

**State of California  
Office of Administrative Law**

In re:  
Department of Public Health

NOTICE OF FILING AND PRINTING ONLY OF  
EMERGENCY REGULATIONS

Regulatory Action:

Government Code Section 11343.8

Title 22, California Code of Regulations

OAL File No. 2011-0919-01 EFP

Adopt sections: 64419, 64420, 64420.1,  
64420.2, 64420.3, 64420.4,  
64420.5, 64420.6, 64420.7

Amend sections: 64418, 64418.1, 64418.2,  
64418.7

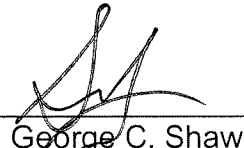
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This regulatory action is to facilitate expedited implementation of point-of-entry (POE) water treatment devices in public water systems (in lieu of centralized treatment) where centralized treatment is deemed not to be economically feasible. This action is exempt from the Administrative Procedure Act pursuant to Health and Safety Code section 116380(b).

OAL filed these emergency regulations with the Secretary of State, and will publish the emergency regulations in the California Code of Regulations.

Pursuant to Health and Safety Code section 116380(b)(2), these regulations are effective until the earlier of January 1, 2014 or the effective date of regulations adopted pursuant to Health and Safety Code section 116380(a).

Date: 9/22/2011



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George C. Shaw  
Senior Counsel

For: DEBRA M. CORNEZ  
Assistant Chief Counsel/  
Acting Director

Original: Dr. Ron Chapman, MD, MPH  
Copy: Linda Cortez

# EMERGENCY FILE PRINT

STATE OF CALIFORNIA - OFFICE OF ADMINISTRATIVE LAW (See instructions on reverse) For use by Secretary of State only

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2011-0919-01EFP</b>
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For use by Office of Administrative Law (OAL) only

2011 SEP 19 AM 11:53

OFFICE OF ADMINISTRATIVE LAW

NOTICE

2011 SEP 22 PM 1:35

*[Signature]*

OFFICE OF ADMINISTRATIVE LAW

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY DEPARTMENT OF PUBLIC HEALTH	AGENCY FILE NUMBER (if any) DPH-10-011E
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b> <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) POINT-OF-ENTRY TREATMENT DEVICES	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)		
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT 64419, 64420, 64420.1, 64420.2, 64420.3, 64420.4, 64420.5, 64420.6, 64420.7		
	AMEND 64418, 64418.1, 64418.2, 64418.7		
TITLE(S) 22	REPEAL		
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input checked="" type="checkbox"/> File & Print <input type="checkbox"/> Print Only			
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input checked="" type="checkbox"/> Other (Specify) <u>H&amp;S 116380(b)(1) exempts from APA</u>			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective 30th day after filing with Secretary of State <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal			
<input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON LINDA M. CORTEZ	TELEPHONE NUMBER 916-440-7683	FAX NUMBER (Optional) 916-440-5747	E-MAIL ADDRESS (Optional) LINDA.CORTEZ@CDPH.CA.GOV

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>[Signature]</i>	DATE 9/13/11
TYPED NAME AND TITLE OF SIGNATORY KATHLEEN M. KEESHEN, DEPUTY DIRECTOR, CHIEF COUNSEL	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

SEP 22 2011

Office of Administrative Law

**California Code of Regulations**  
**Title 22. Social Security**  
**Division 4. Environmental Health**  
**Chapter 15. Domestic Water Quality and Monitoring Regulations**

**ARTICLE 2.5. POINT-OF-USE TREATMENT**

**Amend Section 64418 as follows:**

**Section 64418. General Provisions**

Pursuant to ~~Health and Safety Code, section 116380(b),~~ the regulations set forth in this Article shall remain in effect until the earlier of the date set forth pursuant to section 116380(b), Health and Safety Code January 1, 2014, or the effective date of regulations adopted pursuant to Health and Safety Code, section 116380(a).

