

State Water Resources Control Board
Division of Drinking Water

FINAL STATEMENT OF REASONS
Including Comments and Agency Response
ADDENDUM

Point-of-Use and Point-of-Entry Treatment
Permanent Regulations

Public Hearing Date: 27 November 2017

Board Meeting Date: 22 January 2019

Agenda Item No.: 4

I. GENERAL

On August 23, 2018, the State Water Resources Control Board (State Water Board) submitted to the Office of Administrative Law (OAL) the rulemaking file for regulations adopted by the State Water Board to govern public water system implementation of point-of-use (POU) and point-of-entry (POE) treatment devices in lieu of centralized treatment.

On October 12, 2018, OAL issued the State Water Board a Disapproval Decision for the proposed regulations for failure to comply with Administrative Procedure Act (APA) standards for (1) clarity and (2) necessity. Revised regulation text and an addendum to the Initial Statement of Reasons (ISOR) to address the noted deficiencies were circulated in a 15-day public comment period that ran from November 8 through 27, 2018.

The State Water Board has compiled and prepared responses to all comments received, as well as the late comment received after 12:00 p.m. on November 27, 2018. On January 22, 2019, the State Water Board adopted revised proposed regulations governing the use of POU and POE devices without further changes to the noticed regulation text.

II. MODIFICATIONS MADE TO THE ORIGINAL PROPOSAL

A. MODIFICATIONS APPROVED AND PROVIDED FOR IN THE 15-DAY COMMENT PERIOD

Based on comments provided in OAL’s October 12, 2018 Disapproval Decision, State Water Board staff revised the proposed regulation text, prepared an addendum to the ISOR, and circulated the revised text and addendum for public comment from November 8 through November 27, 2018.

Summary of Modifications

Table 1 summarizes all modifications made to the regulation text, and the rationale for making these modifications, as released on November 8, 2018 for public comment. Detailed responses to comments received are introduced in Section IV below and presented in Attachment Nos. 1 and 2.

Table 1: Revisions to the Proposed Regulations Text since OAL Disapproval

Section	Change Made and Rationale
<i>Point-of-Use (POU):</i>	
§64417	Removal of “s” from contaminants, and addition of “levels” after contaminant for clarity.
NOTE	Addition of spaces and “116275” in “NOTE” section for consistency with the other “NOTE” sections of the regulation text.
§64418(a)	The language of this subsection was clarified without losing or adding any information.
§64418(a)(2)(A)	Replacement of semicolon with comma at the end of the subparagraph for consistency with other parts of the regulation text where (sub)paragraphs are linked with the conjunction “and”.
§64418(a)(2)(B)	Addition of “, as defined in section 64418.1” at the end of the subparagraph for clarity.
§64418(a)(5)(A)	Addition of “, as defined in section 64418.3” at the end of the subparagraph for clarity.
§64418(a)(5)(B)	Addition of “, as defined in section 64418.4” at the end of the subparagraph for clarity.
§64418(a)(5)(C)	Addition of “, as defined in section 64418.5” at the end of the subparagraph for clarity.
§64418(b)	Two instances of “subsection” corrected to “paragraph”. Removal of “s” from contaminants, and addition of “levels” after contaminant for clarity.
NOTE	Addition of “116275” in authority citation in the “NOTE” section.

Section	Change Made and Rationale
§64418.1(a)	"section" was corrected to "subparagraph".
NOTE	Addition of "116275" in authority citation in the "NOTE" section.
§64418.2(a)(1)	The first word of the paragraph was lowercased from "Be" to "be" for consistency with the rest of the regulation text.
§64418.2(a)(2)	<p>The first word of the paragraph was lowercased from "Be" to "be" for consistency with the rest of the regulation text.</p> <p>This paragraph was modified to clarify the criteria that would be used by the State Water Board to approve the proposed POU unit.</p> <p>A period was replaced with a semicolon at the end of the paragraph for punctuation consistency.</p>
§64418.2(a)(3)	The first word of the paragraph was lowercased from "Be" to "be" for consistency with the rest of the regulation text.
§64418.2(a)(4)	The first word of the paragraph was lowercased from "Be" to "be" for consistency with the rest of the regulation text.
§64418.2(a)(5)	This paragraph was revised, including addition of subparagraphs (A) and (B), to clearly state the conditions that would require totalizing flow meters. With this clarification, the beginning of the paragraph ("If requested by the State Board") becomes unnecessary.
§64418.2(b)	<p>Removal of the unnecessary word "applicable" in the subsection for clarity.</p> <p>Addition of "Pilot testing shall include the following steps:" to reinforce the fact that all these steps shall be performed to meet regulatory requirements, and for consistency with sections 64418.3, 64418.4, and 64418.5.</p>
§64418.2(b)(1)	Paragraph revised to provide clarity of standard of an adequate pilot testing protocol. A period was replaced with a semicolon at the end of the paragraph for consistency with the rest of the regulation text.
§64418.2(b)(2)	<p>Addition of "most current", and "approved under section 64418.2(b)(1)" to provide clarity as to which pilot testing protocol should be used during pilot testing.</p> <p>"and" was added at the end of the paragraph to be clear that all three pilot testing steps are required.</p> <p>A period was replaced with a semicolon at the end of the paragraph for consistency with the rest of the regulation text.</p>
§64418.2(c)	<p>This subsection revised, including structural revision to create paragraphs (1) and (2), to clarify the standards for exemption from the pilot testing requirements and for a reduced level of testing. These two conditions were already present in the regulation text; they were simply separated into two paragraphs, (1) and (2).</p> <p>Addition of comma, colon, and replacement of comma with semicolon for punctuation consistency.</p>
NOTE	Addition of "116275" in authority citation in the "NOTE" section.

