

**DRAFT - Initial Response to Comments for Proposed 1,2,3-Trichloropropane (1,2,3-TCP) Maximum Contaminant Level (MCL) Regulations**

Commenter Name/ Organization	Comment Topic	Comment	DRAFT Response
Adan Ortega Cal Mutuals	B - Adopt 5 ppt	Chair Marcus, members of the Board, thank you for conducting this hearing. I'm here to register the support of the California Association of Mutual Water Companies for the proposed MCL. We represent over 400 mutual water companies around the state. Some of these represent small systems that are not-for-profit enterprises that are owned by residents. And we have considered this such a priority that we have created a taskforce, it's headed by Van Grayer, on this issue.	Thank you for your support.
Adan Ortega Cal Mutuals	D - Compliance plans	I do want to emphasize some points with respect to the compliance period. With disadvantaged communities, an aggressive compliance period can have the effect of further disadvantaging them. Primarily, because it's not just about identifying technologies. It's about scalability. Many technologies depend on a broad ratepayer base in order to be affordable. That's not the case with many small systems and so having a reasonable compliance period that accounts for scalability is an important way of approaching the issue of disadvantaged communities in complying with safe drinking water standards.	The State Water Board recognizes that treating for any constituent is more challenging for small disadvantaged communities because there are less people in the community to share in the costs. The State Water Board's Division of Financial Assistance has loan and grant programs that may offset the financial impact of the proposed regulation. However, the State Water Board is not proposing an extended compliance period.
Adan Ortega Cal Mutuals	P - Disproportionate Effect	And there is a financial consequence to being tagged with an NOV. To give you the example of hexavalent chromium, we have a company in the Coachella Valley that was tagged with the Notice of Violation. They were told by the enforcement agent, "Well, that's a good thing, because now you qualify for a grant from the state revolving fund in order to address the issue." But they still had to do a cost share and so when they went to try to finance their cost share, they were basically told, "Well, we can't loan you the money, because you can't pledge the sale of water that's out of compliance towards repayment of your loan, on the other end." And so from a very practical perspective it's important to have a reasonable compliance period that takes into account the scalability issues for small systems, especially those that are in disadvantaged communities, because it could have the effect of further disadvantaging them.	The State Water Board is aware that some communities may be disproportionately affected by either 1,2,3-TCP, the proposed regulations, or both. The State Water Board's Division of Drinking Water District offices provide technical support to public water systems and funding opportunities are available through the Division of Financial Assistance through loans and grants. The State Water Board is not aware of the situation described, and notes that for systems getting loans from the State Revolving Fund, systems pledge the revenue stream from their rates, regardless of their compliance status.
Adan Ortega Cal Mutuals	B - Adopt 5 ppt	And so we support the MCL. We don't want any compromise in the safe drinking water standards, but we believe that small systems shouldn't be further disadvantaged when they're trying to comply.	Thank you for your support.

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Adan Ortega Cal Mutuals	P - Disproportionate Effect	Absolutely, we believe that the MCL and the establishment of the MCL is critical, because of the statute of limitations concerning those that have already been sampling and that understand the impacts. But under federal guidelines, as I understand it, there is an automatic five-year compliance for new standards that are adopted by USEPA. When we look at the dynamics of what's happened with SB 38, for example, on the Hexavalent chrome front, what we had was a case where there were a lot of systems struggling to find affordable technologies. When SB 385 kicked in, a lot of the discussion on those affordable technologies started to take place. And so I think that if you were to target your approach to small systems, to disadvantaged communities in a manner that didn't further disadvantage them you would make headway in dealing with the issue that we have in California with small systems.	Granular activated carbon is neither a new nor a novel technology requiring extensive preliminary planning and design to implement. The State Water Board is aware that some communities may be disproportionately affected by either 1,2,3-TCP, the proposed regulations, or both. The State Water Board's Division of Drinking Water District offices provide technical support to public water systems and funding opportunities are available through the Division of Financial Assistance through loans and grants.
Andria Ventura Clean Water Action	B - Adopt 5 ppt	Obviously I'm here to support the five parts per trillion proposed MCL. But I don't come alone. I did hand in a hard copy, which I will submit electronically tomorrow, a letter that was signed by over 50 environmental, environmental justice, health-based, social justice and agricultural groups that support this MCL. And I'll be handing in about letters from Clean Water Action members, residents of the State of California that support this as well.	Thank you for your support.
Andria Ventura Clean Water Action	A - Cost Recovery	You know, we've heard about the need for resources to meet these standards. This is a great opportunity to make sure that the responsible parties are held accountable, because of the vast majority of cases here, not all of them but most of them are -- this is an avoidable problem caused by a faulty pesticide that was sold knowingly. And we do believe that those companies that acted as such bad actors should be held accountable for the costs of this treatment.	The State Water Board is aware that some Public Water Systems have been able to successfully recover the cost for treatment from responsible parties. Although adoption of the proposed regulations may provide clarity and assist Public Water Systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations. Any action the State Water Board could take to assist in recouping costs of treatment for Public Water Systems would be taken outside of this regulatory process, and is, therefore, outside of the scope of these regulations.