(a) With Department approval, a public water system may be permitted to use point-of-use treatment devices (POUs) in lieu of centralized treatment for compliance with one or more maximum contaminant levels or treatment techniques in this Chapter, other than for microbial contaminants, volatile organic chemicals, or radon, if:

(1) the water system serves fewer than 200 service connections,  
(2) the water system meets the requirements of this Article,  
(3) the water system has demonstrated to the Department that centralized treatment, for the contaminants of concern, is not economically feasible within three years of the water system's submittal of its application for a permit amendment to use POUs,

(4) the water system has submitted to the Department a pre-application for funding to correct the violation(s) for which POUs are being proposed to address,

(5) the water system has applied for a permit amendment to use POUs,

(6) following a public hearing, the Department determines pursuant to section 64418.6 that there is no substantial community opposition, ~~and~~

(7) the water system has a Department-approved:

(A) POU Treatment Strategy,

(B) POU Operations and Maintenance Program, and

(C) POU Monitoring Program, ~~and~~

(8) the water system demonstrates to the Department that point-of-entry treatment devices (POEs), meeting requirements of Article 2.7 of this Chapter, would not be economically feasible or that such POEs would not be as protective of public health as POUs installed pursuant to this article.

(b) The permitted use of POUs pursuant to this Article is limited to no longer than three years or until funding for the total cost of constructing a project for centralized treatment or access to an alternative source of water is available, which ever occurs first.

(c) As used in section 63011(a), Chapter 12, Article 2, "equipment" does not include POUs installed for the purpose of evaluating the effectiveness or feasibility, including, but not limited to economic feasibility, or pilot testing of such POUs.

(d) If the department determines, based on the recommendation of the project applicant's engineer, that additional time is required to complete a planning project, funded in whole or in part by the Safe Drinking Water State Revolving Fund, for evaluation of the effectiveness or feasibility of POU's, the maximum time allowed, pursuant to section 63011(c), Chapter 12, Article 2, for completion of the planning project and submission of the report may be extended to not more than three years.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350, 116380, and 116552, Health and Safety Code.

**Amend Section 64418.1 as follows:**

**Section 64418.1. Economic Feasibility of Centralized Treatment.**

(a) To meet the requirements of section 64418(a)(3), a community water system shall submit to the Department information demonstrating that the:

(1) estimated cost of centralized treatment, per household, is more than one percent (1%) of the median household income (MHI) of the customers served by the water system, or

(2) estimated cost of centralized treatment, per household, plus the median water bill from the most recent 12 months is;

(A) if the community's MHI is equal to or less than the statewide MHI, more than 1.5 percent (1.5%) of the MHI of the customers served by the public water system, or

(B) if the community's MHI is greater than the statewide MHI, more than two percent (2%) of the MHI of the customers served by the public water system.

(b) The estimated cost of centralized treatment may include, but is not limited to, the costs associated with equipment, design and construction, residual disposal, monitoring, and operation and maintenance.

(c) The water system shall submit to the Department the supporting documentation, assumptions, and calculations used to determine the anticipated increase in water bills to be presented pursuant to section 64418.6(c)(1) and (2).

(d) To meet the requirements of section 64418(a)(3), noncommunity water systems shall submit to the Department records, including but not limited to financial statements and operating budgets for the most recent and prior two years of operation, demonstrating that the water system does not have sufficient financial resources to cover the cost of centralized treatment and further demonstrating that it will not acquire such resources within the three-year time period following the submittal of its permit amendment application required pursuant to section 64418(a)(5).

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350, and 116380, Health and Safety Code.

