

# Division of Drinking Water

## Visalia District

### Introduction to Regulatory Requirements for Public Water Systems

This document is an introduction to regulatory requirements for public water systems regulated by the State of California. **Personnel of public water systems are advised to review the California Health and Safety Code (CHSC) and the California Code of Regulations (CCR) for a full description of regulatory requirements.** This document covers only a small portion of the overall regulatory requirements.

#### **What are public water systems** (Per California Safe Drinking Water Act)

The term “Public water system” means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. Regulatory requirements vary somewhat for different types of public water systems. The three main types of public water systems are as follows (CHSC, Title 22, Sec. 116275):

1. **Community Water Systems** - Means a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system. This category includes subdivisions, mutual water companies, mobile home parks and other similar residential areas.
2. **Transient Noncommunity Water System** - Means a public water system that is not a community water system that does not regularly serve at least 25 of the same persons over six months per year. This category includes restaurants, campgrounds, small wineries, motels and other non-residential areas.
3. **Nontransient Noncommunity Water System** - Means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year. This category includes schools and larger places of employment with more than 25 employees.

#### **Key Legal Obligations**

Owners of public water system are responsible to ensure that the drinking water is safe and reliable for those who use the system. The following are some of the key legal obligations:

1. Water quality must meet all health standards. (Section 116555 of the CHSC)
2. Community water systems and Non-Transient, Non-Community water systems are required to issue an Annual Water Quality Report to their customers. (Section 116470 of the CHSC)
3. An adequate quantity of water must always be available. (Section 116555 of the CHSC)
4. Water must always be delivered under proper pressure (at least 20 pounds per square inch, Title 22, CCR, Section 64566).
5. The system must be properly operated, maintained and protected from damage and contamination.
6. The system cannot be connected to another, unapproved system or source (Section 116550 CHSC)

7. System must operate under a valid water supply permit. Any changes or additions to source or treatment requires the system to apply for and receive an amended permit. (Section 116525 CHSC)
8. Water system must pay all required water system regulatory fees (many fees are set in regulation).
9. Water system must submit an annual report to the regulatory agency as required. The form for this report is sent to each public water system each year. (Section 116530 of the CHSC)
10. As of January 1, 1998 new public water systems and water systems which change ownership must meet Technical, Managerial and Financial (TMF) requirements. (Section 116540 of the CHSC).

The 1996 federal Safe Drinking Water Act (SDWA) introduced the concept of TMF Capacity for public water systems. This concept involves a public water system having the capability through its financial resources, technical resources, organizational structure and personnel to comply with all applicable drinking water standards and regulations. In addition, the concept of capacity involves being able to plan for the future and use the necessary resources to keep the water system in compliance. Some of the items to be addressed include: a system description, source assessment, technical evaluation (including consolidation), operations plan, operator certification, ownership, organization, water rights, customer service policies, budget protection and control, reserves, and capital improvement.

#### **How to manage the system to maintain compliance**

1. **Name a qualified person to manage and operate the system.** This may be you, another person or agency. A State certified operator is required for water treatment facilities, such as chlorination, and/or distribution. (Section 63765 & 63770 of the CCR)
2. **Set up administrative procedures that work.** These include operation policies, taking water samples, meter reading and billing, and timely response to complaints. Establish and maintain a written record of these procedures.
3. **Prepare and keep on hand an adequate Emergency Notification Plan and Bacteriological Sample Siting Plan.** These documents will help you comply with emergency notification procedures and bacteriological monitoring requirements. (pursuant to Sections 116460 and 64422 of the CCR).

#### **Are system improvements needed?**

1. **Evaluate your water system regularly to make sure it works properly.** Before you add additional users, be sure your system can handle them. (pursuant to the *California Waterworks Standards*: Sections 64555 through 64644 of the CCR)
2. **Prepare written plans that describe system improvements needed.** Use a professional engineer for significant system improvements or modifications. Apply for an amended water supply permit for changes in source or treatment. (pursuant to Section 116550 of the CHSC)

### **Testing water samples**

Arrange for a state-certified laboratory to test system water quality samples. Check with the laboratory to ensure that it has the appropriate certification and will submit your data electronically to the Division as required.

1. **Sample in accordance with an approved Bacteriological Sample Siting Plan for coliform bacteria.** (pursuant to Section 64422 of the CCR). Coliform bacteria should not be present in drinking water and the presence of coliform bacteria indicates water system contamination that may be serious. In the event of positive bacteriological samples, collect repeat check samples in accordance with the requirements of your regulatory agency. Contact your regulatory agency for technical assistance in the event of a problem.
2. **Sample the source water for chemicals in accordance with the required frequencies.** (pursuant to Sections 64432, 64439, 64441 64443, 64444, 64445 of the CCR). Be sure to collect the samples in the proper containers and directly from the source water. Your regulatory agency will provide you with a schedule of required sampling following the completion of a system inspection or upon request.
3. **Keep records of what samples you take and have your laboratory report the results to the Division on the required forms.**
4. **In the event of a problem, follow the requirements specified in the Health and Safety Code.** Additional samples may be required. You may be required to inform the water users about the problem and what they should do. Consult the regulations for specific requirements.

### **Legal consequences of non-compliance**

Failure to comply with regulatory requirements exposes the public water system to enforcement actions by your regulatory agency as provided by Sections 116625, 116650, 116655 and 116660 of the CHSC. This can include fines and civil penalties. Time spent by your regulatory agency on enforcement activities is billed to the individual system pursuant to Section 116577. Failure to comply can also expose you to other legal liabilities and lawsuits.

### **Water system regulatory fees**

There are two categories of regulatory fees for public water systems regulated by the State. These three categories of fees are as follows:

1. **Annual drinking water operating fee:** Pursuant to Section 116565 of the CHSC, all public water systems are required to pay this annual fee. An invoice is sent prior to September 30th of each year. Additional information is located on the Division's website at [http://www.waterboards.ca.gov/resources/fees/drinking\\_water/index.shtml](http://www.waterboards.ca.gov/resources/fees/drinking_water/index.shtml).
2. **Enforcement fees:** Pursuant to Section 116577 of the CHSC, public water systems are required to reimburse the regulatory agency for the cost of enforcement activities related to that water system. This is in addition to the annual drinking water operating fee. Enforcement fees are charged to small public water systems for activities listed in Section 116577 (a)(1). These activities may include the time spent associated with one or more of the following:

- Issuance of a citation or compliance order to a public water system.
- Issuance of an enforcement letter to a public water system. This may include any letter which directs a public water system to take action as a result of non-compliance with a specific regulation, directive or other regulatory requirement.

The time charged may include both office and field time spent on these activities. An invoice for any enforcement fees accrued during a fiscal year will be sent to the public water system prior to September 1st of the following year. The amount of the invoice is based on the actual hours multiplied by the current hourly rate. Please contact the Visalia District 12 office for more information.

Updated 2016