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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2018-

ADOPTING REGULATIONS FOR PUBLIC WATER SYSTEMS' USE OF POINT-OF-USE AND POINT-OF-ENTRY TREATMENT DEVICES IN TITLE 22, CALIFORNIA CODE OF REGULATIONS, SECTIONS 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7, 64418.8, 64419, 64420, 64420.1, 64420.2, 64420.3, 64420.4, 64420.5, 64420.6, 64420.7, and 64420.8

WHEREAS:

1. On October 9, 2015, Assembly Bill No. 434 (AB 434) took effect. AB 434 amended sections 116380 and 116552 of the Health and Safety Code, which pertain to point-of-use (POU) and point-of entry (POE) treatment by public water systems;
2. Pursuant to AB 434, in March 2016 the State Water Resources Control Board (State Water Board) adopted emergency regulations governing the permitted use of POU and POE treatment by public water systems in lieu of centralized treatment. AB 434 stipulated that these emergency regulations would remain in effect until January 1, 2018 or until such time as the State Water Board adopts permanent regulations, whichever was sooner;
3. AB 434 required that the State Water Board adopt permanent regulations for the use of POU and POE treatment by public water systems. These proposed permanent regulations will meet the statutory requirements and intent of AB 434;
4. The proposed regulations will be contained in Title 22, California Code of Regulations, sections 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7, 64418.8, 64419, 64420, 64420.1, 64420.2, 64420.3, 64420.4, 64420.5, 64420.6, 64420.7, and 64420.8;
5. On October 13, 2017, the State Water Board published a notice of proposed rulemaking pursuant to the requirements of the California Administrative Procedures Act (APA), initiating the mandatory 45-day public comment period, which ran from October 13 through November 30, 2017;
6. State Water Board staff held a public hearing on November 27, 2017. 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;
7. An additional 15-day comment period was provided on January 3, 2018 to allow the public to comment on minor changes to the proposed text of the regulations and materials added to the list of documents relied upon. This comment period was extended until February 2, 2018;
8. State Water Board staff compiled, reviewed, and prepared draft responses to every comment received;

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9. Final responses to all comments that were received during the public comment periods will be prepared and contained in the Final Statement of Reasons (FSR), and submitted to the Office of Administrative Law (OAL) as part of the regulations package; and
10. All elements of the regulatory package, including written and oral comments, are posted on the program webpage at https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/regulations/

THEREFORE BE IT RESOLVED THAT:

The State Water Board

1. Adopts the proposed POU and POE Treatment – Permanent Regulations, which will make modifications to California Code of Regulations, Title 22, sections 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7, 64418.8, 64419, 64420, 64420.1, 64420.2, 64420.3, 64420.4, 64420.5, 64420.6, 64420.7, and 64420.8, as appended to this Resolution;
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 21084, including classes 1, 2, 3, 8, 11, and 30 identified in the CEQA Guidelines, 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 OAL 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 6, 2018.

Jeanine Townsend
Clerk to the Board