



# California Department of Public Health Drinking Water Program



## MCL Development Process

There are three broad phases of activities that the California Department of Public Health implements to promulgate a Maximum Contaminant Level (MCL) for drinking water in California. The Department is required by law to set an MCL as close to a public health goal (PHG) as technically and economically feasible. The Department's process takes approximately 2 - 3 years.

### Phase I – Prior to a PHG

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While most of the MCL process is dependent on the development of a PHG, there are a number of activities that the Department takes prior to receipt of a final PHG, including:

- Collect water quality data to determine extent contaminant occurs within CA.
- Gather information on treatment technologies and the associated costs.
- Track analytical techniques available for reliably detecting a contaminant.

### Phase II – Immediately Following a PHG

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Following receipt of OEHHA's final PHG, the Department evaluates the treatment costs, monitoring costs, technical feasibilities, population exposures, and potential health benefits at various hypothetical MCLs, using the final PHG as starting point. A proposed MCL is then selected, consistent with statutory requirements. Using the proposed MCL, the Department develops a regulatory package that consists of various of documents including:

- A fiscal impact analysis
- Statement of reasons
- Proposed regulatory text

### Phase III – Formal Regulatory Process

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Phase III, the formal regulatory process, is an intricate process designed to ensure statutory requirements are met, as well the interests of the public and the State. In brief, the process includes:

- Legal reviews by the Office of Regulations.
- Fiscal impact related reviews by State agencies.
- 45-day public comment period.
- Preparation of responses to each comment.
- Review by the Office of Administrative Law (OAL). OAL has 30 working days to complete their review.
- If approved by OAL, the regulation is filed with the Secretary of State and becomes operative 30 days later.