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Andria Ventura Clean Water Action	D - Compliance plans	<p>I do want to address the issue of the extended compliance interim. We do oppose that, but let me be clear as to why and give you a little bit different perspective. I was very disappointed to hear SB 385 invoked. That was the process that we supported to create a process to extend the compliance period with an oversight by the Board that was passed through the Legislature. When the process for setting drinking water standards was first established it was established with the reality in mind that what water providers need to go through to get there, to be in compliance. There is a buffer time. Monitoring has been happening. They can't start treatment until they know what the standard is, but there's a lot of thought that goes in behind that and we're very glad that the water community is supporting this MCL. However, we hear this every drinking water standard that comes up and the reality is the system has worked okay, with Perchlorate which is not regulated federally, with other drinking water contaminants that I've worked on. With Hex chrome the water community actually came to us and said, "This one is unique. This one is not activated carbon. This one is far more complex, financially as well as technologically. Would you work with us?" And we were very reluctant, if I may just for like --We were very reluctant to do that at first, because we were afraid that would be used again as a precedent. And we were very clear that if we worked on Hex chrome, "Do not expect us to support this in the future." We said that publicly. We said that to the water community. We were told, "Yes, we understand that, but we do need your help on this one."</p>	<p>The State Water Board agrees that a compliance plan period, similar to what was provided in SB 385, is not necessary here and not in the public interest. Granular activated carbon is neither a new nor a novel technology requiring extensive preliminary planning and design to implement.</p>
Andria Ventura Clean Water Action	B - Adopt 5 ppt	<p>This has been delayed long enough, not because of the Board, but because of the process that came before. This is about cancer. We need to get moving on it.</p>	<p>Thank you for your comment. The State Board agrees and has therefore made adoption of the 1,2,3-TCP MCL one of its highest priorities.</p>

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Asha Kreiling General public	B - Adopt 5 ppt	<p>And I'm happy to be here today to support the staff's draft regulation and recommendation of a five part per trillion MCL. When we can easily and reliably detect TCP in water at the detection limit; and when the cost to comply is irrelevant, because of the presence of responsible parties; and when the theoretical cost to the states do not change drastically from five parts per trillion to an alternative number, the proposed MCL of five parts per trillion is really the only option. As the Initial Statement of Reasons says clearly reduced exposure to 1,2,3-TCP results in reduced risks to cancer. Reducing the exposure as much as is feasible is required by Health and Safety Code 116365 and is of benefit to public health. Not only should a five part per trillion MCL be adopted, but it should be adopted as soon as possible. It's been 10 years since the state set a 0.7 part per trillion public health goal. And it's been 25 years since the state has called it a known human carcinogen. This regulation will literally save lives from a contaminant that should have never been in our drinking water in the first place.</p>	Thank you for your comments and your support.
Bartolo Chavez General public	B - Adopt 5 ppt	And I come in support of a strict regulation on 1,2,3-TCP.	Thank you for your support.
Bartolo Chavez General public	R - Outreach/Education	In addition to the limit we need more information in our communities about how to limit our exposure. We need people to come and explain to us about the problem, about the risks, and how we can minimize our risks.	The State Water Board's program page for 1,2,3-TCP contains information on 1,2,3-TCP and the health risk associated with exposure to drinking water that is contaminated with this constituent. As part of the implementation of the regulation, staff will be developing separate Frequently Asked Questions (FAQs) on inhalation exposure and will be posting that information on the program page when available. Additionally, once the MCL becomes effective and water systems have completed initial monitoring, those water systems that serve water exceeding the 1,2,3-TCP MCL will be required to perform public notification as established in existing regulations.
Bartolo Chavez General public	K - Financial Assistance	So I'm here just to remind you that you're the ones that have the power to change the situation. You're the ones that have the funding to change with the situation. So many communities would say, "We'd love to do something to do something about it, but we don't have the funds." And you guys can make that funding available to solve this problem.	The State Water Board is aware that some communities may be disproportionately affected by either 1,2,3-TCP, the proposed regulations, or both. The State Water Board's Division of Drinking Water District offices provide technical support to public water systems and funding opportunities are available from the Division of Financial Assistance through loans and grants.
Beth Smoker PAN North America	B - Adopt 5 ppt	PAN and our statewide coalition, Californians for Pesticide Reform, support the proposed five parts per trillion MCL and we urge you to not extend the compliance period.	Thank you for your support.

