



# **Adoption of the Point-of-Use / Point-of-Entry Water Treatment Devices Proposed Permanent Regulations**

**State Water Resources Control Board  
Division of Drinking Water**

**Board Meeting  
6 February 2018 – Item 9**

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## **Board Meeting**

- Proposed resolution adopting the permanent regulations to govern the use of point-of-use (POU) and point-of-entry (POE) treatment devices for public water systems (PWSs) serving fewer than 200 service connections in lieu of centralized water treatment facilities

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## Permanent Regulations Schedule

- Public Workshops on Permanent Regulations – March 2017
- Public Comment Period –
  - 45-day comment period: October 13, 2017 – November 30, 2017
  - 15-day comment periods: January 3, 2018 – February 2, 2018
- APA Public Hearing – November 27, 2017
- Board Adoption – February 6, 2018
- *Effective Date of the Regulations – July 1, 2018*

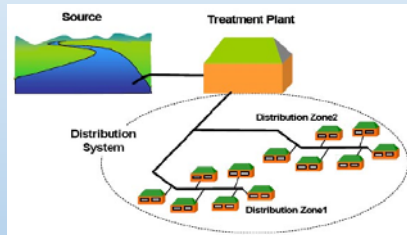
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## Presentation Outline

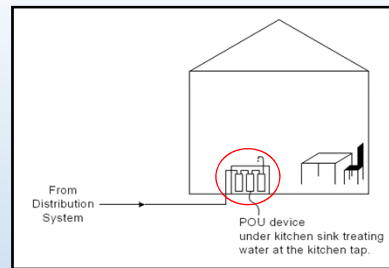
- Regulations for Adoption
  - Background on POU and POE Devices
  - Limits on Use of POU/POE Devices
  - Benefits of POU/POE Regulations
  - Basis of California's POU/POE regulations
  - Use of Emergency Regulations
  - Changes from Emergency Regulations
- Responses to Public Comments

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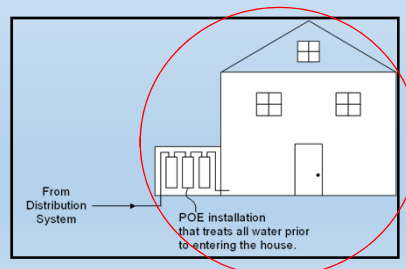
## Background



**Centralized Treatment**



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



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

## Benefits of POU/POE Regulations

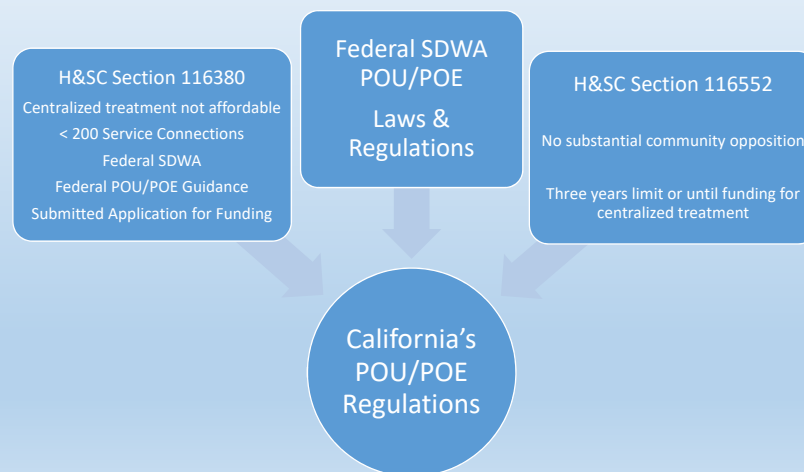
- Comply with statutory requirements
- Flexibility in achieving compliance with regulations where otherwise economically infeasible
- Specify criteria to protect public health

## 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 in effect
  - January 1, 2018 – Emergency regulations expired

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



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## Limits on Use of POU/POE Devices

Requirement
<p>1. Public Water Systems (PWS) must have fewer than 200 service connections [<i>Health and Safety Code (HSC) 116380</i>]</p> <ul style="list-style-type: none"> <li>• ~6,300 PWS with &lt; 200 service connections, including:           <ul style="list-style-type: none"> <li>• 1,800 Community Water Systems</li> <li>• 3,000 Transient-Noncommunity Water Systems</li> <li>• 1,500 Nontransient-Noncommunity Water Systems</li> </ul> </li> </ul>
<p>2. PWS must demonstrate that centralized treatment is not economically feasible [<i>HSC 116380</i>]</p>
<p>3. POU's cannot be used for microbial, volatile organic compounds, or radon standards [<i>U.S. Safe Drinking Water Act (SDWA); U.S. EPA guidance</i>]</p>
<p>4. PWS must have submitted application for funding [<i>HSC 116380</i>]</p>
<p>5. PWS must demonstrate no substantial community opposition; must hold public hearing [<i>HSC 116552</i>]</p>

## Limits on Use of POU/POE Devices

Requirement
<p>6. POU's/POE's must, generally, be third-party certified to applicable American National Standards Institute standard, if one exists [<i>U.S. SDWA</i>]</p>
<p>7. PWS must have programs/plans in place to assure safe and effective use of devices</p> <ul style="list-style-type: none"> <li>• Operations and maintenance requirements</li> <li>• Customer notification</li> <li>• Alternate water supply</li> </ul> <p>[<i>Health and Safety Code (HSC) 116380</i>]</p>
<p>8. Treatment devices must be owned, controlled, and maintained by PWS [<i>U.S. SDWA</i>]</p>
<p>9. Devices must be equipped with mechanical warnings [<i>U.S. SDWA</i>]</p>

## Limits on Use of POU/POE Devices

Requirement
10. For POEs, every building connected to PWS must have a POE installed; rights and responsibilities of the customer convey with title upon sale of property [40 CFR 141.100]
11. For POU's, the PWS must ensure that each residential or dwelling unit has a device installed in accordance with regulations [U.S. SDWA]
12. Permits for use of devices are limited to 3 years in duration, or until funding for centralized treatment is available, whichever comes first [HSC 116552]
13. At least 2 months of pilot testing
14. Additional monitoring

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## POU/POE Treatment Under Emergency Regulations

- December 2017 – >100 Water Systems implementing or considering POU/POE program
- Targeted contaminants vary
  - Arsenic and nitrate most common
  - Selenium, iron, manganese, fluoride, uranium, hexavalent chromium
- Used most by smallest systems
  - 95% of POU/POE programs for systems with <100 service connections

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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 water systems
- Requires water system to follow approved monitoring and operations and maintenance plans

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## Public Comments

- *APA Hearing—Oral Comments*
  - *One commenter*
- *Written Comments*
  - *Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action*
  - *Water Solutions Incorporated*
  - *City of Bakersfield*
  - *Helix Water District*
  - *San Francisco Public Utilities Commission*

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## Responses to Comments

- Limitations on POU/POE use for compliance purposes
- Challenge of gaining 100% participation
- Definition of “immediately economically feasible”
- Funding application demonstration limited to federal, state, or local (*i.e.*, public) agencies—would like private sources added as funding options
- Lack of POU/POE devices meeting ANSI standards for all regulated contaminants

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## Additional Information

- Point-of-Entry (POE) and Point-of-Use (POU) Treatment – proposed permanent regulations website
  - [https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/regulations/](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/regulations/)

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Questions?