

**ATTACHMENT No. 2
DETAILED RESPONSES TO COMMENTS**

KEY TO COMMENTERS

SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment - Permanent Regulations

Commenter Name and Affiliation	Commenter ID / RTC No.	Date Comments Received	Comment Categories
Michael Garabedian, Friends of the North Fork of the American River	01	27-Nov-17	C, D, E, L
Glenn Reynolds, Water Solutions Incorporated	02	29-Nov-17, with clarifications on 05-Dec-17	B, C, E, F, G, H, K
Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action	03	30-Nov-2017 (Comments 1-01 to 1-11) 17-Jan-2018 (Comments 2-01 and 2-02)	A, C, D, F, G
Cindy Ziernicki, Helix Water District	04	4-Jan-18	I
Alan Tandy, City of Bakersfield	05	9-Jan-18	A, C, D, F, G
Andrew DeGraca, San Francisco Public Utilities Commission	06	17-Jan-18	C, D, F, K
Stacey Harrington, Napa County	07	30-Jan-18	C
Jack Rice, California Farm Bureau Federation	08	2-Feb-18	A
Glenn Church, General Public	09	27-Nov-18	I

Commenter Name and Affiliation	Commenter ID / RTC No.	Date Comments Received	Comment Categories
Marla Anderson, Gary Williams, Taryn Hathaway, Sue Mc Call, Mark Gingles, Christine Saling, Jayette Wilkerson, Louis Eales, Kathy Werblo, Ruthann Laurel, Russell Wilcox, Peter Antonelli, Terry Bourne, Glenn Church, Pat Garcia, Bob Moore, Monterey County Water Systems	10	26-Nov-18	F, G, H, J, K, C
Sandra Hoppe, San Andreas Mutual Water Company	11	26-Nov-18	E, F, H, G, H
Sam Hedge, San Joaquin River Club Inc	12	27-Nov-18	E, F, G
Jagjinder Sahota, Solano County Environmental Health Division	13	27-Nov-18	C, D, E, F, G
Susan McCall, Strawberry Road Water System #6	14	26-Nov-18	E, F, G, H, I
Adan Ortega, California Association of Mutual Water Companies	15	27-Nov-18	E, F, H, G

**COMMENT CATEGORIES AND SECTIONS OF THE PROPOSED REGULATIONS
SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment - Permanent Regulations**

Category	Sections		Topic	Comment Received from Commenter
	POU	POE		
A-			Support of the Proposed Regulations	03, 05, 08
B-	64417	64419	Definitions	02
C-	64418	64420	General Provisions	01, 02, 03, 06, 07, 10, 13
D-	64418.1	64420.1	Immediate Economic Feasibility of Centralized Treatment	01, 03, 06, 13
E-	64418.2	64420.2	Requirements	01, 02, 11, 12, 13, 14, 15
F-	64418.3	64420.3	Treatment Strategy	02, 03, 06, 10, 11, 12, 13, 14, 15
G-	64418.4	64420.4	Operations and Maintenance (O&M) Program	02, 03, 10, 11, 12, 13, 14, 15
H-	64418.5	64420.5	Monitoring Program	02, 10, 11, 14, 15
I-	64418.6	64420.6	Public Hearing and Acceptance	04, 09, 14
J-	64418.7	64420.7	Recordkeeping and Reporting	--
K-	64418.8	64420.8	Compliance	02, 06
L-			General Comments/Questions Not Related to the Text of the Proposed Regulations	01

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01	Michael Garabedian, Friends of the North Fork of the American River	01	L - General Comments / Questions	I'd like to receive a copy of the PowerPoint (presentation).	The PowerPoint presentation was emailed to Mr. Garabedian on 27 November 2017.
01	Michael Garabedian, Friends of the North Fork of the American River	02	L - General Comments / Questions	I'd like to know the number of these service districts in the state that are less than 200 customers, where they are located, how many are in Placer County as well as throughout the state, and if there's a list of them in Placer County?	<p>The Safe Drinking Water Information System (SDWIS), Drinking Water Watch (DWW) database, which can be found at <https://sdwis.waterboards.ca.gov/PDWW/>, contains general information about public water systems (PWSs). For example, there were ~6,300 PWSs with fewer than 200 service connections in California when this document was prepared. These systems includes:</p> <ul style="list-style-type: none"> - ~1,800 community water systems; - ~3,000 noncommunity transient water systems; and - ~1,500 non-transient noncommunity water systems. <p>Based on the Modified DWW database, Placer County contains exactly 100 water systems administered by the local primacy agency (LPA). LPAs are responsible for community water systems serving fewer than 200 service connections.</p>
01	Michael Garabedian, Friends of the North Fork of the American River	03	L - General Comments / Questions	Who regulates systems with fewer than 200 customers now, what the compliance record is in recent times?	<p>The State Water Board's Division of Drinking Water (DDW) regulates all public water systems (<i>i.e.</i>, water systems that provide water for human consumption to 15 or more service connections, or regularly serve 25 or more people daily for at least 60 days out of the year). Public water systems include community water systems (where people live), nontransient-noncommunity water systems (<i>e.g.</i>, schools, businesses), or transient water systems where people that consume the water neither reside nor regularly spend time in these areas (<i>e.g.</i>, gas stations, restaurants). This information may be found at <https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/publicwatersystems/class_dec_tree.pdf>.</p> <p>DDW may also delegate the responsibility for the administration and enforcement of drinking water regulations to local health officers by means of a local primacy delegation (local primacy agency, or LPA). In these instances, LPAs are responsible for community water systems serving fewer than 200 service connections. A map of California LPA counties is available at <https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/sws/2014/SWS-LPA%20District%20Map%2004-01-14.pdf>.</p> <p>Water quality data are available on the website of the State Water Board, DDW. Compliance records are somewhat variable and subject to change.</p>

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01	Michael Garabedian, Friends of the North Fork of the American River	04	L - General Comments / Questions	Has this come up as a question of compliance? Is there some indication of what the need is and how this came about? What the problem is that it's actually solving?	As described in the Initial Statement of Reasons, which is available at < https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/regulations/ >, PWSs commonly deliver drinking water to consumers via distribution systems, with consumers' service lines being connected to the distribution system. When treatment of certain contaminants is necessary, centralized treatment is typically utilized, ensuring the drinking water within the distribution system, as a whole, meets all drinking water standards. Alternatively, POU can be applied to a single tap (or taps) to reduce the contaminants at that tap only. Similarly, POE 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. Health and Safety Code §116380 requires the State Water Board to adopt regulations governing POU and POE treatment, subject to certain limitations, including that they apply only to systems with less than 200 service connections. POU and POE provide alternatives to centralized treatment in those situations where centralized treatment is not immediately economically feasible.
01	Michael Garabedian, Friends of the North Fork of the American River	05	L - General Comments / Questions	As long as the emergency regulations were in effect, how many of these projects were carried, or how many districts were involved in POU implementation under the emergency regulations?	Informal surveys of Districts and LPAs on the use of POU and POEs were conducted around the time of the adoption of the emergency regulations in April 2016, and again in early December 2017. Results from the first survey showed that as of early 2016, at least 84 public water systems were either investigating the use of POU/POE or showing interest in these devices. By December 2017, at least 105 water systems had implemented POU or POE programs or were considering implementing these devices.
01	Michael Garabedian, Friends of the North Fork of the American River	06	E - Requirements	Are there devices now that are certified by the state or anyone?	The state of California does not currently certify devices. The State Water Resources Control Board does maintain a registry of independently evaluated and tested devices to decrease concentrations of contaminants such as arsenic, chromium, lead, nitrate, and organic chemicals, as well as bacteria, viruses and cysts. Current listings of registered devices may be found at < https://www.waterboards.ca.gov/drinking_water/certlic/device/watertreatmentdevices.shtml >. In addition, detailed information was presented at the public workshop webinar held on 8 March 2017, and slides from this workshop are available at < https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/poepou/2017publicworkshopsou.pdf >.

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01	Michael Garabedian, Friends of the North Fork of the American River	07	D - Immediate Economic Feasibility of Centralized Treatment	What is the cost of installing them per house or however they are installed?	The cost varies and depends mainly on the target contaminant(s) and the treatment technology of the POU or POE. Several factors also influence the cost, including the quantity of POU/POE devices to be purchased, and the entity or organization that installs the equipment, conducts the public education program, performs pilot testing and water quality monitoring, conducts equipment replacement and maintenance, etc. Detailed information about capital costs, and O&M costs is available in the U.S. EPA document titled "Cost Evaluation of Point-of-use and Point-of-entry Treatment Units for Small Systems: Cost Estimating Tool and User Guide" (Office of Water, EPA 815-B-07-001, April 2007). This document is available at < https://www.epa.gov/sites/production/files/2015-04/documents/epa815b07001.pdf >.
01	Michael Garabedian, Friends of the North Fork of the American River	08	C - General Provisions	How many of the federal MCLs are not generally covered by these devices, if that's the case, and what is not covered? What kinds of contaminants would not be covered by these devices?	The proposed §§64418(a) and 64420(a) would restrict the use of POU or POE to contaminants with maximum contaminant levels or actions levels other than microbial contaminants, volatile organic chemicals, organic chemicals that pose an inhalation risk, or radon. Thus, contaminants that cannot be removed by POU or POE under the proposed regulations include the following: <ul style="list-style-type: none"> - All microorganisms such as bacteria, viruses and protozoa; - Volatile organic chemicals: benzene; carbon tetrachloride; 1,2-dichlorobenzene; 1,4-dichlorobenzene; 1,1-dichloroethane; 1,2-dichloroethane; 1,1-dichloroethylene; cis-1,2-dichloroethylene; trans-1,2-dichloroethylene; dichloromethane; 1,2-dichloropropane; 1,3-dichloropropane; ethylbenzene; methyl-tert-butyl ether (MtBE); monochlorobenzene; styrene; 1,1,2,2-tetrachloroethane; tetrachloroethylene; toluene; 1,2,4-trichlorobenzene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; trichloroethylene; trichlorofluoromethane; 1,1,2-trichloro-1,2,2-trifluoroethane; vinyl chloride; and xylenes. - Non-volatile synthetic organic chemicals that pose an inhalation risk: 1,2-dibromo-3-chloropropane (DBCP); dinoseb; diquat; ethylene dibromide (EDB); hexachlorocyclopentadiene; toxaphene; 1,2,3-trichloropropane - Radon. <p>Detailed information was presented during the public workshop webinar held on 8 March 2017, and slides from this workshop may be found at <https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/poepou/2017publicworkshopspou.pdf>.</p>

