

California Code of Regulations
Title 22. Social Security
Division 4. Environmental Health
Chapter 15. Domestic Water Quality and Monitoring Regulations

ARTICLE 2.5. POINT-OF-USE TREATMENT

Adopt Section 64417 as follows:

Section 64417. Point-of-use treatment device or POU.

“Point-of-use treatment device” or “POU” is a treatment device applied to a single tap for the purpose of reducing contaminants in drinking water at that tap.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350, 116380, and 116552, Health and Safety Code.

Adopt Section 64418 as follows:

Section 64418. General Provisions

Pursuant to Health and Safety Code, section 116380(b), the regulations set forth in this Article shall remain in effect until the earlier of January 1, 2014, or the effective date of regulations adopted pursuant to Health and Safety Code, section 116380(a).

(a) With Department approval, a public water system may be permitted to use point-of-use treatment devices (POUs) in lieu of centralized treatment for compliance with one or more maximum contaminant levels or treatment techniques in this Chapter, other than for microbial contaminants, volatile organic chemicals, or radon, if;

(1) the water system serves fewer than 200 service connections,

(2) the water system meets the requirements of this Article,

(3) the water system has demonstrated to the Department that centralized treatment, for the contaminants of concern, is not economically feasible within three years of the water system's submittal of its application for a permit amendment to use POUs,

(4) the water system has submitted to the Department a pre-application for funding to correct the violation(s) for which POUs are being proposed to address,

(5) the water system has applied for a permit amendment to use POUs,

(6) following a public hearing, the Department determines pursuant to section 64418.6 that there is no substantial community opposition, and

(7) the water system has a Department-approved;

(A) POU Treatment Strategy,

(B) POU Operations and Maintenance Program, and

(C) POU Monitoring Program.

(b) The permitted use of POUs pursuant to this Article is limited to no longer than three years or until funding for the total cost of constructing a project for centralized treatment or access to an alternative source of water is available, which ever occurs first.

(c) As used in section 63011(a), Chapter 12, Article 2, "equipment" does not include POUs installed for the purpose of evaluating the effectiveness or feasibility, including, but not limited to economic feasibility, or pilot testing of such POUs.

(d) If the department determines, based on the recommendation of the project applicant's engineer, that additional time is required to complete a planning project, funded in whole or in part by the Safe Drinking Water State Revolving Fund, for evaluation of the effectiveness or feasibility of POUs, the maximum time allowed, pursuant to section 63011(c), Chapter 12, Article 2, for completion of the planning project and submission of the report may be extended to not more than three years.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350, 116380, and 116552, Health and Safety Code.

Adopt Section 64418.1 as follows:

Section 64418.1. Economic Feasibility of Centralized Treatment.

(a) To meet the requirements of section 64418(a)(3), a community water system shall submit to the Department information demonstrating that the:

(1) estimated cost of centralized treatment, per household, is more than one percent (1%) of the median household income (MHI) of the customers served by the water system, or

(2) estimated cost of centralized treatment, per household, plus the median water bill from the most recent 12 months is,

(A) if the community's MHI is equal to or less than the statewide MHI, more than 1.5 percent (1.5%) of the MHI of the customers served by the public water system, or

(B) if the community's MHI is greater than the statewide MHI, more than two percent (2%) of the MHI of the customers served by the public water system.

(b) The estimated cost of centralized treatment may include, but is not limited to, the costs associated with equipment, design and construction, residual disposal, monitoring, and operation and maintenance.

(c) The water system shall submit to the Department the supporting documentation, assumptions, and calculations used to determine the anticipated increase in water bills to be presented pursuant to section 64418.6(c)(1) and (2).

(d) To meet the requirements of section 64418(a)(3), noncommunity water systems shall submit to the Department records, including but not limited to financial statements and operating budgets for the most recent and prior two years of operation, demonstrating that the water system does not have sufficient financial resources to cover the cost of centralized treatment and further demonstrating that it will not acquire such resources within the three-year time period following the submittal of its permit amendment application required pursuant to section 64418(a)(5).

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350, and 116380, Health and Safety Code.

Adopt Section 64418.2 as follows:
Section 64418.2. POU Requirements.

(a) A POU shall:

(1) If the American National Standard Institute (ANSI) has issued product standard applicable to the specific type of proposed POU, be independently certified as meeting such a standard by an ANSI-accredited product certification body;

(2) If ANSI has not issued a product standard applicable to the specific type of proposed POU, be approved by the Department;

(3) Be owned, controlled, and maintained by the water system or a person under contract with the water system, to ensure proper operation, maintenance, monitoring, and compliance with this Article and applicable drinking water standards;

(4) Be equipped with a mechanical warning (e.g. alarm, light, etc.) that alerts users when a unit needs maintenance or the unit's effluent no longer meets state and federal drinking water standards, unless the device is equipped with an automatic shut-off mechanism that prevents the flow of water that does not meet drinking water standards; and

(5) Be equipped with a totalizing flow meter.

