



California
Department of
Health Services

SANDRA SHEWRY
Director

State of California—Health and Human Services Agency
Department of Health Services



ARNOLD SCHWARZENEGGER
Governor

ACTION: Notice of Proposed Rulemaking
Title 22, California Code of Regulations

SUBJECT: Revision of Waterworks Standards, R-14-03

PUBLIC PROCEEDINGS: Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:

All suppliers of domestic water to the public are subject to regulations adopted by the U.S. Environmental Protection Agency under the Safe Drinking Water Act (42 United States Code 300f et seq.) as well as by the California Department of Health Services (Department) under the California Safe Drinking Water Act (sections 116270-116751, Health and Safety Code).

The Department proposes to significantly reorganize and amend the existing Waterworks Standards regulations (section 64417, Chapter 15, and sections 64555 through 64644, Chapter 16, Title 22, California Code of Regulations). To avoid confusion, the Department proposes to completely repeal the existing standards, except for Section 64563 which is left intact, and replace them with the proposed amendments, even though some of the existing requirements are reflected in the new language.

The draft revisions to the Waterworks Standards were developed by an internal Department workgroup consisting of both field and technical branch staff. Subsequently, a group of stakeholders, representing the drinking water industry, convened and met with the Department to discuss the proposed changes, resulting in much of their input being incorporated. The Stakeholder Group then had a second opportunity to directly comment on the draft regulations. The Department also considered input from other interested parties who commented on the draft standards as posted on the Department's website for informal comment. The Department worked very closely with stakeholders on this regulation and the majority of the proposed requirements had full Stakeholder Group concurrence.

The regulations incorporate by reference various standards:

- California Department of Water Resources (Bulletins 74-81 and 74-90);
- American Water Works Association (AWWA): A100-06, C150/A21.50-02, C150/A21.51-02, C200-97, C300-04, C301-99, C302-04, C303-02, C304-99, C512-04, C600-05, C605-05, C651-05, C652-02, C654-03, C800-05, C900-97, C906-99, C909-02, C950-01, D100-05, D102-03, D103-97, D110-04, D120-02, D130-02, and Manuals M9 (1995), M11 (2004), M25 (2000), M51 (2001), and AWWA California-Nevada Section's "Reservoir Floating Cover Guidelines" (April 1999).
- American National Standard Institute/NSF International (ANSI/NSF): 60-2005 and ANSI/NSF 61-2005/Addendum 1.0-2006.

In summary, the proposed regulation package would:

- For ease in revision, except for Section 64563, repeal the existing Waterworks Standards as contained in sections 64417, and 64555 through 64644 of Title 22;
- Update and clarify the regulatory requirements related to distribution systems, adopt new Waterworks Standards as detailed in proposed sections 64551 through 64604;
- For purposes of integrating related requirements, move the amended sections 64700 (Direct Additives) re-numbered 64590, and 64710 (Exception) re-numbered 64593 and retitled "Use of Uncertified Chemicals, Materials or Products" from Chapter 18 to the Waterworks Standards in Chapter 16;
- Set forth requirements for the purpose of ensuring sufficient supply to meet demands, adopt a requirement for a source capacity planning study for any anticipated water system expansion; and
- Address the potential for inadvertent contamination of drinking water and adopt a new section 64591 (Indirect Additives).

The net effects of the proposed regulations are as follows:

- Greater clarity and less ambiguity in the requirements as the result of reframing and updating the existing regulations;
- Requirements for the purpose of ensuring an adequate quantity of drinking water to supply any new developments or expansions of existing water systems prior to their establishment by requiring a comprehensive evaluation of anticipated demand and available supply; and
- Requirements for the purpose of ensuring that materials with which the drinking water may come into contact during transmission, treatment, and distribution do not contaminate the water by requiring that such materials be certified to have met safety standards.

AUTHORITY: Sections 100275 and 116375, Health and Safety Code.

REFERENCE: Sections 116275, 116530, and 116535, Health and Safety Code.

COMMENTS: Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on

_____, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations, California Department of Health Services, MS 0015, 1501 Capitol Avenue, P.O. Box 997413, Sacramento, CA 95899-7413. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or
2. By fax transmission: (916) 440-7714; or
3. By email to regulation@dhs.ca.gov (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier "R-14-03" in the subject line to facilitate timely identification and review of the comment), or
4. By using the "Making Comments on DHS Regulations" link on the Department website at <http://www.applications.dhs.ca.gov/regulations/>.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

INQUIRIES: Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Michael G. McKibben, P.E., **Senior Engineer**, Standards and Technology Unit, Drinking Water Program, at (619) 525-4023.

All other inquiries concerning the action described in this notice may be directed to Don Lee of the Office of Regulations, at (916) 440-7673, or to the designated backup contact person, Linda Tutor, at (916) 440-7695.

CONTACTS: In any inquiries or written comments, please identify the action by using the Department regulation package identifier, R-14-03.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS: The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at <http://www.applications.dhs.ca.gov/regulations/> and then clicking on the "Select DHS regulations" button.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711/1-800-735-2929), or email regulation@dhs.ca.gov, or write to the Office of Regulations at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT: The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FISCAL IMPACT ESTIMATE:

- A. Fiscal Effect on Local Government: None.
- B. Fiscal Effect on State Government: None.
- C. Fiscal Effect on Federal Funding of State Programs: None.
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

DETERMINATIONS: The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations will not significantly affect the following:

1. The creation or elimination of jobs within the State of California. The requirements summarized above should not have any affect in this area in that there would not be any change in water system or regulatory personnel needed for compliance with the

proposed requirements.

2. The creation of new businesses or the elimination of existing businesses within the State of California. The nature of the water industry is such that the proposed regulation will not result in the creation or elimination of water systems. The impact of these regulations will be insignificant.
3. The expansion of businesses currently doing business within the State of California. Since water system size is basically a function of the number of service connections (consumers) served, the proposed regulations should not have any affect on expansion.

The Department has determined that the regulations would not affect small businesses. Government Code Chapter 3.5, Article 2, Section 11342.610 excludes drinking water utilities from the definition of small business.

The Department has determined that the regulations will have no impact on housing costs.

ADDITIONAL STATEMENTS AND COMMENTS: In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

For individuals with disabilities, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write: Don Lee, Office of Regulations, MS 0015, P.O. Box 997413, Sacramento, CA 95899-7413, voice (916) 440-7673 and/or California Relay 711/1-800-735-2929. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

DEPARTMENT OF HEALTH SERVICES

R-14-03

Dated:

Sandra Shewry
Director