

**From:** [Marla Anderson](#)  
**To:** [commentletters](#)  
**Subject:** From Citizens group re: State POU/POE regulation revisions  
**Date:** Monday, November 26, 2018 10:02:47 PM

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November 26, 2018

California Water Quality Control Board

P.O. Box 100

Sacramento, CA 95076

Attention: Ms. Jeanine Townsend, Clerk to the Board

Regarding: Comments on "NOTICE OF PUBLIC AVAILABILITY OF CHANGES TO PROPOSED PERMANENT REGULATIONS REGARDING POINT-OF-USE AND POINT-OF-ENTRY TREATMENT"

Dear Sirs/ Madams,

We represent a recently formed citizens group in Monterey County called MOCOWS (Monterey County Water Systems). In researching the consequences of the proposed regulations for Point of Use/Point of Entry treatment, we discovered that these regulations would create extreme hardship on many of the smaller water systems that: 1). Do not have an enforceable water agreement and/or, 2). Are in the 15 to 50 connection size with limited manpower and resources. We currently have 107 active members and are in contact with 290 water systems, many of which fit into the State regulated public water system range. We strongly believe that the proposed State regulations will create serious financial and time hardships for many of small systems unless several issues are recognized and insightful revisions are made.

We understand that the current draft does correct several problems, however, additional problems still remain. The most important, hoped-for change is that State Board member and staff will fully realize the huge difference that exists between public water systems with 15 connections and those with 199 connections. The smaller the pws' are, the more difficult it is to implement regulations that further exacerbate the time, management and financial challenges that the system already faces. The category of 15-199 is much too broad for the proposed regulations to be able to be applied even-handedly. Many smaller pws do not have the type of recorded legal agreements that enables compliance with the provisions of these regulations. There needs to be an alternative way that a small pws can be in compliance when one or more individual households are not being compliant. Water shutoffs are not an option and could create dangerous neighborhood situations.

MOCOWS is currently working with Monterey County Environmental Health Department to explore ways to streamline the POU/POE ordinance and provide alternative ways for a water system to be in compliance when an individual household is not for water systems with 2-14 connections. Revisions are being made as we speak.

Please provide this letter of concern to each Board member prior to the hearing on the proposed revision. Our concerns with the current draft of the regulations are stated below.

The language that we view as needing revision is highlighted in red font and our comments relating to that language is in blue font.

Section 64418.3

(a.3) The public 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-** - - **Likely illegal action for many small pws**

(a.7) The authority, ordinances, and/or access agreements adequate to that **allow the public water system’s representatives access to customers’ premises** for POU **How are small pws without existing recorded agreements allowing access supposed to enforce this?**

(a.9) A cConsumer nNotification pProtocol designed to timely information customersconsumers, **in the appropriate language(s)**, in the event that . . . . .

(a.10) A cCustomer nNotification pProtocol for routine notifications that includes examples of quarterly (or more frequent) notices, to be provided no less frequently than . . . **in the appropriate language(s)** to inform each customer and- - **How are appropriate languages defined and determined? Who will determine appropriate languages and then assist small pws' in preparing multi-lingual notifications. Need to provide a definition of appropriate languages in the definitions.**

(a.11) **The anticipated proposed schedules for: E. Construction of centralized treatment** - -**How would a small pws possibly know when centralized treatment will be feasible and should be constructed. Committing to a construction schedule feels like an intimidation when it's already been determined to be infeasible per §64420.1. Why not wait until the next renewal and address it then. By the way, in how many years is the POU/POE permit to be renewed?**

Section 64418.4

(b) To ensure a POU is properly operating and has not been bypassed, POU’s **shall be inspected by the public water system no less often than every twelve months** **How are small pws without existing recorded agreements allowing access supposed to enforce this?**

Section 64418.5

(a.3) POU effluent – on-going following the monitoring in subsection paragraph (a)(2), annually, **with one twelfth of all units sampled monthly on a rotating basis** . . . . After completion of one year of monitoring, a public water system may alternatively monitor one quarter of all units each calendar quarter provided that monitoring results do not exceed 75 percent (75%) of a . . . .

**Why do 1/12 of the units each month need to be tested instead of 25% each quarter in the first year. Are the contaminant levels really going to increase beyond the filter**

capabilities in only a month or in even a year? 1/12 testing requires a lot more trips to be made back and forth for everyone involved.

Section 64418.7

(a) A public water system shall maintain the following records for at least ten years and provide the records to the State Board . . . Five years is much more doable for small pws. Ten years is beyond the time and management abilities of most small pws manager.

Section 64418.8

(a.1) for all POU's combined, during a 12-month interval, more than five percent (5%) of the results of the effluent monitoring conducted pursuant to section 64418.5 It should be 20% to allow for the fact that there will likely be 1 or 2 non-unit households on each system. Requiring compliance is still an issue for systems that do not have legal authority to enforce the regulations.

(a.3). a building or dwelling unit served by the water system does not have a POU installed pursuant to this Article. **Should be a violation only if 20% or more of connections do not have a POU installed. The water system should not be penalized for non-compliance of 1 or 2 households that do not comply.**

#### **Section 64420**

The same concerns as stated for subsections of Section 64418 also exist for all relevant subsections of 64420 relating to POE installations. The only difference for POEs is that entry into a structure is not required so annual inspections are not as likely to be as great of an issue. Therefore compliance in subsection 64420.8 can be to a higher level of passing results.

Section 64418.8

(a.1) for all POU's combined, during a 12-month interval, more than ten percent (10%) of the results of the effluent monitoring conducted pursuant to section 64418.5 It should be 10% to allow for the fact that there will likely be 1 or 2 non-unit households on each system. Requiring compliance is still an issue for systems that do not have legal authority to enforce the regulations.

(a.3). a building or dwelling unit served by the water system does not have a POU installed pursuant to this Article. **Should be a violation only if 10 % or more of connections do not have a POU installed. The water system should not be penalized for non-compliance of 1 or 2 households that do not comply.**

Thank you for reviewing our comments in the POU/POE revision process. Your careful consideration is greatly appreciated. Feel free to contact Marla Anderson as representative of Monterey County Water Systems (MOCOWS) at the following email address if you have any questions. [mocows294@gmail.com](mailto:mocows294@gmail.com) or at [manderson831@msn.com](mailto:manderson831@msn.com)

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