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Carlos Arias Del Rey Community Services District	P - Disproportionate Effect	Del Rey, we thought that we had pretty good water until we started drilling a little bit deeper wells to avoid the contaminants in the area. And now we find out that we have TCP and it's even in the newer wells we have it. This chemical causes cancer and it's very unpleasant for me, and frustrating sometimes to have to tell the people that the water is not good. Like I said, we are a -- we have been very upfront with our community about the water. And it has been very painful for us to have to tell even the school, which is just across from my office, to tell them the water that they're drinking is not safe... We are trying to do the best that we can with MCLs or not. My idea or our idea is to bring water that is drinkable to our town, but we know that it's very expensive. And we need those MCLs to help us bring some of the costs paid by the responsible parties, and not by the people who can't actually afford it. It's a very, very poor community that can't afford to have these charges on the water bill.	The State Water Board is aware that some communities may be disproportionately affected by either 1,2,3-TCP, the proposed regulations, or both. The State Water Board's Division of Drinking Water District offices provide technical support to public water systems and funding opportunities are available from the Division of Financial Assistance through loans and grants.
Cecy Gonzalez General public	R - Outreach/Education	So I'm speaking on behalf of the people that are exposed to this contaminated water. We have so many clinics in our town, and how many more clinics are we going to need, because nobody has taken the time to inform residents about the problem? Nobody has informed them about the risks of drinking this contaminated water, or how to mitigate exposure when bathing by limiting the length of your shower and keeping a window open. So for our people, for our gente, it's incredibly difficult and unrealistic to bathe in just five minutes. They are working out in the field for eight hours exposed to dirt and chemicals. And how can we possibly tell them that they need to come home and not bathe in their own water? So I'm here today only to touch your minds and your hearts about this risk, because there's so many people that have been exposed and nobody has taken the time to inform them. Nobody has told them about this risk or mitigating their exposure. How many more clinics are we going to need, and I'm just here because I worry about the statistics as well.	The State Water Board's program page for 1,2,3-TCP contains information on 1,2,3-TCP and the health risk associated with exposure to drinking water that is contaminated with this constituent. As part of the implementation of the regulation, staff will be developing separate Frequently Asked Questions (FAQs) on inhalation exposure and will be posting that information on the program page when available. Additionally, once the MCL becomes effective and water systems have completed initial monitoring, those water systems that serve water exceeding the 1,2,3-TCP MCL will be required to perform public notification as established in existing regulations.
Cecy Gonzalez General public	B - Adopt 5 ppt	So we, the people in this country, we have been neglected for such a long time and we're concerned that our needs aren't being met. My only concern is that today, you guys make a decision to limit this exposure, because tomorrow may be too late.	Thank you for your support.
Jack Hawks CA Water Association	B - Adopt 5 ppt	CWA supports the MCL development for 1,2,3-TCP.	Thank you for your support.

