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TITLE 22, CALIFORNIA CODE OF REGULATIONS DIVISION 4, CHAPTER 15

ARTICLE 2.5. Point-of-Use Treatment

(1) Adopt Section 64417 as follows:

§64417. Definitions.

“Point-of-use treatment device” or “POU” means a treatment device applied to a single tap for the purpose of reducing contaminants in drinking water at that tap.

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. point of use will be fine for non transients 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 using both phrases it will keep folks aware of both options and better align with federal guidance

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NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code.
Reference: Sections 116325, 116350, 116380 and 116552, Health and Safety Code.

(2) Adopt Section 64418 as follows:

§64418. General Provisions.

(a) With State Board approval, aA public water system, except for a proposed new community water system that does not have a domestic water supply permit,

why not just change this to existing public water systems? that way new systems are excluded.

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be permitted to use point-of-use treatment devices (POUs) in lieu of centralized treatment for the purpose of reducing contaminants to achieve compliance with one or

more maximum contaminant levels or action levels in this ChapterTitle, other than for microbial contaminants, volatile organic chemicals, or radon, and as allowed under the state and federal Safe Drinking Water Acts, if:

(1) the public water system meets the requirements of this Article and any applicable statutory requirements;

(2)

the public water system has : (A) applied for funding from any federal, state, or local agency to correct the system's violations; and

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SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 (B) demonstrated to the State Board that centralized treatment for achieving compliance is not immediately economically feasible;

(3) the public water system has applied for a permit or permit amendment to use POU's;

(4) for a community water system, following a public hearing, the State Board determines pursuant to section 64418.6 that there is no substantial community opposition;

(5)

the public water system has a State Board-approved: (A) POU Treatment Strategy, (B) POU Operations and Maintenance Program, and (C) POU Monitoring Program; and (6) the public water system ensures that each residential unit, 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.

(b) With State Board approval and without having to meet the requirement of subsection (a)(6), 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 one or more of the maximum contaminant levels established or action levels in this Chapter Title, in the water it supplies to some or all of the persons it serves, but the public water system 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 POU's pursuant to this subsection may include a request that one or more of the requirements of this article be amended or eliminated to address the public water system's specific utilization, and such request may be granted or denied by the State Board.

(c) Funding for centralized treatment is available when funding for centralized treatment, from any source, is received by, or otherwise placed under

SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 control of, the public water system.

(d) As used in this article, the estimated cost for both centralized treatment and POU treatment shall be the complete life cycle cost for a similar period of time.

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code.

Reference: Sections 116325, 116350, 116380 and 116552, Health and Safety Code.

(3) Adopt Section 64418.1 as follows:

§64418.1. Immediate Economic Feasibility of Centralized Treatment.

(a) To specifically meet the requirements of section 64418(a)(2)(B), a community water system, when comparing the costs of centralized treatment to the use of POU treatment, shall submit to the State Board information demonstrating that the:

(1) estimated annual cost of centralized treatment, per household, is more than one percent (1%) of the median household income (MHI) of the customers served by the community water system; or and

(2)(A) (2) estimated if the community's annual MHI is equal to or less than the statewide annual MHI, the estimated annual cost of centralized treatment, per household, plus the median annual water bill from the most recent 12 months per household is: (A) if the community's MHI is equal to or less than the statewide MHI, more than 1.5 percent (1.5%) of the annual MHI of the customers served by the community water system, or

(B) (B) if the community's annual MHI is greater than the statewide MHI, more than annual MHI, the estimated annual cost of centralized treatment, per household, plus the median annual water bill from the most recent 12 months per household is more than two percent (2%) of the annual MHI of the customers served by the community

SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 water system.

(b) The estimated cost of centralized treatment may include, but is not limited to, the costs associated with equipment, design and construction, residual disposal, monitoring, and operation and maintenance.

(c) The public water system shall submit to the State Board the supporting documentation, assumptions, and calculations used to determine any anticipated increase in water bills to be presented pursuant to section 64418.6(a)(4).

(b) (d) To meet the requirements of section 64418(a)(2), a noncommunity water system shall submit to the State Board, documents that demonstrate that the water system does not have the financial resources for the cost of centralized treatment is not immediately economically feasible.

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code.

Reference: Sections 116325, 116350 and 116350, 116380, and 116552 Health and Safety Code.

(4) Adopt Section 64418.2 as follows:

§64418.2. POU Requirements.

(a)

As ensured by the public water system, each POU shall: Each POU must: (1) If the Be 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

i would recommend that this be results based not ansi 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.

E-03

standard;(2) If ANSI has not issued a product standard standard that is applicable to the specific type of proposed POU, be approved by the State Board;(3) If an

ANSI-issued standard does not and that adequately addressaddresses a California
drinking water standard ; or if a POU has not been independently certified for a
specific contaminant, be

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SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 (2) Be approved by the State Board; following a review of, including but not limited to the POU unit's design, construction, treatment performance, and

available field or pilot test results.