**Amend Section 64418.2 as follows:**

**Section 64418.2. POU Requirements.**

(a) A POU shall:

- (1) If the American National Standard Institute (ANSI) has issued product standard applicable to the specific type of proposed POU, be independently certified as meeting such a standard by an ANSI-accredited product certification body;
- (2) If ANSI has not issued a product standard applicable to the specific type of proposed POU, be approved by the Department;
- (3) Be owned, controlled, operated, and maintained by the water system and/or a person under contract with the water system, to ensure proper operation, maintenance, monitoring, and compliance with this Article and applicable drinking water standards;
- (4) Be equipped with a mechanical warning (e.g. alarm, light, etc.) that alerts users when a unit needs maintenance or is no longer operating in a manner that assures the unit is producing effluent meeting the unit's effluent no longer meets state and federal drinking water standards, unless the device is equipped with an automatic shut-off mechanism that prevents the flow of water that does not meet drinking water standards under such circumstances; and
- (5) Be equipped with a totalizing flow meter.

(b) Pilot testing shall be performed on each proposed type of POU to establish its use limitations and operations and maintenance criteria, as well as verification that it will produce effluent that meets drinking water standards under local expected influent water quality and flow conditions.

(1) Prior to performing pilot testing, a pilot testing protocol shall be submitted to the Department for review and approval.

(2) Pilot testing for a POU shall be conducted in the manner and for the time period specified by the pilot testing protocol for that POU, and shall, in all cases, be conducted for no less than two months.

(3) After completion of the pilot testing, the water system shall submit a report to the Department describing the results and findings of the pilot testing.

(c) With Department approval, a water system may be exempt from the pilot testing required pursuant to subsection (b) if the water system demonstrates to the Department that the POU's proposed for use have been tested under equivalent water quality and flow conditions, and the limitations, criteria, and effluent verification in subsection (b) can be ascertained and are reported to the Department.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350, 116380, and 116835, Health and Safety Code.

**Amend Section 64418.7 as follows:**

**Section 64418.7. Recordkeeping, Reporting, and Compliance.**

(a) A water system shall maintain the following records for at least ten years and provide the records to the Department when requested:

- (1) Results of all water quality monitoring conducted pursuant to this Article;
- (2) The location and type of each installed POU;
- (3) The date and type of maintenance and repairs performed; and
- (4) Verbal and written customer complaints received and the resulting corrective actions

and/or responses.

(b) A water system shall report to the Department, at the frequency noted, the following:

- (1) Monthly – treated water quality monitoring results;
- (2) Quarterly – source water monitoring results and any investigations and/or corrective action(s) taken to ensure POUs meet the requirements of this Article including, but not limited to, POU maintenance, customer complaints, inspection results, and manufacturer notices pertaining to proper operation of devices.

(c) The reports required pursuant to subsection (b) shall be submitted to the Department within ten days following the applicable reporting period.

(d) A water system shall be in violation if:

- (1) for all POUs combined, during a 12-month interval more than five percent of the results of the effluent monitoring conducted pursuant to section 64418.5 exceed an MCL,
- (2) for a POU, the effluent fails to meet the applicable compliance determination requirements in this Chapter for an MCL, or
- (3) ~~less than 100 percent of all~~ a residential units, dwelling units, commercial ~~or~~ other establishments ~~or~~ institutions, served by the public water system, ~~does not have a~~ POUs installed pursuant to this Article.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350, 116380, and 116552, Health and Safety Code.

**ARTICLE 2.7. POINT-OF-ENTRY TREATMENT**

Adopt Section 64419 as follows:

**Section 64419. Point-of-entry treatment device or POE.**

“Point-of-entry treatment device” or “POE” is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350 and 116380, Health and Safety Code.

**Adopt Section 64420 as follows:**

**Section 64420. General Provisions**

The regulations set forth in this Article shall remain in effect until the earlier of the date set forth pursuant to section 116380(b), Health and Safety Code, or the effective date of regulations adopted pursuant to Health and Safety Code, section 116380(a).