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<p>Jack Hawks CA Water Association</p>	<p>D - Compliance plans</p>	<p>And we respectfully offer two additions to the final regulation. The first one you've heard already, with respect to a compliant strategy that will be more progressive in nature, more akin to the compliant strategy adopted for Hexavalent chromium.</p>	<p>Granular activated carbon is neither a new nor a novel technology requiring extensive preliminary planning and design to implement. A compliance period to provide PWS additional time to come into compliance with the MCL for 1,2,3-TCP is therefore not proposed as part of the regulations. Although PWS may wish to avoid being declared noncompliant with the proposed MCL during the period between finding a source out of compliance and completing either installation of treatment or other activities which may bring the water system back into compliance, providing a compliance period is not necessary and not in the public interest. The State Water Board's Division of Financial Assistance has loan and grant programs that may offset the financial impact of the proposed regulation.</p>
<p>Jack Hawks CA Water Association</p>	<p>G - CEQA</p>	<p>Our second recommendation deals with respect to the analysis associated with the GAC treatment as the best available technology. The Public Resources Code Section 21-21159 obliges the Board to perform at the time of the adoption of a regulatory standard, an environmental analysis of the reasonably foreseeable methods of compliance. So accordingly, CWA believes that the Initial Statement/Mitigated Negative Declaration should be strengthened to clarify that the environmental analysis does in fact consider the likely environmental impacts of a statewide implementation of GAC as the reasonably foreseeable method of compliance required by the section. We think the Board needs to ensure that the IS/MND analyzes implementation of GAC with respect to the environmental impacts of installing and operating the GAC equipment. We think the economic analysis already prepared for GAC have sufficiently developed assumptions that will allow the staff to supplement the IS/MND with this environmental analysis. And the reason, just real quick, the reason of course, is that the more the Board does in the regulation, with respect to this, it will allow the lead agencies on their CEQA review and analysis for these treatment technologies to expedite that. And then that's easier -- Right, and then it's easier than for the water systems to do the same thing in their CEQA review.</p>	<p>The CWA is mistaken that GAC is required to be used to treat 1,2,3-TCP. Although it was identified as the BAT, and it is assumed that most systems with 1,2,3-TCP contamination will need to implement GAC, water systems can employ whatever strategies or treatment they want to address 1,2,3-TCP. The IS/MND analyzes potential environmental impacts of implementing GAC, and demonstrates that GAC would not have significant environmental impacts. Nonetheless, there is the potential for unique circumstances at specific water systems to necessitate additional analysis and mitigation to address site-specific concerns. The State Water Board, therefore, disagrees that there are changes that should be made to the document to ensure that it would be able to be relied upon by all water systems that may implement GAC, and that site-specific conditions may require that additional analyses be completed.</p>

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Jose Gurrola Mayor of Arvin	B - Adopt 5 ppt	And it's a public health issue when families and children stop drinking something healthy like water and turn towards unhealthy beverages. It's an environmental justice issue when a lot of these communities are communities of color and low income. It's a quality of life issue. And especially when it's at the hands of some corporations' activities that pollute the water it's an environmental justice and it's a human rights issue. And so I stand here in support of the proposed MCL.	Thank you for your support
Jose Gurrola Mayor of Arvin	K - Financial Assistance	And I'm sure that if that is proposed, it's going to give water districts, cities, agencies, the ability to identify whether or not they have this contaminant in their water, give information to the public as to whether that contamination is there and hopefully provide resources to mitigate that contamination.	The State Water Board is aware that some communities may be disproportionately affected by either 1,2,3-TCP, the proposed regulations, or both. The State Water Board's Division of Drinking Water District offices provide technical support to public water systems and funding opportunities are available through the Division of Financial Assistance.
Jose Gurrola Mayor of Arvin	B - Adopt 5 ppt	And I urge you to adopt, eventually adopt this health protective MCL.	Thank you for your support.
Kena Cador ACLU of CA	B - Adopt 5 ppt	The ACLU of California supports the Board's proposal to establish the most stringent health protective maximum contaminant level possible for 1,2,3-TCP.	Thank you for your support.
Kena Cador ACLU of CA	P - Disproportionate Effect	the majority of contaminated sites are in Fresno, Kern, Tulare and Los Angeles counties and clustered in cities with disproportionate numbers of residents of color. Without any state or federal intervention requiring filtration or other systems of regulation, 1,2,3-TCP contamination will persist and it will continue to affect the drinking water of residents.	The State Water Board is aware that some communities may be disproportionately affected by either 1,2,3-TCP, the proposed regulations, or both. The State Water Board's Division of Drinking Water District offices provide technical support to public water systems and funding opportunities are available through the Division of Financial Assistance.
Kena Cador ACLU of CA	B - Adopt 5 ppt	California is the first state in the country to adopt the human right to water. Clean drinking water is not just a commodity, but it's a necessity. Given the dangers of 1,2,3-TCP, an enforceable drinking standard is imperative. And this Board has an obligation to set an enforceable standard that will protect all Californians. So California is long overdue for establishing a detectable standard for 1,2,3-TCP and the ACLU of California supports the adoption of the most stringent standard possible. The cost of not doing so is too great.	Thank you for your support.
Lucy Hernandez General public	B - Adopt 5 ppt	I would like the State Water Board to know that it's time to set a limit at five parts per trillion to keep our families safe. It's very important to protect our health and it's time to provide safe and affordable drinking water to our disadvantaged communities. I urge you to protect our communities' health, and it's time for every Californian to have access to safe and affordable drinking water.	Thank you for your support.

