STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF DRINKING WATER
MARCH 3, 2026

ITEM 5

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION ADOPTING THE PRIORITIZATION OF DRINKING WATER REGULATIONS DEVELOPMENT FOR CALENDAR YEAR 2026.

DISCUSSION

All public water systems, as defined in Health and 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 (Health & Safety Code, § 116270 et seq.).

California has been granted primary enforcement responsibility (primacy) by U.S. EPA for public water systems in California. 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. In addition, HSC section 116270 states that it is the intent of the California State Legislature to establish a program more protective of public health than minimum federal requirements.

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), treatment techniques, monitoring and reporting requirements) and any other standards related to providing safe drinking water (e.g., operator requirements, design standards, primary and secondary drinking water standards, pipe separation standards).

Evaluation of Current Priorities for Regulatory Development

1. **Maximum Contaminant Levels**
   a. **PFAS**
      Per- and polyfluoroalkyl substances (PFAS) are a group of chemicals that have been manufactured since the 1940s and used in industrial and consumer products such as fire-fighting foam, nonstick cookware, food packaging, and stain- and water-repellant household products. From July 2018 through December 2025, the Division of Drinking Water (DDW) issued and updated notification and response levels for PFAS chemicals perfluoro-octanoic acid

(PFOA), perfluoro-octane sulfonic acid (PFOS), perfluoro hexane sulfonic acid (PFHxS), perfluoro butane sulfonic acid (PFBS), and perfluoro hexanoic acid (PFHxA) based on recommendations from the Office of Environmental Health Hazard Assessment (OEHHA) and adverse health effects ranging from thyroid and nasal cavity toxicity and developmental impacts to carcinogenicity. On April 5, 2024, OEHHA adopted final cancer-based public health goals (PHGs) and noncancer-based health protective concentrations (HPC) for PFOA and PFOS. In May 2025, DDW requested that OEHHA also develop a PHG for PFHxS. On April 10, 2024, U.S. EPA issued final primary drinking water standards for PFOA, PFOS, perfluoro nonanoic acid (PFNA), PFHxS, PFBS, and hexafluoropropylene oxide dimer acid (HFPO-DA or GenX). On May 14, 2025, U.S. EPA announced its intent to rescind the regulations and reconsider regulatory determinations for PFHxS, PFNA, HFPO-DA, PFBS. On December 12, 2025, DDW issued General Order DW-2025-0002 DDW requiring community and nontransient-noncommunity water systems to conduct initial monitoring for PFAS in accordance with the PFAS National Primary Drinking Water Regulation and plans to follow up with a proposed rulemaking to address federal requirements in 2026 (Stage 1). DDW continues to investigate the extent of contamination of PFAS chemicals in drinking water sources throughout the state. This information will be used to determine whether DDW should request OEHHA to develop PHGs for additional PFAS compounds and will inform development of additional California-specific PFAS regulations (Stage 2).

b. **NDMA**
N-nitroso-dimethylamine (NDMA) is part of a larger chemical group known as nitrosamines. NDMA forms during disinfection processes and is formerly used in rocket fuel production. While there is currently no state or federal MCL for NDMA, advisory notification and response levels have been established at 0.01 µg/l and 0.3 µg/l, respectively. The NDMA PHG was issued in 2006 and is set at 0.003 µg/l, based on carcinogenicity. OEHHA is currently reviewing this PHG, with a first draft PHG concentration of 0.0005 µg/l based on bile duct, liver cell, and mesenchymal tumor formation released for public comment in December 2024.

c. **Disinfection Byproducts**
Disinfection byproducts (DBPs) are formed when disinfectants react with naturally-occurring materials in the water to form byproducts, including trihalomethanes (THMs), haloacetic acids (HAA5), chlorite, and bromate. California currently regulates THMs under an MCL of 80 µg/l for the sum of bromoform, chloroform, dibromochloromethane, and bromodichloromethane. Haloacetic acids are currently regulated under an MCL of 60 µg/l for the sum of monobromoacetic acid, monochloroacetic acid, dibromoacetic acid, dichloroacetic acid, and trichloroacetic acid. OEHHA revised the THM public health goal in February 2020, establishing individual PHGs for each of the

component THMs, based on cancer effects. In December 2022, OEHHA established PHGs for individual haloacetic acids, based on muscular degeneration for monobromoacetic acid, systemic toxicity for monochloroacetic acid, and carcinogenicity for dichloroacetic acid, trichloroacetic acid, and dibromoacetic acid. Both trihalomethanes and haloacetic acids are disinfection byproducts; these nine contaminants may be grouped for MCL revisions.