Section	Change Made and Rationale
§64418.3(a)	<p>Revised subsection to clarify</p> <ul style="list-style-type: none"> • when the POU Treatment Strategy is to be submitted and • standard for a POU Treatment Strategy. <p>“the following” was added for consistency with subsection 64420.3(a).</p>
§64418.3(a)(6)	<p>“Customer Education Program” was capitalized in the beginning of the paragraph for consistency in naming required documents.</p> <p>Revised subparagraph to clarify the standard for an adequate Customer Education Program.</p> <p>The target recipients of the Customer Education Program were also clarified through the addition of “The Customer Education Program shall be designed to reach all customers.”</p>
§64418.3(a)(7)	<p>Addition of “adequate to” and removal of “that” in the paragraph for consistency and clarity.</p> <p>“subsection” was corrected to “paragraph”.</p>
§64418.3(a)(9)	<p>“Consumer Notification Protocol” and “Protocol” were capitalized in the beginning and ending of the paragraph for consistency in naming required documents.</p> <p>Subparagraph revised to clarify standard for Consumer Notification Protocol, with “appropriate language(s)” requirement added for clarity and consistency with paragraph (a)(10) of this section.</p> <p>“customers” was replaced with “consumers” to clarify who should receive these particular notices.</p> <p>The last sentence was revised to clarify that in this paragraph, “protocol” refers to the “Consumer Notification Protocol”.</p>
§64418.3(a)(9)(A)	<p>The first word of the paragraph was lowercased from “An” to “an” for consistency with the rest of the regulation text, and notably with paragraph (B).</p>
§64418.3(a)(9)(B)	<p>The first sentence of this subparagraph was clarified, <i>i.e.</i>, “provision” was corrected to “providing”, “that” was added”, and “meeting” was corrected to “meet”.</p> <p>Overall subparagraph revised to clarify standard for approving the plan for providing an alternative water supply by adding that the plan is to be “consistent with section 64551.100 of this Title,” and “in a quantity sufficient for daily household ingestion needs”.</p> <p>Added clarification that alternative water supply shall be provided “to customers served by installed POU not meeting drinking water standards” to this subparagraph. “An alternative water supply shall be provided according to the following timeline” was added to further clarify the standards for an adequate Consumer Notification Protocol.</p>
§64418.3(a)(9)(B)1.	<p>Addition of clause “1.” to clarify timing of provision of alternative water supply when MCLs for nitrate, nitrite, nitrate plus nitrite, or perchlorate are exceeded.</p>