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Lucy Hernandez General public	P - Disproportionate Effect	And it's very devastating to see our families, how we struggle to pay for water that we cannot use to drink or cook. Plus, it breaks my heart to hear some families tell their children to stop drinking all that water, because it's expensive to go and purchase water. And it shouldn't get to the point.	The State Water Board is aware that some communities may be disproportionately affected by either 1,2,3-TCP, the proposed regulations, or both.
Mariah Thompson California Rural Legal Assistance, Inc.	B - Adopt 5 ppt	The first is that the state must establish the MCL at five parts per trillion in order to comply with legal requirements of the Health and Safety Code. The Health and Safety Code requires that a contaminant MCL be established as close to the public health goal, and as protective for human health as is technologically and economically feasible. And the proposed MCL of five parts per trillion is generally considered to be the lowest concentration of TCP that can be both reliably and economically detected. And is as close to the public health goal as is technologically and economically feasible and therefore the state does have a legal obligation to adopt at five parts per trillion. And so therefore we support it.	Thank you for your support.
Mariah Thompson California Rural Legal Assistance, Inc.	I - Grandfathering	Our second comment is that public water systems that have previously detected contaminants in their water should not be permitted to substitute past testing data in their initial MCL reporting requirements. So proposed changes to 22 CCR 64445 would permit water systems to substitute existing monitoring data to satisfy the initial monitoring requirements when a new MCL is established.	The State Water Board disagrees that substitution should be prohibited. Substitution of samples encourages PWS to monitor their drinking water sources in advance of drinking water standards; this early sampling helps PWS with contaminated sources prepare for future compliance actions and begin planning well in advance of the effective date of the regulations. Not allowing substitution of results may discourage some PWS from performing early sampling, leading to increased delays in reducing the amount of contamination in drinking water.
Mariah Thompson California Rural Legal Assistance, Inc.	I - Grandfathering	CRLA appreciates cost-saving mechanisms generally as they can reduce the chances that extra financial burdens from remediation efforts will be passed on to low-income communities and on to the residents themselves in the form of rate increases. However, this particular proposal to allow water systems to save money by substituting old data comes at the price of endangering the health of residents. 1,2,3-TCP levels can vary drastically across quarters and even across the same quarter across years. We submitted a comment letter with specific data that shows from one of the communities that we work with, quarterly reporting across years. And demonstrates that even within the same quarter across years it can double or triple at any given time.	The State Water Board recognizes that the scenario described in the comment letter is theoretically possible but also very unlikely, and the proposed regulations include a requirement to submit a request to the State Water Board for approval and condition that substitution may only occur with State Water Board approval. The State Water Board is not required to approve a request for substitution and during review may determine that substitution is not appropriate.



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<p>Mariah Thompson California Rural Legal Assistance, Inc.</p>	<p>I - Grandfathering</p>	<p>And so allowing systems that have a history of TCP contamination to substitute past data will not provide a clear picture of the current status of TCP in the well systems and in groundwater sources. This can ultimately lead to underestimating the amount of TCP that is present in the water systems. And could ultimately deprive residents of the Notice of Contamination to which they have a legal right. And of the benefits of remediation efforts to reduce the levels of the contaminant in the water. Permitting such a scenario runs counter to the state's obligations under Health and Safety Code to place a primary emphasis on the protection for public health and to take measures to avoid any significant risk to public health, caused by carcinogenic contaminants. So in order to strike a balance between protecting the --to strike a balance between protecting the health of residents in communities with contaminated groundwater sources. And to relax financial burdens on disadvantaged communities, the Board should only permit data substitutions for public water systems if the systems have actively tested for a contaminant for previous years, for example, for three years and have not found a contaminant in their water systems.</p>	<p>Substitution of samples encourages PWS to monitor their drinking water sources in advance of drinking water standards; this early sampling helps PWS with contaminated sources prepare for future compliance actions and begin planning well in advance of the effective date of the regulations. Not allowing substitution of results may discourage some PWS from performing early sampling, leading to increased delays in reducing the amount of contamination in drinking water.</p>
<p>Mariah Thompson California Rural Legal Assistance, Inc.</p>	<p>P - Disproportionate Effect</p>	<p>And then our last comment is that the state should make sure throughout this process that low-income communities are not left behind, just based on their low-income status. There's been a lot of conversation here today about the human right to water, which guarantees that residents have a right not only to affordable water, but to affordable water that is clean. And throughout this process, we recognize that there are responsible parties that folks have been talking about a lot today. But we just want the Board to know that they do have an obligation to make sure that regardless of what happens with that, communities are not being left behind based on their low-income status. And it is likely that state resources will be necessary to ensure that this right is upheld. Thank you.</p>	<p>The State Water Board is aware that some communities may be disproportionately affected by either 1,2,3-TCP, the proposed regulations, or both. The State Water Board's Division of Drinking Water District offices provide technical support to public water systems and funding opportunities are available through the Division of Financial Assistance.</p>
<p>Martha Davia Inland Empire Utilities Agency</p>	<p>B - Adopt 5 ppt</p>	<p>Number one, we support the MCL. I'm not a scientist, but this is clearly bad stuff. And we need to protect our public, so the direction that your staff is proposing is the right thing to do.</p>	<p>Thank you for your support.</p>

