

## CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

### CCR Title 17 and Title 22

#### Statement of Changes Without Regulatory Effect

The purpose of this document is to satisfy the requirements under California Code of Regulations, title 1, section 100, subdivision (b)(1) by providing a written statement to the Office of Administrative Law (OAL) explaining why the following proposed regulatory changes to California Code of Regulations, titles 17 and 22, are without regulatory effect.

California Code of Regulations, title 1, section 100 (section 100), creates an exception to the formal rulemaking requirements under the Administrative Procedure Act (APA) for proposed regulatory changes that do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision. Section 100 provides a non-exhaustive list of regulatory changes that are without regulatory effect; including a regulatory change which makes an existing regulation consistent with a statute if the regulatory provision is both inconsistent with the statute and the adopting agency has no discretion but to adopt the proposed regulatory change. (California Code Regs., title 1, §100, subd. (a)(6).)

The following proposed regulatory changes are without regulatory effect pursuant to section 100, subdivision (a)(6). The State Water Board is statutorily compelled to adopt standards for backflow protection and cross-connection control and is authorized to do so through the adoption of a policy handbook. (Health & Saf. Code, § 116407.) The adoption of policy handbook is statutorily exempt from the APA. (*Ibid.*) To satisfy its statutory obligation, the State Water Board developed and adopted the Cross Connection Control Policy Handbook (CCCPH) in compliance with Health and Safety Code section 116407 (section 116407). Upon the effective date of the CCCPH, which is July 1, 2024, the existing regulations set forth in Article 1 (commencing with Section 7583) and Article 2 (commencing with Section 7601) of Group 4 of Subchapter 1 of Chapter 5 of Division 1 of Title 17 of the California Code of Regulations become inoperative. (*Ibid.*) Additionally, 90 days following the effective date of the CCCPH, which is September 30, 2024, the inoperative regulations are repealed unless the State Water Board makes a determination not to repeal a specific regulation. (*Id.*, subd. (c)(1).) The State Water Board has determined not to preserve any of the existing regulations. Therefore, the regulations must be repealed or are otherwise inconsistent with section 116407. Similarly, replacing any express references to the inoperative regulations that are in title 22 of the California Code of Regulations with “Cross Connection Control Policy Handbook” is effectively non-discretionary because the inoperative regulations must be deleted after the State Water Board adopts the CCCPH to comply with section 116407. For these reasons, the proposed regulatory changes fall within section 100, subdivision (a)(6) and are without regulatory effect.

## **Proposed Regulatory Changes Without Regulatory Effect:**

### **Title 17**

- Delete Section 7583. This section is part of California Code of Regulations, Title 17, Division 1, Chapter 5, Subchapter 1, Group 4, Article 1 and therefore is repealed by Section 116407, subdivision (c) of the Health and Safety Code.
- Delete Section 7584. This section is part of California Code of Regulations, Title 17, Division 1, Chapter 5, Subchapter 1, Group 4, Article 1 and therefore is repealed by Section 116407, subdivision (c) of the Health and Safety Code.
- Delete Section 7585. This section is part of California Code of Regulations, Title 17, Division 1, Chapter 5, Subchapter 1, Group 4, Article 1 and therefore is repealed by Section 116407, subdivision (c) of the Health and Safety Code.
- Delete Section 7586. This section is part of California Code of Regulations, Title 17, Division 1, Chapter 5, Subchapter 1, Group 4, Article 1 and therefore is repealed by Section 116407, subdivision (c) of the Health and Safety Code.
- Delete Section 7601. This section is part of California Code of Regulations, Title 17, Division 1, Chapter 5, Subchapter 1, Group 4, Article 2 and therefore is repealed by Section 116407, subdivision (c) of the Health and Safety Code.
- Delete Section 7602. This section is part of California Code of Regulations, Title 17, Division 1, Chapter 5, Subchapter 1, Group 4, Article 2 and therefore is repealed by Section 116407, subdivision (c) of the Health and Safety Code.
- Delete Section 7603. This section is part of California Code of Regulations, Title 17, Division 1, Chapter 5, Subchapter 1, Group 4, Article 2 and therefore is repealed by Section 116407, subdivision (c) of the Health and Safety Code.
- Delete Section 7604. This section is part of California Code of Regulations, Title 17, Division 1, Chapter 5, Subchapter 1, Group 4, Article 2 and therefore is repealed by Section 116407, subdivision (c) of the Health and Safety Code.
- Delete Section 7605. This section is part of California Code of Regulations, Title 17, Division 1, Chapter 5, Subchapter 1, Group 4, Article 2 and therefore is repealed by Section 116407, subdivision (c) of the Health and Safety Code.

### **Title 22**

- Add Section 60301.175. This section is part of California Code of Regulations, Title 22, Division 4, Chapter 3, Article 1. This section is added to define “Cross Connection Control Policy Handbook.” This section is being added to comply with the requirements set forth in Water Code section 13521.2(b), which requires the

State Water Board to adopt a regulation that incorporates by reference the criteria and applicable backflow provisions, including the provisions for the use of a swivel or changeover devices for dual-plumbed systems, that are contained in the most recently adopted version of the policy handbook adopted pursuant to Section 116407 of the Health and Safety Code and any future versions of the policy handbook.

- Amend Section 60310, subdivision (h). This section is part of California Code of Regulations, Title 22, Division 4, Chapter 3, Article 4. This section is amended to replace the reference from Title 17 to Cross Connection Control Policy Handbook. The additional citations for authority and reference sections are provided for this section.
- Amend Article 5 title to add a punctuation mark (hyphen) on the term “Dual-Plumbed.”
- Amend Section 60315. This section is part of California Code of Regulations, Title 22, Division 4, Chapter 3, Article 5. This section is amended to replace the reference from Title 17 to Cross Connection Control Policy Handbook. The additional citations for authority and reference sections are provided for this section.
- Amend Section 60316, subdivisions (a) and (c). This section is part of California Code of Regulations, Title 22, Division 4, Chapter 3, Article 5. Subsection (a) is amended to add punctuation marks (hyphens) for the terms “cross-connection” and “dual-plumbed.” Subsection (c) is amended to replace the term “device” to “assembly” and to replace the reference from Title 17 to Cross Connection Control Policy Handbook. The term “assembly” is the generally accepted industry term and has the same meaning as “device.” The additional citations for authority and reference sections are provided for this section.
- Amend Section 64654, subdivision (c)(1). This section is part of California Code of Regulations, Title 22, Division 4, Chapter 17, Article 2. This section is amended to replace the reference from Title 17 sections 7583 through 7605 to Cross Connection Control Policy Handbook. The reference to Title 22 section 60301.175 is added to point the readers to the definition location in a separate chapter and article of regulations. The additional citation for authority section is provided for this section.