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01	Michael Garabedian, Friends of the North Fork of the American River	09	D - Immediate Economic Feasibility of Centralized Treatment	I assume there's state money available for these systems; how much has been available in the recent couple of years, how many have applied for it and received money to address the system treatment problem? It would be good to know what funding is available and has been available, what steps have been taken to supply the problem; if there's money made available and how much is available?	Applications for POU or POE funding are not tracked separately but are considered as part of the overall drinking water financial assistance programs. See also response to written Commenter 03, Comment 1-06.
01	Michael Garabedian, Friends of the North Fork of the American River	10	L - General Comments / Questions	What the TNC are? Do they have treatment requirements?	Nontransient-noncommunity Water Systems are defined in California Code of Regulations (CCR) §64400.80; Transient-noncommunity Water Systems are defined in CCR §64401.85; and Community Water Systems are defined in CCR §64400.10. This information is also available at < https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/publicwatersystems/class_dec_tree.pdf >. See also response to Commenter 01, Comment 03.
01	Michael Garabedian, Friends of the North Fork of the American River	11	C - General Provisions	What exactly is not covered by this [...] individual wells or individual...?	Water system types that can benefit from the proposed regulations are listed in the proposed §§64418 and 64420. In response to the commenter's question, the proposed regulations do NOT apply to new community water systems that do not have domestic water supply permits yet, and water systems with 200 service connections or more. Nor do they apply to any water systems other than public water systems (<i>i.e.</i> , they do not apply to individual wells or systems that serve less than 15 connections or do not regularly serve 25 or more people daily for at least 60 days out of the year).

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02	Glenn Reynolds, Water Solutions Incorporated	01	B - Definitions	<p>"I would strongly urge that you encourage Point of Entry and or Point of Use. Point of entry will be MUCH more viable for mobile home treatment where point of use is VERY problematic [sic]. point [sic] of use will be fine for non transiants [sic] like a school or business where non drinking use maybe significant and drinking water use is incidental to total water volume. Water fountain at power plant as an example. by [sic] using both phrases it will keep folks aware of both options and better align with federal guidance</p> <p>page one first line [sic] "Point-of-use treatment device" or "POU" means a treatment device applied to"</p>	The suitability of the type of device and installation point depend on many factors, and will be evaluated during the permitting process based on the Treatment Strategy, Operations and Maintenance (O&M) Program, and Monitoring Program, as required by §§64418(a)(5) and 64420(a)(5). No changes to the regulation text were made in response to this comment.
02	Glenn Reynolds, Water Solutions Incorporated	02	C - General Provisions	<p>"why [sic] not just change this to existing public water systems? that [sic] way new systems are excluded.</p> <p>first page middle [sic] (a) With State Board approval, aA [sic] public water system, except for a proposed new community water system that does not have a domestic water supply permit, may be permitted to use point-of-use treatment devices (POUs) in lieu of centralized"</p>	The proposed change in regulation text would not improve clarity of the cited text. No changes to the regulation text were made in response to this comment.
02	Glenn Reynolds, Water Solutions Incorporated	03	E - Requirements	<p>"i [sic] would recommend that this be results based not ansi [sic] approved! The testing is usually done on specific contaminant challenge levels and if this system exceeds those levels then the "certification" is useless. I would simply require a pilot as the equipment costs less than \$500 and test the result. This allows much lower cost and greater flexibility in equipment selection.</p> <p>page four last paragraph [sic] As ensured by the public water system, each POU shall:Each POU must [sic]: (1) If theBe [sic] independently certified in accordance with an American National Standard Institute (ANSI) has issued a product standard applicable to the specific type of POU, be independently certified in accordance with the"</p>	As noted on page 4 of the Initial Statement of Reasons, "if the American National Standard Institute (ANSI) has issued a standard applicable to the POU, the POU must be certified to that standard by an independent organization", consistent with 42 U.S.C. §300g-1(b)(4)(E)(ii). State regulations cannot be less stringent than federal regulations. In addition, proposed §§64418.2(b) and 64420.2(b) require, with certain exceptions, that pilot testing be performed. No changes to the regulation text were made in response to this comment.

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02	Glenn Reynolds, Water Solutions Incorporated	04	E - Requirements	<p>"this [sic] is much harder than it sounds. take [sic] for example nitrate. A nitrate resin bed filter for an entire mobile home costs \$1,500. However a hach [sic] nitrate analyzer costs \$15,000. I think having a schedule for service validated by testing is a better approach. the [sic] only monitor which is cheap and effective is a tds [sic] monitor for reverse osmosis systems, but i [sic] doubt you have many point of entry systems treating for salt and the site would need to prove that they can use salt as an indicator for the contaminant they are treating.</p> <p>page five: (4) (5) [sic] Be equipped with a mechanical warning (e.g. alarm, light, etc.) that alerts users when a unit needs maintenance or is no longer operating in a manner that assures the unit is producing effluent meeting state and federal drinking water standards, unless the device is equipped with an automatic shut-off mechanism that prevents the flow of water under such circumstances; and"</p>	<p>42 U.S.C. §300g-1(b)(4)(E)(ii) requires that POU and POE be equipped with mechanical warnings to automatically notify customers of operational problems. State regulations cannot be less stringent than federal regulations. The proposed §§64418.4 and 64420.4 require water systems to submit and obtain state approval of an O&M Program prior to installing POU or POE devices. As part of the O&M Program, the State Water Board may consider alternative approaches if the alternatives can ensure safe delivery of treated water and notify customers of operational problems. In addition, the O&M Program must include replacement and service schedules for treatment components and treated water quality warning devices. No changes to the regulation text were made in response to this comment.</p>
02	Glenn Reynolds, Water Solutions Incorporated	05	E - Requirements	<p>"A flow meter seems like a fine requirement, BUT water utilities should not be restricted from using current generation ultrasonic water meters which are awwa [sic] approved. (you [sic] use the term mechanical meter, which sounds like a mechanical flow meter with a gong attached) Why not just say the installation must have an awwa [sic] approved water meter associated with treatment. This would allow point of entry units to use the revenue meter. Since we want to encourage water systems to have water meters this is a double win. Guy Schott in Santa Rosa has small systems with low budget cloud based monitoring which costs only \$40 per month but allows him to real time assist in keeping an eye on the water system. A much better plan than a flow meter with a red flag."</p>	<p>[On 1 December 2017, State Water Board asked Mr. Reynolds for clarification about the original comments that he had sent on 29 November 2017. The document that he returned on 5 December 2017 contained this additional comment. This comment is addressed here even though it was received after the 30 November 2017 close of the 45-day comment period.]</p> <p>Proposed §64418.2(a)(5) includes the following: "If requested by the State Board, [each POU must] be equipped with a totalizing flow meter." §64420.2(a)(5) proposes a similar requirement for POEs. These sections do not restrict flow meters to mechanical flow meters only. No changes to the regulation text were made in response to this comment.</p>

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02	Glenn Reynolds, Water Solutions Incorporated	06	F - Treatment Strategy	<p>"this [sic] would be a good location to have language that requires an exterior point of entry as preferred [sic] to an interior point of use. For example if you allow point of use on mobile home kitchen sinks, then what about bathroom use and how will you get access to service the unit each month and to test water quality? If the law states that point of use can be used if an explanation as to why point of entry is not viable that would be easy [sic]</p> <p>page six:) [sic] The public water system's authority to require customers to accept POUs in lieu of centralized treatment and to take an action, such as discontinuing service, if a customer fails to accept POUs;"</p>	The suitability of the type of device and installation point depend on many factors, and will be evaluated during the permitting process based on the Treatment Strategy, O&M Program, and Monitoring Program, as required by §§64418(a)(5) and 64420(a)(5). No changes to the regulation text were made in response to this comment.
02	Glenn Reynolds, Water Solutions Incorporated	07	G - O&M Program	<p>"this [sic] has caused issues in the past where the district engineer thought he was responsible for waste tracking of uranium absorption media [sic] how about it states that treatment concentrate streams or backwash streams disposal locations have a plan? and [sic] not use the words waste handling?</p> <p>page 9 [sic]: (6) POU wastehandling and disposal procedures."</p>	Proposed §§64418.4(a)(6) and 64420.4(a)(6) would require that water systems submit an O&M Program, including waste-handling and disposal procedures. Thus, this comment is addressed in the proposed regulation text. No changes to the regulation text were made in response to this comment.
02	Glenn Reynolds, Water Solutions Incorporated	08	H - Monitoring Program	<p>"the [sic] dictionary defines effluent as liquid waste or sewage discharge. Is that what you want to monitor? the [sic] permeate is what I want to drink and what you should monitor wrong [sic] word and super important. The the [sic] Latin means "to flow out" modern is waste [sic]</p> <p>page ten [sic] (2) POU effluent – initially, with samples collected as soon as possible but no later than 72 hours after a device is installed; and (3) POU effluent, – on-going following the monitoring in paragraph subsection (a)(2) –, annually, with one twelfth of all units sampled monthly on a"</p>	Although one of the secondary definitions of "effluent" is wastewater discharge, "effluent" is primarily described as the "water flowing out of a treatment system, unit or device". This is the primary definition of "effluent" that can be found in the Merriam-Webster Dictionary, the American Heritage Dictionary, the Drinking Water Dictionary of the American Water Works Association (AWWA), and the Glossary of Water and Wastewater Control Engineering (American Public Health Association, American Society of Civil Engineers, AWWA, and Water Pollution Control Federation). No changes to the regulation text were made in response to this comment.
02	Glenn Reynolds, Water Solutions Incorporated	09	H - Monitoring Program	<p>"same [sic] as above comment. bad word choice [sic]</p> <p>PAGE 11 (e)If an on-goinga [sic] POU effluent sample result exceeds an MCL for a contaminant other than nitrate, nitrite, nitrate plus nitrite, or perchlorate, the public water system shall:"</p>	Please see response to Commenter 02, Comment 08.

