



RON CHAPMAN, MD, MPH
Director

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

December 2, 2011

NOTICE OF PROPOSED RULEMAKING

Title 22, California Code of Regulations
DPH-09-004, Disinfectant Residuals, Disinfection Byproducts,
and Disinfection Byproduct Precursors

PUBLIC PROCEEDINGS:

NOTICE IS HEREBY GIVEN that the California Department of Public Health will conduct written public proceedings during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

PUBLIC HEARING:

No public hearing has been scheduled; however, any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8. For individuals with disabilities, should a public hearing be scheduled, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of written public hearing materials into Braille, large print, audiocassette, or computer disk. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

To request such services or copies of materials in an alternate format, please write to Coleen Keelan, Office of Regulations, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377, or call (916) 440-7439, or use the California Relay Service by dialing 711.

PUBLIC COMMENT PERIOD:

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on January 16, 2012, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost by dialing 711. Written comments may be submitted as follows:

1. By email to: regulations@cdph.ca.gov;
2. By fax transmission: (916) 440-5747;

3. By mail to: Office of Regulations, California Department of Public Health, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377; or
4. Hand-delivered to: 1616 Capitol Avenue, Sacramento, CA 95814.

Any inquiries or written comments should contain the regulation package identifier, DPH-09-004

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

CONTACT INFORMATION:

Questions regarding the subject matter of the regulation should be directed to:

Mike McKibben
Center for Environmental Health
California Department of Public Health
P.O. Box 997377, Sacramento, CA 95899-7377
(619) 525-4023

Questions regarding the regulatory process described in this notice should be directed to:

Miko Sawamura, Staff Services Manager II
Office of Regulations
California Department of Public Health
P.O. Box 997377, MS 0507, Sacramento, CA 95899-7377
(916) 440-7690

In the event the contact person named above is unavailable, inquiries should be directed to the following back-up person:

Coleen Keelan, Associate Governmental Program Analyst
Office of Regulations
California Department of Public Health
P.O. Box 997377, MS 0507, Sacramento, CA 95899-7377
(916) 440-7439

FISCAL IMPACT ESTIMATE:

- A. Fiscal Effect on Local Government: None
- B. Fiscal Effect on State Government: None
- C. Fiscal Effect on Federal Funding of State Programs: None
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private

person or business would necessarily incur in reasonable compliance with the proposed action: None

E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None

LOCAL MANDATE:

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ECONOMIC IMPACT ON BUSINESS:

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

STATEWIDE EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION:

The Department has determined that the regulations would not significantly affect the following:

1. The creation or elimination of jobs within the State of California.
2. The creation of new businesses or the elimination of existing businesses within the State of California.
3. The expansion of businesses currently doing business within the State of California.

STATEWIDE EFFECT ON SMALL BUSINESS:

The Department has determined that the regulations will not affect small business because public water systems are excluded from the definition of a small business.

STATEWIDE EFFECT ON HOUSING COSTS:

The Department has determined that the regulations will have no impact on housing costs.

REPORTING REQUIREMENT:

The Department has determined that the proposed regulations require reports from businesses, and it is necessary for the health, safety, or welfare of the people of California that the proposed regulations apply to businesses.

CONSIDERATION OF ALTERNATIVES:

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS:

The Department has made available the text and the Initial Statement of Reasons (ISOR) for the proposed regulations on the Department's website at www.cdph.ca.gov. Upon completion of the rulemaking process, the rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based, will be available to the public upon a request submitted to the Department's contact person.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the ISOR) that are available via the Internet may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending and Opportunity for Public Participation, Regulations, Proposed.

