

LATE COMMENT



November 26, 2018

**Commenter
ID: 15**

Ms. Jeanine Townsend,
Clerk to the Board
STATE WATER RESOURCES CONTROL BOARD
P. O. Box 100 Sacramento, California 95812-2000
Via: commentletters@waterboards.ca.gov

Re: COMMENTS-PROPOSED REVISED POU/POE REGULATIONS

Dear Ms. Townsend:

The California Association of Mutual Water Companies would like to provide the following comments on proposed changes to regulations regarding Point of Use (POU) and Point of Entry (POE) water treatment systems.

The proposed regulations threaten the economic feasibility of point of use devices leaving many small systems unable to comply with any new MCL requiring treatment. This is alarming during a time when many communities are seeking solutions to increasingly stringent standards, that in the worst case, have no nearby system willing or able to consolidate them.

The following comments are an effort to address the most egregious aspects of the proposed regulations so that POU/POE remain an affordable method for small systems to comply with any new MCL without expensive centralized treatment.

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

E-01

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.

E-02 **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.

F-03 **64418.3 (a) (3) and 64420.3 (a) (3) Disconnecting Service**
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.

F-04 **64418.3 (a) (9) (B) 2 and 64420.3 (9) (B) 2 "No later than seven (7) days" 64418.5 (a) (2) and 64420.5 (a) (2) Initial Evaluation of new systems "within 72 hours"**

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.

H-07

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.

F-05 **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. 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.

G-06 **64418.4 (b) and 64420.4 (b) Evaluation every 12 months 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**

H-07 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.

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) (1) and 64420.5 (a) (1) Source monitoring

H-07 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.

Sincerely yours,



Adán Ortega
Executive Director
California Association
of Mutual Water Companies