

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

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.

Chapter 1, Article 1

- 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.

Chapter 1, Article 2

- 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.

Chapter 4, Article 3

- Repeal section 60430 (Processing Time) to conform to the repeal of the PRA of 1981.

Chapter 13, Article 3

- 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.

Chapter 14, Article 1

- 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.

Chapter 14, Article 3

- 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.

Chapter 14, Article 4

- 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.

Chapter 15, Article 1

- 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.

Chapter 15, Article 2

- 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.

Chapter 15, Article 4.5

- Repeal section 64439 (Trihalomethanes Requirements) to eliminate obsolete requirements; TTHM is now regulated under chapter 15.5.

Chapter 15, Article 18

- 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.

Chapter 15, Article 19

- Amend section 64470 (Record Maintenance) to use the term “microbiological” in lieu of “bacteriological” and require recordkeeping for turbidity analyses and monitoring plans.

Chapter 15, Article 20

- 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.

Chapter 15.5, Article 1

- 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.

Chapter 15.5, Article 2

- 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).

Chapter 15.5, Article 3

- 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 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.

Chapter 15.5, Article 4

- 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.

Chapter 15.5, Article 6

- 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
60001	None	
60003	None	
60098	None	
60430	None	
63790, Section Title	None	
64790	None	
63835	None	
64001	None	
64002	None	
64211	None	
64212	None	
64213	None	
64252(a)(1) – (a)(5)(B)	None	
64252(a)(6)(A) – (i)	None	
64254(a) and (c)	None	
64255(a) – (b)(2)	None	
64255(c) – (f)	None	

State Citation	Federal Citation	Differences
64256	None	
64257(a) – (a)(2)(B)	None	
64257(b) and (c)	None	
64258	None	
64259	None	
64400.05	2006 FR; 141.2	
64400.29	2006 FR; 141.2	
64400.36	2006 FR; 141.2	Did not include the federal language concerning the purpose of the definition, as this is considered narrative.
64400.41	2006 FR; 141.2	
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.
64400.66	2006 FR; 141.2	
64400.90	2006 FR; 141.626(a)	
64402.30	2006 FR; 141.2	
64415(a) – (b)(3)	None	
64439	2006 FR; 141.12 & 141.30	
64463.1(a) and (a)(1)(A)	None	
64463.1(a)(3)(A)	None	
64463.1(a)(4) – (a)(6)	None	
64463.1(a)(7) – (a)(7)(C)	None	
64463.1(a)(8)	2000 FR; 141.202(a)	
64463.1(b)(1) and (c)	None	
64463.4(a)	None	
64463.4(a)(1)	2000 FR; 141.203(a)	
64463.4(a)(1)(A)	None	
64463.4(a)(3)	2000 FR; 141.203(a)	
64463.4(b) and (b)(2)	None	
64463.4(c) and (c)(1)	None	
64468.5	2006 FR; 141.32	
64470(a) and (b)	None	
64470(b)(1)	2006 FR; 141.33(a)	
64470(b)(1)(A) – (b)(1)(E)	None	
64470(b)(2) – (b)(5)	None	
64470(b)(6)	2006 FR; 141.33(f)	
64481(a) and (a)(1)	None	

State Citation	Federal Citation	Differences
64481(b)(5)	None	
64481(b)(8)	2000 FR; 141.153(c)(3)(iv)	
64481(b)(9)	2000 FR; 141.153(c)(3)(iii)	
64481(c)(1)	2000 FR; 141.153(d)(1)(i)	
64481(c)(2) and (c)(3)	None	
64481(d)(1) – (d)(1)(B)	None	
64481(d)(2), (d)(2)(B), and (d)(2)(C)	None	
64481(d)(2)(D)1.A. – 1.C.	None	
64481(d)(2)(D)2. – 2.B.	2006 FR; 141.153(d)(4)(iv)(B)	
64481(d)(2)(D)3.	2006 FR; 141.153(d)(4)(iv)(C)	
64481(d)(2)(D)4.	None	
64481(d)(2)(E)1. – 2.	None	
64481(d)(2)(F), (H), and (I)	None	
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(e)	None	
64481(g)	None	
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(g)(3) and (g)(6)	None	
64481(i), (i)(2)(A) – (i)(2)(E), and (i)(3)	None	
64481(j) – (m)	None	
64481, Appendix 64481-A, Surface Water Treatment	None	
64481, Appendix 64481-A, Synthetic Organic	None	
64481, Appendix 64481-A, Volatile Organic	None	
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.

