

**Final Statement of Reasons  
Disinfectant Residuals, Disinfection Byproducts, and  
Disinfection Byproduct Precursors  
Title 22, California Code of Regulations**

**UPDATE OF INITIAL STATEMENT OF REASONS**

The information contained in the Initial Statement of Reasons (ISOR) remains unchanged. All contents of the ISOR are hereby incorporated by reference into the Final Statement of Reasons.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF DECEMBER 2, 2011, THROUGH JANUARY 16, 2012**

This regulation (DPH-09-004) was made available to the public on December 2, 2011, and ended at 5:00 pm on January 16, 2012. A request for a public hearing was not received and, therefore, a public hearing was not held. Comments were received from two commentators as a result of the written public comment proceedings.

**Addendum 1 – Commentators Providing Written Comments**

<b>Number</b>	<b>Commentator(s)</b>	<b>Representation</b>
1	Eddy So	San Francisco Public Utilities Commission
2	Joyce Dillard	Self

**Addendum 2 – Comments and Responses**

**Sections 64001(a) and (b), CCR.** Commentator 1 suggested retaining the specified time durations in which the Department would be required to take action on water permit applications.

*Response: A regulation is defined generally as a rule of general application that is adopted by a state agency to implement or interpret the law enforced or administered by the state agency. Regulations are designed to give notice to persons subject to laws administered by the agency of what the agency requires of them. The requirements being repealed in the referenced sections were adopted only because another law, the Permit Reform Act, required it. Therefore, since the Permit Reform Act has been repealed, there is no longer a need for the regulations.*

**Section 64211, CCR.** Commentator 1 stated the same comment concerning sections 64001(a) and (b), CCR applies to section 64211 for state small water systems.

*Response: No change is needed for the reasons previously discussed.*

**Section 64400.90, CCR.** Commentator 1 suggested rewording the definition to clarify the sample location where the Operational Evaluation Level (OEL) applies.

*Response: Section 64534.2(d)(6) identifies the sample location where the OEL applies (i.e., at any monitoring location). Additionally, the commentator's suggested language could potentially lead to an interpretation that TTHM and HAA5 results should be comingled when determining a system's OEL. Therefore, no change is needed.*

**Sections 64463.1(a)(7)(B) and (a)(8), CCR.** Commentator 1 suggested adding “the laboratory’s notification of” after the word “following”.

*Response: Section 64537(b) requires systems to require laboratories to notify the system the same day samples are taken and analyzed whenever the level of chlorite in an entrance to the distribution system sample exceeds the chlorite MCL or the level of chlorine dioxide in an entrance to the distribution system sample exceeds the chlorine dioxide MRDL. As such, the suggested addition to sections 64463.1(a)(7)(B) and (a)(8) are unnecessary. Therefore, no change is needed.*

**Appendix 64481-A, CCR.** Commentator 1 stated that (a) the typical origins of contaminants with primary MCLs, MRDLs, regulatory action levels, and treatment techniques are to be included in the Consumer confidence Report if the contaminants are detected and (b) “We are not sure if the inclusion of Legionella, Heterotrophic Plate Count, and Bacteria is appropriate, as these microbiological contaminants do not have any of the aforementioned standards under the Surface Water Treatment chapter”.

*Response: Chapter 17, Surface Water Treatment, Section 64650(a), CCR states that Chapter 17 establishes treatment techniques in lieu of maximum contaminant levels for turbidity and the following microbial contaminants: Giardia lamblia (cysts), viruses, heterotrophic plate count (HPC) bacteria, and Legionella. Therefore, inclusion of Legionella and heterotrophic plant count bacteria in Appendix 64481-A is appropriate, and no change is needed.*

**Table 64534.2-C, CCR.** Commentator 1 suggested modifying the column heading term “Persons served” to read “Persons served directly by the system” to clarify that the people served does not include those served by consecutive systems and for consistency with the intent of the corresponding EPA regulation.

*Response: The term “Persons served” is used for consistency with existing regulation (see Table 64534.2-A) and is consistent with the intent of the corresponding EPA regulation, which uses the term “Population size category” (see 40 CFR part 141.621 (71 Fed. Reg. 388 (January 4, 2006))). Therefore, no change is needed.*

**Section 116525, CHSC.** Commentator 2 stated “With recycled water becoming part of the water supply equation, how does an underground storage tank that requires treatment for use as landscaping become part of this definition [of a public water system under section 116525, CHSC]”.

*Response: The comment refers to a statute and an issue that is unrelated to the regulation proposal. No response is required.*

## **STATEMENTS OF DETERMINATION**

### **Local Mandate Determination**

The proposed regulations do not impose a mandate on local agencies or school districts.

### **Alternatives Considered**

No alternatives considered by the Department would be more effective in carrying out the purpose for which the regulation proposed or would be as effective as and less burdensome to affected private persons than the adopted regulation.

### **Impact on Business**

The Department has made a 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.

## **ADDITIONAL PROGRAM STATEMENTS**

### **California Conference of Local Health Officers Review**

Pursuant to H&S Code Section 13205, the Department provided a copy of the public notice document, including the text of the proposed regulation text and the Initial Statement of Reasons, to the California Conference of Local Health Officers for review and comment.

### **California Environmental Quality Act**

Note that the Department finds that adoption of the subject regulations constitutes action by a regulatory agency, which action is expressly authorized by state statute for protection of the environment and does not involve the relaxation of any standard for protection of the environment; and is therefore categorically exempt from compliance with the California Environmental Quality Act (CEQA) as a Class 8 exemption pursuant to CEQA Guidelines, 14 CCR 15308. The Department further finds that the adoption of the subject regulations does not fall within any exception to categorically exempt projects described in Public Resources Code 21084.