(3) (4) Be owned, controlled, operated, and maintained by the public water system and/or a person(s) under contract with the public water system, to ensure proper operation, maintenance, monitoring, and compliance with this Article and applicable drinking water standards;

(4) (5) Be equipped with a mechanical warning (e.g. alarm, light, etc.) that alerts users

this is much harder than it sounds. take for example nitrate. A nitrate resin bed filter for an entire mobile home costs \$1,500. However a hach nitrate analyzer costs \$15,000. I think having a schedule for service validated by testing is a better approach. the only monitor which is cheap and effective is a tds monitor for reverse osmosis systems, but i 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. 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 approved. (you 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 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.

E-04

E-05

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

(5)

(6) If requested by the State Board, be equipped with a totalizing flow meter.

Except as provided in subsection (c), pilot testing shall be performed by the public water system, and/or a person(s) under contract with the public water system, on each proposed type of POU to establish its use limitations and operations and maintenance criteria, as well as verification that it will produce effluent that meets applicable drinking water standards under local expected influent water quality and flow conditions.

(6) Prior to performing pilot testing, a pilot testing protocol shall be submitted to the State Board for review and the public water system shall obtain State Board approval of the protocol.

(7) Pilot testing for a POU shall be conducted in the manner and for the time period specified by the pilot testing protocol for that POU, and shall be conducted for no less than two months.

(8) After completion of the pilot testing, the public water system shall submit a report to the State Board describing the results and findings of the pilot testing.

(b) With State Board approval, a public water system may be exempt from, or be subject to, a reduced level of pilot testing required pursuant to subsection (b) if the

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SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 public water system demonstrates to the State Board that the POU's proposed for use have been tested, by the public water system or another person, under equivalent water quality and flow conditions, and the limitations, criteria, and effluent verification in subsection (b) can be ascertained and have been reported to the State Board.

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code.
Reference: Sections 116325, 116350, 116380, 116380, and 116835, 116552 Health and Safety Code.

(5) Adopt Section 64418.3 as follows:

§64418.3. POU Treatment Strategy.

(a) Prior to installing POU's, a public water system shall submit a POU Treatment Strategy to the State Board for review, and obtain State Board approval of the, a POU Treatment Strategy. At a minimum, the POU Treatment Strategy shall include each of the following:

(1) (a) A description of the compliance issues for which POU's are being proposed to address and how the use of POU's will achieve compliance;

(2) (b) A description of how the public water system will determine the type, number, and location of POU's to ensure a sufficient number of devices are installed for human consumption at all residential and non-residential premises within the water system's service area each building and each dwelling unit connected to the public water system;

(3) (c) The public water system's authority to require customers to accept POU's in lieu of centralized treatment and to take an action, such as discontinuing

this would be a good location to have language that requires an exterior point of entry as preferred 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

service, if a customer fails to accept POU's;

(4) (d)The basis for the POU selection(s); (5) (e)The qualifications and identification of the person(s) responsible for POU installation, operation, maintenance, and water quality sampling and analyses;

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SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 (6) (f) A customer education program to be implemented prior to and following installation of POU;

(7) (g) The authority, ordinances, and/or access agreements that allow the public water system's representatives access to customers' premises for POU installation, maintenance, and water quality monitoring, as well as the surveys necessary to meet subsection (ba)(2);

(8) (h) Identification of applicable local regulatory requirements; (9) (i) In a consumer notification protocol to be implemented in the event an installed POU fails to produce water that meets drinking water standards. The protocol shall include:

(A) (1) a consumer notification protocol, along with example notices, consistent with an example of a notice that includes the requirements of Article 18 of **this Chapter 15 of Division 4 of Title 22, of the California Code of Regulations, and**

(B) (2) a plan for provision of an alternative water supply, meeting drinking water standards, to customers served by each installed POU;

(10) (j) An on-going customer notification protocol for routine notifications that includes:

(1) notices in the language(s) appropriate for communication with the customers,

and **(2) examples of quarterly (or more frequent) notices informing, in the appropriate language(s), that inform the customers:**

(A) that only the taps for which POU's are installed provide water meeting drinking water standards, and

(B) of information pertaining to regarding the mechanical warning or shut-off mechanism required pursuant to section 64418.2(a)(5), including a telephone number that connects the customer to water system personnel or recording system that shall be accessible by water system personnel 24-hours a day, seven days a week, for the purpose of providing the customer a reliable

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SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 means of notifying personnel when the mechanical warning or shut-off mechanism is activated;

(11)

(k)The anticipated schedules for: (A) (1)the distribution of public hearing information, (B) (2)the public hearing required pursuant to section 64418.6, (C) (3)the distribution to customers of POU acceptance surveys, (D) (4)POU installation, and (E) (5)the construction of centralized treatment; and (12) (l)An estimate of the percent of all customers within the public water system's service area who are expected to voluntarily allow installation of POU devices, as well as a description of how the public water system will address customers who do not.