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02	Glenn Reynolds, Water Solutions Incorporated	10	K - Compliance	<p>"shouldn't [sic] there be some wiggle room so a violation is not triggered on a bad sample? I would think that five percent of the samples over a year could exceed the limit so there was room for an individual unit which was overrun through some excessive use anomaly [sic] didn't mean the entire program was at fault?"</p> <p>PAGE 11 (e)If an on-goinga [sic] POU effluent sample result exceeds an MCL for a contaminant other than nitrate, nitrite, nitrate plus nitrite, or perchlorate, the public water system shall:"</p>	The State Water Board concurs that the addition of compliance determination text is warranted. Subsequent to the 45-day comment period, §§64418.8 and 64420.8 were added to the proposed regulation text. The revised text of the proposed regulations was re-noticed for an additional 15-day public comment period.
02	Glenn Reynolds, Water Solutions Incorporated	11	K - Compliance	<p>"why [sic] strike this. I argue we should leave it in.</p> <p>PAGE 14 d)A [sic] public water system shall be in violation of the MCL if: (1)for all POU's combined, during a 12-month interval more than five percent (5%) of the results of the effluent monitoring conducted pursuant to section 64418.5 exceed an MCL"</p>	Please see response to Commenter 02, Comment 10.
03	Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action	1-01	A - Support of the Proposed Regulations	"We share the Board's interest in ensuring that households have as little disruption as possible in accessing safe drinking water within their homes and share the following suggestions for improving the program."	The comment is appreciated.
03	Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action	1-02	G - O&M Program	"Treatment devices are only as effective as they are adequately operated and maintained. We think the regulations do a good job of ensuring proper O/M by requiring a life-cycle cost comparison, the submission and proactive board approval of an Operation and Maintenance Plan, and requiring proof of 24/7 service availability for the in-home units."	The comment is appreciated.
03	Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action	1-03	C - General Provisions	<p>"The statute for which these regulations are being promulgated has some specific requirements that are not currently reflected in the regulations, specifically, the limitation on the size of the community water system that is eligible for this option. We suggest the following amendment:</p> <p>§64418(a) A public water system <i>of less than 200 connections</i>, except for a proposed new community water system that does not have a domestic water supply permit, may be permitted to use POU's in lieu of centralized treatment ..."</p>	References to Health and Safety Code (HSC) §116380(a), which restricts the size of eligible water systems, were added to proposed §§64418(a) and 64420(a). The revised text of the proposed regulations was re-noticed for an additional 15-day public comment period.

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03	Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action	1-04	C - General Provisions	"... statute does not specify that a system must apply for public funding sources to be eligible for this compliance option. We suggest the following amendment: §64418(a)(2)(A) [has] applied for funding from any federal, state, or local agency <u>or private source</u> to (A) correct the system's violations;"	The undefined term "private source" is too broad without extensive qualifications. In addition, applications for public funding tend to include the details necessary to evaluate whether the terms of HSC §116380(a)(3) are met, specifically, the requirement that the application is for funding to correct the violations for which the POU or POE treatment is to be provided.
03	Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action	1-05	C - General Provisions	"... the statute limits the granting of a permit to three years. We suggest the following amendment: §64418(a)(3) the public water system has applied for a permit or permit amendment to use POU's <u>upon completion of pilot testing and determination of a specific POU device pursuant to Section 64418.3. Any approved permit or permit amendment will be for a three (3) year term with the option to reapply for an amendment every three (3) years.</u>	References to HSC §116552, which restricts permit terms, were added to proposed §§64418(a)(3) and 64420(a)(3). The revised text of the proposed regulations was re-noticed for an additional 15-day public comment period.
03	Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action	1-06	C - General Provisions	"The intent of these regulations is to ensure that a public water system continues to provide safe drinking water to its customers while developing and implementing permanent solutions. Unfortunately, we have had an experience ... in which the system was deemed compliant due to installation of POU devices, but then ruled ineligible for planning/feasibility funding based on that compliance. ... we'd like the following language included in the regulations: <u>New section §64418(a)(7) Neither the application for, nor the approval thereof, a permit or permit amendment shall be construed as compliance with state and federal Safe Drinking Water Act standards as they apply to funding eligibility for planning or construction funding from the Safe Drinking Water State Revolving Fund or other Funds administered by the State Water Resources Control Board.</u> "	Implementation of a POU or POE device as a temporary means of compliance with drinking water standards does not preclude water systems from funding eligibility. Factors considered in the determination of funding eligibility are listed in the Drinking Water State Revolving Fund (DWSRF) Intended Use Plan (IUP), which is prepared by the Division of Financial Assistance (DFA) and adopted annually by the State Water Board. No changes to the regulation text were made in response to this comment.

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03	Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action	1-07	C - General Provisions	<p>"We also are concerned with the presumption that 100% of customers must agree to installation in order for the system to be deemed in compliance. This is an extremely high and in many, if not most, cases impossible bar for a public water system to reach. ... One suggestion might be the addition of a customer notification program as one of the requirements of the program, either instead of or in addition to the rote notification process contained in the current regulations. Here's a suggestion: <u><i>New section §64418(a)(5)(D). POU education program that identifies the public hearing required by HSC 116552, the process by which each customer will be notified, multiple types of followup for non-responsive customers, and notification of residential customers who refuse access for installation/monitoring maintenance of POU device.</i></u></p> <p>We might then amend related sections as follows; <u><i>§64418(a)(6) the public water system ensures that each building and each dwelling unit, commercial building or other establishment or institution, served by the connected to the public water system, has a POU installed pursuant to this Article, unless the dwelling unit has refused access for installation/operation/maintenance of POU after implementation of the Education Program identified in section (5).</i></u>"</p>	40 Code of Federal Regulations (CFR) 142.62(h)(6) requires that <i>"The State must be assured that buildings connected to the system have sufficient point-of-use or point-of-entry devices that are properly installed, maintained, and monitored such that all consumers will be protected."</i> State regulations cannot be less stringent than federal regulations. No changes to the regulation text were made in response to this comment.
03	Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action	1-08	C - General Provisions	<p>"... in our experience it is common for a small minority of customers to choose not to comply with a POU installation request, and rare that a system will achieve 100% compliance. ...</p> <p><u><i>§64418(b) but the public water system will not be deemed in compliance without meeting unless customers served by at least 75% of connections served by the public water system meet the requirement of subsection (a)(6).</i></u>"</p>	Please see response to Commenter 03, Comment 1-07.

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03	Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action	1-09	D - Immediate Economic Feasibility of Centralized Treatment	"Rather than use an MHI formula to determine economic feasibility, why not use the cost of the project and the expected schedule for obtaining funding? ... If a system requests public funding for installing the interim system, the eligibility formula listed in 64418.1 may be appropriate. But subsidies for interim solutions are not part of this regulation."	The median household income (MHI) formulae consider the cost of public drinking water supply and other household expenditures, as explained in the Initial Statement of Reasons (ISOR), which may be found at < https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/regulations/docs/pou_poe_isor2017_to_oal.pdf >. If a community water system meets the requirements stated in proposed §§64418.1(a) or 64420.1(a), then centralized treatment is not considered "immediately economically feasible", and the water system may be permitted to use POU or POE treatment, according to proposed §§64418(a)(2)(B) and 64420(a)(2)(B). Proposed §§64418.1 and 64420.1 do not specifically pertain to the ability of a water system to obtain funding for centralized treatment or for POU or POE treatment. No changes to the regulation text were made in response to this comment.
03	Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action	1-10	D - Immediate Economic Feasibility of Centralized Treatment	"We strongly feel that communities should have as little interruption as possible in the provision of safe drinking water. We think it would be helpful to include a definition of "immediately" either in the definitions section or when the term is introduced in §64418(a)(2)(B). Potential language might say <u><i>"Not immediately economically feasible" is defined as that provision of safe drinking water through installation of centralized treatment cannot be achieved by the public water system without access to an outside funding sources; and that financing and installation of such a system will take longer than 90 days."</i></u>	The State Water Board agrees that there should be as little interruption in the provision of safe drinking water as possible while water systems are pursuing a permanent, centralized means of ensuring compliance with drinking water standards. Even without financial or economic impediments, the time required to complete design, financing, installation, etc. for a centralized treatment system will vary based on the site conditions, the contaminant to be treated, and the selected treatment method. While 90 days might, in some instances, be an appropriate timeframe, for many others it will not. No changes to the regulation text were made in response to this comment.

