

State Water Resources Control Board  
Division of Drinking Water

**FINAL STATEMENT OF REASONS**

**Hexavalent Chromium Maximum Contaminant Level**

Public Hearing Date: 2 August 2023  
Board Adoption Date: 17 April 2024  
Agenda Item No. 6

**1. General**

At its 17 April 2024 public meeting, the State Water Resources Control Board (State Water Board), in Resolution No. 2024-0015, adopted a regulation for a hexavalent chromium maximum contaminant level (MCL) of 10 micrograms per liter ( $\mu\text{g/L}$ ) and related requirements, including establishing a detection limit for purposes of reporting, specifying analytical methods to be used, identifying the best available technology for treatment, setting public notification and consumer confidence report language, establishing a compliance schedule based on public water system size, requiring Tier 2 public notification for MCL exceedances prior to applicable compliance dates, and establishing requirements for compliance and operations plans.

Based on written and oral comments received during the 45-day comment period and at the 2 August 2023 public hearing, State Water Board staff revised the proposed regulations to (1) remove the Compliance Plan requirement that a public water system describe how it would comply by the applicable compliance date and (2) require a public water system to conduct Tier 2 public notification for hexavalent chromium MCL exceedances before the applicable compliance date. A Notice of Public Availability of Changes to Proposed Regulations, Addendum to the Initial Statement of Reasons, and revised proposed regulation text were released for public comment on 22 November 2023. Additionally, two documents were added to the materials relied upon, for which public notice was provided in a 15-day Notice of Public Availability of Additional Documents Relied Upon released 31 January 2024, which was revised on 14 February 2024 to include internet web posting of an attachment to one of the added documents. On 17 April 2024, the State Water Board adopted the proposed regulation text without further changes.

**2. Update of Information Contained in the Initial Statement of Reasons**

[\[Gov. Code, § 11346.9\(a\)\(1\)\]](#)

The information contained in the Initial Statement of Reasons (ISOR), published 16 June 2023, and ISOR Errata Sheet, released 31 July 2023, which are hereby incorporated by reference, remains unchanged except for the following:

- Addition of an ISOR Addendum, which is hereby incorporated by reference, that includes a specific discussion of the following changes to the proposed regulation:

- Removal of the originally proposed Compliance Plan requirement that a public water system describe how it would comply by the applicable compliance date set forth in proposed Table 64432-B.
- Addition of requirement that a public water system provide Tier 2 public notification for hexavalent chromium MCL exceedances occurring prior to the applicable compliance date set forth in proposed Table 64432-B.
- Noting that the changes described in the ISOR Addendum would not result in quantifiable fiscal or economic impacts for the following reasons:
  - Removal of the proposed Compliance Plan requirement could result in a nonquantifiable and insignificant reduction of costs over the initial proposal.
  - Any costs resulting from the addition of Tier 2 public notice requirements cannot be quantified because future instances that would require notification prior to the applicable compliance dates are unknown and cannot be predicted. In addition, the State Water Board provides optional templates to facilitate public notification, which would serve to reduce costs.
- Addition of two documents relied upon to the rulemaking record:
  - OEHHA. (2023). Public Review Draft of a Proposed Health-Protective Concentration for the Noncancer Effects of Hexavalent Chromium in Drinking Water. California Environmental Protection Agency, Office of Environmental Health Hazard Assessment. Retrieved from: <https://oehha.ca.gov/media/downloads/water/public-health-goal-document/cr6noncancerupdate112123.pdf>.
  - SWRCB. (2024). [Consolidation and Alternatives Analysis](#). State Water Resources Control Board.
    - [Attachment 1](#)
- Corrections and clarifications to the ISOR, as shown below in underline for additions and ~~strikethrough~~ for deletions:
  - In section 4.1 of the ISOR (Statutory and Other Policy Requirements), correction of the first sentence on page 6 to: “Primary drinking water standards are defined at HSC 116275(c) as (1) ~~MCLs~~ maximum levels of contaminants that, in the judgment of the State Water Board, may have an adverse effect on the health of persons...”
  - In section 5.1 of the ISOR (Article 2, Section 64415, Laboratory and Personnel), clarification to the specific discussion for proposed subsection (a), paragraph (3), on page 22, at the end of the third sentence of the paragraph beginning “Subsection (a)(3) would...” to: “...so there are currently no available methods for hexavalent chromium analysis that are already incorporated into 22 CCR 64415 by reference through 40 Code of Federal Regulations section 141.23.”

