

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2017-

ADOPTING THE PROPOSED REGULATIONS FOR A 1,2,3-TRICHLOROPROPANE (1,2,3-TCP) MAXIMUM CONTAMINANT LEVEL (MCL) OF 5 PARTS PER TRILLION

WHEREAS:

1. All public water systems are subject to regulations adopted by the State Water Resources Control Board (State Water Board) under the California Safe Drinking Water Act (Health & Safety Code, div. 104, pt. 12, ch. 4, §116270 et seq.);
2. The State Water Board is responsible for adopting primary drinking water standards, which include Maximum Contaminant Levels (MCLs);
3. Health & Safety Code section 116365 requires the State Water Board to set the MCL as close to the Office of Environmental Health Hazard Assessment (OEHHA)-published public health goal (PHG) as is technologically and economically feasible, placing primary emphasis on the protection of public health;
4. In 2009, OEHHA established a PHG for 1,2,3-Trichloropropane (1,2,3-TCP) of 0.7 parts per trillion (ppt) that is based on cancer risk;
5. On March 3, 2017, the State Water Board published a notice of proposed rulemaking pursuant to the requirements of the California Administrative Procedure Act (APA), initiating the mandatory 45-day public comment period, which ran from March 4 through April 21, 2017. Concurrently, the State Water Board released a Notice of Intent to adopt an Initial Study/Mitigated Negative Declaration (IS/MND) for public comment (SCH# 2017032015) pursuant to the California Environmental Quality Act (CEQA);
6. The State Water Board held a public hearing on April 19, 2017. The purpose and intent of the public comment period and public hearing was to receive verbal and written comments from the public on the proposed regulations in accordance with the APA;
7. Following the conclusion of the public comment period on April 21, 2017, State Water Board staff has compiled, reviewed, and responded to every comment received during the comment period;
8. Based on the staff evaluation, none of the public comments resulted in modifications to the proposed regulations or the IS/MND, and no additional public comment period was required under the APA or CEQA;
9. The IS/MND reflects the State Water Board's independent judgment and analysis. After considering the document and comments received during the public review process, the State Water Board hereby determines that the proposed project, with the mitigation measures described therein, will not have a significant effect on the environment. The documents or other material, which constitute the record, are located at the State Water Board;

10. Minor modifications to the Initial Statement of Reasons (ISOR) and responses to all comments that were received during the public comment period will be contained in the Final Statement of Reasons (FSOR), and submitted to the Office of Administrative Law (OAL) as part of the regulations package;
11. All elements of the regulatory package are posted on the program webpage at: http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/123TCP_SBDDW-17-001.shtml; and
12. Written comments received during the public comment period are available at: https://www.waterboards.ca.gov/public_notices/comments/trichloropropane/.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts the IS/MND for the proposed regulations, and will include as a condition in the amended permits to drinking water systems mitigation measures necessary to reduce or eliminate significant impacts on the environment. The State Water Board directs staff to file a Notice of Determination within five days from the issuance of this resolution;
2. The State Water Board adopts the proposed regulations for a 1,2,3-TCP MCL of 5 ppt, which will make modifications to Title 22, California Code of Regulations, Sections 64444, 64445, 64445.1, 64447.4, 64465, and 64481;
3. The State Water Board Executive Director shall sign Form 400 and State Water Board staff shall submit the adopted regulations to OAL for filing with the Secretary of State; and
4. If, prior to OAL filing the regulations with the Secretary of State, State Water Board staff, the State Water Board, or OAL staff determine that non-substantive corrections to the language of the regulations or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director 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 July 18, 2017.

Jeanine Townsend
Clerk to the Board