State Citation	Federal Citation	Differences
64481, Appendix 64481-B	None	
64530(a)	None	
64530(c)	2009 FR; 141.605(b) 2006 FR; 141.600 – 141.605	Incorporated IDSE requirements by reference.
64530(d)	2006 FR; 141.620(b)	
64530(d)(1)	2006 FR; 141.620(c)	
64530(d)(1), Table 64530-A	2006 FR; 141.620(c)(1) – (c)(5) 1/2006 FR; 141.620(c)(4)	
64530(d)(2)	2006 FR; 141.620(c)(6)(i)	
64530(d)(2)(A)	2006 FR; 141.620(c)(6)(i)	
64530(d)(2)(B)	2006 FR; 141.620(c)(7) & 141.629(a)(1)(iii)	
64530(d)(3)	2006 FR; 141.620(c)(6)(ii)	
64530(d)(3)(A)	2006 FR; 141.620(c)(6)(ii)	
64530(d)(3)(B)	2006 FR; 141.620(c)(7) & 141.629(a)(1)(iii)	
64531	None	
64533, Table 64533-A	2006 FR; 141.131(b)(2)(iv)	
64533, Table 64533-B	2006 FR; 141.64(b)(1)(ii), (b)(2)(ii), & (b)(2)(iii)	
64534(a)	2009 FR; 141.131(b)(1), (c)(1), and (d) 6/2006; 141.131(c)(1) 2006 FR; 141.131(a)(1), (a)(2), (b)(1), (b)(2), (c)(1), (d)(2), (d)(3), (d)(4), and (d)(6), 141.135(a)(3)(ii), & 141.621(b)	
64534(b), (b)(1) – (b)(3), and (d)	None	
64534(e)	2006 FR; 141.623(a)	
64534(f)	2006 FR; 141.620(e) & 141.625(b) 12/1998 FR; 141.132(a)(4)	
64534(g)	12/1998 FR; 141.132(a)(3)	
64534.2(a)(1)	None	
64534.2(a), Table 64534.2-B	None	
64534.2(a)(2)	2006 FR; 141.132(b)(1)(iii) & (b)(1)(iv)	
64534.2(b)(1)	None	
64534.2(b)(2) and (b)(3)	None	
64534.2(b)(4)	None	
64534.2(c)(1)	None	

State Citation	Federal Citation	Differences
64534.2(c)(2)	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(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(c)(3)(A)	2006 FR; 141.132(b)(3)(ii)(B)	
64534.2(c)(3)(B)	2006 FR; 141.132(b)(3)(ii)(A)	
64534.2(d)	2006 FR; 141.621(a)(2)	
64534.2(d)(1)	2006 FR; 141.620(c)(6) & 141.621(a)(2)	
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)(2)	2006 FR; 141.621(a)(3)	
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.

State Citation	Federal Citation	Differences
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)(4)	2006 FR; 141.623(c)	
64534.2(d)(5)	2006 FR; 141.620(d)(2) & 141.625(a) & (c)	
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 must be in writing.
64534.2(d)(7)	2006 FR; 141.627	
64534.2(d)(8)	2006 FR; 141.628	
64534.4(b), (b)(1), and (b)(2)	None	
64534.6, Section Title	None	
64534.6(c)	2006 FR; 141.132(b)(1)(iii)	
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)	Added language to clarify when a system on reduced source water TOC monitoring would need to return to routine source water TOC monitoring. 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.

