

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2017-0041**

DIRECTING STAFF TO PROCEED WITH A REGULATORY REVISION OF THE DETECTION
LIMIT FOR PURPOSES OF REPORTING (DLR) FOR PERCHLORATE AND REVIEW OF THE
PERCHLORATE MAXIMUM CONTAMINANT LEVEL (MCL)

WHEREAS:

1. All public water systems (PWS), as defined in Health & Safety Code (HSC) Section 116275, are subject to regulations adopted by the U.S. 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.)
2. California has been granted primary enforcement responsibility (“primacy”) by U.S. EPA for PWS in California;
3. California has no authority to enforce federal regulations, and federal laws and regulations require that California, in order to receive and maintain primacy, promulgate regulations for California that are no less stringent than the federal regulations;
4. The State Water Board is tasked with adopting drinking water regulations when associated with the protection of public health. These regulations include primary drinking water standards (e.g., MCLs or treatment techniques), monitoring and reporting requirements, and any other standards related to providing safe drinking water (e.g., operator requirements, laboratory accreditation standards, design standards, pipe separation standards, etc).
5. HSC Section 116365(g) requires the State Water Board to review each MCL at least once every five years and HSC Section 116365(h) requires the State Water Board to provide by March 1 of each year notice of each primary drinking water standard the State Water Board proposes to review that year and to solicit and consider public comment and hold one or more public hearings regarding any proposal to either amend or maintain an existing standard.
6. For the 2016 MCL Review, the perchlorate MCL was determined a candidate for further review. The preliminary review of the MCL for perchlorate is complete.
7. The perchlorate MCL review has been completed and the document for public comment is posted at:
http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Perchlorate.shtml.
8. The public health goal for perchlorate was lowered in 2015 from 6 parts per billion (ppb) to 1 ppb; the current MCL is 6 ppb. The detection limit for purposes of reporting (DLR) is 4 ppb and would be the limiting factor when evaluating and proposing a revised MCL.
9. Drinking water treatment for perchlorate is in place for approximately 190 wells operated by 57 public water systems. All existing treatment systems reduce perchlorate to comply with the current MCL.

10. The current DLR for perchlorate is 4 ppb, which serves as a technological limitation to a more comprehensive analysis of the current perchlorate regulation. Currently, because laboratories are mostly not reporting results below the DLR, little information is available regarding how much perchlorate removal that installed treatment can achieve, and this lack of this knowledge will be a severely limiting factor if DDW attempts to lower the MCL to a value below 4 ppb.
11. The Drinking Water Reference Lab confirmed that there are EPA-approved laboratory methods for the detection and quantitation of perchlorate below 4ppb.
12. DDW recommends establishing a lower DLR to gather information and then revise the MCL if appropriate.

THEREFORE BE IT RESOLVED THAT:

The State Water Board approves DDW staff's proposal to investigate, develop, and propose revisions to the perchlorate DLR regulations.

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 July 5, 2017.

AYE: Chair Felicia Marcus
Vice Chair Steven Moore
Board Member Tam M. Doduc
Board Member E. Joaquin Esquivel

NAY: None

ABSENT: Board Member Dorene D'Adamo

ABSTAIN: None



Jeanine Townsend
Clerk to the Board