To request that a copy of this public notice, the regulation text, and the ISOR or alternate formats for these documents be mailed to you, please call (916) 440-7439 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, send a fax to 916-440-5747, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

AVAILABILITY OF CHANGES TO PROPOSED TEXT:

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation. Copies of modified regulation text may be obtained from the Department's website at www.cdph.ca.gov.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:

All suppliers of domestic water to the public are subject to regulations adopted by the U.S. Environmental Protection Agency (EPA) under the Safe Drinking Water Act of 1974, as amended (42 U.S.C. § 300f et seq.), as well as, by the California Department of Public Health (Department) under the California Safe Drinking Water Act (Health & Saf. Code, div. 104, pt. 12, ch. 4, § 116270 et seq). 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, but only state regulations. Federal law and regulations require that California, in order to receive and maintain primacy, promulgate regulations that are no less stringent than the federal regulations. Pursuant to Health and Safety Code sections 116350, 116375, 131052, and 131200, the California Department of Public Health (Department) has authority to adopt the subject regulations.

On January 4, 2006, the U.S. EPA promulgated the Stage 2 Disinfectants and Disinfection Byproducts Rule (S2DDBPR) (71 Fed. Reg. 388; amended Jan. 27, 2006, 71 Fed. Reg. 4644, June 29, 2006, 71 Fed. Reg. 37168, and June 29, 2009, 74 Fed. Reg. 30953), as required by the Safe Drinking Water Act Amendments of 1996 (SDWAA), which provides increased public health protection by reducing the potential risk of adverse health effects associated with Total Trihalomethanes (TTHM) and five

Haloacetic Acids (HAA5) throughout the distribution system. The S2DDBPR applies to community water systems and nontransient noncommunity water systems using a primary or residual disinfectant other than ultraviolet light or delivering water that has been treated with a primary or residual disinfectant other than ultraviolet light.

This rule builds on the Stage 1 Disinfectants and Disinfection Byproducts Rule (S1DDBPR) by focusing on monitoring for and reducing concentrations of TTHM and HAA5 in drinking water. The S2DDBPR requires some systems to complete an Initial Distribution System Evaluation (IDSE) to characterize TTHM and HAA5 levels in their distribution system and identify locations to monitor TTHM and HAA5 for S2DDBPR compliance. The S2DDBPR bases TTHM and HAA5 compliance on a locational running annual average (LRAA) calculated at each monitoring location.

In 2003, California Assembly Bill 1757 was chaptered, which repealed the Permit Reform Act (PRA) of 1981, which consisted of sections 15374 – 15378 of the Government Code. The PRA of 1981 required the Department to adopt regulations that include procedures for considering and issuing permits, most notably including (1) setting of time from receipt of permit application to notification Department that application was complete, (2) setting of time from completion of an application for Department to make a decision on the permit, and (3) listing of minimum, median, and maximum processing times for permits. With the PRA requirements no longer in place, the current proposed rulemaking will repeal regulations adopted in conformance with the PRA of 1981.

On June 17, 2006, and September 1, 2006, the Department's regulations concerning Disinfectants/Disinfection Byproducts in Drinking Water (R-62-00) and Public Notification of Drinking Water Violations (R-59-01) became effective, respectively. As both regulations were in the rulemaking process concurrently, not all of the federal Public Notification Rule (65 Fed. Reg. 25982 (May 4, 2000)) requirements could be included in the Department's public notification regulations. The proposed rulemaking will include the remaining public notification and consumer confidence report requirements from the federal Public Notification Rule that relate to the federal S1DDBPR. The proposed rulemaking will also include, for clarity, a provision from the federal S1DDBPR on monitoring violations.

California currently requires community water systems and nontransient noncommunity water systems to monitor for TTHM and HAA5 in the distribution system, if the water systems (1) treat their water with a chemical disinfectant in any part of the treatment process or (2) provide water containing a chemical disinfectant. (Cal. Code Regs., tit. 22, div. 4, ch. 15.5, § 64530 et. seq).