(a) With Department approval, a public water system may be permitted to use point-of-entry treatment devices (POEs) in lieu of centralized treatment for compliance with one or more maximum contaminant levels or treatment techniques in this Chapter if:

- (1) the water system serves fewer than 200 service connections,
- (2) the water system meets the requirements of this Article,
- (3) the water system has demonstrated to the Department that centralized treatment, for the contaminants of concern, is not economically feasible,
- (4) the water system has submitted to the Department a pre-application for funding to correct the violation(s) for which POEs are being proposed to address,
- (5) the water system has applied for a permit amendment to use POEs,
- (6) following a public hearing, the Department determines pursuant to section 64420.6 that there is no substantial community opposition, and
- (7) the water system has a Department-approved:
  - (A) POE Treatment Strategy,
  - (B) POE Operations and Maintenance Program, and
  - (C) POE Monitoring Program.

(b) As used in section 63011(a), Chapter 12, Article 2, "equipment" does not include POEs installed for the purpose of evaluating the effectiveness or feasibility, including, but not limited to economic feasibility, or pilot testing of such POEs.

(c) If the Department determines, based on the recommendation of the project applicant's engineer, that additional time is required to complete a planning project, funded in whole or in part by the Safe Drinking Water State Revolving Fund, for evaluation of the effectiveness or feasibility of POU's, the maximum time allowed, pursuant to section 63011(c), Chapter 12, Article 2, for completion of the planning project and submission of the report may be extended to not more than three years.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350 and 116380, Health and Safety Code.

Adopt Section 64420.1 as follows:

**Section 64420.1. Economic Feasibility of Centralized Treatment.**

(a) To meet the requirements of section 64420(a)(3), a community water system shall submit to the Department information demonstrating that the:

(1) estimated cost of centralized treatment, per household, is more than one percent (1%) of the median household income (MHI) of the customers served by the water system, or

(2) estimated cost of centralized treatment, per household, plus the median water bill from the most recent 12 months is:

(A) if the community's MHI is equal to or less than the statewide MHI, more than 1.5 percent (1.5%) of the MHI of the customers served by the public water system, or

(B) if the community's MHI is greater than the statewide MHI, more than two percent (2%) of the MHI of the customers served by the public water system.

(b) The estimated cost of centralized treatment may include, but is not limited to, the costs associated with equipment, design and construction, residual disposal, monitoring, and operation and maintenance.

(c) The water system shall submit to the Department the supporting documentation, assumptions, and calculations used to determine the anticipated increase in water bills to be presented pursuant to section 64420.6(c)(1) and (2).

(d) To meet the requirements of section 64420(a)(3), noncommunity water systems shall submit records to the Department, including but not limited to financial statements and operating budgets for the most recent and prior two years of operation, demonstrating that the water system does not have the financial resources to cover the cost of centralized treatment.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350 and 116380, Health and Safety Code.

Adopt Section 64420.2 as follows:

**Section 64420.2. POE Requirements.**

(a) A POE shall:

(1) If the American National Standard Institute (ANSI) has issued product standard applicable to the specific type of proposed POE, be independently certified as meeting such a standard by an ANSI-accredited product certification body and approved by the Department;

(2) If ANSI has not issued a product standard applicable to the specific type of proposed POE, be certified and approved by the Department, which may or may not include certification by the Department pursuant to Division 104, Part 12, Chapter 5, Article 3 (Water Treatment Devices), of the Health and Safety Code;

(3) Be owned, controlled, operated, and maintained by the water system and/or a person(s) under contract with the water system, to ensure proper operation, maintenance, monitoring, and compliance with this Article and applicable drinking water standards;

(4) Be equipped with a mechanical warning (e.g. alarm, light, etc.) that alerts users when a unit needs maintenance or is no longer operating in a manner that assures the unit is producing effluent meeting state and federal drinking water standards, unless the device is equipped with an automatic shut-off mechanism that prevents the flow of water under such circumstances;

(5) Be equipped with a totalizing flow meter; and

(6) Provide health protection equivalent to that which would be provided by centralized treatment.

