

State Water Resources Control Board
Division of Drinking Water
50 D Street, Suite 200, Santa Rosa, CA 95404

Introduction to Regulatory Requirements for Public Water Systems

This document is an introduction to regulatory requirements for public water systems regulated by the Santa Rosa Office of the Division of Drinking Water. Personnel of public water systems are advised to review the California Health and Safety Code (CHSC) and the California Code of Regulations (CCR) for a full description of regulatory requirements. This document covers only a small portion of the overall regulatory requirements.

What are public water systems?

(Per California Safe Drinking Water Act)

The term “public water system” means a system for the provision of piped water to the public for human consumption that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. Regulatory requirements vary somewhat for different types of public water systems. The three main types of public water systems are as follows:

Community public water systems - Has 15 or more service connections used by yearlong residents or regularly serves at least 25 yearlong residents. This category includes subdivisions, mutual water companies, mobile home parks and other similar residential areas.

Transient-Noncommunity water system - Serves at least 25 individuals daily at least 60 days of the year, but no more than 24 yearlong residents. This category includes restaurants, campgrounds, small wineries, motels and other non-residential areas.

Nontransient-Noncommunity water system - This is a special class of Non-Community systems that regularly serves at least 25 of the same persons over 6 months of the year. This category includes schools and larger places of employment with more than 25 employees.

Key Legal Obligations

Owners of public water system are responsible to ensure that the drinking water is safe and reliable for those who use the system. The following are some of the key legal obligations:

1. Water quality must meet all health standards. (Section 116555 of the CHSC)
2. Community water systems and Nontransient-noncommunity water systems are required to issue an annual Consumer Confidence Report to their system users. (Section 116470 of the CHSC)

3. An adequate quantity of water must always be available. (Section 116555 of the CHSC)
4. Water must always be delivered under proper pressure (at least 20 pounds per square inch).
5. The system must be properly operated, maintained and protected from damage and contamination.
6. The system cannot be connected to another, unapproved system or source.
7. System must operate under a valid water supply permit. Any changes or additions to source or treatment require the system to apply for and receive an amended permit. (Section 116525 CHSC)
8. Water system must pay all required water system regulatory fees as shown on page 3.
9. Water system must submit an annual report to the Division as required. The form for this report is sent to each public water system each year.
10. As of January 1, 1998, new public water systems and water systems which change ownership must meet Technical, Managerial and Financial requirements. (Section 116540 of the CHSC).

How to manage the system to maintain compliance

1. **Name a qualified person to manage and operate the system.** This might be you, another person or agency. A State certified operator is required if you have water treatment facilities such as chlorination. (Section 116555(a)(5) of the CHSC)
2. **Set up administrative procedures that work.** These include operation policies, taking water samples, meter reading and billing, and timely response to complaints. Establish and maintain a written record of these procedures.
3. **Prepare and keep on hand an adequate Emergency Notification Plan and Bacteriological Sampling Plan.** These documents will help you comply with emergency notification procedures and bacteriological monitoring requirements. (pursuant to Sections 116460 of the CHSC and 64422 of the CCR Title 22).

Are system improvements needed?

1. **Evaluate your water system regularly to make sure it works properly.** Before you add additional users, be sure your system can handle them. (pursuant to the *California Waterworks Standards*: Sections 64555 through 64644 of the CCR Title 22)
2. **Prepare written plans that describe system improvements needed.** Use a professional engineer for significant system improvements or modifications. Apply for an amended water supply permit for changes in source or treatment. (pursuant to Section 116550 of the CCR Title 22)

Testing water samples

Arrange for a state-certified laboratory to test system water quality samples. Check with the laboratory to ensure that it has the appropriate certification.

1. **Sample in accordance with an approved Bacteriological Sample Siting Plan for coliform bacteria.** (pursuant to Section 64422 of the CHSC). Coliform bacteria should not be present in drinking water and the presence of coliform bacteria indicates water system contamination that may be serious. In the event of positive bacteriological samples, collect repeat check samples in accordance with the requirements of this Division. Contact this Division for technical assistance in the event of a problem.
2. **Sample the source water for chemicals in accordance with the required frequencies.** (pursuant to Sections 64432, 64439, 64441 64443, 64444, 64445 of the CHSC). Be sure to collect the samples in the proper containers and directly from the source water. This Division will provide you with a schedule of required sampling following the completion of a system inspection or upon request.
3. **Keep records of what samples you take and have your laboratory report the results to the Division on the required forms.**
4. **In the event of a problem, follow the requirements specified in the Health and Safety Code.** Additional samples may be required. You may be required to inform the water users about the problem and what they should do. Consult the regulations for specific requirements.

Legal consequences of non-compliance

Failure to comply with regulatory requirements exposes the public water system to enforcement actions by this Division as provided by Sections 116625, 116650, 116655 and 116660 of the California Safe Drinking Water Act. This can include fines and civil penalties. Time spent by this Division on enforcement activities is billed to the individual system pursuant to Section 116577. Failure to comply can also expose you to other legal liabilities and lawsuits.

Water system regulatory fees

There are three categories of regulatory fees for public water systems regulated by this Division. These three categories of fees are as follows:

Annual drinking water operating fee (as of April 2017)

Pursuant to Section 116565 of the CHSC, all public water systems are required to pay this annual fee. All public water systems shall pay the annual fee within 45 calendar days of the date of the invoice. The current amount of this fee can be found in Table 64305-A, Title 22 of the California Code of Regulations.

Enforcement fees

Pursuant to Section 116577 of the California Health and Safety Code, Public water systems are required to reimburse the Division for the cost of enforcement activities related to that water system. This is in addition to the annual drinking water operating fee. Enforcement fees are charged to small public water systems for activities listed in Section 116577 (a)(1). These activities may include the time spent associated with one or more of the following:

- Issuance of a citation or compliance order to a public water system.
- Issuance of an enforcement letter to a public water system. This may include any letter which directs a public water system to take action as a result of non-compliance with a specific regulation, directive or other regulatory requirement.

The time charged may include both office and field time spent on these activities. An invoice for any enforcement fees accrued during a fiscal year will be sent to the public water system prior to September 1st of the following year. **The amount of the invoice is based on the actual hours multiplied by the current hourly rate which is \$153.00 per hour.**