Pursuant to federal primacy requirements and sections 116350, 116375, 131052, and 131200 of the Health and Safety Code, the Department proposes the below noted changes to title 22. In addition to these changes, the Department proposes a number of non-substantive changes, which are not described in detail below due to their minor nature. The non-substantive changes are to correct capitalization, grammar, punctuation, spacing, and use of acronyms, plurals, and italics; redesignate subsections

and paragraphs; update reference to the outdated phrase “California Administrative Code”; and update or delete reference to outdated division, part, chapter, group, article, section, and table numbers.

- Amend section 60001 (Department) to provide an alternate spelling of “Department” used in new and revised regulations and update the name of the state regulating agency.
- Amend section 60003 (Director) to update the name of the state regulating agency.
- Adopt article 2 (Monitoring and Reporting Requirements – Scope) and section 60098 (Monitoring and Reporting Requirements) to clarify what regulatory requirements are included in section 116275(c)(3) as monitoring and reporting violations.
- Repeal section 60430 (Processing Time) to conform to the repeal of the PRA of 1981.
- Amend section 63790 (Examination Scheduling and Application Processing) to conform to the repeal of the PRA of 1981 and provide a title that is more descriptive and appropriate for the section.
- Amend section 63835 (Certification and Renewal Application Processing) to conform to the repeal of the PRA of 1981, clarify existing language, and provide a title that is more descriptive and appropriate for the section.
- Amend section 64001 (Water Permit Application) to conform to the repeal of the PRA of 1981 and establish permit submittal requirement for a permit or amended permit.
- Repeal section 64002 (Processing Time) to conform to the repeal of the PRA of 1981 and delete obsolete language.
- Amend section 64211 (Permit Requirement) to conform to the repeal of the PRA of 1981.
- Amend section 64213 (Chemical Quality Monitoring) to update a reference to approved analytical methods for volatile organic chemical analysis.
- Amend section 64252 (Primacy Delegation Application) to (1) require Local Primacy Agencies (LPAs) to include in their application (a) the compliance status of water systems with chapter 15.5 and (b) an annual workplan, (2) delete obsolete language, and (3) conform to the repeal of the PRA of 1981.
- Amend section 64254 (Permits) to require LPAs to include compliance with chapter 15.5 during permit issuance.
- Amend section 64256 (Sampling and Monitoring) to ensure LPAs require water systems to comply with monitoring requirements of chapter 15.5.
- Amend section 64257 (Reporting) to require LPAs to report compliance of water systems with chapter 15.5.
- Amend section 64258 (Enforcement) to require LPAs to enforce chapter 15.5.
- Adopt sections 64400.05 (Combined Distribution System), 64400.29 (Consecutive System), 64400.36 (Dual Sample Set), 64400.41 (Finished Water), 64400.66 (Locational Running Annual Average or LRAA), 64400.90 (Operational Evaluation Levels or OEL), 64402.30 (Wholesale System) to add necessary definitions.