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03	Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action	1-11	F - Treatment Strategy	<p>"Several contaminants, including Uranium, 1,2,3-TCP and Hexavalent Chromium, currently have no 3rd-party certified devices. ... We think this provides an opportunity to work with the Board to identify pilot testing protocols that will allow devices to be approved for these contaminants and for POE systems. ... We recommend the inclusion of the following:</p> <p>64418.3(a)(11): Add "Pilot Test" or "Pilot Test Plan" between (C) and (D).</p>	<p>In general, POU and POE devices must be certified in accordance with an ANSI standard for the targeted contaminant. In the event there is no applicable ANSI certification standard available, the proposed §64420.2(a)(2) describes the mechanism by which a device may be approved by State Water Board following a review of the POU or POE unit's design, construction, treatment performance, and available field or pilot test results.</p> <p>The need for pilot testing and pilot testing protocol is addressed in proposed §§64418.2 and 64420.2. Because water systems need to comply with these sections first (i.e., they need to conduct pilot testing before they provide the information listed in proposed §§64418.3 and 64420.3), the suggested language is not necessary.</p> <p>No changes to the regulation text were made in response to this comment.</p>
03	Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action	2-01	A - Support of the Proposed Regulations	<p>"On behalf of the above-listed organizations, we appreciate the opportunity to comment on the proposed permanent regulations governing the approval of point-of-use (POU) and point-of-entry (POE) water treatment devices as an interim measure for small communities that lack safe drinking water. We share the Board's interest in ensuring that households have as little disruption as possible in accessing safe drinking water within their homes and share the following suggestions for improving the program."</p>	<p>The comment is appreciated.</p>
03	Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action	2-02	C - General Provisions; D - Immediate Economic Feasibility of Centralized Treatment; F - Treatment Strategy; G - O&M Program	<p>"Our organizations submitted comments at the November 30 deadline that reflected our experiences in implementing point-of-use and point-of-entry treatment, and provided specific language to address the concerns we raised. We appreciate that, having acknowledged our comments, the Board is under no requirement to actually respond to them. However, given our good relationship with staff, we were surprised and disappointed that we were not contacted about our suggestions, and that none of our proposed edits were incorporated into the final (Dec. 21, 2017) draft.</p> <p>"Rather than submit essentially the same letter, we would simply request a meeting with staff to review our suggestions and the reason for not incorporating them."</p>	<p>All comments received have been carefully considered, and responses to each comment are provided herein. In particular, Commenter's Comments 1-03 and 1-05 were incorporated by revising the text of the proposed regulations, as described in the responses to those comments. Commenter's requested changes in Comments 1-04, 1-07 and 1-08 could not be accommodated because state regulations cannot be less stringent than federal regulations. References to relevant sections of the Health and Safety Code are provided in the responses to those comments.</p>

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04	Cindy Ziernicki, Helix Water District	01	I - Public Hearing and Acceptance	I recommend that the following sentence be removed or replaced from 64418.6 3 (for POU) and 64420.6 3 (for POE) <i>"The survey shall be delivered in a manner designed to reach each customer and in the language appropriate for communication with the customers."</i> If replaced, I propose the following language: <i>"The survey shall be delivered in English and Spanish to all customers. In addition, for each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community, the system must include the survey in the appropriate language(s)."</i>	HSC §116380(a) restricts the use of POU and POE treatment by public water systems in lieu of centralized treatment to those systems with less than 200 service connections, so the suggestion that additional languages be required if at least 1,000 residents speak that language is not relevant to the proposed regulations. In addition, for POU/POE treatment to be effective in providing safe drinking water, and to confirm compliance with Health and Safety Code §116552 requirement that there be no substantial community opposition to the installation of the treatment devices, water systems must be able to communicate to each customer affected. No changes to the regulation text were made in response to this comment.
04	Cindy Ziernicki, Helix Water District	02	I - Public Hearing and Acceptance	I recommend that 64418.6 3.c.1 (for POU) and 64420.6 3.c.1 (for POE) <i>"The sum of the number of non-voting customers and the number of customers voting against POU or POEs, is less than half of the total customers"</i> be removed. Based on 64418.6 3.c.1 (for POU) and 64420.6 3.c.1 (for POE) current criteria, the expectation that <i>"The sum of the number of non-voting customers and the number of customers voting against POU or POEs, is less than half of the total customers"</i> , over 50% of ALL customers (not just survey responders) would need to vote with a positive response in order for a community water system to not have substantial community opposition. It is not recommended to have a requirement based on how customers will respond to a survey, particularly when the response expectation is much greater than an average survey response. Based on our own in-house surveys and survey organizations, a 'good' survey response rate is approximately 15%. According to Surveygizmo.com, <i>"the average response rate for external surveys is 10 – 15%."</i> According to Benchmarkemail.com, <i>"it is not possible to provide a "typical" or "normal" response rate with surveys, since many different factors contribute and the results differ from business to business. Generally speaking, an email open rate of 15-20% is considered "good." However, not everyone who will open your email will participate in your survey. Therefore, you can expect the percentage of subscribers who respond to the survey to be even less than that."</i>	While the State Water Board recognizes that the proposed text represents a high bar, community buy-in is crucial to the success of a POU/POE program. The proposed text was written to encourage community participation to ensure compliance with the HSC §116552 requirement that there be no substantial community opposition to the installation of the treatment devices. No changes to the regulation text were made in response to this comment.

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05	Alan Tandy, City of Bakersfield	01	A - Support of the Proposed Regulations	<p>"The City of Bakersfield is a public water supplier and staff strongly believes the proposed regulations increase the ability of Bakersfield and other public water suppliers to deliver drinking water to consumers that is, at all times, pure, wholesome and potable. Centralized treatment of drinking water is not always economical or efficient, and the proposed regulations provide a reasonable and practical alternative to centralized treatment of drinking water. Additionally, the City believes the proposed regulations are consistent with the statutory requirements of the California Safe Drinking Water Act, and other California and federal statutes and regulations governing the provision of domestic water to the public.</p> <p>The City of Bakersfield therefore urges the Water Board to adopt the proposed revised regulations governing the use of POU treatment and POE treatment by, public water systems."</p>	The comment is appreciated.
06	Andrew DeGraca, San Francisco Public Utilities Commission	01	C - General Provisions	<p><i>"§64418 (b): General Provisions "With State Board approval and without having to meet the requirement of subsection a public water system may utilize POU's in lieu of centralized treatment for the purpose of reducing contaminants, other than microbial contaminants, volatile organic chemicals, or radon, to levels at or below., but will not be deemed in compliance without meeting the requirement of subsection (a)(6). A public water system's application for a permit to utilize pursuant to this subsection may include a request..."</i></p> <p>"The first part of the rule under this section is unclear and confusing to readers since it states that a public water system may be approved without meeting the requirement of subsection (a)(6), but then states in Section 64418.8 (a)(3) that the system will be out of compliance if not meeting 64418(b) requirement. Why would the system be granted with the approval for POU use in the first place if this would put the system out of compliance? We suggest clarifying this requirement."</p>	This paragraph is intended to allow discrete portions of a water system, such as schools within a public water system, to use POU/POE to achieve water quality standards on an accelerated schedule while a permanent solution is being developed and implemented for the overall water system. Using POU treatment in such a circumstance would not put a system out of compliance as it would already be out of compliance. Neither, however, would it bring the overall water system into compliance. No changes to the regulation text were made in response to this comment.

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06	Andrew DeGraca, San Francisco Public Utilities Commission	02	D - Immediate Economic Feasibility of Centralized Treatment	"§64418.1: Immediate Economic Feasibility of Centralized Treatment "The requirements to compare the costs of centralized treatment to the use of POU may not entirely apply to some of the community water systems. For example, the SFPUC's Moccasin Compound Water System would not be able to provide the economic feasibility listed since the rate base does not necessarily cover the capitalization for this system. We suggest adding alternative calculation costs to allow all other systems to meet this requirement."	Whether rates for a particular water system cover the capitalization for a system, this proposed §64418.1 does not inhibit such a system from completing the economic feasibility analysis set forth in the proposed regulations. No changes to the regulation text were made in response to this comment.
06	Andrew DeGraca, San Francisco Public Utilities Commission	03	F - Treatment Strategy	"§64418.3 (11)(E): POU Treatment Strategy "If the water system is permitted to use POUs in lieu of centralized treatment for reducing contaminants to achieve compliance, why is the system still required to construct centralized treatment? Since this section requires a schedule for the construction of centralized treatment, we find that the SWRCB doesn't intend to allow POUs as a permanent solution for MCL compliance. This regulation imposes many hurdles including: [...] "Together with the need for construction schedules for a centralized treatment and the above restrictions, we find the proposed regulation may discourage water system to use POU for compliance."	HSC §116522 requires that " <i>The issuance of a permit pursuant to this section shall be limited to not more than three years or until funding for centralized treatment is available, whichever occurs first.</i> " The proposed regulations are intended to allow the use of POU/POE treatment as a temporary means of attaining water quality standards, while a permanent, centralized solution is developed and implemented, consistent with the requirements of HSC §116522. For some systems, however, it may be necessary to continue to renew the three-year permit terms because centralized treatment remains economically infeasible. No changes to the regulation text were made in response to this comment.
06	Andrew DeGraca, San Francisco Public Utilities Commission	04	K - Compliance	"§64418.8 (a)(1): Compliance This section refers incorrectly to Section 64420.5, which is applicable to POEs. The reference should be corrected to refer to Section 64418.5, which is applicable to POUs."	The State Water Board thanks the Commenter for bringing this to attention. §64418.8 (a)(1) of the proposed regulations has been revised accordingly.
07	Stacey Harrington, Napa County	01	C - General Provisions	"Section 64420(6)(a) appears to be missing."	Commenter is referring to §64420(a)(6). This section is a subsection of §64420(a), which is immediately followed by §64420(b). Please refer to the indentation. [This was clarified with the Commenter in a phone call on 01/31/2018.]