Section	Change Made and Rationale
§64418.3(a)(9)(B)2.	Addition of clause “2.” to clarify timing of provision of alternative water supply when MCLs for contaminants other than nitrate, nitrite, nitrate plus nitrite, or perchlorate are exceeded.
§64418.3(a)(10)	“Customer Notification Protocol” was capitalized in beginning of the paragraph for consistency with other required documents. This paragraph was revised to clarify standard for allowing the State Water Board to approve the Customer Notification Protocol. The paragraph was modified to clarify that both consumers and customers need to be notified.
§64418.3(a)(10)(B)	“section” was corrected to “paragraph” in the subparagraph.
§64418.3(a)(11)	“anticipated” was corrected to “proposed” in the paragraph for clarity.
§64418.3(a)(11)(A)	Addition of “pursuant to section 64418.6” in the subparagraph for clarity.
§64418.3(a)(11)(C)	Addition of “pursuant to section 64418.6” in the subparagraph for clarity.
§64418.3(b)	“Treatment” and “Strategy” were capitalized for formatting consistency.
NOTE	Addition of “116275” in authority citation in the “NOTE” section.
§64418.4(a)	Addition of “and as part of its permit application to use POU in lieu of centralized treatment”, “sufficient to reliably reduce levels of the contaminants listed in section 64418(a) and comply with drinking water standards” and removal of “for review, and obtain the State Board approval of,” in the subsection to clarify standard for adequate POU Operations and Maintenance Program” to clarify standard for adequate POU Operations and Maintenance Program.
§64418.4(a)(4)	Addition of “necessary to ensure continuous effective treatment” in the paragraph to clarify standard for critical component replacement schedules.
§64418.4(a)(6)	Addition of “sufficient to ensure that wastes generated by the POU and the POU itself are properly and safely disposed of in accordance with federal, state and local requirements” to clarify standard for waste-handling and disposal procedures.
§64418.4(c)	Addition of “, confirming that the revised POU O&M Program meets the requirements of this section” to clarify that revised POU Operations and Maintenance Programs must continue to meet the requirements of the section.
NOTE	Addition of “116275” in authority citation in the “NOTE” section.
§64418.5(a)	Revised to clarify the standard for a POU Monitoring Program and when to submit POU Monitoring Program to the State Water Board.
§64418.5(a)(1)	“Source” was lowercased to “source” for style consistency.

Section	Change Made and Rationale
§64418.5(a)(3)	<p>“subsection” was corrected to “paragraph”.</p> <p>“after” was capitalized to “After” in the paragraph for style consistency.</p> <p>Addition of “provided that monitoring results do not exceed 75 percent (75%) of a contaminant’s MCL, and the water system submits a revised monitoring plan to the State Board. Water systems shall resume monthly monitoring if results exceed 75 percent (75%) of a contaminant’s MCL” and removal of “With State Board approval and” to clarify standard for approval of alternative monitoring frequency and consistency with §64418.5(b). The 75% threshold for allowing alternative monitoring provides for maximal use of the POU device while also providing adequate time to implement any necessary corrective measures prior to any potential health impact.</p>
§64418.5(b)	<p>“subsection” was corrected to “paragraph”.</p> <p>Addition of a comma towards the end of the sentence for punctuation clarity.</p> <p>Addition of “reduce the number of POU units monitored to no less than one third of all installed units per year such that all installed units are monitored no less frequently than once every three years” and “and the public water system submits a revised monitoring plan to the State Board” and removal of “apply to the State Board” and “for reduced on-going monitoring” to clarify standard for approval of reduced monitoring frequency and for the consistency with the U.S. EPA's guidance.</p> <p>Health and Safety Code section 116380 requires the State Water Board to limit the proposed regulations to usage not prohibited by the federal SDWA or its implementing regulations and guidance. U.S. EPA’s “Point-of-Use or Point-of-Entry Treatment Options for Small Drinking Water Systems” guidance manual includes the following language: <i>“If sample results from each household indicate all units are properly functioning, a reduced monitoring frequency could be implemented. The monitoring frequency could be reduced to once every three years such that one-third of all units would be sampled each year for the contaminant(s) on a rotating basis. For acute contaminants (e.g., nitrate), the regulatory agency should not allow reduced monitoring. Monitoring will affect costs, and the system should fully understand monitoring frequency requirements when considering POU or POE devices.”</i></p> <p>Inclusion of this federal guidance option provides clarity of the standard for reduced monitoring frequency.</p>