(b) Pilot testing shall be performed on each proposed type of POE to establish its use limitations and operations and maintenance criteria, as well as verification that it will produce effluent that meets drinking water standards under local expected influent water quality and flow conditions.

(1) Prior to performing pilot testing, a pilot testing protocol shall be submitted to the Department for review and approval.

(2) Pilot testing for a POE shall be conducted in the manner and for the time period specified by the pilot testing protocol for that POE, and shall, in all cases, be conducted for no less than two months.

(3) After completion of the pilot testing, the water system shall submit a report to the Department describing the results and findings of the pilot testing.

(c) With Department approval, a water system may be exempt from the pilot testing required pursuant to subsection (b) if the water system demonstrates to the Department that the POEs proposed for use have been tested under equivalent water quality and flow conditions, and the limitations, criteria, and effluent verification in subsection (b) can be ascertained and are reported to the Department.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350, 116380 and 116835, Health and Safety Code.

Adopt Section 64420.3 as follows:

**Section 64420.3. POE Treatment Strategy.**

Prior to installing POEs, the water system shall submit a POE Treatment Strategy for Department review and approval. At a minimum, the POE Treatment Strategy shall include each of the following:

(a) A description of the compliance problem(s) and how the use of POEs will address the problem(s);

(b) A description of how the water system will determine the type, number, and location of POEs to ensure a POE(s) serves, in its entirety, each customer's building, dwelling unit, establishment, or other location within the water system's service area where drinking water is provided for human consumption;

(c) The water system's authority to require customers to accept POEs in lieu of centralized treatment and to take an action, such as discontinuing service, if a customer fails to accept POEs, or disconnects or modifies a POE installed pursuant to this Article;

(d) The basis for the POE selection(s);

(e) The qualifications and identification of the person(s) responsible for POE installation, operation, maintenance, and water quality sampling and analyses;

(f) A customer education program to be implemented prior to and following installation of POEs;

(g) The authority, ordinances, and/or access agreements that allow the water system's representatives access to customers' premises for POE installation, maintenance, and water quality monitoring, as well as the surveys necessary to meet subsection (b);

(h) Identification of applicable local regulatory requirements;

(i) In the event an installed POE fails to produce water that meets drinking water standards;

(1) a consumer notification protocol, along with example notices, consistent with Article 18, Title 22, of the California Code of Regulations, and

(2) a plan for provision of an alternative water supply, meeting drinking water standards, to customers served by such installed POE;

(j) An on-going customer notification protocol that includes:

(1) notices in the language(s) appropriate for communication with the customers, and

(2) quarterly (or more frequent) notices informing the customer(s) of;

(A) the extent to which POE(s) provide water meeting drinking water standards, including a description of water supplies that are not treated by the POE(s), and

(B) information pertaining to the mechanical warning or shut-off mechanism required pursuant to section 64420.2(a)(4), including the telephone number of water system personnel to notify in the event the mechanical warning or shut-off mechanism is activated;

- (k) The anticipated schedules for:
- (1) the distribution of public hearing information,
  - (2) the public hearing required pursuant to section 64420.6,
  - (3) the distribution to customers of POE acceptance surveys,
  - (4) POE installation, and
  - (5) if applicable, construction of centralized treatment;

(l) An estimate of the percent of voluntary participation to be achieved by consumers within the water system's service area; and

(m) The means for ensuring that the rights and responsibilities of the customer, with respect to an installed POE, convey with title upon the sale or transfer of property to which the POE is attached.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350, and 116380, Health and Safety Code.