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08	Jack Rice, California Farm Bureau Federation (late comment: not posted on website)	01	A - Support of the Proposed Regulations	"As California grapples with ensuring a safe and affordable drinking water supply, particularly for rural communities, we must recognize the technologies available to help us achieve this goal. Farm Bureau encourages the State Water Board Staff to modify the POU/POE regulations to allow for point of use technologies to be relied on in meeting drinking water standards. This will allow for efficient and effective treatment of water to address natural and anthropogenic constituents."	The comment is appreciated.
09	Glenn Church, General Public	01	I - Public Hearing and Acceptance	§64418.6(a) Public Hearing and Acceptance. "Most of the community water systems operate with decisions made by the owners of water rights. These owners hold shares in a water system that can be single or multiple. These regulations do not clearly define what is a customer. If customer is defined as a renter, then a person who is more likely to be transient than an owner will be making decisions on the long-term financial and operations matters of a water system. This would also be contrary to the way most community water systems operate".	The proposed change in regulation text would not improve clarity of the regulation text. 22 California Code of Regulations (CCR) §64400.30 defines customer as "a service connection to which water is delivered by a community water system or a person that receives water from a nontransient-noncommunity water system for more than six months of the year". No changes to the regulation text were made in response to this comment.
09	Glenn Church, General Public	02	I - Public Hearing and Acceptance	"This section goes onto state that each customer will be provided a survey with an option of voting for or against a POU/POE system. Water systems have bylaws stipulating how decisions are made. If a centralized treatment system is to be voted on, the water systems bylaws will be used. However, these regulations require a completely different process that may lead to confusion and distort how water systems have traditionally operated. There seems no reason that traditional voting processes must be turned upside down for this particular matter. For example, a system with 25 connections may have one customer who owns 10 water shares. The other 15 are owned by individual shares. The person with 10 shares has a larger stake in the water system, but according to the proposed regulations is now just one of sixteen votes. These water systems are private enterprises, although nonprofit entities. Private enterprises usually make decisions based on one's ownership. These regulations run counter to that and treat a water system as one would a publicly owned water district where every individual has a vote".	HSC §116552 specifically restricts the State Water Board from permitting a PWS to use POU's and POE's in lieu of centralized treatment, unless a public hearing has been held in the community and there is no substantial community opposition. CCR §64418.6 does not provide specific information how the voting is to be addressed. The proposed regulations would require a PWS to submit a Public Acceptance Protocol to the State Water Board for review. Please see also response to Commenter 04, Comment 02. No changes to the regulation text were made in response to this comment.

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09	Glenn Church, General Public	03	I - Public Hearing and Acceptance	"I would also like to point out that the use of 25% opposition as a threshold for approving or rejecting a POU/POE system is problematic. If 24% of the people oppose a POU/POE system, then that is nearly 1 in 4 people who are opposed. This represents substantial opposition. This is particularly concerning because it only takes 5% of the water system's users to put it out of compliance (§64420.8. Compliance. (a) (1)). The number of those needed to approve the system should not exceed the number of those who can put a system out of compliance. Otherwise, this gives those who oppose POU/POE systems a second way to veto the use of POU/POE treatment system".	As noted on pages 7 and 13 of the ISOR, 25% was selected because the statute does not define "substantial," but the term is generally defined as "more than a scintilla" and less than a preponderance (which is more than 50%). This specificity is necessary to provide a clear standard as to what is meant by "no substantial community opposition." Please see response to Commenter 03, Comment 1-07, and Commenter 10, Comment 08. No changes to the regulation text were made in response to this comment.
10	Marla Anderson, Gary Williams, Taryn Hathaway, Sue McCall, Mark Gingles, Christine Saling, Jayette Wilkerson, Louis Eales, Kathy Werblo, Ruthann Laurel, Russell Wilcox, Peter Antonelli, Terry Bourne, Glenn Church, Pat Garcia, Bob Moore, Monterey County Water Systems	01	F - Treatment Strategy	Section 64418.3 (a.3) "The public water system's authority to require customers to accept POUs in lieu of centralized treatment and to take an action, such as discontinuing service - Likely illegal action for many small pws".	As noted on pages 1 and 9 of the ISOR-Addendum, HSC §116380 requires the State Water Board to limit the proposed regulations to usage not prohibited by the federal Safe Drinking Water Act (SDWA). 40 CFR 142.62(h)(6) requires that "[t]he State must be assured that buildings connected to the system have sufficient point-of-use or point-of-entry devices that are properly installed, maintained, and monitored such that all consumers will be protected". The PWS's authority to require customers to accept POUs is necessary to comply with these federal regulations and to ensure all consumers are protected through the provision of water meeting drinking water standards. No changes to the regulation text were made in response to this comment.
10	Marla Anderson, Gary Williams, Taryn Hathaway, Sue McCall, Mark Gingles, Christine Saling, Jayette Wilkerson, Louis Eales, Kathy Werblo, Ruthann Laurel, Russell Wilcox, Peter Antonelli, Terry Bourne, Glenn Church, Pat Garcia, Bob Moore, Monterey County Water Systems	02	F - Treatment Strategy	Section 64418.3 (a.7) "The authority, ordinances, and/or access agreements adequate to that allow the public water system's representatives access to customers' premises for POU How are small pws without existing recorded agreements allowing access supposed to enforce this?"	As noted on page 3 of ISOR-Addendum, 40 CFR 142.62(h)(6) requires that "[t]he State must be assured that buildings connected to the system have sufficient point-of-use and/or point-of-entry devices that are properly installed, maintained, and monitored such that all consumers will be protected". 40 CFR 142.65, Table B, footnote b, also requires that "[w]hen POU devices are used for compliance, programs for long-term operation, maintenance, and monitoring must be provided by water utility to ensure proper performance". State regulations cannot be less stringent than federal regulations. No changes to the regulation text were made in response to this comment.

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10	Marla Anderson, Gary Williams, Taryn Hathaway, Sue McCall, Mark Gingles, Christine Saling, Jayette Wilkerson, Louis Eales, Kathy Werblo, Ruthann Laurel, Russell Wilcox, Peter Antonelli, Terry Bourne, Glenn Church, Pat Garcia, Bob Moore, Monterey County Water Systems	04	F - Treatment Strategy	<p>Section 64418.3 (a.11)</p> <p>"The anticipated proposed schedules for: E. Construction of centralized treatment - -How would a small pws possibly know when centralized treatment will be feasible and should be constructed. Committing to a construction schedule feels like an intimidation when it's already been determined to be infeasible per §64420.1. Why not wait until the next renewal and address it then. By the way, in how many years is the POU/POE permit to be renewed?"</p>	<p>Please see response to Commenter 06, Comment 03.</p>

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10	Marla Anderson, Gary Williams, Taryn Hathaway, Sue McCall, Mark Gingles, Christine Saling, Jayette Wilkerson, Louis Eales, Kathy Werblo, Ruthann Laurel, Russell Wilcox, Peter Antonelli, Terry Bourne, Glenn Church, Pat Garcia, Bob Moore, Monterey County Water Systems	07	J- Recordkeeping and Reporting	Section 64418.7 (a) "A public water system shall maintain the following records for at least ten years and provide the records to the State Board . . . Five years is much more doable for small pws. Ten years is beyond the time and management abilities of most small pws manager".	As noted on page 5 of the ISOR-Addendum, "the ten-year timeframe is consistent with other recordkeeping requirements, including those set forth in 22 CCR 64470 for domestic water quality monitoring and sanitary survey communications; 64259 for local primacy agency technical reports, permits, sanitary surveys, and water quality analyses; 64554 for maximum day demand calculations; 64980.80 for lead and copper data; and 64430 (40 CFR 141.405) for groundwater corrective actions and disinfectant residuals. Each of these record retention requirements ranges from 9 to 18 years. The ten-year timeframe for all records simplifies recordkeeping requirements and does not place an unreasonable burden on a PWS." No changes to the regulation text were made in response to this comment.
10	Marla Anderson, Gary Williams, Taryn Hathaway, Sue McCall, Mark Gingles, Christine Saling, Jayette Wilkerson, Louis Eales, Kathy Werblo, Ruthann Laurel, Russell Wilcox, Peter Antonelli, Terry Bourne, Glenn Church, Pat Garcia, Bob Moore, Monterey County Water Systems	08	K - Compliance	Section 64418.8 (a.1) "for all POU's combined, during a 12-month interval, more than five percent (5%) of the results of the effluent monitoring conducted pursuant to section 64418.5. It should be 20% to allow for the fact that there will likely be 1 or 2 non-unit households on each system. Requiring compliance is still an issue for systems that do not have legal authority to enforce the regulations".	The proposed §64418.8 clearly specifies only the samples equipped with all POU's combined shall be in compliance with results of the POU effluent monitoring. The samples equipped with non-unit households are not included. Please also see response to Commenter 03, Comment 1-07. No changes to the regulation text were made in response to this comment.