Section	Change Made and Rationale
§64418.5(c)	<p>Addition of “In accordance with subsections 64432.8(b) and 64445.2(b) of this Title,” “if” and “indicate a potential” to reinforce the fact that the State Water Board may require additional monitoring for contaminants of concern if monitoring results indicate a potential health risk to meet regulatory requirements.</p> <p>The language of this subsection was clarified by removing “based on” and “the”.</p> <p>“The” was lowercased to “the” in the subsection for consistency with the rest of the regulation text.</p>
§64418.5(d)	<p>Addition of “to ensure continuous effective treatment” and “confirming that the revised POU Monitoring Program meets the requirements of this section” to clarify standard for approval of POU Monitoring Program revision.</p>
§64418.5(f)(1)	<p>Addition of “most recent” and “and” in the paragraph for clarity.</p>
§64418.5(f)(2)	<p>Addition of “If the confirmation sample, or the average of the original and confirmation sample, exceeds the MCL, notify the State Board within 48 hours of the result, complete corrective actions as soon as possible but within one month of receipt of the result, and increase the monitoring frequency, as requested by the State Board to assess the effectiveness of the corrective actions” and removal of “if” and “to do so” to clarify language in the paragraph to clarify requirements for follow up actions for contaminants other than nitrate, nitrite, nitrate plus nitrite, and perchlorate based on confirmation samples, similar to §64418.5(g)(2).</p> <p>Existing regulations at 22 CCR 64432(g) already require water systems to inform the State Board within 48 hours of any of an MCL for an inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate. Inclusion of this notification timeframe clarifies that the 48-hour reporting requirement continues to apply to water systems relying on POU devices for compliance purposes.</p> <p>Addition of the cap of one month for completing corrective actions provides clarity of standard for what is considered as soon as possible and provides consistency with the one-month cap proposed for §64418.5(g)(2)</p>
§64418.5(g)(1)	<p>Addition of “implement the public notification and alternative water procedures identified in its most recent State Board-approved POU Treatment Strategy;” and removal of “as soon as possible, but no later than 24 hours following notification of an exceedance, provide each affected customer with alternative water that meets drinking water standards,” for consistency with §64418.5(f)(1) and to eliminate redundancy with §64418.3(a)(9)(B).</p>

Section	Change Made and Rationale
§64418.5(g)(2)	Addition of period at the end of paragraph. Removal of (A) because there is no (B) in this paragraph. Addition of “continue to provide alternative water until the corrective actions have been confirmed to be effective”, “as”, “to assess the effectiveness of the corrective actions” and removal of “; and”, “if”, and “to do so” to clarify duration of alternative water provision.
NOTE	Removal of “, and” and addition of “116275” and “116385” in the “NOTE” section.
§64418.6(a)	“subsection” was corrected to “paragraph”. “protocol” was capitalized to “Protocol” for punctuation consistency. Overall revisions to clarify the standard for an adequate Public Acceptance Protocol.
§64418.6(a)(1)(A)	The first letter of the subparagraph was lowercased from “A” to “a” the consistency with other parts of the regulation text. A semicolon was replaced with comma at the end of the subparagraph for proper punctuation.
§64418.6(a)(1)(B)	The first letter of the subparagraph was lowercased from “A” to “a” for the consistency with other parts of the regulation text. A semicolon was replaced with comma at the end of the subparagraph for proper punctuation.
§64418.6(a)(1)(C)	The first letter of the subparagraph was lowercased from “A” to “a” for the consistency with other parts of the regulation text. A semicolon was replaced with comma at the end of the subparagraph for proper punctuation.
§64418.6(a)(1)(D)	The first word of the subparagraph was lowercased from “The” to “the” for the consistency with other parts of the regulation text. A semicolon was replaced with comma at the end of the subparagraph for proper punctuation.
§64418.6(a)(1)(E)	The first word of the subparagraph was lowercased from “The” to “the” for the consistency with other parts of the regulation text.
§64418.6(a)(3)	Removal of unnecessary space towards at the end of the paragraph.
§64418.6(b)	Addition of “most recent Public Acceptance” and “protocol” was capitalized to “Protocol” for clarity.
§64418.6(c)	A semicolon was replaced with a colon at the end of the subsection for proper punctuation.
§64418.6(c)(1)	A comma was replaced with a semicolon at the end of the paragraph for proper punctuation.
NOTE	Addition of “116275” in the NOTE section.
§64418.7(a)	Addition of “, as specified in subsection (b) or upon” and removal of “when” and “ed” for clarity.

Section	Change Made and Rationale
§64418.7(a)(1)	The first word of the paragraph was lowercased from “Results” to “results” for formatting consistency.
§64418.7(a)(2)	The first word of the paragraph was lowercased from “The” to “the” for formatting consistency.
§64418.7(a)(3)	The first word of the paragraph was lowercased from “The” to “the” for formatting consistency.
§64418.7(a)(4)	The first word of the paragraph was lowercased from “Verbal” to “verbal” for formatting consistency.
§64418.7(b)(1)	The first word of the paragraph was lowercased from “Monthly” to “monthly” for formatting consistency.
§64418.7(b)(2)	The first word of the paragraph was lowercased from “Quarterly” to “quarterly” for formatting consistency.
NOTE	Addition of “116275” in the “NOTE” section.
§64418.8(a)(1)	Addition of “comma” and “semicolon” for the punctuation clarity.
NOTE	Addition of “116275” in the “NOTE” section.
<i>Point-of-Entry (POE):</i>	
§64419	Removal of “s” from contaminants, and addition of “levels” after contaminant for clarity.
NOTE	Addition of spaces and “116275” in “NOTE” section for consistency with the other “NOTE” sections of the regulation text.
§64420(a)	The language of this subsection was clarified without losing or adding any information.
§64420(a)(2)(A)	Replacement of semicolon with comma at the end of the subparagraph for consistency with other parts of the regulation text where (sub)paragraphs are linked with the conjunction “and”.
§64420(a)(2)(B)	Addition of “, as defined in section 64420.1” at the end of the subparagraph for clarity.
§64420(a)(5)(A)	Addition of “, as defined in section 64420.3” at the end of the subparagraph for clarity.
§64420(a)(5)(B)	Addition of “, as defined in section 64420.4” at the end of the subparagraph for clarity.
§64420(a)(5)(C)	Addition of “, as defined in section 64420.5” at the end of the subparagraph for clarity.
§64420(b)	Two instances of “subsection” corrected to “paragraph”. Removal of “s” from contaminants, and addition of “levels” after contaminant for clarity.
NOTE	Addition of a space and “116275” in “NOTE” section for consistency with the other “NOTE” sections of the regulation text.
§64420.1(a)	“section” was corrected to “subparagraph”.