d. **Styrene**
Styrene is an organic chemical that is widely used to make rubber and plastics. The current styrene MCL and detection limit for purposes of reporting (DLR) are 100 µg/l and 0.5 µg/l, respectively. OEHHA has issued a PHG of 0.5 µg/l, based on carcinogenicity, and identified a noncancer health protective value of 4 µg/l, based on bronchiolar effects. U.S. EPA's MCL goal for styrene is 100 µg/l.

e. **Cadmium and Mercury**
Cadmium is a naturally occurring element found in soil and mineral deposits, metal plating discharges, runoff from waste batteries, plastic pigments, and galvanized pipe corrosion. The current cadmium MCL and DLR are 5 µg/l and 1 µg/l, respectively. OEHHA has issued a PHG of 0.04 µg/l, based on kidney toxicity. U.S. EPA's MCL goal for cadmium is 5 µg/l. Mercury is a naturally occurring element found in soil and mineral deposits, refinery and factory discharges, and landfill and cropland runoff. The current mercury MCL and DLR are 2 µg/l and 1 µg/l, respectively. OEHHA has issued a PHG of 1.2 µg/l based on kidney toxicity.

f. **1,4-Dioxane**
1,4-dioxane is an organic chemical that is used as a solvent and stabilizer for chlorinated solvents (particularly 1,1,1-trichloroethane) in industrial applications and is a component in some cosmetics, detergents, and shampoos. 1,4-dioxane is not currently regulated in drinking water at the state or federal level. In 1998, California's drinking water program established 1,4-dioxane notification and response levels of 1 µg/l and 35 µg/l, respectively. OEHHA has released a first draft PHG of 0.04 µg/l, based on liver and other tumors, and identified a secondary non-cancer health-protective concentration of 33 µg/l, based on degeneration and necrosis in the liver and kidneys. The public comment period on the first draft PHG commenced on September 26, 2025, and concluded on an extended deadline of November 25, 2025. Next steps will include an independent, external scientific peer review, a second draft made available for public comment following completion of the peer review process and consideration of public comments, and a final PHG document including responses to public and peer reviewer comments.

g. **Arsenic**
Arsenic is a naturally occurring element found in soil and mineral deposits, wood preservatives, agricultural pesticides and feed additives, sealed ant bait, and

industrial products such as pyrotechnics, antifouling paints, dye and soaps, pharmaceutical compounds, ceramics, alloys, and battery plates. The current arsenic MCL and detection limit for purposes of reporting (DLR) are 10 µg/l and 2 µg/l, respectively. OEHHA has issued a PHG of 0.004 µg/l, based on bladder cancer, and a noncancer health protective value (HPV) of 0.9 µg/l, based on cerebrovascular disease. The U.S. EPA arsenic MCL goal is zero.

2. **Lead and Copper Rule Revisions**
   Lead and copper can enter drinking water through disturbance or corrosion of plumbing materials. U.S. EPA has amended its 1991 federal Lead and Copper Rule (LCR) through its 2000 Minor Revisions, 2007 Short Term Revisions, 2021 Long Term Revisions (LCRR), and 2024 Improvements (LCRI). The most recent revisions require drinking water systems to identify and replace lead pipes within 10 years. The LCRI retained elements of the LCRR and requires more rigorous testing of drinking water and a lower threshold requiring water systems to take action to protect people from lead exposure in water. In addition, the final rule expedites and improves communication within communities so that residents are better informed about the risk of lead in drinking water, the location of lead service lines, and plans for replacing them. DDW proposes to conduct a rulemaking to incorporate all necessary modifications to address minor, short-term, and long-term revisions and improvements to the federal rule to satisfy federal primary enforcement authority (primacy) requirements (Stage 1 – Federal Updates) and then follow up with a second rulemaking for California-specific enhancements to public health protection (Stage 2 – California Enhancements).