(b) A public water system shall comply with the most current State Board- approved version of its treatment strategy at all times.

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code.

Reference: Sections 116325, 116350 and 116350, 116380, and 116552 Health and Safety Code.

(6)Adopt Section 64418.4 as follows:

§64418.4. POU Operations and Maintenance (O&M) Program.

(a) Prior to installing POU's, a public water system shall submit a POU Operations and Maintenance (O&M) Program for to the State Board for review, and obtain the State Board approval of the, a POU Operations and Maintenance Program (O&M Program). The POU O&M Program shall include, but not be limited to, the following:

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SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 (1) An installation protocol that, at a minimum, describes locations and assurances that POU's will be accessible for operation and maintenance;

(2) The type and frequency of maintenance, at intervals specified by the manufacturer and determined by pilot testing, whichever is shorter, that ensures POU's produce effluent that meets drinking water standards;

(3) The number and type of auxiliary POU's and parts necessary to ensure continuous effective treatment;

(4) Replacement schedules for critical components and POU's; (5) The qualifications and identification of the person(s) responsible for POU installation, operation, and maintenance; and

(6) POU waste-handling and disposal procedures.

this has caused issues in the past where the district engineer thought he was responsible for waste tracking of uranium absorption media which of course was not his authority (or skill set) how about it states that treatment concentrate streams or backwash streams disposal locations have a plan? and not use the words waste handling? Another example would be that concentrate or waste byproduct of the treatment system must conform to any applicable regulations

G-07

(b) To ensure a POU is properly operating and has not been bypassed, POU's shall be inspected by the public water system no less often than every twelve months and when a POU's effluent is monitored pursuant to section 64418.5.

Based on the on-going operation and maintenance of installed POU's, a public water system shall revise its POU O&M Program as necessary to ensure continuous effective treatment and that POU's produce effluent that meets drinking water standards. Revised POU O&M Programs shall be submitted to the State Board for review prior to implementation of the revised Program and may not be implemented without State Board approval.

(c) A public water system shall maintain a copy of, and at all times implement its the most recent current State Board-approved version of its POU O&M Program prepared pursuant to this section.

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code.

Reference: Sections 116325, 116350 and 116350, 116380, and 116552 Health and Safety Code.

(7) Adopt Section 64418.5 as follows:

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§64418.5. POU Monitoring Program.

(a) A public water system shall submit a POU Monitoring Program for to the State Board for review, and obtain State Board approval of the Program. At a minimum, the, a POU Monitoring Program shall include that describes monitoring of to be conducted for the contaminant(s) for which the public water system has applied to use POU, as follows:

(1) Source water monitoring – quarterly, with samples collected during the same month (first, second, or third) of each calendar quarter;

(2) POU effluent – initially, with samples collected as soon as possible but no later than 72 hours after a device is installed; and

the dictionary defines effluent as liquid waste or sewage discharge. Is that what you want to monitor? the permeate is what I want to drink and what you should monitor wrong word and super important. The the Latin means "to flow out" modern is waste

H-08

(3) POU effluent, – on-going following the monitoring in paragraph subsection (a)(2) –, annually, with one twelfth of all units sampled monthly on a rotating basis. With State Board approval and after completion of one year of monitoring, a public water system may alternatively monitor one quarter of all units each calendar quarter.

For a contaminant other than nitrate, nitrite, nitrate plus nitrite, or perchlorate, after no less than one year of monitoring conducted pursuant to subsection (a), a public water system may apply to the State Board for reduced on-going monitoring if all the results of the on-going monitoring conducted pursuant to subsection (a)(3) do not exceed 75 percent (75%) of a contaminant's MCL.

(b) The State Board may require further additional monitoring for the contaminant of concern or other contaminants, including microbial contaminants, based on monitoring results, the health risk associated with the contaminant, POU technology, or a public water system's compliance with this Article.

(c) The public water system shall revise its POU Monitoring Program as necessary based on the on-going operation and maintenance of installed POU's or additional monitoring required pursuant to subsection (c). Revised POU Monitoring Programs shall be submitted to the State Board for review prior to implementation of the revised Program and may not be implemented without State Board approval.

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SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 (d) The public water system shall maintain a copy of and implement its the most recent current State Board-approved version of its POU Monitoring Program

prepared pursuant to this section.

