

STRAWBERRY ROAD WATER SYSTEM #6
5730 Briar Cliff Terrace
Watsonville, California 95076

November 26, 2018



Ms. Jeanine Townsend, Clerk to the Board
STATE WATER RESOURCES CONTROL BOARD
P. O. Box 100
Sacramento, California 95812-2000
email: commentletters@waterboards.ca.gov

Re: COMMENTS-PROPOSED REVISED POU/POE REGULATIONS

Dear Ms. Townsend:

Please accept the following comments on proposed changes to regulations regarding Point of Use (POU) and Point of Entry (POE) water treatment systems. I acknowledge the need for safety in the water we consume and am open to reasonable regulations.

The Strawberry Road Water System #6 is a co-op consisting of 28 households and is like so many other small water systems in California, it is managed by homeowners (except for collecting regularly scheduled samples by a paid Certified Operator). For instance, a homeowner volunteers to collect the monthly assessment, pays the bills associated with the water system, and coordinates notifications to homeowners. Another homeowner has the responsibility of completing various reports concerning the quality of the water, and prepares and submits the annual CCR and EAR summarizing water quality. Another homeowner is involved with any immediate repairs and/or need to seek professionals to do major repairs or replacement of tanks, electrical panels, etc. We too want safe, clean and affordable drinking water. To my knowledge there is not a viable alternative financial approach for managing small rural water systems serving moderate to low income households, some of which are on fixed incomes. In addition to financial considerations, there are two additional factors that must be considered when imposing new, more complex regulations that may be unattainable – liability and enforcement.

64418.2(a)(3) and 64420.2(a)(3) Ownership: Requiring the water system to own the entire POU/POE is impractical and imposes unreasonable liability on the water system. The units are inside individual homes, and will be subjected to conditions and physical abuse the water system cannot control. On the other hand, the homeowners are better situated to monitor the conditions such as leaks, and take appropriate action to limit damage, as well as carry insurance against damage to their property. As written, the proposed regulation exposes small water systems to potential liability from POU/POE water leaks which we are not able to control.

64418.2(a)(4) and 64420.2(a)(4) Mechanical Warning: The state is defining a requirement that is not technologically possible for all contaminants at this time. For example, if Cr-6 is a future MCL target, we do not believe existing POU/POE unit sensors can detect 10 pp Cr-6 in real time. This proposed regulation leaves open the questions of (1) how exceeding the removal capacity of a pOU/POE unit is translated to a mechanical warning; and (2) what criteria is used for systems that have multiple contaminants that exceed the MCL? These are complex technical issues that will undoubtedly require expensive solutions, placing an undue financial burden on a small water system. Why not leave the current requirement in place wherein systems are required to test for certain contaminants on a regular basis and report to all concerned, and allow the consumer to make an informed decision for non-acute MCL violations (e.g., use bottled water for drinking and cooking)?

Sections 64418.3(a)(3) and 64420.3(a)(3) Disconnecting Service: The prospect of discontinuing someone's water service for refusing to accept installation of a POU/POE to address a new MCL that has been missed for decades is unreasonable on its face. The regulation should not require water systems to cut off service to customers, which could expose the water system to litigation and liability for taking such a draconian disproportionate action. Our system is not unlike many other small systems in the fact that there are no individual shut off valves to homes from the road. Some properties are clearly posted for no trespassing therefore ready access is not available; making it impossible to shut off an individual home who has decided not to comply with the requirement of a POU/POE. Along this same line of thinking is that it is next to impossible to collect monthly assessments from individuals who are of the opinion they do not have to pay for water. Yes we have filed liens on the property and once the property is sold, we are able to recoup the funds, however that may take years before that occurs.

64418.3(a)(9)(b)2 and 64420.3(9)(b) No Later than seven days; 64418.5(a)(2) and 64420.5(a)(2) Initial valuation of new systems within 72 hours: The strict requirements to correct systems or evaluate new systems does not align with the requirements in 64418.5(f)(2) and 64418.5(f)(2) for a less than one month response. There also needs to be an option to petition the State for a more reasonable testing protocol on new systems other than exhaustive testing.

64418.3(a)(11)(e) and 64420.3(a)(11)(e) Schedule for construction of centralized system: This item is the first mention about the construction of a centralized system. Because the main, indeed only, reason for the proposed regulations for POU/POE installation and maintenance is that for small systems, POU/POE may be the only economically feasible method of complying with an existing or new MCL. If a small system is at the point of installing POU/POE, a centralized system has already been ruled out because it is economically infeasible, however, the regulations for POU/POE installation and maintenance appear to be no more cost effective than central treatment.

64418.4(b) and 64420.4(b) Evaluation every 12 months; 64418.5(a)(3) and 64420.5(a)(3) All units tested annually; and 64418.5(b) and 4420.5(b) Testing for contaminants other than...: The proposed frequency of testing is unreasonable and likely to render operation of POU/POE economically infeasible. There must be an alternative process to allow selective testing of a smaller sample of customers and awareness of the capacity of these filtering systems.

64418.5(a)(1) and 64420.5(a)(1) Source monitoring: There needs to be an option to petition the State for a more reasonable testing protocol. Many contaminants have not changed values in decades and quarterly monitoring is not needed.

64418.6(c)(1) and 64420.6(c)(1) No substantial opposition: The statement that if slightly more than half of the customers of a water system vote to accept POU/POE systems there is 'no substantial opposition' is false to the extreme. It contradicts 64418.3(a)(3) and 64420.3(a)(3) which requires that those opposed to installation of POU/POE systems be disconnected from the water system. Because many systems will have no existing regulations to require community acceptance of any treatment protocol, this is an invitation for litigation.

I have had the opportunity to review drafts of comments/submissions by other water systems and agree with their recommendations. Thank you for reviewing our comments in the POU/POE revision process. Your careful consideration is greatly appreciated.

Sincerely, Susan McCall, Homeowner/Volunteer for the
Strawberry Road Water System #6

cc: John Phillips, Supervisor, Monterey County