- In section 10.1.1 of the ISOR (Laboratory Capacity), clarification to the second sentence of the third paragraph on page 37 to: "... indicating that additional laboratories ~~are~~ may also be capable of these analyses."
- In section 11.11 of the ISOR (Economic Feasibility Conclusions), clarification to the first sentence on page 61 to: "Of the 5.3 million Californians served by CWS affected by the proposed..."
- In section I.3.a.2 of Attachment 2 to the ISOR (Standardized Regulatory Impact Assessment or SRIA, Treatment Costs), addition of a clarifying sentence immediately following the first sentence on page 50 (ending in "...the total chromium MCL."): "All costs were developed with the assumption that waste discharge to sewer would be unavailable."

### **3. Nonsubstantial and/or Grammatical Changes** [[Gov. Code, § 11346.8\(c\)](#)]

No modifications were approved at the State Water Board's 17 April 2024 adoption meeting, and no changes were proposed that required an additional 15-day comment period. Subsequent to the close of the comment periods and prior to adoption, however, the following nonsubstantial change was made to the regulation text:

- 22 CCR 64432(q)(2).  
Replace "section" with "paragraph" [correction for consistency in subdivision referencing]

### **4. Local Mandate** [[Gov. Code, § 11346.9\(a\)\(2\)](#)]

As stated in the Notice of Proposed Rulemaking (pp. 9 – 11), which is hereby incorporated by reference, the proposed regulation would not impose a mandate on local agencies or school districts that requires state reimbursement.

### **5. Summary and Responses to Objections and Recommendations** [[Gov. Code, § 11346.9\(a\)\(3\)](#)]

Attachment 1 contains an introduction, comment summaries, and detailed responses to comments. In addition, two response letters were written and sent to individual commenters during the rulemaking process are provided as Attachments 2 and 3: a 1 August 2023 response to Timothy Worley (Attachment 2) and a 5 April 2024 response to Senator Anna Caballero et al. (Attachment 3).

### **6. Consideration of Alternatives** [[Gov. Code, § 11346.9\(a\)\(4\) and \(5\)](#)]

For the reasons set forth in the ISOR (pp. 32 – 34; Attachment 2 – SRIA, starting at p. 33), in staff comments at the public hearing and the State Water Board adoption meeting, and in this Final Statement of Reasons, the State Water Board has determined that no alternative considered would be (1) more effective in carrying out the purpose for which the regulation is proposed, (2) as effective and less burdensome to affected private persons, or (3) more cost effective to affected private persons and equally effective in implementing the statutory policy. Specifically, consistent with the requirements of Health and Safety Code section 116365, the State Water Board

concluded that an MCL of 10 µg/L for hexavalent chromium is as close to the public health goal as is technologically and economically feasible.

Anticipated benefits of the proposed regulations are as described in the Informative Digest contained within the Notice of Proposed Rulemaking (pp. 6 – 7). As set forth in the ISOR (p. 33), to the extent that the proposed regulation would impact small businesses, alternatives that might reduce such impact were rejected as inconsistent with Health and Safety Code section 116365, less protective of public health, and not resulting in significant cost savings on a unit cost basis without also significantly reducing health benefits.

## **7. Documents Incorporated by Reference [1 CCR 20(c)(1) and (2)]**

Forms and documents incorporated by reference into the proposed regulation are identified in the Notice of Proposed Rulemaking. The documents referenced are too cumbersome, unduly expensive, or impractical to publish into regulation because of their length. Specifically,

- 1) U.S. EPA. (1994). Method 218.6: Determination of Dissolved Hexavalent Chromium in Drinking Water, Groundwater, and Industrial Wastewater Effluents by Ion Chromatography, Rev. 3.3, is approximately 16 pages in length; and
- 2) U.S. EPA (2011). Method 218.7: Determination of Hexavalent Chromium in Drinking Water by Ion Chromatography with Post-Column Derivatization and UV-Visible Spectroscopic Detection is approximately 31 pages in length.

Both documents are readily available on the internet. As described in the Notice of Proposed Rulemaking, all rulemaking documents were made available upon request. In addition, documents incorporated by reference were posted to the internet web page for this rulemaking at

[https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/SWRCBDDW-21-003\\_hexavalent\\_chromium.html](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/SWRCBDDW-21-003_hexavalent_chromium.html).

## **8. Attachments**

Attachment 1: Responses to Comments

Attachment 2: Response Dated 1 August 2023 to Timothy Worley

Attachment 3: Response Dated 5 April 2024 to Senator Anna Caballero et al.