3. **Detection Limits for Purposes of Reporting**
   DDW is continuing work to evaluate the potential for reporting concentrations closer to PHGs, beginning with metals. As lower reporting levels are determined to be feasible, DDW proposes revising detection limits for purposes of reporting to allow occurrence data collection to better inform the MCL review process. A preliminary proposal based on the results of surveys of Environmental Laboratory Accreditation Program certified laboratories was presented at a November 2022 workshop. A courtesy pre-publication Department of Finance review was completed in November 2023. A supplemental laboratory survey for metal contaminants was conducted in December 2025. Laboratory surveys regarding costs and capabilities for analysis of synthetic organic chemicals commenced in early 2026.

4. **Notification and Response Levels**

   a. **Manganese (revision)**
      Manganese is a naturally occurring element found in soil and mineral deposits. California currently has a secondary maximum contaminant level of 50 µg/l based on consumer acceptance, and notification and response levels of 0.5 mg/l and 5 mg/l, respectively. Manganese is known to cause neurotoxicity, with recent studies indicating it as a developmental toxin. DDW provided notice of proposed

revised notification and response levels of 20 µg/l and 200 µg/l, respectively, on February 16, 2023, with an informational item presented at the March 21, 2023, Board meeting. On September 4, 2025, DDW announced a revised proposed notification level of 50 µg/l, with an informational item presented at the October 7, 2025 Board meeting.

b. **Cyanotoxins**
Harmful algal blooms—and the cyanotoxins they produce—are overgrowths of algae caused by a combination of sunlight, slow-moving water, and nutrients. In February 2021, DDW requested that OEHHA develop notification level recommendations for the cyanotoxins microcystins and cylindrospermopsin and assess data for anatoxin-a and saxitoxins and make notification level recommendations if warranted. In May 2021, OEHHA provided recommendations for a short-term exposure anatoxin-a notification level, interim short-term exposure notification levels for microcystins, and cylindrospermopsin, and an interim acute (less than one day) exposure for saxitoxins. In June 2022, OEHHA provided notification level recommendations for anatoxin-a, microcystins, and cylindrospermopsin based on acute exposure. Saxitoxins method development and multi-laboratory validation was completed in 2025, with laboratory accreditation available as of October 2025.

c. **Perfluoro heptanoic Acid (PFHpA)**
Adverse health effects associated with PFAS vary widely across the chemical group. California has established notification and response levels for PFOA, PFOS, PFBS, PFHxS, and PFHxA. DDW plans to issue notification and response levels for PFHpA following receipt and review of a recommendation from OEHHA.

5. **Cross-Connection Control Policy Handbook Revisions**
The State Water Board adopted the Cross-Connection Control Policy Handbook in December 2023, which took effect in July 2024 and replaced regulations previously contained in the California Code of Regulations. The Board subsequently revised the Policy Handbook in June 2025. DDW proposes to make further revisions related to accreditation of certifying organizations and backflow prevention at existing auxiliary water supplies for Board consideration in spring 2026. Proposed changes were made available for public comment on January 16, 2026, with the comment period closing February 19, 2026.

6. **Environmental Laboratory Accreditation – TNI Dual Certificate Framework**
Under California regulations, laboratories accredited by the California Environmental Laboratory Accreditation Program must follow the 2016 The NELAC Institute (TNI) standards, with the exception of two specific elements regarding proficiency testing and technical manager education requirements. While this modified standard is required statewide, some California laboratories have elected to implement the full TNI standard by seeking accreditation in other states. This allows these laboratories

to do business in states requiring conformance to the full TNI standard but also redirects substantial accreditation fees to out-of-state accrediting bodies. DDW proposes to update the environmental laboratory accreditation regulations to provide for a voluntary full-TNI certificate program that would allow laboratories electing to implement the full TNI standard to receive accreditation directly from California while strengthening California's accreditation program.

7. **Electronic Reporting of Drinking Water Quality Data**
   DDW is developing revised regulations requiring electronic submittal of drinking water analytical results to be reported in a format compliant with U.S. EPA's Cross Media Electronic Reporting Regulation (CROMERR). The proposed regulations would revise the format and form for reporting electronically delivered water quality data. Proposed revisions to the existing regulation are projected for State Water Board consideration in 2026.