Section	Change Made and Rationale
NOTE	Addition of spaces and "116275" in "NOTE" section for consistency with the other "NOTE" sections of the regulation text.
§64420.2(a)(1)	"Be" lowercased to "be" for formatting consistency.
§64420. 2(a)(2)	"Be" lowercased to "be" for formatting consistency. This paragraph was modified to clarify the criteria that would be used by the State Water Board to approve the proposed POE unit. A period was replaced with a semicolon at the end of the paragraph for consistency.
§64420.2(a)(3)	"Be" lowercased to "be" for formatting consistency.
§64420.2(a)(4)	"Be" lowercased to "be" for formatting consistency.
§64420.2(a)(5)	"Be" lowercased to "be" for formatting consistency.
§64420.2(b)	Removal of the unnecessary word "applicable" for clarity. Addition of "Pilot testing shall include the following steps:" to reinforce the fact that all these steps shall be performed to meet regulatory requirements, and for consistency with sections 64420.3, 64420.4, and 64420.5.
§64420.2(b)(1)	Paragraph revised to provide clarity of standard of an adequate pilot testing protocol. A period was replaced with a semicolon at the end of the paragraph for punctuation consistency.
§64420.2(b)(2)	Addition of "most current", and "approved under section 64420.2(b)(1)" to provide clarity as to which pilot testing protocol should be used during pilot testing. "and" was added at the end of the paragraph to be clear that all three pilot testing steps are required. A period was replaced with a semicolon at the end of the paragraph for punctuation consistency.
§64420.2(c)	This subsection revised, including structural revision to create paragraphs (1) and (2) from previously existing text, to clarify the standards for exemption from the pilot testing requirements and for a reduced level of testing. Addition of comma, colon, and replacement of comma with semicolon for punctuation consistency.
NOTE	Addition of spaces and "116275" in "NOTE" section for consistency with the other "NOTE" sections of the regulation text.
§64420.3(a)	Addition of "and as part of its permit application to use POE in lieu of centralized treatment" to clarify when the POE Treatment Strategy is to be submitted. Revised to clarify standard for POE Treatment Strategy.

Section	Change Made and Rationale
§64420.3(a)(6)	<p>“Customer Education Program” was capitalized in the beginning of the paragraph for consistency in naming required documents.</p> <p>Revised to clarify standard for approval of Customer Education Program.</p> <p>The target recipients of the Customer Education Program were also clarified through the addition of “The Customer Education Program shall be designed to reach all customers.”</p>
§64420.3(a)(7)	<p>Addition of “adequate to” and removal of “that” in the paragraph to improve clarity.</p> <p>“subsection” was corrected to “paragraph”.</p>
§64420.3(a)(9)	<p>“Consumer Notification Protocol” and “Protocol” was capitalized in the beginning and ending of the paragraph for consistency in naming required documents.</p> <p>The criteria that would allow the State Water Board to approve the Consumer Notification Protocol were added to this subsection, <i>i.e.</i>, the protocol must be “designed to timely inform consumers, in the appropriate language(s).”</p> <p>The language requirement was added to be consistent with paragraph (a)(10) of this section.</p> <p>“customers” was replaced with “consumers” to clarify who should receive these particular notices.</p> <p>The last sentence was further defined to clarify that in this paragraph, “protocol” refers to the “Consumer Notification Protocol”.</p>
§64420.3(a)(9)(A)	<p>The first word of the paragraph was lowercased from “An” to “an” for consistency with the rest of the regulation text, and notably with paragraph (B).</p>
§64420.3(a)(9)(B)	<p>The first sentence of this subparagraph was clarified, <i>i.e.</i>, “provision” was corrected to “providing”, “that” was added”, and “meeting” was corrected to “meet”.</p> <p>The conditions that would allow the State Water Board to approve the plan for providing an alternative water supply were clarified by stating that the plan should be “consistent with section 64551.100 of this Title,” and “in a quantity sufficient for daily household ingestion needs”.</p> <p>The clarification that alternative water supply shall be provided “to customers served by installed POE not meeting drinking water standards” was added to this subparagraph.</p> <p>“An alternative water supply shall be provided according to the following timeline” was added to further clarify the standards for an adequate Consumer Notification Protocol.</p>
§64420.3(a)(9)(B)(1)	<p>Addition of clause “1.” to clarify timing of provision of alternative water supply when MCLs for nitrate, nitrite, nitrate plus nitrite, or perchlorate are exceeded.</p>

