

**FINAL STATEMENT OF REASONS**  
**WATER QUALITY MONITORING REQUIREMENTS FOR HAZARDOUS WASTE**  
**LAND DISPOSAL UNITS**

**Department of Toxic Substances Control Reference Number: R-04-11**  
**Office of Administrative Law Notice File Number: Z-2010-0720-01**

**UPDATE OF INITIAL STATEMENT OF REASONS**

As authorized by Government Code section 11346.9, subdivision (d), the Department of Toxic Substances Control (DTSC) incorporates by reference the Initial Statement of Reasons prepared for this rulemaking.

No substantive changes were made to the proposed regulations and no changes are needed to the Initial Statement of Reasons following the public hearing and 45-day comment period.

**LOCAL MANDATE DETERMINATION**

The proposed regulations do not impose any mandate on local agencies or school districts.

**ALTERNATIVES DETERMINATION**

DTSC has determined that no alternative would be more effective in carrying out the purpose for which the regulations are proposed, or would be as effective as and less burdensome to affected private persons than the proposed regulations. The proposed regulation provides flexibility and improves efficiency consistent with the federal Post-Closure Rule of 1998 and the federal RCRA Burden Reduction Initiative of 2006. Provisions in the proposed regulation were carefully developed to accomplish these goals; they include:

- allowing alternative requirements for water quality monitoring for all regulated hazardous waste land disposal units (permitted and interim status) when releases from different units are commingled and the alternative requirements are reviewed and approved by DTSC;
- allowing modification or exclusion of specified water quality requirements that are demonstrated to DTSC to be impracticable or technically inappropriate;
- correcting typographical errors and archaic language.

Each of the alternatives considered addresses some aspect of these provisions, but none comprehensively addresses the entire scope of the proposed regulations, or meets the goals of this proposed rule.

## **BUSINESS REPORT**

DTSC has determined that this rulemaking will not require businesses to write a new report, as defined by Government Code section 11346.3(c).

## **ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES**

Neither the proposed regulation, nor any of the alternatives considered, is anticipated to result in an adverse economic impact on small businesses. To the contrary, because the proposed regulation would improve flexibility in the implementation of water quality monitoring requirements, cost savings to all businesses can be anticipated as unnecessary repetition and impracticable requirements can be modified or replaced by alternative requirements.

## **SUMMARY OF COMMENTS AND AGENCY RESPONSES**

Four individuals, organizations, and/or agencies provided written comments during a 45-day public comment period. In response to these comments, DTSC corrected additional typographical errors in the final proposed regulation. These corrections are not substantive in nature, and are consistent with the initial statement of reasons for the proposed regulation. Because these typographical corrections are non-substantive and do not change the meaning or intent of the proposed regulation, DTSC did not submit the corrections to an additional public comment period.

A table containing a summary of the comments received and the DTSC responses to those comments is included as an attachment.