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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2021-

ADOPTING THE REVISED TOTAL COLIFORM RULE

WHEREAS:

1. 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. Code §300f *et seq.*), as well as by the State Water Resources Control Board (State Water Board) under the California Safe Drinking Water Act (HSC, division 104, part 12, chapter 4, §116270 *et seq.*);
2. The State Water Board is tasked with adopting drinking water regulations and recycled water regulations associated with the protection of public health. These regulations include primary drinking water standards (*e.g.*, maximum contaminant levels (MCLs) or treatment technologies), monitoring and reporting requirements for drinking water quality data, and any other standards related to providing safe drinking water (*e.g.*, operator requirements, laboratory accreditation standards, design standards, pipe separation standards, *etc.*);
3. Health and Safety Code §116270(h) states that California's Safe Drinking Water Act shall be construed to ensure consistency with the requirements for states to obtain and maintain primary enforcement responsibility for public water systems under the federal Safe Drinking Water Act and acts amendatory thereof or supplementary thereto;
4. Health and Safety Code §116350(b) establishes the State Water Board's responsibility to enforce provisions of the federal Safe Drinking Water Act and regulations adopted pursuant thereto;
5. Health and Safety Code §116270(f) declares California's intent to improve upon the minimum requirements of the federal Safe Drinking Water Act Amendments of 1996, to establish primary drinking water standards that are at least as stringent as those established under the federal Safe Drinking Water Act, and to establish a program that is more protective of public health than the minimum federal requirements;
6. 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 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 21, 2016;

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7. 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), proposing to adopt regulations substantially conforming to the federal regulations and improving upon the public health protection afforded through compliance with federal requirements with additional California-only requirements for monitoring, reporting, and seasonal system start-up requirements, thereby initiating the required 45-day public comment period, which closed on December 18, 2020;
8. On December 17, 2020, State Water Board staff held a public hearing. The purpose and intent of the public comment period and public hearing were to receive oral and written comments from the public on the proposed regulations in accordance with the APA;
9. Following the conclusion of the public comment period on December 18, 2020, State Water Board staff compiled, reviewed, and prepared draft responses to every comment received;
10. Based on staff evaluation, none of the public comments received resulted in additional substantive modifications to the proposed regulations;
11. Final responses to all comments that were received during the public comment period will be prepared and contained within the Final Statement of Reasons and submitted to the Office of Administrative Law (OAL) as part of the rulemaking record; and
12. All elements of the regulatory package are posted on the program webpage at https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/sbddw_20002_rtc.html

THEREFORE BE IT RESOLVED THAT:

The State Water Board

1. Adopts the proposed regulations for the Revised Total Coliform Rule, which will make modifications to California Code of Regulations, Title 22, sections 64400.02, 64400.03, 64400.47, 64400.49, 64400.62, 64400.63, 64400.64, 64400.65, 64400.95, 64401.35, 64401.45, 64415, 64421, 64422, 64423, 64423.1, 64424, 64425, 64426, 64426.1, 64426.5, 64426.6, 64426.7, 64426.8, 64426.9, 64430, 64447, 64463.1, 64463.4, 64463.7, 64465, 64470, 64481, 64534.4, 64650, 64652.5, 64653, and 64656, as appended to this Resolution;

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2. Determines that the adoption of the regulations is a project that is categorically exempt from the California Environmental Quality Act (CEQA) under exemptions allowed pursuant to Public Resources Code section 15061(b)(3), and directs the State Water Board staff to prepare and submit to the State Clearinghouse a Notice of Exemption reflecting this determination;
3. Directs the Executive Director to sign the Form 400 and submit the adopted regulations to the Office of Administrative Law for filing with the Secretary of State; and
4. Authorizes the Executive Director or her delegee to make, prior to OAL filing the regulations with the Secretary of State, any non-substantive corrections to the language of the regulations or supporting documentation deemed necessary for clarity or consistency.

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 February 2, 2021.

Jeanine Townsend
Clerk to the Board