

Point-of-Use / Point-of-Entry Water Treatment Devices

Proposed Permanent Regulations

27 November 2017

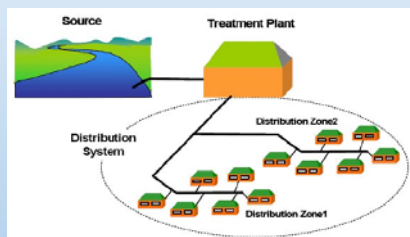
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Objectives

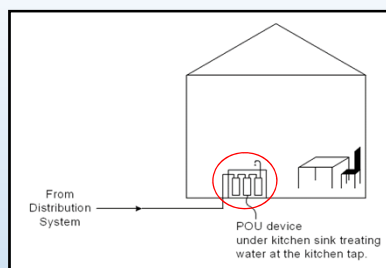
- APA public hearing
- Review the intent and key requirements of the POU/POE regulations
- To highlight changes (and clarifications) made that are in the proposed *permanent* point-of-use (POU) and point-of-entry (POE) regulations compared to the current *emergency* regulations

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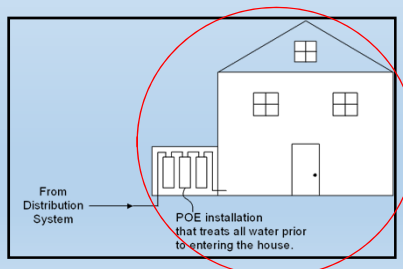
Background



Centralized Treatment



POU: Treats water at a **single tap**.



POE: Treats all water entering a **building**.

POU/POE Laws and Regulations

- Health and Safety Code
 - AB 434 - October 9, 2015 – Amended Sections 116380 and 116552
 - Required the adoption of emergency and permanent regulations
 - POU and POE both subject to three years time limit for each permit or when funding for centralized treatment is available
- Regulations
 - Emergency regulations previously adopted 2010 (POU) and 2011 (POE), expired January 1, 2014
 - 2014-2015: Underlying law remained in place
 - April 1, 2016 - Emergency regulations went into effect
 - January 1, 2018 – Emergency regulations expire

Benefits of POU/POE Regulations

- Comply with statutory requirements
- Flexibility in achieving compliance with regulations where otherwise economically infeasible
- Specify criteria to protect public health

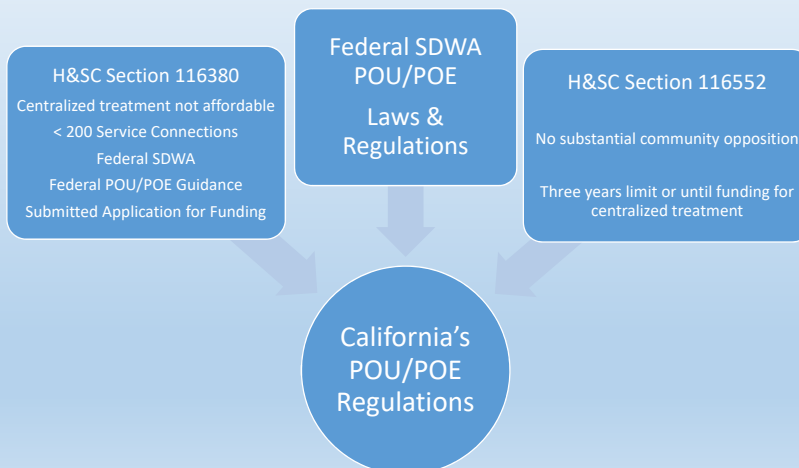
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Regulations Development

- Point-of-Use and Point-of-Entry Treatment
 - March 15, 2016 – State Water Board adopted Resolution 2016-0015 approving the emergency regulations
 - March 2017 – Public workshops held on the process for adopting permanent regulations
 - October 13, 2017 – Notice of Proposed Rule Making
 - **November 27, 2017 – Public Hearing**
 - November 30, 2017 – Close of Public Comment Period
 - December 19, 2017 – Tentative Board Adoption Hearing
 - TBD - Approved by the Office of Administrative Law
 - TBD - Filed with the Secretary of State
 - TBD - Effective Date of the Regulations

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What is the makeup of California's POU/POE regulations?



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Changes from Emergency Regulations

- Emphasizes that a new proposed community water system cannot propose to use POU or POE treatment in lieu of centralized treatment to achieve compliance with SDWA
- Bases economic feasibility for community water systems on an evaluation of the annual cost of treatment and the community's annual median household income
- Clarifies and removes public hearing requirements for non-community (TNC & NTNC) water systems
- Requires water system to follow approved monitoring and operations and maintenance plans

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Limits on Use of POU/POE Devices

- Public Water System (PWS) must have fewer than 200 service connections
- PWS must demonstrate that centralized treatment is not economically feasible
- Point-of-use devices limited to certain contaminant categories
- PWS must have submitted application for funding
- Devices must be third-party certified
- PWS must have programs/plans in place to assure safe and effective use of devices
 - Operations and maintenance requirements
 - Customer notification
 - Alternate water supply

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Limits on Use of POU/POE Devices

- Devices must be owned, controlled, and maintained by PWS
- Devices must be equipped with mechanical warnings to ensure that customers are automatically notified of operational problems
- For point-of-use devices, the PWS must ensure that each residential or dwelling unit has a device installed in accordance with regulations
- Permits for use of devices are limited to 3 years in duration, or until funding for centralized treatment is available, whichever comes first
- 2 months of pilot testing required
- Additional monitoring required

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Economic Feasibility Requirements

- Estimated annual cost of centralized treatment, per household, is more than 1% of the community's median household income (MHI) AND
- Estimated annual cost of centralized treatment, per household, plus the median annual water bill from the most recent 12 months is:
 - If the community's MHI is equal to or less than the statewide MHI, more than 1.5% of MHI of the customers served
 - If the community's MHI is greater than the statewide MHI, more than 2% of the MHI of the customers served
- A non-community water system must submit documents to the State Water Board that demonstrate that centralized treatment is not immediately economically feasible

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Public Education and Hearing

- ✓ Provide information for public hearing at least 30 days prior to hearing date:
 - Why?
 - Contaminant information
 - Access requirements for maintenance
 - Anticipated increases in water bill
 - Supporting documents
- ✓ Publicly accessible repository
- ✓ Conduct public hearing
- ✓ Deliver a survey to each of its customers

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No Substantial Community Opposition if...

- (1) The sum of the number of non-voting customers and the number of customers voting against the use of devices, is less than half of the total customers, and
- (2) No more than 25 percent of the total number of customers voted against the use of devices

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For more information...

- https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/regulations/
 - Text of proposed regulations
 - Initial statement of reasons
 - Documents relied on
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