- Amend section 64400.45 (GAC10) to revise the definition of GAC10 and clarify the monitoring frequency.
- Adopt 64400.46 (GAC20) to add a necessary definition and clarify the monitoring frequency.
- Amend section 64415 (Laboratory and Personnel) to clarify who may perform required analyses, sample collection, and field tests; allow the use of methods for unique California-only regulated contaminants; and provide needed flexibility in the event the Department determines a U.S. EPA approved method is unacceptable.
- Repeal section 64439 (Trihalomethanes Requirements) to eliminate obsolete requirements; TTHM is now regulated under chapter 15.5.
- Amend section 64463.1 (Tier 1 Public Notice) to include notification of chlorite maximum contaminant level (MCL) and chlorine dioxide maximum residual disinfectant level (MRDL) violations. The U.S. EPA currently requires Tier 1 and Tier 2 public notification for violation of the chlorine dioxide MRDL and Tier 2 public notification for violation of the chlorite MCL. Chlorite is a degradation product of chlorine dioxide. The federal maximum residual disinfectant level goal for chlorine dioxide is 0.8 mg/L, the same as the maximum contaminant level goal for chlorite. The listed endpoints of concern for both are the neurodevelopmental effects associated with short-term exposures. As chlorine dioxide and chlorite have the same acute health effects, the Department believes that the response to excess chlorite in drinking water should not be less stringent than that for chlorine dioxide.
- Amend section 64463.4 (Tier 2 Public Notice) to include notification of MRDL violations and chapter 15.5 monitoring and testing procedure violations.
- Repeal section 64468.5 (Health Effects Language – Disinfectants and Disinfection Byproducts) to delete obsolete language; health effects language for disinfectants and disinfection byproducts is now regulated in appendix 64465-G.
- Amend section 64470 (Record Maintenance) to use the term “microbiological” in lieu of “bacteriological” and require recordkeeping for turbidity analyses and monitoring plans.
- Amend section 64481 (Content of the Consumer Confidence Report) to (1) revise the definition of primary drinking water standard; add definitions for MRDL and MRDL goal; require reporting of chapter 15.5 detected contaminants; revise the type of information to be reported in the table of detected contaminants; clarify reporting of recycled provisions violations; use the phrase “California Department of Public Health” in lieu of “State Department of Health Services”; and delete references to obsolete federal requirements, (2) appendix 64481-A (Typical Origins of Contaminants with Primary MCLs) – provide a title that is more descriptive and appropriate for the appendix; adopt health effects language for surface water treatment, disinfection byproducts, disinfection byproduct precursors, and disinfectant residuals; and delete the obsolete TTHM health effects language, and (3) appendix 64481-B (Typical Original of Contaminants with Secondary MCLs) – adopt health effects language for copper and delete the obsolete corrosivity health effects language.

- Amend section 64530 (Applicability of this Chapter) to specify applicability and schedules for water systems to (1) comply with IDSE requirements (incorporated federal rule by reference) and (2) conduct TTHM and HAA5 compliance monitoring and compliance calculations.
- Amend section 64533 (Maximum Contaminant Levels for Disinfection Byproducts) to revise detection limits for purposes of reporting disinfection byproducts and establish additional best available technologies for TTHM and HAA5 in table 64533-B (Best Available Technology Disinfection Byproducts).
- Amend section 64534 (General Monitoring Requirements) to clarify who may perform required analyses, sample collection, and field tests; provide needed flexibility in the event the Department determines a U.S. EPA approved method is unacceptable; update federal rule citations relating to the proposed rulemaking; allow the use of U.S. EPA approved alternative testing methods; clarify that sample collection and field tests are to be performed by persons trained to perform such sample collections and/or tests; clarify the applicability of subsection (d); delete an outdated reference to the federal Information Collection Rule (ICR), because the ICR only remained in effect until December 30, 2000 (61 Fed. Reg. 24354 (May 14, 1996)); and clarify what constitutes monitoring violations and actions to be taken.
- Amend section 64534.2 (Disinfection Byproducts Monitoring) to establish additional criteria to resume routine TTHM/HAA5 monitoring based on source water total organic carbon (TOC) results; clarify when to analyze chlorite samples collected daily at the entrance to the distribution system; establish when to analyze chlorite samples collected in the distribution system [paragraph (b)(1)] and establish criteria for chlorite confirmation sampling and analysis for samples collected in the distribution system [paragraph (b)(4)] (it is constructed similarly to the determination for perchlorate; since chlorite poses a relatively acute risk of adverse effects, it is important to move quickly and take actions in response to the initial result); establish new criteria to reduce or remain on reduced bromate monitoring; require Department notification within 30 days if a system elects to reduce bromate monitoring or is required to resume routine bromate monitoring; establish criteria to resume routine bromate monitoring; establish routine, reduced, and increased monitoring requirements for TTHM and HAA5, when MCL compliance is determined on a LRAA basis at each monitoring location; establish requirements for undisinfected systems that begin using a disinfectant other than UV light after the IDSE compliance dates; require an operational evaluation when an operation evaluation level (OEL) is exceeded for TTHM or HAA5; when a system is able to identify the cause of the OEL exceedance, the request to limit the scope of the operational evaluation must be in writing; specify the time period associated with monitoring violations; and cite the sections that provide the detailed requirements for public notification and Department reporting.
- Amend section 64534.6 (Disinfection Byproduct Precursors (DBPP) Monitoring) to establish source water TOC monitoring requirements for systems that use an approved surface water, do not use conventional filtration to treat the water (i.e., a system uses direct filtration, diatomaceous earth filtration, or an alternative