(b) Pilot testing shall be performed on each proposed type of POU to establish its use limitations and operations and maintenance criteria, as well as verification that it will produce effluent that meets drinking water standards under local expected influent water quality and flow conditions.

(1) Prior to performing pilot testing, a pilot testing protocol shall be submitted to the Department for review and approval.

(2) Pilot testing for a POU shall be conducted in the manner and for the time period specified by the pilot testing protocol for that POU, and shall, in all cases, be conducted for no less than two months.

(3) After completion of the pilot testing, the water system shall submit a report to the Department describing the results and findings of the pilot testing.

(c) With Department approval, a water system may be exempt from the pilot testing required pursuant to subsection (b) if the water system demonstrates to the Department that the POU's proposed for use have been tested under equivalent water quality and flow conditions, and the limitations, criteria, and effluent verification in subsection (b) can be ascertained and are reported to the Department.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350, 116380, and 116835, Health and Safety Code.

Adopt Section 64418.3 as follows:

Section 64418.3. POU Treatment Strategy.

Prior to installing POU's, the water system shall submit a POU Treatment Strategy for Department review and approval. At a minimum, the POU Treatment Strategy shall include each of the following:

(a) A description of the compliance problem(s) and how the use of POU's will address the problem(s);

(b) A description of how the water system will determine the type, number, and location of POU's to ensure a sufficient number of devices are installed for human consumption at all residential and non-residential premises within the water system's service area;

(c) The water system's authority to require customers to accept POU's in lieu of centralized treatment and to take an action, such as discontinuing service, if a customer fails to accept POU's;

(d) The basis for the POU selection(s);

(e) The qualifications and identification of the person(s) responsible for POU installation, operation, maintenance, and water quality sampling and analyses;

(f) A customer education program to be implemented prior to and following installation of POU's;

(g) The authority, ordinances, and/or access agreements that allow the water system's representatives access to customers' premises for POU installation, maintenance, and water quality monitoring, as well as the surveys necessary to meet subsection (b);

(h) Identification of applicable local regulatory requirements;

(i) In the event an installed POU fails to produce water that meets drinking water standards;
(1) a consumer notification protocol, along with example notices, consistent with Article 18, Title 22, of the California Code of Regulations, and

(2) a plan for provision of an alternative water supply, meeting drinking water standards, to customers served by such installed POU;

(j) An on-going customer notification protocol that includes:

(1) notices in the language(s) appropriate for communication with the customers, and

(2) quarterly (or more frequent) notices informing the customer(s);

(A) that only the taps for which POU's are installed provide water meeting drinking water standards, and

(B) information pertaining to the mechanical warning or shut-off mechanism required pursuant to section 64418.2(a)(4), including the telephone number of water system personnel to notify in the event the mechanical warning or shut-off mechanism is activated;

(k) The anticipated schedules for;

- (1) the distribution of public hearing information,
- (2) the public hearing required pursuant to section 64418.6,
- (3) the distribution to customers of POU acceptance surveys,
- (4) POU installation, and
- (5) construction of centralized treatment; and

(1) An estimate of the percent of voluntary participation to be achieved by consumers within the water system's service area.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350, and 116380, Health and Safety Code.

Adopt Section 64418.4 as follows:

Section 64418.4. POU Operations and Maintenance (O&M) Program.

(a) Prior to installing POU's, a water system shall submit a POU Operations and Maintenance (O&M) Program for Department review and approval. The POU O&M Program shall include, but not be limited to, the following:

(1) An installation protocol that, at a minimum, describes locations and assurances that POU's will be accessible for operation and maintenance;

(2) The type and frequency of maintenance, at intervals specified by the manufacturer and determined by pilot testing, whichever is shorter, that ensures POU's produce effluent that meets drinking water standards;

(3) The number and type of auxiliary POU's and parts necessary to ensure continuous effective treatment;

(4) Replacement schedules for critical components and POU's;

(5) The qualifications and identification of the person(s) responsible for POU installation, operation, and maintenance; and

(6) POU waste-handling and disposal procedures.

(b) To ensure a POU is properly operating and has not been bypassed, POU's shall be inspected by the water system no less often than every twelve months and when a POU's effluent is monitored pursuant to section 64418.5.

(c) Based on the on-going operation and maintenance of installed POU's, a water system shall revise its POU O&M Program as necessary to ensure continuous effective treatment and POU's produce effluent that meets drinking water standards. Revised POU O&M Programs shall be submitted to the Department for review prior to revision implementation.

(d) A water system shall implement its most recent POU O&M Program prepared pursuant to this section.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350, and 116380, Health and Safety Code.

Adopt Section 64418.5 as follows:

Section 64418.5. POU Monitoring Program.

(a) A water system shall submit a POU Monitoring Program for Department review and approval. At a minimum, the POU Monitoring Program shall include monitoring of the contaminant(s) for which the system has applied to use POU's, as follows:

(1) Source water monitoring – quarterly, with samples collected during the same month (first, second, or third) of each quarter;

(2) POU effluent – initially, with samples collected on the same day a device is installed; and

(3) POU effluent, on-going following the monitoring in paragraph (2) – annually, with one twelfth of all units sampled monthly on a rotating basis.