(e) If an on-going POU effluent

same as above comment. bad word choice

H-09

sample result exceeds an MCL for a contaminant other than nitrate, nitrite, nitrate plus nitrite, or perchlorate, the public

shouldn't 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 didn't mean the entire program was at fault?

H-10

water system shall:

(1) implement the public notification and alternative water procedures identified in its State Board-approved POU Treatment Strategy;

(2) except as noted in paragraph (3), collect a confirmation sample within seven days of notification of the exceedance;

(f) (3) for an exceedance of a If a POU effluent sample result exceeds an MCL for nitrate, nitrite, nitrate plus nitrite, or perchlorate MCL;:

(1)

(A) as soon as possible, but no later than 24 hours following notification of an exceedance, provide each affected customer with alternative water that meets drinking water standards, and

(2)

(B) collect a confirmation sample within 72 hours of notification of the exceedance; and

(A) (4) if the confirmation sample, or the average of the original and confirmation sample, exceeds the MCL, notify the State Board within 24 hours of the result, complete corrective actions as soon as possible but within one month of receipt of the result, and increase the monitoring frequency if requested to do so by the State Board.

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code.

Reference: Sections 116325, 116350 and 116350, 116380, and 116552 Health and Safety Code.

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§64418.6. Public Hearing and Acceptance.

(a) To meet the requirements of section 64418(a)(4), a public community water system shall, pursuant to this section, conduct a customer survey and participate in, and provide information for, a public hearing held by the State Board. At least 30 days prior to initiating the activities required in this section, the placing information into a public repository per subsection (a)(2), the public water system shall submit a protocol, to the State Board for review and approval, describing the public water system's plan to meet the requirements of this section.

(1) (a) Prior to conducting a customer survey, a community water system shall participate in and provide information for a public hearing that, at a minimum, disseminates the following to those in its service area:

(A) (1) A description of the public water system's POU Treatment Strategy; (B) (2) The description of the adverse health effects, as specified in the appendices into section 64465, associated with the contaminant(s) of concern;

(C) (3) A copy of those portions of the POU Operation and Maintenance Program and Monitoring Program information that necessitates customer involvement; and

(D) (4) The estimate of any anticipated increase in water bills that may result from utilization of POU's.

(E) The supporting documentation, assumptions, and calculations used to determine any anticipated increase in water bills proposed to be presented at the public hearing.

(2) (b) At least 30 days prior to the public hearing, the community water system shall place the information to be presented at the public hearing into a publicly accessible repository and notify the State Board and those in its service area of the

SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 date, time, and location of the public hearing, as well as the location and hours of operation of the repository. If the public water system serves multi-unit residential dwellings including, but not limited to, apartments and residential institutions, whether sub-metered or not, the public water system shall provide notice to each resident of such residential dwellings.

(3) (c) Following the public hearing, the community water system shall deliver a survey all to each of its customers. The survey shall be delivered in a manner designed to reach each customer and include in the language appropriate for communication with the customers. The survey shall consist of the following

language-specific options two choices:

(A) (1) "I vote FOR the use of Point-of-Use treatment devices.", and (B) (2) "I vote AGAINST the use of Point-of-Use treatment devices." (b) The community water system shall at all times comply with the

protocol approved by the State Board pursuant to this section.

(c) (d) Use of POU treatment devices in lieu of centralized treatment shall be considered to have no substantial community opposition if;

(1) the sum of the number of non-voting customers and the number of customers voting against POU's, is less than half of the total customers, and

(2) no more than 25 percent of the total number of customers voted against POU's.

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code.

Reference: Sections 116325, 116350 and 116552, Health and Safety Code.

(9) Adopt Section 64418.7 as follows:

§64418.7. Recordkeeping, and Reporting, and Compliance.

(a)

A public water system shall maintain the following records for at least of 28

SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 ten years and provide the records to the State Board when requested:

(1) Results of all water quality monitoring conducted pursuant to this Article; (2) The location and type of each installed POU; (3) The date and type of maintenance and repairs performed; and (4) Verbal and written customer complaints received and the resulting corrective actions and/or responses.

(b) A public water system shall report to the State Board, at the frequency noted, the following:

(1) Monthly – treated water quality monitoring results; (2) Quarterly – source water monitoring results and any investigations and/or corrective action(s) taken to ensure POU's meet the requirements of this Article

including, but not limited to, POU maintenance, customer complaints, inspection results, and manufacturer notices pertaining to proper operation of devices.

(c) The reports required pursuant to subsection (b) shall be submitted to the State Board within ten days following the end of the applicable reporting period.

(d) A 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,

why strike this. I argue we should leave it in.

K-11

(2) for a POU, the effluent fails to meet the applicable compliance determination requirements in this Chapter for an MCL, or

(3) a residential unit, dwelling unit, commercial building or other establishment or institution, served by the water system, does not have a POU installed pursuant to this Article. (e) Funding for centralized treatment is available when funding for centralized

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SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 treatment, from any source, is received by, or otherwise placed under control of, the public water system.