Final Responses to Written Comments for Proposed SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment - Permanent Regulations

Commenter ID	Commenter Name/Organization	Comment ID	Category	Comment / Proposed Regulation Change	Response
10	Marla Anderson, Gary Williams, Taryn Hathaway, Sue McCall, Mark Gingles, Christine Saling, Jayette Wilkerson, Louis Eales, Kathy Werblo, Ruthann Laurel, Russell Wilcox, Peter Antonelli, Terry Bourne, Glenn Church, Pat Garcia, Bob Moore, Monterey County Water Systems	09	K - Compliance	Section 64418.8 (a.3) "a building or dwelling unit served by the water system does not have a POU installed pursuant to this Article. Should be a violation only if 20% or more of connections do not have a POU installed. The water system should not be penalized for non-compliance of 1 or 2 households that do not comply".	Please see response to Commenter 03, Comment 1-07.
10	Marla Anderson, Gary Williams, Taryn Hathaway, Sue McCall, Mark Gingles, Christine Saling, Jayette Wilkerson, Louis Eales, Kathy Werblo, Ruthann Laurel, Russell Wilcox, Peter Antonelli, Terry Bourne, Glenn Church, Pat Garcia, Bob Moore, Monterey County Water Systems	10	K - Compliance	Section 64418.8 [sic] (a.1) "for all POUs [sic] combined, during a 12-month interval, more than ten percent (10%) of the results of the effluent monitoring conducted pursuant to section 64418.5 [sic]. It should be 10% to allow for the fact that there will likely be 1 or 2 non-unit households on each system. Requiring compliance is still an issue for systems that do not have legal authority to enforce the regulations".	Please see response to Commenter 10, Comment 08.
10	Marla Anderson, Gary Williams, Taryn Hathaway, Sue McCall, Mark Gingles, Christine Saling, Jayette Wilkerson, Louis Eales, Kathy Werblo, Ruthann Laurel, Russell Wilcox, Peter Antonelli, Terry Bourne, Glenn Church, Pat Garcia, Bob Moore, Monterey County Water Systems	11	K - Compliance	Section 64418.8 [sic] (a.3) "a building or dwelling unit served by the water system does not have a POU [sic] installed pursuant to this Article. Should be a violation only if 10 % or more of connections do not have a POU [sic] installed. The water system should not be penalized for non-compliance of 1 or 2 households that do not comply".	Please see response to Commenter 03, Comment 1-07.

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Commenter ID	Commenter Name/Organization	Comment ID	Category	Comment / Proposed Regulation Change	Response
11	Sandra Hoppe, San Andreas Mutual Water Company	01	E - Requirements	<p>64418.2 (a) (3) and 64420.2 (a) (3) Ownership</p> <p>"Requiring the water company to own the entire POU/POE is impractical and imposes unreasonable liability on the water system. The units are inside customers' homes and will be subjected to conditions and physical abuse the water company cannot control. Customers, on the other hand, are better situated to monitor conditions, such as leaks, and take appropriate action to limit damage, as well as carry insurance against such damage, to their property. Indeed, most of our customers are already covered by such insurance. As written, the proposed regulation exposes small water companies to potential liability from POU/POE water leaks which we are not able to control, mitigate, or insure against in an affordable manner. We believe it is entirely reasonable to have customers own the POU/POE units in their homes, which the water company will assume responsibility for testing and maintaining in compliance with the regulation. Alternatively, at most, water company ownership should be limited to the filter membrane of the POU/POE unit".</p>	<p>As noted on page 10 of the ISOR, the federal SDWA, at 42 United States Code (U.S.C.) section 300g-1 (b)(4)(E)(ii), states that "[p]oint-of-entry and point-of-use treatment units shall be owned, controlled, and maintained by the public water system or by a person under contract with the public water system to ensure proper operation and maintenance and compliance with the maximum contaminant level or treatment technique and equipped with mechanical warnings to ensure that customers are automatically notified of operational problems . The criteria proposed in §64418.2(a)(3) and §64420.2(a)(3) are consistent with federal SDWA requirements. State regulations cannot be less stringent than federal law. No changes to the regulation text were made in response to this comment.</p>
11	Sandra Hoppe, San Andreas Mutual Water Company	02	E - Requirements	<p>64418.2 (a) (4) and 64420.2 (a) (4) Mechanical Warning</p> <p>"The State is defining a requirement that is not technologically possible for all contaminants at this time. For example, if Cr-6 is the target, we do not believe existing POU/POE unit sensors can detect 10 ppb Cr-6 in real time. This requirement must be replaced with something that is attainable, practical, and affordable, and relates to the reason this regulation is being proposed".</p>	<p>The proposed regulations do not require a mechanical warning based on real-time monitoring of the contaminant intended to be removed. Rather, the federal SDWA, at 42 U.S.C. section 300g-1 (b)(4)(E)(ii), requires that "[p]oint-of-entry and point-of-use treatment units shall be ... equipped with mechanical warnings to ensure that customers are automatically notified of operational problems". The criteria proposed in §64418.2(a)(4) and §64420.2(a)(4) are consistent with federal SDWA requirements. State regulations cannot be less stringent than federal law and regulations. No changes to the regulation text were made in response to this comment.</p>

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Commenter ID	Commenter Name/Organization	Comment ID	Category	Comment / Proposed Regulation Change	Response
11	Sandra Hoppe, San Andreas Mutual Water Company	03	F - Treatment Strategy	<p>64418.3 (a) (3) and 64420.3 (a) (3) Disconnecting Service</p> <p>"The prospect of discontinuing someone's water service for refusing to accept installation of a POU/POE unit to address a new MCL is unreasonable on its face. The regulation should not require water companies to cut off service to customers, which would expose the water company to litigation and liability for taking such a draconian, disproportionate action. There are many health concerns and fire prevention liabilities.</p> <p>Many small companies, including ours, have no authority for taking this action. It should be imposed by regulation, if shutting off water is really the remedy the State wants imposed for customers who do not want to participate. The State can assume the liability".</p>	<p>The proposed regulations do not require a water system to discontinue service for a customer who does not accept a POU. Rather, discontinuing service is proposed as one action a water system may take to ensure that all customers use a POU device. POU devices may only be used in lieu of centralized treatment if the water system can ensure that all customers will accept treatment through a POU device. As noted on pages 1 and 9 of the ISOR-Addendum, HSC §116380 requires the State Water Board to limit the proposed regulations to usage not prohibited by the federal SDWA or its implementing regulations and guidance. 40 CFR 142.62(h)(6) requires that "[t]he State must be assured that buildings connected to the system have sufficient point-of-use or point-of-entry devices that are properly installed, maintained, and monitored such that all consumers will be protected". The PWS's authority to require customers to accept POU's is necessary to comply with HSC §116380 and to ensure all consumers are protected through the provision of water meeting drinking water standards. State regulations cannot be less stringent than federal regulations. No changes to the regulation text were made in response to this comment.</p>
11	Sandra Hoppe, San Andreas Mutual Water Company	04	F - Treatment Strategy	<p>64418.3 (a) (9) (B) 2 and 64420.3 (9) (B) 2 "No later than seven (7) days"</p> <p>"The strict requirements to correct systems or evaluate new systems does not align with the requirement in 64418.5 (f) (2) and 64418.5 (f) (2) for a "less than one month" response. Given that new contaminants that will require POU/POE systems have been under study for years or decades, the seven day requirement is unreasonable. A month long period is more appropriate. All time scales need to be consistent for obvious reasons."</p>	<p>Section 64481.5 is consistent with section 64418.3 because subsection (f)(1) of section 64418.5 specifically requires the implementation of the POU Treatment Strategy, which includes compliance with section 64418.3(a)(9)(B)(2). The requirements for notification set forth in section 64418.3(a)(9)(B)(2) (and the companion section 64420.3(a)(9)(B)(2)) are reasonable because these public notification requirements are triggered by test results of MCL exceedances, for which testing is required, and not for new contaminants for which no MCLs have been adopted. No changes to the regulation text were made in response to this comment.</p>

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Commenter ID	Commenter Name/Organization	Comment ID	Category	Comment / Proposed Regulation Change	Response
11	Sandra Hoppe, San Andreas Mutual Water Company	05	F - Treatment Strategy	<p>64418.3 (a) (11) (E) and 64420.3 (a) (11) (E) Schedule for construction of centralized system</p> <p>"This item is the first mention about the construction of a centralized system. Since the main, indeed only, reason for the proposed regulations of POU/POE is that, for small water systems, POU/POE are the only economically feasible method of complying with a new MCL. If a small system is at the point of installing POU/POE, a centralized system has already been ruled out. The State could, if necessary, establish this by requiring a statement confirming that fact to be included in the POU/POE strategy".</p>	Please see response to Commenter 06, Comment 03.
11	Sandra Hoppe, San Andreas Mutual Water Company	06	G - O&M Program	<p>64418.4 (b) and 64420.4 (b) Evaluation every 12 months</p> <p>"The proposed level of testing is unreasonable and likely to render POU/POE not economically feasible. There must be an alternative process to allow select testing of a smaller sample of customers and awareness of the durability of these filtering systems".</p>	HSC §116270 states the intent of the California Safe Drinking Water Act (the statute upon which the proposed regulations are based), is "to ensure that the water delivered by public water systems of this State shall at all times be pure, wholesome, and potable." 40 CFR 42.62(h)(6) requires that "[t]he State must be assured that buildings connected to the system have sufficient point-of-use or point-of-entry devices that are properly installed, maintained, and monitored such that all consumers will be protected." The proposed §§64418.4(b) and 64420.4(b) requires that water systems inspect POU and POE devices no less often than every twelve months and when the device effluent is monitored to ensure that devices are properly operating and have not been bypassed are needed to ensure that the water delivered is at all times pure, wholesome, and potable and that all consumers are continuously protected. Please see response to Commenter 10, Comment 06.

