Print Form

Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: 2021110099

Project Title: Adoption of a Regulation for the Hexavalent Chromium Maximum Contaminant Level

Lead Agency: State Water Resources Control Board

Contact Name: Kimberly Niemeyer

Email: Kim.Niemeyer@waterboards.ca.gov Phone Number: (916) 341-5547

Project Location: All counties

City *County*

Project Decription (Proposed actions, location, and/or consequences).

The State Water Board is proposing to adopt a primary drinking water standard for hexavalent chromium (Proposed Regulations), under the California Safe Drinking Water Act, which applies to public water systems. The Proposed Regulations include a maximum contaminant level (MCL) for hexavalent chromium of 10 micrograms per liter (µg/L) and a detection limit for purposes of reporting of 0.05 micrograms per liter (µg/L). Public water systems, depending on type, would be required to monitor their drinking water for hexavalent chromium on an initial and ongoing basis, and would need to comply with the MCL according to a compliance schedule. The Proposed Regulations include three best available technologies for removing hexavalent chromium from drinking water sources, including reduction/coagulation/filtration, ion exchange, and reverse osmosis.

The Proposed Regulations apply to public water systems operating in California. Public water systems with hexavalent chromium contamination above the MCL will likely implement compliance projects, such as installation of treatment or obtaining new sources of supply. The locations of future compliance projects by public water systems are not currently known. Accordingly, it is unknown whether future compliance projects by public water systems will occur on properties with hazardous waste sites on any list specified under section 65962.5 of the Government Code.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

The Draft EIR identifies potentially significant impacts on the following resources: Aesthetics, Agricultural and Forest Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Because there is inherent uncertainty in where public water systems will locate future compliance projects, the nature of those compliance projects, and in the mitigation measures that will be required by the CEQA lead and responsible agencies for those compliance projects, the Draft EIR takes a conservative approach in making post-mitigation significance conclusions and finds that the potentially significant impacts are unavoidable.

The document contains mitigation measures that can be used by lead agencies tiering off of this document for project specific environmental documents. Those lead agencies may use the mitigation measures presented in Table ES1-1: Summary of Impacts and Mitigation Measures, for compliance projects to reduce potential impacts that could occur during construction and operation of those projects. Measures are included for all of the resource categories above.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

The area of controversy associated with the Proposed Regulations relates to the cost of compliance. Public water systems that must come into compliance will likely incur significant costs. The assessments of the economic impacts to public water systems and their rate payers conducted pursuant to Health and Safety Code section 116365 and the Administrative Procedure Act concluded that annual costs per service connection for community water systems would range from $91 (systems with more than 10,000 service connections) to $1,622 (for systems with fewer than 100 service connections). (SWRCB 2023a, sec. 5.2.4.3). The average annual cost per person for community water systems ranges from $23 (systems with more than 10,000 service connections) to $443 (systems with less than 100 service connections) (SWRCB 2023a, sec. 5.2.4.5). These costs are higher for smaller water systems because there are fewer service connections among which the cost of the treatment can be shared. Although larger systems will incur higher costs because they must treat more water, the costs to individual rate payers will be significantly higher for smaller systems, because there are fewer rate payers among whom expenses can be shared. It was this issue of economic feasibility for small systems that was the focus of litigation when a hexavalent chromium primary drinking water standard was first set by the Department of Public Health in 2014, prior to the transfer of the Division of Drinking Water to the State Water Board. In fact, at that time, the Department of Public Health relied on the categorical exemptions for "actions by regulatory agencies for protection of natural resources" and "actions by regulating agencies for protection of the environment," and no environmental analysis of the reasonably foreseeable means of compliance was conducted. No parties raised CEQA compliance as an issue at that time.

Provide a list of the responsible or trustee agencies for the project.

Trustee agencies include the California Department of Fish and Wildlife, the State Lands Commission, the State Department of Parks and Recreation, and the University of California with regard to sites within the Natural Land and Water Reserves System.

There are no responsible agencies as no other agency has discretion over adopting these Proposed Regulations.