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code.

Reference: Sections 116325, 116350, 116380 and 116552, Health and Safety Code.

ARTICLE 2.7. Point-of-Entry Treatment

(10) Adopt Section 64419 as follows:

§64419. Definitions.

“Point-of-entry treatment device” or “POE” means a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

Notwithstanding the foregoing, where all the water supplied by a public water system for human consumption is treated by the public water system via a single device or facility, regardless of location of the device or facility, the public water system shall be considered to have centralized treatment.

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code.

Reference: Sections 116325, 116350, 116380 and 116552, Health and Safety Code.

(11) Adopt Section 64420 as follows:

§64420. General Provisions.

(a) With State Board approval, a 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-entry treatment devices (POEs) in lieu of centralized treatment for the purpose of reducing contaminants to achieve compliance with one or more maximum contaminant levels, action levels, or treatment techniques in this Chapter Title and as allowed under the state and federal State Drinking Water Acts if:

(1)

(a) the public water system meets the requirements of this Article and of 28

(2)

(b)the public water system has : (A) applied for funding from any federal, state, or local agency to correct the system's violations; and

(B) demonstrated to the State Board that centralized treatment for achieving compliance is not immediately economically feasible;

(3) (c)the public water system has applied for a permit or permit amendment to use POEs;

(4) (d)for a community water system, following a public hearing, the State Board determines pursuant to section 64420.6 that there is no substantial community opposition;

(5)

(e)the public water system has a State Board-approved: (A) (1)POE Treatment Strategy, (B) (2)POE Operations and Maintenance Program, and (C) (3)POE Monitoring Program; and (6) (f)the public water system ensures that each building, residential unit, dwelling unit, commercial building or other establishment or institution, served by the water system, connected to the public water system has a POE installed pursuant to this Article.

(b) (g)With State Board approval and without having to meet the requirement of subsection (fa)(6), a public water system may utilize POEs in lieu of centralized treatment for the purpose of reducing contaminants to levels at or below one or more of the maximum contaminant levels established, action levels, or treatment techniques in this ChapterTitle, in the water it supplies to some or all of the persons it serves, but the public water system will not be deemed in compliance without meeting the requirement of subsection (fa)(6). A public water system's application for a permit to

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SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 utilize POE's POEs pursuant to this subsection may include a request that one or more of the requirements of this article be amended or eliminated to address the public water system's specific utilization, and such request may be granted or denied by the State Board.

(c) Funding for centralized treatment is available when funding for centralized treatment, from any source, is received by, or otherwise placed under control of, the public water system.

(d) As used in this article, the estimated cost for both centralized treatment and POE treatment shall be the complete life cycle cost for a similar period of time.

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code.
Reference: Sections 116325, 116350, 116380 and 116552, Health and Safety Code.

(12) Adopt Section 64420.1 as follows:

§64420.1. Immediate Economic Feasibility of Centralized Treatment.

(a) To specifically meet the requirements of section 64420 (ba)(2)(B), a community water system, when comparing the costs of centralized treatment to the use of POE treatment, shall submit to the State Board information demonstrating that the:

(1) estimated annual cost of centralized treatment, per household, is more than one percent (1%) of the median household income (MHI) of the customers served by the community water system, or; and

(2) estimated cost of centralized treatment, per household, plus the median water bill from the most recent 12 months is:

(A) (A) if the community's annual MHI is equal to or less than the statewide MHI, annual MHI, the estimated annual cost of centralized treatment, per household, plus the median annual water bill from the most recent 12 months per household is more than 1.5 percent (1.5%) of the annual MHI of the customers served by the community water system, or

(B) (B) if the community's annual MHI is greater than the statewide MHI, annual MHI, the estimated annual cost of centralized treatment, per household, plus the median annual water bill from the most recent 12 months per household is more than two percent (2%) of the annual MHI of the customers served by the community water system.

(b) The estimated cost of centralized treatment may include, but is not limited to, the costs associated with equipment, design and construction, residual disposal, monitoring, and operation and maintenance.

(c) The public water system shall submit to the State Board the supporting documentation, assumptions, and calculations used to determine any anticipated increase in water bills to be presented pursuant to section 64420.6(a)(4).

(b) (d) To meet the requirements of section 64420(b), a noncommunity water system shall submit to the State Board, documents that demonstrate that the water system does not have the financial resources for the cost of centralized treatment is not immediately economically feasible.

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code.

Reference: Sections 116325, 116350 and 116350, 116380, and 116552 Health and Safety Code.

(13) Adopt Section 64420.2 as follows:

§64420.2. POE Requirements.