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Commenter ID	Commenter Name/Organization	Comment ID	Category	Comment / Proposed Regulation Change	Response
11	Sandra Hoppe, San Andreas Mutual Water Company	07	H - Monitoring Program	<p>64418.5 (a) (3) and 64420.5 (a) (3) All units tested annually 64418.5 (b) and 64420.5 (b) Testing for contaminants other than</p> <p>"Moreover, a "one time" requirement of less than 72 hours is inconsistent with the "one month" requirement for addressing a failed test on an in-service unit. There needs to be an allowance to petition the State for a longer and consistent time period if prototype testing shows that a unit can perform for a longer period with a negligible chance of failure. Testing hundreds of units over the space of a year would result in thousands of dollars in worthless tests and a scheduling disaster to obtain entry into every private property".</p>	Please see response to Commenter 10, Comment 06.
11	Sandra Hoppe, San Andreas Mutual Water Company	08	H - Monitoring Program	<p>64418.5 (a) (1) and 64420.5 (a) (1) Source monitoring</p> <p>"There needs to be an option to petition the State for a more reasonable testing protocol. Many contaminants at the source have not changed values in decades and quarterly monitoring is not needed. The purpose of POU/POE hardware is to negate any need to monitor the source".</p>	The proposed sections 64418.5(a)(1) and 64420.5(a)(2) establish baseline source water monitoring requirements for PWS utilizing POU's and POE's. As described in the ISOR, at pages 6 and 12, a POU's or POE's effluent quality and O&M needs can be directly affected by variations in source water. Therefore, (a)(1) would require quarterly monitoring to capture potential variations, which are often seasonal. No changes to the regulation text were made in response to this comment.
12	Sam Hedge, San Joaquin River Club Inc	01	E - Requirements	<p>Ownership</p> <p>"Our water system is member owned, we are trying with slow progress to apply for grant funding it replace and aged distribution system. We have no employees to monitor systems inside private homes. After reviewing 20% of our member ship <i>[sic]</i> and our Board of Directors, the general comment is "That is a potential invasion of personal property an <i>[sic]</i> they do not want anything to do with that system. Our boards concerns is <i>[sic]</i> where is the money going to come from and how much liability is associated with a representative of our community entering someone's private residence <i>[sic]</i>".</p> <p>A common question is "Do the people that write this proposal want someone monitoring inside their home?"</p>	Please see response to Commenter 11, Comment 01.

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Commenter ID	Commenter Name/Organization	Comment ID	Category	Comment / Proposed Regulation Change	Response
12	Sam Hedge, San Joaquin River Club Inc	02	E - Requirements	Mechanical Warning "On some research we are not finding technology available to perform this task".	Please see response to Commenter 11, Comment 02.
12	Sam Hedge, San Joaquin River Club Inc	03	F - Treatment Strategy	Disconnection of Service "On discussion with attorney this is not feasible without the State or some other governing body assuming liabilities. Couple this with the fact that up to 30% of our residences do not have shut off valves.(Hence the application to rebuild our aging distribution system [sic]".	Please see response to Commenter 11, Comment 03.
12	Sam Hedge, San Joaquin River Club Inc	04	F - Treatment Strategy	Schedule of centralized system "When the MCL for Chrome 6 was lowered to 10PPB [sic] San Joaquin River Club Inc was forced via a compliance order to apply for grant funding. Part of that application required us to engage an engineer to complete required application. This was done at a cost of \$23,000. Which we understood would be paid from funding. To date we are having to pay engineering fee's and ar [sic] waiting on State funding which is proceeding at a less than acceptable time frame [sic]".	Thank you for your comment. No changes to the regulation text were made in response to this comment.

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Commenter ID	Commenter Name/Organization	Comment ID	Category	Comment / Proposed Regulation Change	Response
12	Sam Hedge, San Joaquin River Club Inc	05	L-Other	<p>12 Month Evaluation & Annual Testing</p> <p>"Without Human resources and available cash flow we are not currently able to comply with these revised POU/POE regulations. And feel in there entirety they are unsound and unreasonable and put unreasonable demands on our already overburdened water system. We understand and are committed to the need for reasonable and attainable regulations to support the water safety of our 744 citizens. It appears after reading the proposed revision there has been little or no input from small water systems".</p>	<p>Please see response to Commenter 11, Comment 06.</p> <p>Based on State Water Board records for the commenting water system's service connection count, it appears that the commenter would not meet statutory limitations on eligibility to use the proposed regulation. No specific revision is requested, therefore no changes to the regulation text were made in response to this comment.</p> <p>Opportunities for public comment on the proposed permanent regulations were provided during a public hearing held 27 November 2017, a 45-day public comment period which ended on November 30, 2017, an additional comment period starting from 3 January 2018 and extended until February 2, 2018, and the comment period in which this comment was submitted. Announcements regarding public comment opportunities were provided to subscribers to multiple e-mail lists, including the Drinking Water Program Announcements list.</p>
13	Jagjinder Sahota, Solano County Environmental Health Division	01	E - Requirements	<p>"In Solano County there are areas with anthropogenic constituents that may rely on POU/POE use with increasing demand on water systems. Solano County Environmental Health is concerned that the proposed regulations do not clearly provide a mechanism for public health agencies to access the POU/POE operational data within real time in order to identify if the non-residential property use meets POE/POU compliance standards".</p>	<p>The proposed regulations do not require real-time monitoring of the contaminants to be removed. The proposed regulations do not require provision of access to data not required to be collected. Please see response to Commenter 11, Comment 02. No changes to the regulation text were made in response to this comment.</p>

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Commenter ID	Commenter Name/Organization	Comment ID	Category	Comment / Proposed Regulation Change	Response
13	Jagjinder Sahota, Solano County Environmental Health Division	02	C - General Provisions	"The additional effort to meet the POU/POE regulations as proposed would likely increase costs of providing water service by public water systems within Solano County. These costs would likely be passed on to customers. To avoid paying higher rates, customers may request to install individual wells. POU/POE devises [sic] may be the best alternative to individual wells, despite the potential additional costs. Solano County is concerned the proposed POU/POE regulation change may result either in higher rates for residents or an increase in private wells which has minimal oversight. Solano County encourages the Water Board to look at all means to minimize requirements and costs of providing POU/POE service while still meeting necessary health and safety goals".	Statutory and regulatory constraints on the requirements for these regulations are described in detail in the Initial Statement of Reasons and Addendum. State Water Board has endeavored to keep the requirements in the proposed regulations as minimal as possible, while still providing the necessary assurances that safe drinking water will be provided to all customers. It is anticipated that the use of POU/POE treatment devices will result in lower water rates when compared with the costs of installing and maintaining central treatment systems. Regardless, ratepayers within the service area of a water system may very well indicate their willingness to pay for provision of drinking water meeting health- and economics-based standards by opting out of service from the public water system in favor of a private water supply. No changes to the regulation text were made in response to this comment.
13	Jagjinder Sahota, Solano County Environmental Health Division	03	C - General Provisions	"The proposed POU/POE regulations may have minimal effect on current Solano County Environmental Health Division operations, as the revisions do not address POU/POE use for microbial contaminates. Currently there exists an area in unincorporated Solano County where it is difficult to develop private wells for residential use, as water quality is minimal, and water quality may be impacted. Should the use of POU/POEs be approved for microbial contaminates, it may encourage development on those parcels currently services with "raw" (irrigation) water".	Proposed section 64418 would preclude the use of POU devices for the purpose of complying with microbial contaminants. While State Water Board has reviewed and appreciated this comment, no apparent change is requested. No changes to the regulation text were made in response to this comment.
14	Susan McCall, Strawberry Road Water System #6	01	E - Requirements	64418.2 (a) (3) and 64420.2 (a) (3) Ownership "Requiring the water system to own the entire POU/POE is impractical and imposes unreasonable liability on the water system. The units are inside individual homes, and will be subjected to conditions and physical abuse the water system cannot control. On the other hand, the homeowners are better situated to monitor the conditions such as leaks, and take appropriate action to limit damage, as well as carry insurance against damage to their property. As written, the proposed regulation exposes small water systems to potential liability from POU/POE water leaks which we are not able to control".	Please see response to Commenter 11, Comment 01.

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Commenter ID	Commenter Name/Organization	Comment ID	Category	Comment / Proposed Regulation Change	Response
14	Susan McCall, Strawberry Road Water System #6	02	E - Requirements	<p>64418.2 (a) (4) and 64420.2 (a) (4) Mechanical Warning</p> <p>" The state is defining a requirement that is not technologically possible for all contaminants at this time. For example, if Cr-6 is a future MCL target, we do not believe existing POU/POE unit sensors can detect 10 pp Cr-6 in real time. This proposed regulation leaves open the questions of (1) how exceeding the removal capacity of a pOU/POE <i>[sic]</i> unit is translated to a mechanical warning; and (2) what criteria is used for systems that have multiple contaminants that exceed the MCL? These are complex technical issues that will undoubtedly require expensive solutions, placing an undue financial burden on a small water system. Why not leave the current requirement in place wherein systems are required to test for certain contaminants on a regular basis and report to all concerned, and allow the consumer to make an informed decision for non-acute MCL violations (e.g., use bottled water for drinking and cooking)?"</p>	Please see response to Commenter 11, Comment 02.
14	Susan McCall, Strawberry Road Water System #6	03	F - Treatment Strategy	<p>64418.3 (a) (3) and 64420.3 (a) (3) Disconnecting Service</p> <p>"The prospect of discontinuing someone's water service for refusing to accept installation of a POU/POE to address a new MCL that has been missed for decades is unreasonable on its face. The regulation should not require water systems to cut off service to customers, which could expose the water system to litigation and liability for taking such a draconian disproportionate action. Our system is not unlike many other small systems in the fact that there are no individual shut off valves to homes from the road. Some properties are clearly posted for no trespassing therefore ready access is not available; making it impossible to shut off an individual home who has decided not to comply with the requirement of a POU/POE. Along this same line of thinking is that it is next to impossible to collect monthly assessments from individuals who are of the opinion they do not have to pay for water. Yes we have filed liens on the property and once the property is sold, we are able to recoup the funds, however that may take years before that occurs".</p>	Please see response to Commenter 11, Comments 03 and 04.

