

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF DRINKING WATER  
FEBRUARY 2, 2021**

**ITEM 3**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION ADOPTING THE REVISED  
TOTAL COLIFORM RULE

**DISCUSSION**

All public water systems, as defined in Health and Safety Code (HSC) section 116275, are subject to regulations adopted by the United States 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 (HSC, 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 (PWS) in California. Federal laws and regulations require that California promulgate regulations that are no less stringent than federal regulations in order to receive primacy.

On February 13, 2013, the U.S. EPA promulgated the Revisions to the Total Coliform Rule (aka Revised Total Coliform Rule) (RTCR). The federal RTCR applies to public water systems, increases public health protection through the reduction of potential pathways of entry for fecal contamination into distribution systems, and builds on the federal Total Coliform Rule to protect public health by ensuring the integrity of the drinking water distribution system and monitoring for the presence of microbial contamination. With limited exceptions, public water systems have been required to comply with the federal RTCR since April 1, 2016.

To maintain primacy over the federal RTCR, the State Water Board proposes to adopt regulations substantially conforming to the federal regulations while also organizing and wording the regulations to maintain consistency with existing state regulations and referencing state regulations for clarity. The revisions also provide updates to other provisions in State regulations that reference analytical methods and other requirements in the RTCR (*e.g.*, Public Notification and Ground Water Rules); improve upon the public health protection afforded through compliance with federal requirements with additional state-only requirements for monitoring, reporting, and season system start-up requirements; and make clarifying and other nonsubstantive corrections to existing regulations.

On October 30, 2020, the State Water Board published a notice of proposed rulemaking pursuant to the requirements of the California Administrative Procedure Act (APA). This notice initiated the required minimum 45-day public comment period, which closed on December 18, 2020. On December 17, 2020, the State Water Board staff held an APA public hearing via Zoom to solicit oral comments.

Following the conclusion of the public comment period, State Water Board staff has compiled, reviewed, and drafted responses to every comment that was received during the comment period. Based on the staff evaluation, none of the comments received during the comment period resulted in substantive modifications to the proposed regulations.

### **POLICY ISSUE**

Should the State Water Board adopt the proposed resolution and accompanying regulations adopting the Revised Total Coliform Rule?

### **FISCAL IMPACT**

The Initial Statement of Reasons and included Cost Estimating Methodology evaluated costs to public water systems. The fiscal impact of the proposed regulation can be absorbed by public water systems as well as existing Division of Drinking Water staff.

### **REGIONAL BOARD IMPACT**

None.

### **STAFF RECOMMENDATION**

The State Water Board should adopt the proposed resolution.