filtration technology, or meets the filtration avoidance criteria), and are seeking to qualify for reduced TTHM and HAA5 monitoring.

- Amend section 64534.8 (Monitoring Plans) to establish monitoring plan requirements for TTHM and HAA5 compliance monitoring locations, when MCL compliance is determined on a LRAA basis at each monitoring location.
- Amend section 64535.2 (Determining Disinfection Byproducts Compliance) to clarify TTHM and HAA5 compliance determination requirements during the first year of monitoring, when MCL compliance is determined on a statewide basis and on a LRAA basis at each monitoring location; replace “at the end of the quarter” with “immediately” to clarify when the violation has occurred and for consistency with public notification requirements, which requires a water system to issue a notice when it learns of the violation; delete chlorite compliance determination requirements where non-compliance with the chlorite MCL would trigger Tier 2 public notification based on the arithmetic average of each three sample-set taken in the distribution system; establish chlorite compliance determination requirements where non-compliance with the chlorite MCL would trigger (1) Tier 1 and Tier 2 public notification based on samples taken at the entrance to the distribution system and in the distribution system, respectively (note: subsections(d)(1) and (d)(3) are constructed similarly to the determination for chlorine dioxide) and (2) Tier 1 public notification base on initial and confirmation samples taken in the distribution system (note: compliance based on a locational average is more stringent than a compliance based on a system average that includes the confirmation samples); establish TTHM and HAA5 compliance determination requirements after the first year of monitoring when MCL compliance is determined on a LRAA basis at each monitoring location; clarify how TTHM and HAA5 MCL compliance is determined if system is on increased monitoring; specify the time period associated with MCL violations when MCL compliance is determined on a LRAA basis at each monitoring location; and cite the sections that provide the detailed requirements for public notification and Department reporting.
- Amend section 64537 (General Reporting Requirements) to provide a more appropriate title for the section; clarify the reporting deadline for systems that sample less frequently than quarterly; establish water system and Department notification requirements for a chlorite MCL or chlorine dioxide MRDL exceedance; establish operational evaluation reporting requirements; and establish monitoring plan and chemical analysis recordkeeping requirements.
- Amend section 64537.2 (Disinfection Byproducts Reporting) to clarify applicability of reporting under table 64537.2-A; delete a chlorite reporting requirement that will be obsolete with the revisions made to section 64535.2(d); establish a chlorite reporting requirement, when a confirmation sample is taken pursuant to section 64634.2(b)(4); and establish TTHM and HAA5 reporting requirements when MCL compliance is determined on a LRAA basis at each monitoring location, under table 64537.2-B.

The net effect is that:

- Community water systems (CWS), and nontransient noncommunity water systems (NTNCWS) serving at least 10,000 persons, using a primary or residual disinfectant other than ultraviolet light or delivering water that has been treated with a primary or residual disinfectant other than ultraviolet light would be required to conduct an IDSE to characterize locations with high TTHM and HAA5 concentrations.
- CWS and NTNCWS using a primary or residual disinfectant other than ultraviolet light or delivering water that has been treated with a primary or residual disinfectant other than ultraviolet light would be required to:
 - Report TTHM and HAA5 results with respect to revised detection limits for purposes of reporting.
 - Comply with new routine, reduced, and increased monitoring requirements for TTHM and HAA5.
 - Comply with TTHM and HAA5 MCLs on a LRAA basis at each monitoring location.
 - If the operational evaluation level for TTHM or HAA5 is exceeded, conduct an operational evaluation and submit a report to the Department.
 - Update and submit to the Department monitoring plans to specify TTHM and HAA5 monitoring locations, where MCL compliance is determined on a LRAA basis at each monitoring location.
 - Report to the Department information on TTHM and HAA5 monitoring and MCL compliance, where MCL compliance is determined on a LRAA basis at each monitoring location.
- CWS and NTNCWS that treat their water with a chemical disinfectant in any part of the treatment process or provide water containing a chemical disinfectant would be required to:
 - If using chlorine or chloramines as a disinfectant:
 - Comply with additional criteria to resume routine TTHM and HAA5 monitoring (compliance on a system-wide basis).
 - If using chlorine dioxide as a disinfectant:
 - Report chlorite results with respect to a revised detection limit for purposes of reporting.
 - Comply with time frames for analyzing chlorite samples collected at the entrance to the distribution system and collected in the distribution system.
 - Conduct confirmation sampling for chlorite in the distribution system when applicable.
 - Comply with chlorite MCL and chlorine dioxide MRDLs, where non-compliance results in Tier 1 or Tier 2 public notification.
 - Comply with laboratory notification requirements of the water system and Department when a sample exceeds a chlorite MCL or chlorine dioxide MRDL.
 - Report to the Department information on chlorite monitoring and MCL compliance.
 - If using ozone as a disinfectant:

- Report bromate results with respect to a revised detection limit for purposes of reporting.
- Comply with new criteria to reduce or remain on reduced bromate monitoring.
- Notify the Department if going on reduced bromate monitoring or resuming routine bromate monitoring.
- Comply with criteria to resume routine bromate monitoring.
- If using an approved surface water, not using conventional filtration, and seeking to qualify for reduced TTHM and HAA5 monitoring:
 - Conduct source water TOC monitoring.
- Update and submit to the Department monitoring plans if applicable.
- Undisinfected CWS and NTNCWS that begin using a disinfectant other than UV light after the IDSE compliance dates would be required to consult with the Department, establish monitoring locations, and prepare a monitoring plan.
- LPAs would be granted the responsibility and authority to implement and enforce chapter 15.5.
- CWS and NTNCWS would be required to conduct:
 - Tier 1 public notification for acute violation of the chlorite MCL or chlorine dioxide MRDL.
 - Tier 2 public notification for:
 - non-acute violation of the chlorite MCL or chlorine dioxide MRDL or,
 - if the Department determines a Tier 2 rather than a Tier 3 public notice is required, violation of other monitoring and testing procedure requirements of chapter 15 (i.e., public notification and consumer confidence report requirements) or chapter 15.5.
- Public water systems would be required to maintain records for microbiological (in lieu of bacteriological) analyses, turbidity analyses, and monitoring plans.
- Public water systems would be required to include in their Consumer Confidence Report, if applicable, detections and violations of chapter 15.5 contaminants, violations of regulatory action levels and recycled provisions, and health effects language for surface water treatment, chapter 15.5 contaminants, and copper.
- Public water systems would be allowed to use U.S. EPA approved alternative test methods for analysis of chapter 15.5 contaminants.
- The Department would no longer be required to regulate its activities when considering and issuing permits.

None of the proposed amendments would affect California's primacy status, because the net effect of these amendments is that the state's regulation would be at least as stringent as the federal regulation.

The following table summarizes the proposed amendments with respect to the Federal citation references:

- 2009 FR are to 40 Code of Federal Regulations part 141 (74 Fed. Reg 30953 (June 29, 2009)), "National Primary Drinking Water Regulations: Minor

Correction to Stage 2 Disinfectants and Disinfection Byproducts Rule and Changes in References to Analytical Methods”.