(a)

As ensured by the public water system, each POE shall: Each POE must: (1) If the American National Standard Institute (ANSI) has issued a product standard applicable to the specific type of POE, be independently certified

in accordance with the standard and approved by the State Board;

(2) If ANSI has not issued a product standard Be independently certified in of 28

SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 accordance with an American National Standard Institute (ANSI) standard that is applicable to the specific type of POE, be approved by the State Board and receive certification of performance and field testing;(3)If an ANSI-issued standard does not adequately address proposed POE and that adequately addresses a California drinking water standard ; or if a POE has not been independently certified for a specific contaminant, be

(2) Be approved by the State Board;, following a review of, including but not limited to the POE unit's design, construction, treatment performance, and available field or pilot test results.

(3) (4)Be owned, controlled, operated, and maintained by the public water system and/or a person(s) under contract with the public water system, to ensure proper operation, maintenance, monitoring, and compliance with this Article and applicable drinking water standards;

(4) (5)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

(6)Be equipped with a totalizing flow meter; and(7)Provide health protection equivalent to that which would be provided by centralized treatment.

(b) (b) Except as provided in subsection (c), pilot testing shall be performed by the public water system, and/or a person(s) under contract with the public water system, on each proposed type of POE to establish its use limitations and operations and maintenance criteria, as well as verification that it will produce effluent that meets applicable drinking water standards under local expected influent water quality and flow conditions.

(1) Prior to performing pilot testing, a pilot testing protocol shall be submitted to the State Board for review and the public water system shall obtain State Board approval of the protocol.

SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 (2) Pilot testing for a POE shall be conducted in the manner and for the time period specified by the pilot testing protocol for that POE, and shall be conducted for no less than two months.

(3) After completion of the pilot testing, the public water system shall submit a report to the State Board describing the results and findings of the pilot testing.

(c) With State Board approval, a public water system may be exempt from, or be subject to a reduced level of, pilot testing required pursuant to subsection (b) if the public water system demonstrates to the State Board that the POEs proposed for use have been tested, by the public water system or another person, under equivalent water quality and flow conditions, and the limitations, criteria, and effluent verification in subsection (b) can be ascertained and are have been reported to the State Board.

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code.
Reference: Sections 116325, 116350, 116380116380, 116552 and 116835, Health and Safety Code.

(14) Adopt Section 64420.3 as follows:

§64420.3. POE Treatment Strategy.

(a) Prior to installing POEs, a public water system shall submit a POE Treatment Strategy for State Board review and obtain State Board approval of the Strategy. At a minimum, the POE Treatment Strategy shall include each of the following:

(1) (a) A description of the compliance issues for which POEs are being proposed to address and how the use of POEs will achieve compliance;

(2) (b) A description of how the public water system will determine the type, number, and location of POEs to ensure POEs serve, in their entirety, each

customer's building, dwelling unit, establishment, or other location within the water system's service area where drinking water is provided for human consumption

building connected to the public water system;

(3) (c) The public water system's authority to require customers to accept POEs in lieu of centralized treatment and to take an action, such as discontinuing service, if a customer fails to accept POEs, or disconnects or modifies a POE installed pursuant to this Article;

(4) (d) The basis for the POE selection(s); (5) (e) The qualifications and identification of the person(s) responsible for POE installation, operation, maintenance, and water quality sampling and analyses;

(6) (f) A customer education program to be implemented prior to and following installation of POEs;

(7) (g) The authority, ordinances, and/or access agreements that allow the public water system's representatives access to customers' premises for POE installation, maintenance, and water quality monitoring, as well as the surveys necessary to meet subsection (ba)(2);

(8) (h) Identification of applicable local regulatory requirements; (9) (i) In a consumer notification protocol to be implemented in the event an installed POE fails to produce water that meets drinking water standards. The protocol shall include:

(A) (1) a consumer notification protocol, along with example notices, consistent with an example of a notice that includes the requirements of Article 18 of

this Chapter 15 of Division 4 of Title 22, of the California Code of Regulations, and

(B) (2) a plan for provision of an alternative water supply, meeting drinking water standards, to customers served by each installed POE;

(10) (j) An on-going customer notification protocol for routine notifications that includes:

(1) notices in the language(s) appropriate for communication with the customers,

SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 and(2) examples of quarterly (or more frequent) notices informing the, in the appropriate language(s), that informs customers of:

(A)the extent to which POEs provide water meeting drinking water standards, including a description of (A) which water supplies that are not treated by the POEs, and

(B) of information pertaining to regarding the mechanical warning or shut-off mechanism required pursuant to section 64420.2(a)(5), including a telephone number that connects the customer to water system personnel or recording system that shall be accessible by water system personnel 24-hours a day, seven days a week, for the purpose of providing the customer a reliable means of notifying personnel when the mechanical warning or shut-off mechanism is activated;

(11)

(k)The anticipated schedules for: (A) (1)the distribution of public hearing information, (B) (2)the public hearing required pursuant to section 64420.6, (C) (3)the distribution to customers of POE acceptance surveys, (D) (4)POE installation, and (E) (5)the construction of centralized treatment;

(12) (l)An estimate of the percent of all customers within the public water system's service area who are expected to voluntarily allow installation of POE devices, as well as a description of how the public water system will address customers who do not; and

(13) (m)The means for ensuring that the rights and responsibilities of the customer, with respect to an installed POE, convey with title upon the sale or transfer of property to which the POE is attached.