8. **Primacy Package Approvals**
   California currently has a substantial backlog of primary enforcement authority ("primacy") packages, with some dating back to pre-1997. Reduction of this backlog is a high priority for U.S. EPA. Primacy packages elements pertaining to Public Notification Rule, Revised Total Coliform Rule, Groundwater Rule, PFAS National Primary Drinking Water Regulation, Lead and Copper Rule and revisions, and Consumer Confidence Rule are underway.

9. **On-site Treated Nonpotable Water Systems Revisions**
   Senate Bill 745 amended Water Code section 13558 and added sections 17921.11 and 18940.7 to the Health and Safety Code. Among other things, these changes added a definition for "water reuse system", which includes systems approved for installation under the California Building Standards Code that captures alternative water sources for nonpotable re-use on-site. This legislation further mandated the research, development, and proposal of building standards to reduce potable water use in new nonresidential buildings, in consultation with the State Water Board. The Board has adopted initial on-site treated nonpotable water system regulations (planned for submission to the Office of Administrative Law in spring 2026). DDW proposes to undertake an additional rulemaking to update the regulations to include building foundation water drainage as a source and cooling towers as an end use. Risk assessment for this effort is underway.

10. **Title 22 Recycled Water Regulations Update**
    Senate Bill 31 amended the California Water Code to allow any public agency to require the use of recycled water for irrigation of residential landscaping when recycled water is available for use and other conditions are met, prohibit any person or public agency from using water suitable for potable domestic use for nonpotable uses if suitable recycled water is available, declared the use of potable domestic water for toilet and urinal flushing in structures a waste or unreasonable use of water if suitable recycled water is available, and authorized the State Water Board to adopt

regulations necessary for the use of recycled water for toilet and urinal flushing. Senate Bill 31 further stated that achieving increased use of recycled water requires regulations to keep pace with the best available science and technology regarding recycled water use. These statutory changes would require amendments to wastewater recycling regulations. Therefore, DDW proposes to adopt and amend recycled water requirements contained in California Code of Regulations, Title 22.

11. **Quinquennial Maximum Contaminant Levels Review**
HSC section 116365, subdivision (a) requires the State Water Board to set primary drinking water standards as close to the corresponding public health goal as is technologically and economically feasible, placing primary emphasis on the protection of public health.

    HSC section 116365, subdivision (g) requires review of each primary drinking water standard at least once every five years. If changes in technology or treatment techniques permit materially greater protection of public health, the State Water Board must amend the standard. Existing MCLs were last reviewed in 2018. The results of that review are available at the State Water Board's MCL Review Process webpage.

    In conducting the 2018 review, staff found that detection limits for purposes of reporting (DLR) at concentrations greater than the corresponding PHGs limits the ability to evaluate public exposure to contaminants at concentrations greater than the PHG but less than the current DLR, hindering evaluations of whether it is technologically feasible to establish MCLs closer to the corresponding PHGs. A discussion of proposed work on lowering DLRs for metals and synthetic organic chemicals is provided above. An analysis of potential for prioritization of MCL revision based on race and ethnicity was completed in 2024.

12. **Financial Assurance and Technical, Managerial, and Financial Standards**
HSC section 116375, subdivision (g) requires the State Water Board to develop regulations for minimum acceptable financial assurances that a public water system shall be required to submit as a demonstration of its capability to provide for the ongoing operation, maintenance, and upgrading of public water systems, including monitoring, treatment, and contingencies. HSC section 116600 requires the State Water Board to develop and adopt regulations for minimum standards related to the technical, managerial, and financial (TMF) capacity of community water systems serving fewer than 10,000 people or 3,300 service connections and nontransient-noncommunity water systems serving kindergarten through twelfth grade (K-12) schools. The TMF standards may include, but would not be limited to, adequacy of source water, infrastructure, staffing and management, governance, and transparency; effectiveness of external contracts and agreements; revenue sufficiency; credit worthiness; and fiscal management and controls. HSC section 116600 requires the State Water Board to conduct at least two virtual statewide public workshops prior to adopting the proposed regulations. HSC section 116601

requires that the compliance deadline for existing water systems shall not be sooner than two years after adoption of the standards. DDW is engaged in preliminary data gathering to support regulation development.

POLICY ISSUE

Should the State Water Board adopt the proposed resolution setting priorities for and guiding staff development of regulations and policies?

FISCAL IMPACT

To be addressed with existing and future budgeted resources.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

Staff recommends that the Board adopt the proposed Resolution.