

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF DRINKING WATER
FEBRUARY 6, 2018**

ITEM 9

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION TO AMEND THE HEALTH AND SAFETY CODE TO ADD PERMANENT POINT-OF-USE / POINT-OF-ENTRY WATER TREATMENT DEVICE REGULATIONS

DISCUSSION

Health and Safety Code (HSC) sections 116380 and 116552, as amended by Assembly Bill (AB) 434 (2015), require the State Water Resources Control Board (State Water Board) to adopt regulations governing the use of point-of-use (POU) and point-of-entry (POE) treatment devices by a public water system (PWS) in lieu of centralized treatment, and establish limitations on the scope of such regulations. Health and Safety Code section 116380 required the State Water Board to adopt the regulations as emergency regulations. The State Water Board adopted emergency regulations in March 2016. AB 434 also requires the State Water Board to adopt permanent regulations in accordance with the Administrative Procedures Act (APA). In accordance with HSC section 116380, the emergency regulations remained in effect until January 1, 2018. The proposed resolution is to adopt the permanent regulations for use of POU and POE treatment devices.

When drinking water treatment is necessary to remove specific contaminants, centralized treatment is typically utilized, ensuring the drinking water within the distribution system, as a whole, meets all drinking water standards. Alternatively, a POE treatment device provides necessary treatment of the distributed water at or near the point at which the water enters a consumer's house or a building. Similarly, a POU treatment device does not provide centralized treatment for the entire distribution system; the POU treatment device is installed at a single tap and is used to reduce the contaminant(s) at that tap only.

In March 2017, State Water Board staff presented three informal public and stakeholder workshops on the development of the permanent regulations. Informal comments were provided by interested stakeholders and public water systems.

Public comments on the draft regulations were received during the 45-day public comment period which ended on November 30, 2017. An opportunity for oral public comment was provided at an APA Public Hearing held on November 27, 2017. On January 3, 2018, an additional 15-day comment period was provided for changes made to the regulation text. This comment period was extended until February 2, 2018. State Water Board staff considered all comments received during the public comment periods.

All elements of the regulatory package are posted on the program webpage at:
https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/regulations/

POLICY ISSUE

Should the State Water Board adopt the proposed resolution and accompanying regulations?

FISCAL IMPACT

There is no fiscal impact and no funds are being requested.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

Staff recommend that the State Water Board adopt the proposed POU and POE treatment regulations, and accordingly modify sections 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7, 64418.8, 64419, 64420, 64420.1, 64420.2, 64420.3, 64420.4, 64420.5, 64420.6, and 64420.7, and 64420.8 of Title 22 of the California Code of Regulations.

State Water Board action on this item will assist the Water Boards in achieving the goals of the Human Right to Water consistent with the February 16, 2016 Board Resolution which established the human right to water as a top priority and core value of the State Water Board and Regional Water Quality Control Boards.
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