Section	Change Made and Rationale
§64420.3(a)(9)(B)(2)	Addition of clause “2.” to clarify timing of provision of alternative water supply when MCLs for contaminants other than nitrate, nitrite, nitrate plus nitrite, or perchlorate are exceeded.
§64420.3(a)(10)	“Customer Notification Protocol” was capitalized in beginning of the paragraph for consistency with the way other documents that are required as part of the proposed regulations are presented. This paragraph was clarified to state the conditions that would allow the State Water Board to approve the Customer Notification Protocol. The paragraph was modified to clarify that both consumers and customers need to be modified.
§64420.3(a)(10)(B)	“section” was corrected to “paragraph” in the subparagraph.
§64420.3(a)(11)	“anticipated” was corrected to “proposed” in the paragraph for clarity.
§64420.3(a)(11)(A)	Addition of “pursuant to section 64420.6” in the subparagraph for clarity and to be consistent with subparagraph (B).
§64420.3(a)(11)(C)	Addition of “pursuant to section 64420.6” in the subparagraph for clarity and to be consistent with subparagraph (B).
§64420.3(b)	“Treatment” and “Strategy” were capitalized in the subsection to be consistent with the rest of this section.
NOTE	Addition of spaces and “116275” in “NOTE” section for consistency with the other “NOTE” sections of the regulation text.
§64420.4(a)	Addition of “and as part of its permit application to use POE in lieu of centralized treatment”, “sufficient to reliably reduce levels of the contaminants listed in section 64420(a) and comply with drinking water standards” and removal of “for review, and obtain the State Board approval of,” in the subsection to clarify standard for adequate POE Operations and Maintenance Program.
§64420.4(a)(4)	Addition of “necessary to ensure continuous effective treatment” in the paragraph to clarify standard for critical component replacement schedules.
§64420.4(a)(6)	Addition of “sufficient to ensure that wastes generated by the POE and the POE itself are properly and safely disposed of in accordance with federal, state and local requirements” to clarify standard for waste-handling and disposal procedures.
§64420.4(c)	Addition of “, confirming that the revised POE O&M Program meets the requirements of this section” to clarify that revised POE Operations and Maintenance Programs must continue to meet the requirements of the section.
NOTE	Addition of “116275” in authority citation in the “NOTE” section.
§64420.5(a)	Revised to clarify the standard for a POE Monitoring Program and when to submit POE Monitoring Program to the State Water Board.
§64420.5(a)(1)	“Source” was lowercased to “source” for formatting consistency.

Section	Change Made and Rationale
§64420.5(a)(3)	<p>“subsection” was corrected to “paragraph”.</p> <p>“after” was capitalized to “After” in the paragraph for punctuation.</p> <p>Addition of “provided that monitoring results do not exceed 75 percent (75%) of a contaminant’s MCL, and the water system submits a revised monitoring plan to the State Board. Water systems shall resume monthly monitoring if results exceed 75 percent (75%) of a contaminant’s MCL” and removal of “With State Board approval and” to clarify standard for approval of alternative monitoring frequency and consistency with §64420.5(b).</p>
§64420.5(b)	<p>“subsection” was corrected to “paragraph”.</p> <p>Addition of a comma towards the end of the sentence for punctuation clarity.</p> <p>Addition of “reduce the number of POE units monitored to no less than one third of all installed units per year such that all installed units are monitored no less frequently than once every three years” and “and the public water system submits a revised monitoring plan to the State Board” and removal of “apply to the State Board” and “for reduced on-going monitoring” to clarify standard for approval of reduced monitoring frequency and for the consistency with the U.S. EPA's guidance.</p> <p>Health and Safety Code section 116380 requires the State Water Board to limit the proposed regulations to usage not prohibited by the federal SDWA or its implementing regulations and guidance. U.S. EPA’s “Point-of-Use or Point-of-Entry Treatment Options for Small Drinking Water Systems” guidance manual includes the following language: <i>“If sample results from each household indicate all units are properly functioning, a reduced monitoring frequency could be implemented. The monitoring frequency could be reduced to once every three years such that one-third of all units would be sampled each year for the contaminant(s) on a rotating basis. For acute contaminants (e.g., nitrate), the regulatory agency should not allow reduced monitoring. Monitoring will affect costs, and the system should fully understand monitoring frequency requirements when considering POU or POE devices.”</i></p> <p>Inclusion of this federal guidance option provides clarity of the standard for reduced monitoring frequency.</p>

