



GENERAL MANAGER
Jim Barrett

ASSISTANT GENERAL MANAGER
Robert Cheng

April 20, 2017

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Dear Ms. Townsend:

Subject: 1,2,3-Trichloropropane Maximum Contaminant Level (SBDDW-17-001)

Thank you for affording the Coachella Valley Water District (CVWD) the opportunity to comment on the proposed drinking water maximum contaminant level (MCL) regulation for 1,2,3-Trichloropropane (1,2,3-TCP). CVWD's mission is to provide safe, reliable and affordable drinking water to three public water systems serving a population of approximately 300,000 throughout the Coachella Valley. Compliance with State and Federal drinking water regulations is an important metric used by customers to determine if their drinking water is safe. CVWD believes that it must be economically and technically feasible for public water systems to comply with new drinking water regulations, not just to satisfy State requirements, but also to prevent the erosion in consumer confidence associated with unavoidable drinking water violations. As described below, it is technically infeasible for all the impacted public water systems to avoid violating the proposed MCL for 1,2,3-TCP.

Regulations containing new drinking water MCLs need compliance periods.

New treatment facilities will need to be installed to ensure all public water systems comply with the proposed 1,2,3-TCP MCL. If adopted in 2017, the proposed regulation would require public water systems to begin monitoring for 1,2,3-TCP for purposes of determining compliance starting in January 2018, just a few months after the regulation would become effective. As a result, many affected water systems would be deemed in violation of the new standard soon after monitoring begins even though it is not feasible to install appropriate water treatment systems to comply with the MCL prior to starting this initial compliance monitoring. The steps to properly install needed treatment include identifying and evaluating available technologies, pilot testing and designing treatment facilities, securing financing, obtaining environmental review and permit approvals, and building and testing new treatment systems.

Section 1412(b)(10) of the federal Safe Drinking Water Act provides for a phase-in period of up to five years to ensure that public water systems have a reasonable amount of time to install treatment facilities needed to comply with new drinking water standards. This compliance period is important to refine and optimize existing water treatment technologies or develop better technologies capable of meeting the new MCL with fewer social, environmental and financial impacts. Reasonable compliance periods foster the innovation needed to improve water treatment technologies. Compliance periods also help avoid public water systems using valuable

resources to pursue available treatment systems only to learn that these systems may be obsolete before they are installed due to technology advancements that typically follow newly adopted MCLs. By failing to provide a reasonable compliance period, the proposed 1,2,3-TCP regulation compels public water systems to skip steps needed to properly identify and evaluate treatment technologies. This can result in water treatment systems that do not work, are too costly to operate, or have unintended consequences that harm consumers.

SB 385 approved unanimously by California legislators and signed by Governor Brown in 2015 helped correct the State's failure to include a reasonable compliance period for public water systems to comply with the hexavalent chromium (Cr6) MCL. Similar to the proposed approach for regulating 1,2,3-TCP, compliance monitoring was required to begin no later than January 1, 2015, just a few months after the Cr6 MCL became effective on July 1, 2014. Without SB 385, impacted public water systems across California faced certain non-compliance with the Cr6 MCL and would have been subject to enforcement and legal liabilities that act to undermine consumer confidence in their public water system and drinking water. With SB 385, public water systems are able to submit a compliance plan and complete the steps needed to comply with the Cr6 MCL within a prescribed period of time similar to compliance periods provided in the federal Safe Drinking Water Act. Consistent with the intent of the Legislature's approval of SB 385, the proposed 1,2,3-TCP regulation should be revised to include a reasonable period of time for impacted water agencies to come into compliance before they may be deemed in violation.

Drinking water MCLs should not be set at the minimum detection level for reporting.

Setting the MCL for 1,2,3-TCP at the minimum detection level of 5 parts per trillion used for reporting does not provide a practical method to obtain analytical data with the highest level of confidence below the MCL that can be used to optimize technology operation to ensure compliance at all times. This is particularly important for blending technologies that are often used to provide a cost effective and safe way to meet drinking water MCLs. A better approach would be to set the MCL for 1,2,3-TCP at a level above the detection level with enough separation to ensure the increased analytical variability at this low level would not be the source of MCL exceedances.

If you have any questions, please call me at (760) 398-2651, extension 2286.

Sincerely,



Steve Bigley
Director of Environmental Services

SB: jl/env svcs/env/2017/CVWD 123 TCP MCL Comments Ltr.doc

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