

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2017-0006**

**ADOPTING THE PROPOSED PRIORITIZATION OF DRINKING WATER REGULATIONS
FOR CALENDAR YEAR 2017**

WHEREAS:

1. All public water systems (PWS), as defined in Health & Safety Code (HSC) Section 116275, are subject to regulations adopted by the U.S. Environmental Protection Agency (U.S. EPA) under the Safe Drinking Water Act of 1974, as amended (42 U.S.C. 300f et seq.), as well as by the State Water Resources Control Board (State Water Board) under the California Safe Drinking Water Act (HSC, div. 104, pt. 12, ch. 4, § 116270 et seq.);
2. California has been granted primary enforcement responsibility (“primacy”) by U.S. EPA for PWS in California;
3. California has no authority to enforce federal regulations, and federal laws and regulations require that California, in order to receive and maintain primacy, promulgate regulations for California that are no less stringent than the federal regulations;
4. The State Water Board is tasked with adopting drinking water regulations and recycled water regulations, when associated with the protection of public health. These regulations include primary drinking water standards (e.g., maximum contaminant levels [MCLs] or treatment techniques), monitoring and reporting requirements, and any other standards related to providing safe drinking water (e.g., operator requirements, laboratory accreditation standards, design standards, pipe separation standards, etc);
5. HSC Section 116365(g) requires the State Water Board to review each MCL at least once every five years and HSC Section 116365(h) requires the State Water Board to provide by March 1 of each year notice of each primary drinking water standard it proposes to review that year and to solicit and consider public comment and hold one or more public hearings regarding any proposal to either amend or maintain an existing standard;
6. Since the transfer of the drinking water program to the State Water Board, the Division of Drinking Water (DDW) has posted the annual MCL review on its website. For 2016, the annual review was posted at:
http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/MCLReview2016.shtml;
7. For 2016, DDW staff had proposed to conduct a review of the MCL for perchlorate, given the number of detections and the recent reduction in the Public Health Goal (PHG) from 6 parts per billion (ppb or micrograms per liter) to 1 ppb, based on data used in the previous (2004) PHG but this time based on infant exposures. The analysis and the staff recommendation for the perchlorate MCL will be presented to the Board in a future Board Meeting;

8. For 2017, the draft annual review for 2017 has been posted at: http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/MCLReview2017.shtml. No changes in technology or treatment techniques have been identified that would permit a materially greater protection of public health or attainment of the PHG, and no new scientific evidence indicates that regulated contaminants may present a materially greater risk to public health than was previously determined. Therefore, no further review of MCLs is planned for this year; and
9. DDW staff use multiple factors in prioritizing drinking water regulations, including the protection of public health, establishment of a new or revised federal regulation or rule, existence of statutory mandates, as well as the existence of other priorities and staffing resources available for the development and implementation of regulations.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board approves DDW staff's proposal not to reexamine any existing MCLs this year.
2. The State Water Board directs DDW staff to prioritize their work on drinking water regulations for calendar year 2017 as follows:
 - (1) *Maximum Contaminant Level (MCL) for 1,2,3-Trichloropropane (1,2,3-TCP)*
 - (2) *Surface Water Augmentation (SWA) Regulation*
 - (3) *Revised Total Coliform Rule (RTCR)*
 - (4) *Lead and Copper Rule (LCR)*
 - (5) *Maximum Contaminant Level (MCL) Review for Perchlorate*
 - (6) *Cross-Connection Control Regulations*
 - (7) *Environmental Laboratory Accreditation Program (ELAP) Regulations*
 - (8) *Permanent Point of Use (POU) / Point of Entry (POE) Regulations*
 - (9) *Unregulated Contaminant Monitoring Rule (UCMR)*
 - (10) *Primacy Package Applications*
 - (11) *Work to Support Direct Potable Reuse (DPR)*

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on February 22, 2017.

AYE: Chair Felicia Marcus
 Vice Chair Frances Spivy-Weber
 Board Member Tam M. Doduc
 Board Member Dorene D'Adamo

NAY: None

ABSENT: Board Member Steven Moore

ABSTAIN: None



 Jeanine Townsend
 Clerk to the Board