(b) After two years of monitoring conducted pursuant to subsection (a), a water system may apply to the Department for reduced on-going monitoring if all the results of the on-going monitoring conducted pursuant to (a)(3) do not exceed 75 percent of a contaminant's MCL.

(c) The Department may require further monitoring for the contaminant of concern or other contaminants, including microbial contaminants, based on monitoring results, POU technology, or a water system's compliance with this Article.

(d) The water system shall revise its POU Monitoring Program as necessary based on the on-going operation and maintenance of installed POU's or additional monitoring required pursuant to subsection (c). Revised POU Monitoring Programs shall be submitted to the Department for review prior to revision implementation.

(e) The water system shall implement its most recent POU Monitoring Program prepared pursuant to this section.

(f) If an on-going POU effluent sample result exceeds an MCL, the water system shall:

(1) implement the public notification and alternative water procedures identified in its Department-approved POU Treatment Strategy;

(2) except as noted in paragraph (3), collect a confirmation sample within seven days of notification of the exceedance;

(3) for an exceedance of a nitrate, nitrite, nitrate plus nitrite, or perchlorate MCL, collect a confirmation sample within 24 hours of notification of the exceedance; and

(4) if the confirmation sample exceeds the MCL, notify the Department within 24 hours of the result and complete corrective actions as soon as possible, but within one month of receipt of the result.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350, and 116380, Health and Safety Code.

Adopt Section 64418.6 as follows:

Section 64418.6. Public Hearing and Acceptance.

To meet the requirements of section 64418(a)(6), a water system shall, pursuant to this section, conduct a customer survey and participate in, and provide information for, a public hearing held by the Department. At least 30 days prior to initiating the activities required in this section, the water system shall submit a protocol, to the Department for review and approval, describing the water system's plan to meet the requirements of this section.

(a) Prior to conducting a customer survey, a water system shall participate in and provide information for a public hearing that, at a minimum, disseminates the following to those in its service area:

- (1) A description of the system's POU Treatment Strategy;
- (2) The adverse health effects, as specified in the appendices in section 64465, associated with the contaminant(s) of concern; and
- (3) POU Operation and Maintenance Program and Monitoring Program information that necessitates customer involvement.

(b) At least 30 days prior to the public hearing, the water system shall place the information to be presented at the public hearing into a publicly accessible repository and notify the Department and those in its service area of the date, time, and location of the public hearing, as well as the location and hours of operation of the repository. If the water system serves multi-unit residential dwellings including, but not limited to, apartments and residential institutions, whether sub-metered or not, the water system shall provide notice to residents of such residential dwellings.

(c) Following the public hearing, a water system shall survey its customers. The survey shall be delivered in a manner designed to reach each customer and include the following language-specific options:

(1) "I vote FOR the use of Point-of-Use treatment devices. I ONLY want my kitchen tap and other designated drinking water taps used only for drinking, cooking, and oral hygiene, to be treated. I understand that my [system to insert frequency] water bill will increase \$[system to insert increase in cost] to implement this interim measure.", and

(2) "I vote AGAINST the use of Point-of-Use treatment devices. I want ALL the water entering my premise to be treated at a centralized treatment plant. I understand that my [system to insert frequency] water bill will increase \$[system to insert increase in cost] to implement the centralized treatment."

(d) POU use shall be considered to have no substantial community opposition if:

$$\frac{(\text{number of customers voting against POU's}) + (\text{number of non - respondents})}{\text{total number of customers}} < 0.50$$

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350, and 116552, Health and Safety Code.

Adopt Section 64418.7 as follows:

Section 64418.7. Recordkeeping, Reporting, and Compliance.

(a) A water system shall maintain the following records for at least ten years and provide the records to the Department when requested:

- (1) Results of all water quality monitoring conducted pursuant to this Article;
- (2) The location and type of each installed POU;
- (3) The date and type of maintenance and repairs performed; and
- (4) Verbal and written customer complaints received and the resulting corrective actions and/or responses.

(b) A water system shall report to the Department, at the frequency noted, the following:

- (1) Monthly – treated water quality monitoring results;
- (2) Quarterly – source water monitoring results and any investigations and/or corrective action(s) taken to ensure POU's meet the requirements of this Article including, but not limited to, POU maintenance, customer complaints, inspection results, and manufacturer notices pertaining to proper operation of devices.

(c) The reports required pursuant to subsection (b) shall be submitted to the Department within ten days following the applicable reporting period.

(d) A water system shall be in violation if;

- (1) for all POU's combined, during a 12-month interval more than five percent of the results of the effluent monitoring conducted pursuant to section 64418.5 exceed an MCL,
- (2) for a POU, the effluent fails to meet the applicable compliance determination requirements in this Chapter for an MCL, or
- (3) less than 100 percent of all residential units, dwelling units, commercial and other establishments and institutions, served by the public water system, do not have POU's installed pursuant to this Article.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350, 116380, and 116552, Health and Safety Code.