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Martha Davia Inland Empire Utilities Agency	D - Compliance plans	If we have a concern it's just making sure that there is adequate compliance time for the agencies that are doing their due diligence, to build the granulated activated carbons or the other alternative technologies, to make sure that they are in compliance with the MCL.	Granular activated carbon is neither a new nor a novel technology requiring extensive preliminary planning and design to implement. The State Water Board does not consider allowing a water system to remain in compliance while serving water that does not meet drinking water standards to be protective of public health. PWS concerned with noncompliance should begin taking actions to remain in compliance with the proposed MCL in advance of the regulation effective date
Martha Davia Inland Empire Utilities Agency	D - Compliance plans	So either take a look at the compliance period, or as an alternative at the very least take a look at SB-17 385 for the Hexavalent chromium. Because that allowed water agencies who recognized that they could be in violation to have a compliance plan that you approved. They would have proper notifications for the public, proper accommodation for the protection of public health, but it will enable them to go ahead and implement a -- it's a pathway to compliance and not be in violation of the standard. It's a common sense approach, it enable good actors to do the right thing, but do it within a timeframe that actually is realistic given all the things that have to go in to putting together a compliance plan.	The California legislature limited the scope of SB 385 to hexavalent chromium. Hexavalent chromium at the time of MCL adoption was considered both expensive and difficult to remove from drinking water. Granular activated carbon is neither a new nor a novel technology requiring extensive preliminary planning and design to implement. The State Water Board does not consider allowing a water system to remain in compliance while serving water that does not meet drinking water standards to be protective of public health. PWS concerned with noncompliance should begin taking actions to remain in compliance with the proposed MCL in advance of the regulation effective date
Martha Davia Inland Empire Utilities Agency	H - BAT	And then my other point, actually appreciate that the staff are recognizing all the alternative technologies. We'd simply ask that the regulation clearly call that out, because blending is a strategy. And we're dealing with an MCL that's right on the edge of detect guidance on how to do the blending with detect and non-detect water will be really important for agencies as they figure out a common sense compliance strategy.	BAT designation does not mandate use of the BAT. PWS may propose alternative treatment options to the BAT when applying for a permit and, if found acceptable by the District office, will be granted a permit to operate treatment other than GAC for the purposes of removing 1,2,3-TCP.
Randy Reck Environmental Justice Coalition for Water	B - Adopt 5 ppt	And just in brief, EJCW is strongly in favor of the proposal as proposed. And including the current compliance schedule, so thank you.	Thank you for your support.
Raul Barraza Arvin Community Services District	B - Adopt 5 ppt	It's a tragedy that farm workers from a couple of decades ago busted their backs in the fields all day, were exposed to the pesticide on the job, and then years down the road find that their generations of their families are now in danger from the same chemicals that they used to make a living from. It's a disgrace and we need to do everything we can to protect public health and make the water safe. The MCL being set at five parts per trillion will help us to do that.	Thank you for your support.

