

Hall, Melissa@Waterboards

From: jclary@cleanwater.org
Sent: Tuesday, January 30, 2018 3:40 PM
To: Hall, Melissa@Waterboards
Cc: Phoebe Seaton; Paul Boyer; pseaton@leadershipcouncil.org; Deborah Ores; Elizabeth Burton; Ryan Jensen; Bartson, Mark@Waterboards
Subject: RE: SWRCB POU/POE Regulations - Phone call to discuss

Thanks for sending these references.

I do think that the Health and Safety Code provides some flexibility for the program

1. Immediately economically feasible is not defined, so we can consider a more lenient definition - for instance if we can show that a solution can't be provided in some period of time (e.g. 90 days), rather than setting up a complex system of income eligibility. I guess I'm suggested we stress the "immediate" rather than "economic" portion of the requirement.

2. the notation about "must have applied for funding" does not specify what type of funding is being accessed - it could be local, state, federal or private. I suggest we leave this term open.

-----Original Message-----

From: "Hall, Melissa@Waterboards" <melissa.hall@waterboards.ca.gov>
Sent: Tuesday, January 30, 2018 6:16pm
To: "Jennifer Clary" <jclary@cleanwater.org>, "Phoebe Seaton" <pseaton@leadershipcounsel.org>, "Paul Boyer" <paulb@selfhelpenterprises.org>, "pseaton@leadershipcouncil.org" <pseaton@leadershipcouncil.org>, "Deborah Ores" <deborah.ores@communitywatercenter.org>, "Elizabeth Burton" <ElizabethB@selfhelpenterprises.org>, "Ryan Jensen" <ryan.jensen@communitywatercenter.org>
Cc: "Bartson, Mark@Waterboards" <Mark.Bartson@waterboards.ca.gov>
Subject: RE: SWRCB POU/POE Regulations - Phone call to discuss

As requested in our meeting last Thursday, here's that list of some of the statutory and regulatory constraints we have for this set of regulations. Health and Safety Code (HSC) section 116380(a)(2) limits use of POU and POE treatment to "[u]sage not prohibited by the federal Safe Drinking Water Act and its implementing regulations and guidance."

- Water system must have fewer than 200 service connections (HSC 116380)
- Water system must demonstrate that centralized treatment is not economically feasible (HSC 116380)
- POU's cannot be used for microbials, volatile organic compounds, or radon (U.S. SDWA for microbials; U.S. EPA guidance for VOCs and radon; HSC 116380(a)(2))
- Water systems must have submitted application for funding (HSC 116380)
- Water systems must demonstrate no substantial community opposition and must have a public hearing (HSC 116552)
- Generally, POU's/POE's must be third-party certified to the applicable American National Standards Institute (ANSI) standard, if one exists (U.S. SDWA)
- Water systems must have programs/plans in place for assuring safe and effective use of POU's/POE's (federal guidance; HSC 116380(a)(2))
- POU/POE devices must be owned, controlled, and maintained by the water system (U.S. SDWA)

- POU/POEs must be equipped with mechanical warnings to ensure that customers are automatically notified of operational problems (U.S. SDWA)
- For POEs, every building connected to the water system must have a POE installed, and the rights and responsibilities of the customer convey with title upon sale of the property (40 CFR 141.100)
- For POU, the water system must ensure that each residential unit, dwelling unit,...served by the water system has a POU installed pursuant to the regulations (U.S. SDWA)
- The issuance of a permit shall be limited to not more than three years or until funding for centralized treatment is available, whichever occurs first (HSC 116552)

Please let me know if you have any questions on these.

Thank you.

-Melissa