(b) A public water system shall comply with the most current State Board- approved version of its treatment strategy at all times.

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NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code.

Reference: Sections 116325, 116350 and 116350, 116380, and 116552 Health and Safety Code.

(15) Adopt Section 64420.4 as follows:

§64420.4. POE Operations and Maintenance (O&M) Program.

(a) Prior to installing POEs, a public water system shall submit a POE Operations and Maintenance (O&M) Program for State Board review and obtain State Board approval of the O&M Program. The POE O&M Program shall include, but not be limited to, the following:

(1) An installation protocol that, at a minimum, describes locations and assurances that POEs will be accessible for operation and maintenance;

(2) The type and frequency of maintenance, at intervals specified by the manufacturer and determined by pilot testing, whichever is shorter, that ensures POEs produce effluent that meets drinking water standards;

(3) The number and type of auxiliary POEs and parts necessary to ensure continuous effective treatment;

(4) Replacement schedules for critical components and POEs; (5) The qualifications and identification of the person(s) responsible for POE installation, operation, and maintenance; and

(6) POE waste-handling and disposal procedures. (b) To ensure a POE is properly operating and has not been bypassed, POEs shall be inspected by the public water system no less often than every twelve

months and when a POE's effluent is monitored pursuant to section 64420.5.

(c) Based on the on-going operation and maintenance of installed POEs, a public water system shall revise its POE O&M Program as necessary to ensure

SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 continuous effective treatment and that POEs produce effluent that meets drinking water standards. Revised POE O&M Programs shall be submitted to the State Board for review prior to implementation of the revised Program and may not be implemented without State Board approval.

(d) A public water system shall maintain a copy of and implement its the most recent current State Board-approved version of its POE O&M Program prepared pursuant to this section.

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code. Reference: Sections 116325, 116350 and 116350, 116380, and 116552 Health and Safety Code.

(16) Adopt Section 64420.5 as follows:

§64420.5. POE Monitoring Program.

(a) A public water system shall submit a POE Monitoring Program for to the State Board for review, and obtain State Board approval of the Program. At a minimum, the, a POE Monitoring Program shall include that describes monitoring of to be conducted for the contaminant(s) and/or constituents for which the public water system has applied to use POEs/POUs, as follows:

(1) Source water monitoring – quarterly, with samples collected during the same month (first, second, or third) of each calendar quarter;

(2) POE effluent – initially, with samples collected as soon as possible but no later than 72 hours after a device is installed; and

(3) POE effluent, on-going following the monitoring in paragraph subsection (a)(2) –, annually, with one twelfth of all units sampled monthly on a rotating basis. With State

Board approval and after completion of one year of monitoring, a public water system may alternatively monitor one quarter of all units each calendar quarter.

(b) For a contaminant other than nitrate, nitrite, nitrate plus nitrite, or perchlorate, after no less than one year of monitoring conducted pursuant to subsection (a), a public water system may apply to the State Board for reduced on-going monitoring if all the results of the on-going monitoring conducted pursuant to subsection (a)(3) do not exceed 75 percent (75%) of a contaminant's MCL.

(c) The State Board may require further additional monitoring for the contaminant of concern or other contaminants, including microbial contaminants, based on monitoring results, the health risk associated with the contaminant, POE technology, or a public water system's compliance with this Article.

(d) The public water system shall revise its POE Monitoring Program as necessary based on the on-going operation and maintenance of installed POEs or additional monitoring required pursuant to subsection (c). Revised POE Monitoring Programs shall be submitted to the State Board for review prior to implementation of the revised Program and may not be implemented without State Board approval.

(e) The public water system shall maintain a copy of and implement its the most recent current State Board-approved version of its POE Monitoring Program prepared pursuant to this section.