Section	Change Made and Rationale
§64420.5(c)	<p>Addition of “In accordance with subsections 64432.8(b) and 64445.2(b) of this Title,” “if” and “indicate a potential” to reinforce the fact that the State Water Board may require additional monitoring for contaminants of concern if monitoring results indicate a potential health risk to meet regulatory requirements.</p> <p>The language of this subsection was clarified by removing “based on” and “the”.</p> <p>“The” was lowercased to “the” in the subsection for consistency with the rest of the regulation text.</p>
§64420.5(d)	<p>Addition of “to ensure continuous effective treatment” and “confirming that the revised POE Monitoring Program meets the requirements of this section” to clarify standard for approval of POE Monitoring Program revision.</p>
§64420.5(f)(1)	<p>Addition of “most recent” and “and” in the paragraph for clarity.</p>
§64420.5(f)(2)	<p>Addition of “If the confirmation sample, or the average of the original and confirmation sample, exceeds the MCL, notify the State Board within 48 hours of the result, complete corrective actions as soon as possible but within one month of receipt of the result, and increase the monitoring frequency, as requested by the State Board to assess the effectiveness of the corrective actions” and removal of “if” and “to do so” to clarify language in the paragraph to clarify requirements for follow up actions for contaminants other than nitrate, nitrite, nitrate plus nitrite, and perchlorate based on confirmation samples, similar to §64420.5(g)(2).</p> <p>Existing regulations at 22 CCR 64432(g) already require water systems to inform the State Board within 48 hours of any of an MCL for an inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate. Inclusion of this notification timeframe clarifies that the 48-hour reporting requirement continues to apply to water systems relying on POE devices for compliance purposes.</p> <p>Addition of the cap of one month for completing corrective actions provides clarity of standard for what is considered as soon as possible and provides consistency with the one-month cap proposed for §64420.5(g)(2)</p>
§64420.5(g)(1)	<p>Addition of “implement the public notification and alternative water procedures identified in its most recent State Board-approved POE Treatment Strategy;” and removal of “as soon as possible, but no later than 24 hours following notification of an exceedance, provide each affected customer with alternative water that meets drinking water standards,” for consistency with §64420.5(f)(1) and to eliminate redundancy with §64420.3(a)(9)(B).</p>

Section	Change Made and Rationale
§64420.5(g)(2)	<p>Addition of period at the end of paragraph.</p> <p>Removal of (A) because there is no (B) in this paragraph.</p> <p>Addition of “continue to provide alternative water until the corrective actions have been confirmed to be effective”, “as”, “to assess the effectiveness of the corrective actions” and removal of “; and”, “if”, and “to do so” to clarify duration of alternative water provision.</p>
NOTE	<p>Removal of “,and” and addition of “”, “116275” and “116385” in the “NOTE” section.</p> <p>Addition of a space in “NOTE” section for consistency with the other “NOTE” sections of the regulation text.</p>
§64420.6(a)	<p>“subsection” was corrected to “paragraph”.</p> <p>“protocol” was capitalized to “Protocol” for punctuation consistency.</p> <p>Addition of “Public Acceptance” and “The Public Acceptance Protocol must satisfy the following requirements in order to receive State Board approval” and removal of “and” and “, describing the public water system’s plan to meet the requirements of this section.” clarify the standard for an adequate Public Acceptance Protocol.</p>
§64420.6(a)(1)(A)	<p>The first letter of the subparagraph was lowercased from “A” to “a”.</p> <p>A semicolon was replaced with comma at the end of the subparagraph.</p>
§64420.6(a)(1)(B)	<p>The first word of the subparagraph was lowercased from “The” to “the”.</p> <p>A semicolon was replaced with comma at the end of the subparagraph.</p>
§64420.6(a)(1)(C)	<p>A semicolon was replaced with comma at the end of the subparagraph.</p> <p>Removal of “and” at the end of the subparagraph.</p>
§64420.6(a)(1)(D)	<p>The first word of the subparagraph was lowercased from “The” to “the”.</p> <p>A semicolon was replaced with comma at the end of the subparagraph.</p>
§64420.6(a)(1)(E)	<p>The first word of the subparagraph was lowercased from “The” to “the”.</p>
§64420.6(a)(3)	<p>Removal of unnecessary space towards at the end of the paragraph.</p>
§64420.6(b)	<p>Addition of “most recent Public Acceptance” in the subsection.</p> <p>“protocol” was capitalized to “Protocol” for clarity.</p>
§64420.6(c)	<p>A semicolon was replaced with a colon at the end of the subsection.</p>
§64420.6(c)(1)	<p>A comma was replaced with a semicolon at the end of the paragraph.</p>
NOTE	<p>Removal of unnecessary space in the NOTE section.</p> <p>Addition of “116275” in the NOTE section.</p>
§64420.7(a)	<p>Addition of “, as specified in subsection (b) or upon” in the subsection for clarity.</p> <p>Removal of “when” and “ed” in the subsection for clarity.</p>
§64420.7(a)(1)	<p>The first word of the paragraph was lowercased from “Results” to “results”.</p>