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Raul Barraza Arvin Community Services District	P - Disproportionate Effect	Arvin is a disadvantaged community and we try to keep the rates as low as possible. It's going to be extremely expensive to put in filtration systems needed to get the TCP out of the water. Nonetheless, we are supporting the proposed MCL at five parts per trillion, because we believe that people should never be forced to choose between clean water and affordable water.	The State Water Board is aware that some communities may be disproportionately affected by either 1,2,3-TCP, the proposed regulations, or both. The State Water Board's Division of Drinking Water District offices provide technical support to public water systems and funding opportunities are available through the Division of Financial Assistance.
Raul Barraza Arvin Community Services District	A - Cost Recovery	Like other Central Valley water systems who joined us in our comment letter, we are looking to Dow and Shell, the companies who well knowingly polluted our groundwater with their defective pesticide, which contain an unnecessary ingredient of 1,2,3-TCP, to step up and do the right thing. And pay for the damage they have caused. The MCL will help us in our fight against these companies and help us to bring water that is clean and affordable to the people of Arvin. Thank you.	The State Water Board is aware that some Public Water Systems have been able to successfully recover the cost of treatment from responsible parties. Although adoption of the proposed regulations may provide clarity and assist Public Water Systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations. Any action the State Water Board could take to assist in recouping costs of treatment for Public Water Systems would be taken outside of this regulatory process, and is, therefore, outside of the scope of these regulations.
Rebecca Franklin Association of CA Water Agencies	B - Adopt 5 ppt	And we definitely support the Board's action on adopting an MCL for 1,2,3-TCP.	Thank you for your support.
Rebecca Franklin Association of CA Water Agencies	L - Operation and Implementation Concerns	The second concern relates to implementation of the regulation. Again, as Martha stated there's real operational considerations both with granular activated carbon or other treatment methods. And having an MCL really close to a detection level creates some questions about things like how non-detect should be averaged into determining MCL compliance. So also concerns about how to establish blending targets if agencies pursue that path to compliance.	Criteria for blending and other operational concerns will be determined as part of the review performed by the Division of Drinking Water District offices when a permit application for blending is submitted; defining operational factors in regulation may provide clarity but may also interfere with necessary operational flexibility when establishing operations plans that are adequately protective of public health
Rebecca Franklin Association of CA Water Agencies	D - Compliance plans	The first is the need for a reasonable compliance period. So as was mentioned by staff this morning, the anticipated adoption of this MCL is July or later this year with a compliance deadline of January 2018, which gives our agencies less than six months potentially to get their treatment in place. And even for those that are planning in advance, that's just not enough time probably. And so they may immediately be out of compliance in January, when they take that first sample.	Granular activated carbon is neither a new nor a novel technology requiring extensive preliminary planning and design to implement. The State Water Board does not consider allowing a water system to remain in compliance while serving water that does not meet drinking water standards to be protective of public health. PWS concerned with noncompliance should begin taking actions to remain in compliance with the proposed MCL in advance of the regulation effective date
Ryan Jensen Community Water Center	B - Adopt 5 ppt	Community Water Center, and our partners in 5 other environmental justice organizations have been strong advocates of a health protective MCL for 1,2,3-TCP since this regulatory process began.	Thank you for your support

**DRAFT - Initial Response to Comments for Proposed 1,2,3-Trichloropropane (1,2,3-TCP) Maximum Contaminant Level (MCL) Regulations**

Commenter Name/ Organization	Comment Topic	Comment	DRAFT Response
Ryan Jensen Community Water Center	B - Adopt 5 ppt	The sooner we can enact the health protective MCL, the sooner we can ensure that all Californians have access to safe drinking water that's not laced with a known carcinogen. Every time I talk to one of the communities that have been impacted, they always have the same questions. Can I buy a filter to take it out of my water? What is my public water system going to do about this? The answer to every single one of those questions is, "Until an MCL is set, none of those solutions are available to you. You need to buy bottled water." I also live in Visalia. And we know there's 1,2,3-TCP in the water. The most recent available TCR report has detection of 1,2,3-TCP at over 15 times the proposed MCL. That's over 100 times the public health goal. We spend about almost \$800 a year on bottled water living in Visalia.	Establishing an MCL for 1,2,3-TCP is a top priority for the State Water Board. State Water Board is aware that some communities may be disproportionately affected by either 1,2,3-TCP, the proposed regulations, or both.
Ryan Jensen Community Water Center	K - Financial Assistance	Once the MCL is in place, the Board should ensure that resources are made available to help source, secure long-term drinking water solutions for communities that need them, both through its technical assistance programs and by looking to the responsible parties.	The State Water Board is aware that some communities may be disproportionately affected by either 1,2,3-TCP, the proposed regulations, or both. The State Water Board's Division of Drinking Water District offices provide technical support to public water systems and funding opportunities are available through the Division of Financial Assistance.
Ryan Jensen Community Water Center	B - Adopt 5 ppt	We urge a swift adoption of the proposed five 15 parts per trillion MCL for 1,2,3-TCP. Thank you.	Thank you for your support.
Susan Little Environmental Working Group	B - Adopt 5 ppt	The Environmental Working Group fully supports the proposed MCL of five parts per trillion. We believe it's a standard that's both protective of human health and technologically feasible. It is a reasonable standard to proceed with.	Thank you for your support.
Susan Little Environmental Working Group	B - Adopt 5 ppt	TCP, as we know, is a carcinogen and it's persistent in the environment and already communities have been exposed to this carcinogen for many decades. It's time to protect Californians, and protect them as soon as possible, from this carcinogen.	Thank you for your comment.
Susan Little Environmental Working Group	D - Compliance plans	In addition, EWG does not support any extension of the compliance period that's been discussed. Over the years we've been involved in the MCL processes for numerous contaminants. And we've come to find that the existing compliance timing works well, so again we just ask that you proceed with the MCL, the proposed MCL, and do it as soon as possible. Thank you.	Thank you for your comment. The State Water Board is not proposing a compliance period for this regulation.
Tutuy	B - Adopt 5 ppt	So I do support the MCL five parts per trillion regulations. And hope that we all understand that water is sacred and it's life. Thank you.	Thank you for your support.