- 2006 FR are to 40 Code of Federal Regulations, part 141 (71 Fed. Reg. 388 (January 4, 2006)), “Stage 2 Disinfectants and Disinfection Byproducts Rule”.
- 1/2006 FR are to 40 Code of Federal Regulations part 141 (71 Fed. Reg. 4644 (January 27, 2006), “Stage 2 Disinfectants and Disinfection Byproducts Rule, Correction”.
- 6/2006 FR are to 40 Code of Federal Regulations part 141 (71 Fed. Reg. 37168 (June 29, 2006)), “Stage 2 Disinfectants and Disinfection Byproducts Rule, Correction”.
- 2000 FR are to 40 Code of Federal Regulations part 141 (65 Fed. Reg. 25982 (May 4, 2000)), “Public Notification Rule”.
- 1998 FR are to 40 Code of Federal Regulations part 141 (63 Fed. Reg. 44512 (August 19, 1998), “Consumer Confidence Reports”.
- 12/1998 FR are to 40 Code of Federal Regulations part 141 (63 Fed. Reg. 69390 (December 16, 1998), “Disinfectants and Disinfection Byproducts Rule”.

State Citation	Federal Citation	Differences
64400.36	2006 FR; 141.2	Did not include the federal language concerning the purpose of the definition, as this is considered narrative.
64400.45	2006 FR; 141.2	Added language to clarify the monitoring frequency.
64400.46	2006 FR; 141.2	Added language to clarify the monitoring frequency.
64481(d)(3)	2000 FR; 141.153(d)(6)	Added language to clarify that the table shall clearly identify any data indicating a violation of regulatory action levels.
64481(g)(2)	1998 FR; 141.153(f)(2)	Added language to clarify that recycled provisions are part of the Subpart H filtration and disinfection requirements.
64481, Appendix 64481-A, Disinfection Byproducts, Disinfection Byproduct Precursors, and Disinfectant Residuals	2000 FR; Appendix A to Subpart O of Part 141	Disinfectants (Chloramines, Chlorine, and Chlorine Dioxide) – Modified language for ease in understanding the relationship to disinfection byproducts. Control of Disinfection Byproduct Precursors (Total Organic Carbon) – Modified language to include manmade sources as a source of TOC.
64530(c)	2009 FR; 141.605(b) 2006 FR; 141.600 – 141.605	Incorporated IDSE requirements by reference.
64534.2(c)(2)	2006 FR; 141.132(b)(3)(ii)(B)	Added language to require CDPH notification of a change in

State Citation	Federal Citation	Differences
		monitoring frequency. The notification is necessary to inform CDPH that monitoring is reduced as the system qualified for reduced monitoring and is not a result of a monitoring failure.
64534.2(c)(3)	2006 FR; 141.132(b)(3)(ii)(B)	Added language to require CDPH notification of a change in monitoring frequency. The notification is necessary to inform CDPH that monitoring is reduced as the system qualified for reduced monitoring and is not a result of a monitoring failure.
64534.2(d)(1), Table 64534.2-C	2009 FR; 141.621(a)(2), Footnote 2 2006 FR; 141.620(c)(6) & 141.621(a)(2)	For clarity, reorganized column order, column headings, and footnote numbering.
64534.2(d)(3)	2006 FR; 141.623(a)	For consistency with existing state regulation [section 64534.2(a)(1)], added language to (1) require the system to apply to the Department for reduce monitoring and (2) specify what information must be included in the application for the Department to make a determination. An application to reduce monitoring is necessary to ensure that all criteria are met before a system reduces monitoring.
64534.2(d)(3), Table 64534.2-D	2006 FR; 141.623(a)	For clarity, reorganized column order and column headings. For systems using only groundwater not under direct influence of surface water and serving <500 population, the number of distribution system monitoring locations is revised to read "1 dual sample set every third year" instead of "1 dual sample set per year" to agree with "every third year" in the monitoring period column. The monitoring frequency disagreement and the language that was intended are discussed on page 30955 in 2009 FR.
64534.2(d)(6)	2006 FR; 141.626(a) & (b)	Added language to clarify that system request to limit the scope of the operational evaluation