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Commenter ID	Commenter Name/Organization	Comment ID	Category	Comment / Proposed Regulation Change	Response
14	Susan McCall, Strawberry Road Water System #6	04	F - Treatment Strategy	64418.3(a)(9)(b)2 [sic] 644420.3(9)(b) [sic] "No Later than seven days;64478.5(a)(2) and 64420.5(a)(2) Initial valuation of new systems within 72 hours: The strict requirements to correct systems or evaluate new systems does not align with the requirements in 64418.5(f)((2) and 64418.5(f)((2) for a less than one month response. There also needs to be an option to petition the State for a more reasonable testing protocol on new systems other than exhaustive testing."	Please see response to Commenter 11, Comment 04.
14	Susan McCall, Strawberry Road Water System #6	05	F - Treatment Strategy	64418.3 (a) (11) (e) and 64420.3 (a) (11) (e) "Schedule for construction of centralized system: This item is the first mention about the construction of a centralized system. Because the main, indeed only, reason for [sic] the proposed regulations for POU/POE installation and maintenance is that for small systems, POU/POE may be the only economically feasible method of complying with an existing or new MCL. If a small system is at the point of installing POU/POE, a centralized system has already been ruled out because it is economically infeasible, however, the regulations for POU/POE installation and maintenance appear to be no more cost effective than central treatment".	Please see response to Commenter 06, Comment 03.
14	Susan McCall, Strawberry Road Water System #6	06	G - O&M Program	64418.4 (b) and 64420.4 (b) "Evaluation every 12 months; 64418.5(a)(3) and 64420.5(a)(3) All units tested annually; and 64418.5(b) and 4420.5(b) Testing for contaminants other than...: The proposed frequency of testing is unreasonable and likely to render operation of POU/POE economically infeasible. There must be an alternative process to allow selective testing of a smaller sample of customers and awareness of the capacity of these filtering systems."	Please see responses to Commenter 12, Comment 05 and Commenter 11, Comment 06.
14	Susan McCall, Strawberry Road Water System #6	07	H - Monitoring Program	64418.5 (a) (1) and 64420.5 (a) (1) "Source monitoring: There needs to be an option to petition the State for a more reasonable testing protocol. Many contaminants have not changed values in decades and quarterly monitoring is not needed".	Please see response to Commenter 11, Comment 08.

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Commenter ID	Commenter Name/Organization	Comment ID	Category	Comment / Proposed Regulation Change	Response
14	Susan McCall, Strawberry Road Water System #6	08	I - Public Hearing and Acceptance	64418.6 (c) (1) and 64420.6 (c) (1) "No substantial opposition: The statement that if slightly more than half of the customers of a water system vote to accept POU/POE systems there is 'no substantial opposition' is false to the extreme. It contradicts 64418.3(a)(3) and 64420.3 (a)(3) which requires that those opposed to installation of POU/POE systems be disconnected from the water system. Because many systems will have no existing regulations to require community acceptance of any treatment protocol, this is an invitation for litigation".	Please see responses to Commenter 04, Comment 02, and Commenter 09, Comments 02 and 03.
15	Adan Ortega, California Association of Mutual Water Companies	01	E - Requirements	64418.2 (a) (3) and 64420.2 (a) (3) Ownership "Requiring the water company to own the entire POU/POE is impractical and imposes unreasonable liability on the water system. The units are inside customers' homes and or within their property lines, and will be subjected to conditions and physical abuse the water suppliers cannot control. Customers, on the other hand, are better situated to monitor conditions, such as leaks, and take appropriate action to limit damage, as well as carry insurance against such damage, to their property. Indeed, most of our customers are already covered by such insurance. As written, the proposed regulation exposes small water companies to potential liability from POU/POE water leaks which we are not able to control, mitigate, or insure against in an affordable manner. We believe it is entirely reasonable to have customers own the POU/POE units in their homes, which the water company will assume responsibility for testing and maintaining in compliance with the regulation. Alternatively, at most, water company ownership should be limited to the filter membrane of the POU/POE unit".	Please see response to Commenter 11, Comment 01.
15	Adan Ortega, California Association of Mutual Water Companies	02	E - Requirements	64418.2 (a) (4) and 64420.2 (a) (4) Mechanical Warning "The State is defining a requirement that is not technologically possible for all contaminants at this time. For example, if Cr-6 is the target, we do not believe existing POU/POE unit sensors can detect 10 ppb Cr-6 in real time. This requirement must be replaced with something that is attainable, practical, and affordable, and relates to the reason this regulation is being proposed".	Please see response to Commenter 11, Comment 02.

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Commenter ID	Commenter Name/Organization	Comment ID	Category	Comment / Proposed Regulation Change	Response
15	Adan Ortega, California Association of Mutual Water Companies	03	F - Treatment Strategy	<p>64418.3 (a) (3) and 64420.3 (a) (3) Disconnecting Service</p> <p>"The prospect of discontinuing someone's water service for refusing to accept installation of a POU/POE unit to address a new MCL is unreasonable on its face. The regulation should not require water companies to cut off service to customers, which would expose the water company to litigation and liability for taking such a draconian, disproportionate action. There are many health concerns and fire prevention liabilities. In fact, as reflected in SB998 (Dodd), a resident could suffer more harm from the service interruption itself than from any long-term risk reduction benefits of some safe drinking water regulations. This regulation may also conflict with SB998 which the state should address. Mutual companies, lack authority to take enforcement action for some regulatory violations. For example, mutual water companies must refer customers that violate drought water use reduction mandates to the County District Attorney".</p>	Please see response to Commenter 06, Comment 03.
15	Adan Ortega, California Association of Mutual Water Companies	04	F-Treatment Strategy	<p>64418.3 (a) (9) (B) 2 and 64420.3 (9) (B) 2 "No later than seven (7) days</p> <p>"The strict requirements to correct systems or evaluate new systems does not align with the requirement in 64418.5 (f) (2) and 64418.5 (f) (2) for a "less than one month" response. Given that new contaminants that will require POU/POE systems have been under study for years or decades, the seven day requirement is unreasonable. A month-long period is more appropriate. All time scales need to be consistent for obvious reasons".</p>	Please see response to Commenter 11, Comment 04.
15	Adan Ortega, California Association of Mutual Water Companies	05	F - Treatment Strategy	<p>64418.3 (a) (11) (E) and 64420.3 (a) (11) (E) Schedule for construction of centralized system</p> <p>"This item is the first mention about the construction of a centralized system. Since the main, indeed only, reason for the proposed regulations of POU/POE is that, for small water systems, POU/POE are the only economically feasible method of complying with a new MCL. If a small system is at the point of installing POU/POE, a centralized system has already been ruled out. The State could, if necessary, establish this by requiring a statement confirming that fact to be included in the POU/POE strategy".</p>	Please see response to Commenter 06, Comment 03.

Final Responses to Written Comments for Proposed SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment - Permanent Regulations

Commenter ID	Commenter Name/Organization	Comment ID	Category	Comment / Proposed Regulation Change	Response
15	Adan Ortega, California Association of Mutual Water Companies	06	G - O&M Program	64418.4 (b) and 64420.4 (b) Evaluation every 12 months "The proposed level of testing is unreasonable and likely to render POU/POE not economically feasible. There must be an alternative process to allow select testing of a smaller sample of customers and awareness of the durability of these filtering systems".	Please see response to Commenter 11, Comment 06.
15	Adan Ortega, California Association of Mutual Water Companies	07	H - Monitoring Program	64418.5 (a) (1) and 64420.5 (a) (1) Source monitoring "There needs to be an option to petition the State for a more reasonable testing protocol. Many contaminants at the source have not changed values in decades and quarterly monitoring is not needed. The purpose of POU/POE hardware is to negate any need to monitor the source". 64418.5 (a) (3) and 64420.5 (a) (3) All units tested annually 64418.5 (b) and 64420.5 (b) Testing for contaminants other than "Moreover, a "one time" requirement of less than 72 hours is inconsistent with the "one month" requirement for addressing a failed test on an in-service unit. There needs to be an allowance to petition the State for a longer and consistent period, if prototype testing shows that a unit can perform for a longer period with a negligible chance of failure. Testing hundreds of units over the space of a year would result in thousands of dollars in worthless tests and a scheduling disaster to obtain entry into every private property". 64418.5 (a)(2) and 64420.5 (a)(2) Initial Evaluation of new systems "within 72 hours" "There also needs to be an option to petition the State for a more reasonable testing protocol on new systems other than the redundant and exhaustive testing proposed".	Please see response to Commenter 11, Comment 08.