

State Water Resources Control Board  
Division of Drinking Water

**UPDATED INFORMATIVE DIGEST**

**PUBLIC HEARING TO CONSIDER THE PROPOSED POINT-OF-USE AND  
POINT-OF-ENTRY TREATMENT – PERMANENT REGULATIONS**

**Sections Affected:** The proposed regulations would result in two new articles being added to California Code of Regulations (CCR), title 22, division 4, chapter 15 (domestic water quality and monitoring). More specifically, this action would add the following 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, 64420.7, and 64420.8.

**Background and Summary of Existing Relevant Laws:** All suppliers of domestic water to the public are subject to regulations adopted by the U.S. Environmental Protection Agency (U.S. EPA) under the U.S. Safe Drinking Water Act (SDWA) of 1974, as amended (42 U.S.C. §300f et seq.), as well as by the State Water Board under the California SDWA (Health & Saf. Code, div. 104, pt. 12, ch. 4, §116270 et seq.). Pursuant to section 116270 of the Health and Safety Code (HSC), et al., it is the objective of the California SDWA for a public water system (PWS) to deliver drinking water to consumers that is, at all times, pure, wholesome, and potable. The ability to meet this objective is a reflection of the water quality and quantity of a PWS's source of supply, the PWS's ability to treat the source of supply (if necessary), and the PWS's ability to deliver drinking water, all in a manner that ensures compliance with all applicable drinking water standards.

Drinking water is commonly delivered to consumers via distribution systems, with consumers' service lines being connected to the distribution system. When treatment is necessary due to contamination, centralized treatment is typically utilized, ensuring the drinking water within the distribution system, as a whole, meets all drinking water standards. Alternatively, point-of-entry (POE) treatment provides necessary treatment of the distribution system water at or near the point the water enters a consumer's house or a building, as opposed to providing centralized treatment for the entire distribution system. Similarly, point-of-use (POU) treatment does not provide centralized treatment for the entire distribution system, with the POU(s) being applied to a single tap (or taps) used to reduce the contaminants at that tap only.

**Description of Regulatory Action:** Assembly Bill (AB) 434 (2015) amended California HSC sections 116380 and 116552, to require the State Water Board to adopt regulations governing the use of POU/POE treatment by a PWS in lieu of centralized treatment. HSC section 116380 requires the State Water Board to first adopt the regulations as emergency regulations, which were exempt from the rulemaking provisions of the Administrative Procedures Act (APA), and to then adopt subsequent permanent regulations in accordance with the APA. The regulations that were the subject of this notice were being proposed to make the emergency regulations permanent.

The emergency regulations were adopted by the Board on March 15, 2016 and became effective on April 1, 2016. The emergency provisions remained in effect until the earlier of January 1, 2018, or the effective date of the permanent regulations adopted by the State Water Board in accordance with the APA.

There are a number of differences between the proposed permanent regulations and the existing, emergency regulations, but the two versions are fairly similar. Because the proposed regulations would make the emergency regulations permanent, they were not an amendment of the emergency regulations, and the notice of proposed rulemaking did not compare the proposed permanent regulations to the emergency regulations. Therefore, the public was invited to submit comments on any of the proposed regulations, regardless of the fact that they are in many cases identical to the emergency regulations. Comments received during the 45-day public comment period led to a number of modifications that were submitted again to the public in a 15-day comment period. The Board adopted the proposed regulations without any further changes on February 6, 2018.

**Comparable Federal Statute and Regulations:** There are federal regulations and statutes that address, in part, the specific subject addressed by the proposed regulations. They are: 42 U.S.C. section 300g-1 (b)(4)(E)(ii); 40 C.F.R. section 141.100, and 40 C.F.R. section 142.62.

Any substantial differences from the existing, comparable federal regulations or statutes are due to the mandates of state law. For example, HSC section 116380 provides that neither POU nor POE devices may be used unless the PWS demonstrates that centralized treatment is not immediately economically feasible, and that PWSs have applied for funding. Federal law has no such limitations or preliminary requirements. HSC section 116552 provides that the State Water Board can permit use of the devices for no more than three years or until funding for centralized treatment is available, whichever occurs first, while federal law does not have a similar limitation.

**Note:** *There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action. The only changes made to the originally provided informative digest are the addition of sections 64418.8 and 64420.8 to Sections Affected.*