Section	Change Made and Rationale
§64420.7(a)(2)	The first word of the paragraph was lowercased from “The” to “the”.
§64420.7(a)(3)	The first word of the paragraph was lowercased from “The” to “the”.
§64420.7(a)(4)	The first word of the paragraph was lowercased from “Verbal” to “verbal”.
§64420.7(b)(1)	The first word of the paragraph was lowercased from “Monthly” to “monthly”.
§64420.7(b)(2)	The first word of the paragraph was lowercased from “Quarterly” to “quarterly”.
NOTE	Removal of unnecessary spaces in the NOTE section. Addition of “116275” in authority citation in the “NOTE” section
§64420.8(a)(1)	Addition of a comma in the middle of the paragraph. A comma was replaced with a semicolon at the end of the paragraph.
NOTE	Addition of “116275” in authority citation in the “NOTE” section.

Table 2 describes the two nonsubstantive modifications made following the January 22, 2019 State Water Board adoption. The modifications were made to correct typographical errors.

Table 2: Revisions to the Proposed Regulations Text since OAL disapproval

Section	Change Made and Rationale
<i>Point-of-Entry (POE):</i>	
§64420.2(c)	This section was incorrectly referring to §64418.2(b), which is applicable to POU. It was corrected to refer to §64420.2(b), which is applicable to POEs” [typographical error].
§64420.5(g)(1)	“POU” was corrected to “POE” [typographical error]

III. DOCUMENTS INCORPORATED BY REFERENCE

The proposed regulations do not incorporate any documents by reference.

IV. SUMMARY OF COMMENTS AND AGENCY RESPONSES

Written comments were received during the 15-day comment period in response to the Notice of Public Availability of Changes to the proposed permanent regulations for POU and POE treatment issued November 8, 2018. Table 3 lists the organizations and individuals that provided comments during the comment periods. Attachment No. 1 contains an introduction to comments received and

agency responses, followed by the detailed responses to each comment received.

Table 3: Individuals and Affiliations that Provided Comments During the 15-day Public Comment Period from November 8, 2018 to November 27, 2018.

Individuals and Affiliations	Type of Comments	Date
Glenn Church, General Public	Written	11-27-2018
Marla Anderson, Gary Williams, Taryn Hathaway, Sue McCall, Mark Gingles, Christine Saling, Jayette Wilkerson, Louis Eales, Kathy Werblo, Ruthann Laurel, Russell Wilcox, Peter Antonelli, Terry Bourne, Glenn Church, Pat Garcia, Bob Moore, Monterey County Water Systems	Written	11-27-2018
Sandra Hoppe, San Andreas Mutual Water Company	Written	11-27-2018
Sam Hedge, San Joaquin River Club Inc	Written	11-27-2018
Jagjinder Sahota, Solano County Environmental Health Division	Written	11-27-2018
Susan McCall, Strawberry Road Water System #6	Written	11-27-2018
Adan Ortega ¹ , California Association of Mutual Water Companies	Written	11-27-2018

¹ = Late Comment

V. ATTACHMENTS

- Attachment No. 1: Summary of Written and Oral Comments on the Proposed Point-of-Use and Point-of-Entry Treatment – Permanent Regulations;
- Attachment No. 2: Detailed Responses to All Comments on the Proposed Point-of-Use and Point-of-Entry Treatment – Permanent Regulations.