

**ERRATA SHEET FOR THE INITIAL STATEMENT OF REASONS (ISOR)
for the Hexavalent Chromium MCL Regulation**

July 31, 2023

The corrections listed in this errata sheet apply to the Initial Statement of Reasons (ISOR) for the proposed Hexavalent Chromium Maximum Contaminant Level (MCL) Regulation, which can be found in the [online rulemaking file](#). Additions are shown as **underline** and deletions are shown as **~~strikethrough~~**.

<u>Page</u>	<u>Erratum</u>
44	The State Water Board then compared the amount of financial assistance necessary to cover those costs of compliance with the amount of financial assistance funding available from the State Water Board’s Division of Financial Assistance. The result shows that less than 49 % of available funding would be required to cover these costs of compliance with the proposed MCL.
47	The total financial assistance needed for systems in this size category with a \$30 or more increase in monthly household costs (all DAC systems) and all systems with a medium or high affordability burden would be \$1,583,749 <u>19 million</u> per year to cover the 51,021 affected households.
48	Total financial assistance needed for systems in this category whose monthly household compliance costs exceed \$30 and all systems with a medium or high affordability burden would be \$1,178,990 <u>14 million</u> per year to cover all costs for the 29,038 affected households.
48	The total financial assistance needed for all systems within this size category with monthly household compliance costs higher than \$30, for all systems with a medium or high affordability burden, and for systems on the HR2W list would be \$2,513,146 <u>30 million</u> per year to cover all costs for the 49,648 affected households.
49	The total financial assistance needed for systems in this size category with monthly household compliance costs higher than \$30, for all systems with a medium or high affordability burden, and for systems on the HR2W list would be \$322,579 <u>3.9 million</u> per year to cover all costs for the 4,884 affected households.
49	The total financial assistance needed for systems in this size category with monthly household compliance costs higher than \$30, for all systems with a medium or high affordability burden, and for systems on the HR2W list would be \$143,883 <u>1.7 million</u> per year to cover all compliance costs for the 2,030 affected households.

- 50 The total financial assistance needed for all systems in this size category is **\$393,1744.4 million** per year, which would cover all compliance costs for the 2,664 affected households.
- 50 As described in previous sections, if financial assistance was needed for all systems with increased monthly household costs higher than \$30, any systems with a medium or high affordability burden, and any systems on the HR2W list, a total of **\$6,135,52173 million** per year would cover all compliance costs for the 139,285 affected households (averaging **\$45526** per household per year). This value is less than **49%** of the available state grant, DWSRF principal forgiveness, and SADW funding for the 2022-23 State Fiscal Year (\$823 million), indicating that this is not an unreasonable amount when considering financial assistance to treat hexavalent chromium (SWRCB, 2022b; SWRCB 2022e).
- 51 As noted previously, the median monthly cost increases for 94% of the 5.3 million people affected by a hexavalent chromium MCL of 10 µg/L were calculated to be less than \$20. This increase in costs is considered economically feasible to the State Water Board, while acknowledging the household compliance costs for some systems may be challenging. In other words, regardless of whether any particular PWS is eligible for funding, because there is the capacity to cover the costs for all of the identified troubled systems for whom compliance may be a challenge with less than **49%** of the available state grant and DWSRF principal forgiveness funding, the implementation of the MCL at 10 µg/L is “capable of being done.”
- 61 As the Third District Appellate Court has concluded, “[R]egulations are not ‘infeasible’ because they impose financial burdens on businesses or consumers.” (California Manufacturers and Technology Association, supra, 64 Cal.App. 5th at p. 282). Though a small percentage of systems may have difficulty with compliance, nonetheless, to demonstrate the economic feasibility of the regulation for the PWS the State Water Board identified as likely being most challenged in meeting the requirements, the State Water Board considered the amount of financial assistance needed for all CWS with increased monthly household costs higher than \$30, for any CWS with a medium or high affordability burden, and for any CWS on the HR2W list. The Board concluded that a total of **\$6,059,09773 million** per year would cover all compliance costs for the 135,760 affected households (averaging **\$45526** per household per year). This value is less than **49%** of the available state grant, DWSRF principal forgiveness, and SADW funding, indicating that regardless of whether any particular PWS is eligible for funding, because there is the capacity to cover the costs for all of the identified troubled systems for whom compliance may be a challenge the implementation of the MCL at 10 µg/L is “capable of being done” and financing compliance costs for systems at or near this scale is “capable of being done,” and considered economically feasible.