

# **D R A F T**

## **STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2023-**

### **ADOPTING THE PROPOSED PRIORITIZATION OF DRINKING WATER REGULATIONS DEVELOPMENT FOR CALENDAR YEAR 2023**

#### **WHEREAS:**

1. 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 (Health & Saf. Code, § 116270 et seq.).
2. California has been granted primary enforcement responsibility (primacy) by U.S. EPA for public water systems in California. 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.
3. The State Water Board is tasked with adopting drinking water regulations and recycled water regulations 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, secondary drinking water standards, design standards, pipe separation standards, etc.).
4. Health and Safety Code section 116365, subdivision (g), requires the State Water Board to review each MCL at least once every five years and section 116365, subdivision (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.

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5. The Division of Drinking Water (DDW) posts the MCL reviews on its website. The most recent reviews are available at: [MCL Review Process webpage](#).
6. The Division of Drinking Water has established a proposed prioritized list for regulatory development projects for 2023.
7. 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:

The State Water Board directs the Division of Drinking Water to prioritize the development of drinking water regulations during calendar year 2023 as follows:

1. Maximum Contaminant Levels
  - a. Chromium (hexavalent)
  - b. Arsenic
  - c. Perfluoro-octanoic acid (PFOA) and perfluoro-octane sulfonic acid (PFOS)
  - d. N-nitroso-dimethylamine (NDMA)
  - e. Disinfection Byproducts
  - f. Styrene
  - g. Cadmium and Mercury
2. Direct Potable Re-Use
3. Water Quality Standards for On-Site Treatment and Re-Use
4. Recycled Water Regulations Update
5. Cross-Connection Control Policy Handbook
6. Lead and Copper Rule (LCR) and Revisions
7. Detection Limits for Purposes of Reporting
  - a. Metals
  - b. Organics
8. Primacy Package Approvals
  - a. Public Water System Definition
  - b. Revised Total Coliform Rule
  - c. Groundwater Rule
  - d. Public Notification Rule
  - e. Consumer Confidence Report Rule
9. Electronic Reporting of Drinking Water Quality Data
10. Notification and Response Levels
  - a. Cyanotoxins
  - b. Manganese (revision)
  - c. Per- and Polyfluoroalkyl Substances (PFAS)

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- 11. Quinquennial Maximum Contaminant Levels Review
- 12. Financial Assurance

## **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 March 8, 2023.

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Courtney Tyler  
Acting Clerk to the Board