**DRAFT - Initial Response to Comments for Proposed 1,2,3-Trichloropropane (1,2,3-TCP) Maximum Contaminant Level (MCL) Regulations**

Commenter Name/ Organization	Comment Topic	Comment	DRAFT Response
Van Grayer Vaughn Water Company	C - Groundwater remediation	When it comes to TCP contamination, the undersigned water systems share the same two goals. First, we want 1,2,3-TCP removed from our groundwater supplies and public exposure to 1,2,3-TCP in our communities eliminated.	Thank you for your support. The proposed regulations are for drinking water served by Public Water Systems. While groundwater remediation may result in improved source water, regulations pertaining to groundwater remediation are outside the scope of this regulation.
Van Grayer Vaughn Water Company	A - Cost Recovery	Second, we want the parties responsible for causing the 1,2,3-TCP contamination, rather than our water customers, to cover the cost of treatment. That is why we and dozens of similarly situated Central Valley water systems have turned to the courts seeking compensation from Shell and Dow to pay for, among other things the installation, operation and maintenance of TCP treatment facilities. Shell and Dow argue however that a maximum contaminant level to the bright line that should confine when a contaminant damages the water supply. And the absence of an MCL for 1,2,3-TCP is the single greatest uncertainty-generating factor impeding resolution of these lawsuits. Consequently, it is our hope that the adoption of the proposed MCL at five parts per trillion -- a level that is the equivalent of the detection limit for the reporting purposes, and is thus the level that is close as technically feasible to the public health goal -- will promote swift resolution of the 1,2,3-TCP cost recovery lawsuits. And strengthen our ability to hold the responsible parties accountable for the cost of TCP remediation, which in turn will help us achieve our shared goal of installing 1,2,3-TCP treatment with minimal impact on our ratepayers.	Thank you for your support. The State Water Board is aware that some Public Water Systems have been able to successfully recover the cost of treatment from responsible parties. Although adoption of the proposed regulations may provide clarity and assist Public Water Systems in their litigation or negotiations with responsible parties over reimbursement for treatment costs, that is not the intent of the State Water Board's actions in adopting the regulations. Any action the State Water Board could take to assist in recouping costs of treatment for Public Water Systems would be taken outside of this regulatory process, and is, therefore, outside of the scope of these regulations.
Van Grayer Vaughn Water Company	B - Adopt 5 ppt	In contrast, setting the MCL higher than the detection limit on account of substantial cost of treatment, will only further enrich the responsible parties at the expense of public health. Maximum contaminant levels typically require a difficult choice between public health and affordability. But in the case of 1,2,3-TCP the choice in favor of public health should be an easy one to make. We urge the Board to adopt the proposed 1,2,3-TCP maximum contaminant level at five parts per trillion and to do so as soon as possible. Thank you so much for your time.	Thank you for your comment and support for the MCL at 5ppt.

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Commenter Name/ Organization	Comment Topic	Comment	DRAFT Response
Van Grayer Vaughn Water Company	D - Compliance plans	We don't believe the compliance timeline is an issue. The timeline is very short. I believe it's a January 2018 compliance. That leaves us very little time to purchase the equipment, supplies and material necessary to construct, and build these treatment facilities. Compliance issues, whenever a water supply receives a Notice of Non-compliance, undermines the integrity of the water system's ability to provide safe drinking water. I think the Board should consider expanding or modifying that timeline.	Granular activated carbon is neither a new nor a novel technology requiring extensive preliminary planning and design to implement. The State Water Board does not consider allowing a water system to remain in compliance while serving water that does not meet drinking water standards to be protective of public health. The public may lose confidence in their water supply or supplier but the public also has a right to know when their drinking water does not meet public health standards, and the hexavalent chromium compliance plans required water suppliers to notify the public that their water contained hexavalent chromium at levels above the maximum contaminant level. The State Water Board is also committed to transparency when informing the public.