



December 15, 2023

Courtney Tyler, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000
commentletters@waterboards.ca.gov

Subject: Comment Letter—SWRCB-DDW-21-003: Hexavalent Chromium MCL

Dear Honorable State Water Resources Control Board,

The Coachella Valley Regional Water Management Group (CVRWMG) is comprised of the Coachella Water Authority (CWA), Coachella Valley Water District (CVWD), Desert Water Agency (DWA), Indio Water Authority (IWA), Mission Springs Water District (MSWD), and Valley Sanitary District (VSD). The group represents a collaborative effort to implement the Coachella Valley Integrated Regional Water Management (CVIRWM) Plan to address the water resources needs of the Coachella Valley. Chromium [Cr(VI)] occurs naturally in the minerals and groundwater found adjacent to the San Andreas fault system that divides the Coachella Valley groundwater basin. As such, many of wells in the area will exceed the proposed Cr(VI) Maximum Contaminant Level (MCL) of 10 ppb, making the Coachella Valley one of the regions most impacted by the proposed rule. The Coachella Valley includes underserved communities with 84% being disadvantaged or severely disadvantaged communities, making the compliance timeframe, cost of compliance, and public communication of particularly high importance to the region.

The CVRWMG would like to express our appreciation for the opportunity to comment on the Proposed Regulations for the Cr(VI) MCL and hope that our comments will contribute to the refinement of these regulations for the benefit of both public water systems (PWS) and the communities they serve. Our comments here specifically focus on the two recent proposed changes outlined in the Proposed Regulation.

Removal of Compliance Date from Cr(VI) MCL Compliance Plan Requirement

We appreciate the State Water Board's removal of the requirement to remove the requirement that the Compliance Plan show how the system will comply with the Cr(VI) MCL by the applicable compliance deadline in Table 64432-B. We view this as a positive change that acknowledges that PWS may have unique challenges to reaching the proposed MCL by the proposed compliance dates. However, this change does not go far enough to address the reality that the proposed compliance timeframes (e.g., 2 years for systems with $\geq 10,000$ service connections) are insufficient for the comprehensive actions required to comply with the proposed Cr(VI) MCL. We offer two options here that the State Water Board could employ to avoid placing a PWS in violation of the Cr(VI) MCL while they are working in good faith to achieve the drinking

water standard. CVRWMG recommends the State Water Board consider one of these options which will ultimately lead to the same level of health protection.

- Consider using USEPA's approach, which allows three years for compliance after a primary standard goes into effect and allows this period to be extended up to two additional years if capital improvements are required.
- Include language in the proposed regulation stating that "A PWS shall not be deemed in violation of the Hexavalent Chromium MCL while that PWS is implementing an approved compliance plan or while State Water Board action on a timely submitted compliance plan is pending."

Tier 2 Public Notice Requirement

The CVRWMG has serious concerns about the proposed change related to the Tier 2 Public Notice requirement. The proposed Cr(VI) MCL already requires annual reporting in the Consumer Confidence Report. Tier 2 reporting should only be used for an actual Cr(VI) MCL or other specific violations identified in Cal. Code Regs. Tit. 22, § 64463.4 - Tier 2 Public Notice. Requiring this notice before the compliance date will misinform the public and create a false impression of non-compliance. Such notice is inappropriate and could increase the legal exposure to a PWS without a corresponding violation. While we acknowledge the need for clear and transparent communication with the public, and are already planning for this type of engagement, we believe there are more effective ways to achieve this without requiring a Tier 2 Public Notice prior to the compliance date. If the State Water Board wishes to ensure that PWS are actively communicating with the public while they work to achieve compliance with the Cr(VI) MCL, a more appropriate and effective approach would be to include a requirement for a Communication Plan in the required Compliance Plan.

In conclusion, we appreciate the State Water Board's commitment to public health and safety. We believe the suggested modifications will strengthen the Proposed Regulation. If the State Water Board believes that additional communication is needed prior to adoption of the proposed Cr(VI) MCL, the CVRWMG agencies are available to discuss our concerns. Thank you again for providing an opportunity to comment. We look forward to continuing to work with you on this topic.

Sincerely,



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