(f) If an on-going POE effluent sample result exceeds an MCL for a contaminant other than nitrate, nitrite, nitrate plus nitrite, or perchlorate, the public water system shall:

(1) implement the public notification and alternative water procedures identified in its State Board-approved POE Treatment Strategy;

(2) except as noted in paragraph (3), collect a confirmation sample within seven days of notification of the exceedance;

(g) (3) for an exceedance of a If a POE effluent sample result exceeds an MCL for nitrate, nitrite, nitrate plus nitrite, or perchlorate MCL;

(1)

(A)

as soon as possible, but no later than 24 hours following notification of of 28

SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 an exceedance, provide each affected customer with alternative water that meets drinking water standards, and

(2)

(B) collect a confirmation sample within 72 hours of notification of the exceedance; and

(A) (4) if the confirmation sample, or the average of the original and confirmation sample, exceeds the MCL, notify the State Board within 24 hours of the result, complete corrective actions as soon as possible but within one month of receipt of the result, and increase the monitoring frequency if requested to do so by the State Board..

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code. Reference: Sections 116325, 116350, and 116380, and 116552 Health and Safety Code.

(17) Adopt Section 64420.6 as follows:

§64420.6. Public Hearing and Acceptance.

To meet the requirements of section 64420(d), a publicA community water system shall, pursuant to this section, conduct a customer survey and participate in, and provide information for, a public hearing held by the State Board. At least 30 days prior to initiating the activities required in this section, theplacing information into a public repository per subsection (a)(2), the public water system shall submit a protocol, to the State Board for review and approval, describing the public water system's plan to meet the requirements of this section.

(1) (a) Prior to conducting a customer survey, a community water system shall participate in and provide information for a public hearing that, at a minimum, disseminates the following to those in its service area:

(A) (1) A description of the public water system's POE Treatment Strategy; (B) (2) The adverse health effects, as specified in the appendices into section 64465, associated with the contaminant(s) of concern;

(C)

(3) POE Operation and Maintenance Program and Monitoring of 28

SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment October 2, 2017 Program information that necessitates customer involvement; and

(D) (4) The estimate of any anticipated increase in water bills that may result from utilization of POEs.

(2) (b) At least 30 days prior to the public hearing, the community water system shall place the information to be presented at the public hearing into a publicly accessible repository and notify the State Board and those in its service area of the date, time, and location of the public hearing, as well as the location and hours of operation of the repository. If the public water system serves multi-unit residential dwellings including, but not limited to, apartments and residential institutions, whether sub-metered or not, the public water system shall provide notice to each resident of such residential dwellings.

(3) (c) Following the public hearing, the community water system shall deliver a survey all to each of its customers. The survey shall be delivered in a manner designed to reach each customer and include in the language appropriate for communication with the customers. The survey shall consist of the following language-specific options two choices:

(A) (1) "I vote FOR the use of Point-of-Entry treatment devices.", and (B) (2) "I vote AGAINST the use of Point-of-Entry treatment devices." (b) The community water system shall at all times comply with the protocol approved by the State Board pursuant to this section.

(d) (c) Use of POE treatment devices in lieu of centralized treatment shall be considered to have no substantial community opposition if;

(1) the sum of the number of non-voting customers and the number of customers voting against POEs, is less than half of the total customers, and

(2) no more than 25 percent of the total number of customers voted against POEs.

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code.

Reference: Sections 116325, 116350, 116380 and 116552, Health and Safety Code.

(18) Adopt Section 64420.7 as follows:

§64420.7. Recordkeeping, and Reporting, and Compliance.

(a) A public water system shall maintain the following records for at least ten years and provide the records to the State Board when requested:

- (1) Results of all water quality monitoring conducted pursuant to this Article;
- (2) The location and type of each installed POE;
- (3) The date and type of maintenance and repairs performed; and
- (4) Verbal and written customer complaints received and the resulting corrective actions and/or responses.

(b) A public water system shall report to the State Board, at the frequency noted, the following:

- (1) Monthly – treated water quality monitoring results;
- (2) Quarterly – source water monitoring results and any investigations and/or corrective action(s) taken to ensure POEs meet the requirements of this Article

including, but not limited to, POE maintenance, customer complaints, inspection results, and manufacturer notices pertaining to proper operation of devices.

(c) The reports required pursuant to subsection (b) shall be submitted to the State Board within ten days following the applicable reporting period.

(d) A public water system shall be in violation of the MCL if:

(1) for all POEs combined, during a 12-month interval more than five percent (5%) of the results of the effluent monitoring conducted pursuant to section 64420.5 exceed an MCL,

(2) for a POE, the effluent fails to meet the applicable compliance determination

(3)a building, residential unit, dwelling unit, commercial building or other establishment or institution, served by the water system, does not have a POE installed pursuant to this Article.

(e)Funding for centralized treatment is available when funding for centralized treatment, from any source, is received by, or otherwise placed under control of, the public water system.

NOTE: Authority cited: Sections 116271, 116350 and 116375, Health and Safety Code.
Reference: Sections 116325, 116350, 116380 and 116552, Health and Safety Code.