

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2026-0031**

**ADOPTING EMERGENCY REGULATIONS FOR THE LEAD AND COPPER RULE
IMPROVEMENTS**

WHEREAS:

1. California public water systems are subject to regulations adopted under the California Safe Drinking Water Act (Health & Saf. Code, div. 104, pt. 12, ch. 4, § 116270 et seq.).
2. All public water systems, as defined in Health and Safety Code section 116275, are subject to regulations adopted by the United States 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.
3. Health and Safety Code section 116270, subdivision (h) states that California's Safe Drinking Water Act shall be construed to ensure consistency with the requirements for states to obtain and maintain primary enforcement responsibility for public water systems under the federal Safe Drinking Water Act and acts amendatory thereof or supplementary thereto.
4. Health and Safety Code section 116350, subdivision (b) establishes the State Water Board's responsibility to enforce provisions of the federal Safe Drinking Water Act and regulations adopted pursuant thereto.
5. Health and Safety Code section 116365.03 states the State Water Board may adopt as an emergency regulation, a regulation, except a regulation that establishes maximum contaminant levels for primary and secondary drinking water standards, that is not more stringent than, and is not materially different in substance and effect than, the requirements of a regulation promulgated pursuant to the federal Safe Drinking Water Act.
6. On October 8, 2024, the U.S. EPA finalized the Lead and Copper Rule Improvements (LCRI). The federal LCRI builds on the federal Lead and Copper Rule and federal Lead and Copper Rule Revisions to strengthen requirements to protect children and adults from lead in drinking water. Community and non-transient non-community water systems are required to

comply with the federal LCRI by November 1, 2027. (40 C.F.R. § 141.80(a)(3).)

7. Provisions of the federal LCRI would be adopted into the California Code of Regulations as a new chapter, chapter 17.6, "Control of Lead and Copper," through emergency regulations pursuant to California Health and Safety Code section 116365.03. The new chapter 17.6 is proposed to become effective on November 1, 2027, with existing chapter 17.5, titled "Lead and Copper," proposed to be repealed simultaneously.
8. The emergency regulation creates California Code of Regulations, title 22, chapter 17.5, section 94693, titled "Sunset of Regulations," and repeals sections 64670, 64671.05, 64671.08, 64671.09, 64671.10, 64671.15, 64671.30, 64671.35, 64671.40, 64671.55, 64671.65, 64671.70, 64671.75, 64671.80, 64671.85, 64673, 64674, 64675, 64675.5, 64676, 64677, 64677.5, 64678, 64678.5, 64679, 64680, 64681, 64682, 64683, 64684, 64685, 64686, 64687, 64688, 64689, 64690.10, 64690.80, and 64691.
9. The emergency regulation creates California Code of Regulations, title 22, chapter 17.6, sections 64700, 64700.03, 64700.06, 64700.08, 64700.10, 64700.11, 64700.13, 64700.15, 64700.18, 64700.20, 64700.22, 64700.24, 64700.25, 64700.28, 64700.29, 64700.35, 64700.37, 64700.38, 64700.41, 64700.43, 64700.45, 64700.48, 64700.51, 64700.55, 64700.57, 64700.60, 64700.62, 64700.64, 64700.66, 64700.70, 64700.73, 64700.75, 64700.78, 64700.81, 64700.84, 64700.87, 64700.89, 64700.90, 64700.95, 64701, 64710, 64711, 64720, 64730, 64731, 64732, 64733, 64740, 64741, 64742, 64750, 64761, 64762, and 64770.
10. The emergency regulation modifies the following existing sections of title 22 of the California Code of Regulations only to ensure that references to the Control of Lead and Copper correctly refer to chapter 17.6 and that the California Code of Regulations will be fully compliant with the minimum requirements of the LCRI regulation promulgated pursuant to the federal Safe Drinking Water Act: sections 64252, 64254, 64256, 64257, 64258, 64463.1, 64463.4, 64463.7, 64465, 64469, 64481, 64482, 64669.110, 64669.125, and 64814.00.
11. The California Environmental Quality Act (CEQA) provides a common sense exemption where it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment. This emergency regulation qualifies for the common sense exemption under title 14, section 15061, subdivision (b)(3) of the California Code of Regulations, as it directly adopts existing federal regulations with which all

public water systems must already comply. Therefore, because the State Water Board's adoption of the emergency regulations does not change the regulatory requirements which apply to public water systems, it can be seen with certainty that there is no possibility that there will be a significant adverse effect on the environment.

12. This emergency regulation will take effect on November 1, 2027.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Adopts the proposed emergency regulations for the Lead and Copper Rule Improvements, which will create California Code of Regulations, title 22, chapter 17.5, section 94693, titled "Sunset of Regulations," and repeal sections 64670, 64671.05, 64671.08, 64671.09, 64671.10, 64671.15, 64671.30, 64671.35, 64671.40, 64671.55, 64671.65, 64671.70, 64671.75, 64671.80, 64671.85, 64673, 64674, 64675, 64675.5, 64676, 64677, 64677.5, 64678, 64678.5, 64679, 64680, 64681, 64682, 64683, 64684, 64685, 64686, 64687, 64688, 64689, 64690.10, 64690.80, and 64691.
2. Adopts the proposed emergency regulations for the Lead and Copper Rule Improvements, which will create California Code of Regulations, title 22, chapter 17.6, sections 64700, 64700.03, 64700.06, 64700.08, 64700.10, 64700.11, 64700.13, 64700.15, 64700.18, 64700.20, 64700.22, 64700.24, 64700.25, 64700.28, 64700.29, 64700.35, 64700.37, 64700.38, 64700.41, 64700.43, 64700.45, 64700.48, 64700.51, 64700.55, 64700.57, 64700.60, 64700.62, 64700.64, 64700.66, 64700.70, 64700.73, 64700.75, 64700.78, 64700.81, 64700.84, 64700.87, 64700.89, 64700.90, 64700.95, 64701, 64710, 64711, 64720, 64730, 64731, 64732, 64733, 64740, 64741, 64742, 64750, 64761, 64762, and 64770.
3. Adopts the proposed emergency regulations for the Lead and Copper Rule Improvements, which will make modifications to California Code of Regulations, title 22, sections 64252, 64254, 64256, 64257, 64258, 64463.1, 64463.4, 64463.7, 64465, 64469, 64481, 64482, 64669.110, 64669.125, and 64814.00.
4. Determines that the adoption of the proposed emergency regulations for the regulation of lead and copper in drinking water systems is statutorily exempt from CEQA for the reasons stated above and directs the State Water Board

staff to prepare and submit to the State Clearinghouse a Notice of Exemption reflecting this determination.

5. Directs the Deputy Director for the Division of Drinking Water or his designee to submit the proposed regulations and any other associated materials to the Office of Administrative Law (OAL) for filing with the Secretary of State.
6. If, prior to OAL filing the regulations with the Secretary of State, State Water Board staff or the State Water Board determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or the Executive Director's designee may make such changes.

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 August 19, 2026.

AYE: Chair E. Joaquin Esquivel
Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Nichole Morgan
Board Member Jared Blumenfeld

NAY: None

ABSENT: None

ABSTAIN: None


Courtney Tyler
Clerk to the Board