State Citation	Federal Citation	Differences
64534.8(a)	2006 FR; 141.622(a)(1), (b), & (c)	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.
64534.8(b)	2006 FR; 141.622(a)(1)	
64534.8(b)(1)	2006 FR; 141.622(a)(1)(i)	
64534.8(b)(2)	2006 FR; 141.622(a)(1)(iii)	
64534.8(b)(3)	2006 FR; 141.622(a)(1)(i) – (iii)	
64534.8(c)	2006 FR; 141.621(a)(1)	
64534.8(d)	2006 FR; 141.622(a)(2)	
64534.8(d)(1) – (d)(1)(B)	2006 FR; 141.622(a)(2)	
64534.8(d)(2)	2006 FR; 141.622(a)(2)	
64534.8(e)	2006 FR; 141.622(c)	
64535(b)	None	
64535.2(a)	None	
64535.2(b) – (b)(3)	None	
64535.2(c)	None	
64535.2(d) – (d)(3)	None	
64535.2(e)	2006 FR; 141.620(d)	
64535.2(e)(1)	2006 FR; 141.620(d)(1)	
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.
64535.2(e)(3)	2006 FR; 141.620(d)(1)	
64535.2(e)(4)	2006 FR; 141.625(b)	
64535.4(a)(1) and (a)(2)	None	
64535.4(b)(1)	None	

State Citation	Federal Citation	Differences
64535.4(c)(1) and (c)(2)	None	
64536.6, Section Title	None	
64536.6	2006 FR; 141.133(d)	
64537, Section Title	None	
64537(a)	2006 FR; 141.629(a)(1) & (a)(2)	
64537(b) and (c)	None	
64537(d)	2006 FR; 141.626(b)(1) & (b)(2)(ii)	
64537(e)	2006 FR; 141.629(b)	
64537.2	2006 FR; 141.629(a)	
64537.2, Table 64537-A	None	
64537.2, Table 64537-B	2006 FR; 141.629(a)(1) – (a)(2)(v)	

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>.

Statements of Determination

Alternatives Considered

The Department has determined that no reasonable alternative considered or otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

Local Mandate Determination

The Department has determined that the proposed regulations would not impose a mandate on local agencies or school districts that require state reimbursement because the proposed regulation implements a federal mandate for which the regulated community must comply, regardless of the adoption of this regulation, or imposes no significant quantifiable costs. As a result, local agencies or school districts should not incur costs resulting from the adoption of this regulation.

Local agencies/school districts currently incur costs in their operation of public water systems. These costs are not the result of a “new program or higher level of service” within the meaning of Article XIII B, Section 6 of the California Constitution because they apply generally to all individuals and entities that operate public water systems in California and do not impose unique requirements on local governments. Therefore, no state reimbursement of these costs is required.

Local regulatory agencies also may incur costs for their responsibility to enforce federal regulations related to small public water systems (under 200 service connections) that they regulate. However, local agencies are authorized to assess fees to pay reasonable expenses incurred in enforcing statutes and regulations related to small public water systems (Health and Safety Code Section 101325). Therefore, no reimbursement of any incidental costs to local agencies in enforcing this regulation would be required, Government Code Section 17556(d).

Business Impact

The Department is promulgating regulations substantially identical to federally mandated regulations. There are no significant differences related to fiscal impact between the proposed S2DDBPR regulations and the federal S2DDBPR regulations. Regardless of whether California adopts a regulation that parallels the federal S2DDBPR regulation, applicable water systems are required to comply with the federal S2DDBPR and will incur the associated costs. The adoption of the S2DDBPR portions of this regulation merely provide California’s regulatory agencies with the authority to enforce the regulation, which would otherwise be enforced by the U.S. EPA. Additionally, the portions of the proposed regulation unrelated to the federal S2DDBPR have no fiscal impact on the regulated community.

Economic Impact Statement

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

1. The creation or elimination of jobs within the State of California. The requirements summarized above should not have any affect in this area in that there would not be any significant change in water system or regulatory personnel needed for compliance with the new requirements.
2. The creation of new businesses or the elimination of existing businesses within the State of California. The nature of the water industry is such that the adoption of this proposed regulation would not result in the creation or elimination of water systems. The impact of the proposed regulations would be insignificant.
3. The expansion of businesses currently doing business within the State of California. Since water system size is basically a function of the number of service connections (consumers) served, the proposed regulations should not have any affect on expansion.

Effect on Small Business

The Department has determined that the proposed regulations would not affect small business because Government Code chapter 3.5, article 2, section 11342.610 excludes drinking water utilities from the definition of small business.

Reporting Requirements

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.