State Citation	Federal Citation	Differences
		must be in writing.
64534.6(c)(1)	2006 FR; 141.132(b)(1)(iii)	Does not include reference to “April 1, 2008” since that date has passed.
64534.6(c)(2)	2006 FR; 141.132(b)(1)(iii)	<p>Added language to clarify when a system on reduced source water TOC monitoring would need to return to routine source water TOC monitoring.</p> <p>Revised “at the end of the quarter” to read “immediately” to clarify when the violation has occurred and for consistency with public notification requirements, which requires a water system to issue a notice when it learns of the violation.</p>
64534.8(a)	2006 FR; 141.622(a)(1), (b), & (c)	<p>Retained existing state language for consistency to (1) require all systems to submit plans to the Department for review and approval prior to implementation (2) make plans available to the public available no later than 30 days following the applicable compliance date. The federal language requires systems serving more than 3300 persons to submit plans prior to monitoring, if the systems did not include the information in their IDSE report. The Department believes it is necessary to review and approve all plans before monitoring begins to verify that the proposed monitoring locations and frequencies are appropriate.</p>
64535.2(e)(2)	2006 FR; 141.620(d)(2)	Added language to clarify how MCL compliance is determined if system is on increased monitoring.

Documents Incorporated by Reference

The following documents are incorporated by reference in the regulations as it would be too cumbersome, unduly expensive, or impractical to publish these documents into regulation.

- 1) 40 Code of Federal Regulations parts 141.131, 141.605, and 141.621 (74 Fed. Reg 30953 (June 29, 2009)), “National Primary Drinking Water Regulations:

Minor Correction to Stage 2 Disinfectants and Disinfection Byproducts Rule and Changes in References to Analytical Methods”.

- 2) 40 Code of Federal Regulations, parts 141.600, 141.601, 141.602, 141.603, 141.604, and 141.605 (71 Fed. Reg. 388 (January 4, 2006)), “Stage 2 Disinfectants and Disinfection Byproducts Rule”.
- 3) 40 Code of Federal Regulations part 141.131 (71 Fed. Reg. 37168 (June 29, 2006)), “Stage 2 Disinfectants and Disinfection Byproducts Rule, Correction”.
- 4) 40 Code of Federal Regulations part 141.131 (63 Fed. Reg. 69390 (December 16, 1998)), “Disinfectants and Disinfection Byproducts”.
- 5) 40 Code of Federal Regulations parts 141.701(a)(4) and (a)(6) (71 Fed. Reg. 654 (January 5, 2006)), “Long Term 2 Enhanced Surface Water Treatment Rule”.
- 6) 40 Code of Federal Regulations part 141.131 (66 Fed. Reg. 3770 (January 16, 2001)), “Revisions to the Interim Enhanced Surface Water Treatment Rule (IESWTR), the Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1DBPR), and Revisions to the State Primacy Requirements to Implement the Safe Drinking Water Act (SDWA) Amendments”.

Note: All Federal Register references may also be viewed, at no cost, through the following internet address: <http://www.gpoaccess.gov/fr/index.html>.

AUTHORITY: Sections 4011, 4019, 106910, 116325, 116340, 116350, 116375, 116735, 131052 and 131200, Health and Safety Code; Section 15376, Government Code; Sections 21000-21176, Public Resources Code

REFERENCE: Sections 20, 21, 100275, 106875, 106880, 106910, 116275, 116330, 116340, 116350, 116365, 116375, 116385, 116390, 116400, 116450, 116460, 116525, 116530, 116535, 116540, 116545, 116550, 116555, 116590, 116595, 116625, 116650, 116655, 116660, 116665, 116670, 116675, 116725, 116730, 116735, 116740, 116745, 116750; Section 15376, Government Code; Sections 21000-21176, Public Resources Code; 40 CFR 141