequencies are dependent on the initial results
- Compliance based on a running annual average of all sampling site results
Disinfection/Disinfection

Byproducts Rule (Stage 1)

- California’s rule became effective in June 2006 and parallels the Federal rule except...
- The State rule applies to CWS and NTNC that add a chemical disinfectant or serve water that contains a chemical disinfectant
  - In other words, California’s rule applies Stage 1 requirements to consecutive systems
- All applicable water systems must submit a monitoring plan, including those serving ≤ 3300.
- Systems must apply to DHS for reduced monitoring
Public Notification Rule

California’s rule became effective September 1, 2006.
California’s rule parallels the Federal rule except...
  - Public notices must be approved by DHS prior to distribution.
  - Federal rule provides for a special NCWS notice for nitrate MCL exceedances. California does not allow for such an exceedance.

Notification templates available at:

http://www.dhs.ca.gov/ps/ddwem/notices/index.htm
Arsenic

The Department has submitted an arsenic MCL regulation package for the formal regulatory process.

- Federal MCL of 10 ppb took effect in January 2006 and CDHS will implement it until our own rule has been adopted.
- State MCL is uncertain at this time, but must be at least as stringent as the Federal MCL of 10 ppb.
The Department’s website provides more arsenic information, such as:

- Health effects
- Funding information
- Treatment technologies
- Arsenic fact sheet
- Monitoring results

*Point-of-use procedure memo coming soon if not out yet*
IESWTR (Interim Enhanced Surface Water Treatment Rule)

- **Individual Filters (\(>10,000, \text{ conv.}, \text{ direct}\)):**
  - Revise the federal trigger from 0.5 NTU at 4 hrs to 0.3 NTU at all times after 1 hour

- **Combined Filter Effluent (\(>10,000, \text{ conv.}, \text{ direct}\)):**
  - Continuous monitoring (already required)
  - Cannot exceed 1 NTU for more than 1 hour
  - Data recording every 15 minutes

- Two different reporting options (4-hour vs. percentile)
Ensure turbidity data is not compromised (by system or instrument maintenance, hardware or software problems, signal transmission problems, etc.)

If CFE turbidimeter fails, collect grab samples every 4 hrs, and resume on-line monitoring within 48 hrs.
IESWTR, cont.

**Applies to ALL surface water systems**

- Monitor *source water* monthly for total coliform and either fecal coliform or E.coli using density analysis---report monthly
- Conventional plant – monitor *settled water* turbidity daily---report monthly
- Measure *recycled filter backwash* turbidity and determine flow rate once/day or during each recycle event---report monthly
- The proposed regulation provides clarification of Operations Plan requirements
- Public comment ends March 30, 2007
LT1ESWTR

- In the process of developing the California regulation package
- Applies most of the IESWTR requirements to systems serving less than 10,000 people
Groundwater Recharge

- Draft currently posted on the website is January 4, 2007
- Looking at different ways and methods to regulate planned groundwater recharge projects
- Stakeholder meetings continue
Cross-Connection Control

- December 2005 draft is on website
- Significant rewrite of the existing regs and will now be part of Title 22
- Hazard assessment – initial, evaluate, re-evaluate for changes
- Hazard assessments to be performed by a specialist (unless otherwise approved)
- Hazard criteria table revised for clarification
- Installation criteria for devices included
- Notification of backflow incidents within 24 hr
The Department is mandated by statute to set a Chromium VI MCL. The Department is awaiting development of a PHG by the Office of Environmental Health Hazard Assessment (OEHHA).
Follow-up information

- A wealth of information is available on our website at:
  http://www.dhs.ca.gov/ps/ddwem/
- Contact your local CDHS field office
- Additional district office info on web page
- Follow regulation package movement at:
  http://www.dhs.ca.gov/ps/ddwem/publications/Regulations/statusofregulations.htm