Adopt Section 64420.4 as follows:

**Section 64420.4. POE Operations and Maintenance (O&M) Program.**

(a) Prior to installing POEs, a water system shall submit a POE Operations and Maintenance (O&M) Program for Department review and approval. The POE O&M Program shall include, but not be limited to, the following:

(1) An installation protocol that, at a minimum, describes locations and assurances that POEs will be accessible for operation and maintenance;

(2) The type and frequency of maintenance, at intervals specified by the manufacturer and determined by pilot testing, whichever is shorter, that ensures POEs produce effluent that meets drinking water standards;

(3) The number and type of auxiliary POEs and parts necessary to ensure continuous effective treatment;

(4) Replacement schedules for critical components and POEs;

(5) The qualifications and identification of the person(s) responsible for POE installation, operation, and maintenance; and

(6) POE waste-handling and disposal procedures.

(b) To ensure a POE is properly operating and has not been bypassed, POEs shall be inspected by the water system no less often than every twelve months and when a POE's effluent is monitored pursuant to section 64420.5.

(c) Based on the on-going operation and maintenance of installed POEs, a water system shall revise its POE O&M Program as necessary to ensure continuous effective treatment and POEs produce effluent that meets drinking water standards. Revised POE O&M Programs shall be submitted to the Department for review prior to revision implementation.

(d) A water system shall implement its most recent POE O&M Program prepared pursuant to this section.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350, and 116380, Health and Safety Code.

Adopt Section 64420.5 as follows:

**Section 64420.5. POE Monitoring Program.**

(a) A water system shall submit a POE Monitoring Program for Department review and approval. At a minimum, the POE Monitoring Program shall include monitoring of the contaminant(s) for which the system has applied to use POEs, as follows:

(1) Source water monitoring – quarterly, with samples collected during the same month (first, second, or third) of each quarter;

(2) POE effluent – initially, with samples collected on the same day a device is installed;  
and

(3) POE effluent, on-going following the monitoring in paragraph (2) – annually, with one twelfth of all units sampled monthly on a rotating basis.

(b) After two years of monitoring conducted pursuant to subsection (a), a water system may apply to the Department for reduced on-going monitoring if all the results of the on-going monitoring conducted pursuant to (a)(3) do not exceed 75 percent of a contaminant's MCL.

(c) The Department may require further monitoring for the contaminant of concern or other contaminants, including microbial contaminants, based on monitoring results, POE technology, or a water system's record of compliance with this Article.

(d) The water system shall revise its POE Monitoring Program as necessary based on the on-going operation and maintenance of installed POEs or additional monitoring required pursuant to subsection (c). Revised POE Monitoring Programs shall be submitted to the Department for review prior to revision implementation.

(e) The water system shall implement its most recent POE Monitoring Program prepared pursuant to this section.

(f) If an on-going POE effluent sample result exceeds an MCL, the water system shall:

(1) implement the public notification and alternative water procedures identified in its Department-approved POE Treatment Strategy;

(2) except as noted in paragraph (3), collect a confirmation sample within seven days of notification of the exceedance;

(3) for an exceedance of a nitrate, nitrite, nitrate plus nitrite, or perchlorate MCL, collect a confirmation sample within 24 hours of notification of the exceedance; and

(4) if the confirmation sample exceeds the MCL, notify the Department within 24 hours of the result and complete corrective actions as soon as possible, but within one month of receipt of the result.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350, and 116380, Health and Safety Code.

Adopt Section 64420.6 as follows:

**Section 64420.6. Public Hearing and Acceptance.**

To meet the requirements of section 64420(a)(6), a water system shall, pursuant to this section, conduct a customer survey and participate in, and provide information for, a public hearing held by the Department. At least 30 days prior to initiating the activities required in this section, the water system shall submit a protocol, to the Department for review and approval, describing the water system's plan to meet the requirements of this section.

(a) Prior to conducting a customer survey, a water system shall participate in and provide information for a public hearing that, at a minimum, disseminates the following to those in its service area:

- (1) A description of the system's POE Treatment Strategy;
- (2) The adverse health effects, as specified in the appendices in section 64465, associated with the contaminant(s) of concern; and
- (3) POE Operation and Maintenance Program and Monitoring Program information that necessitates customer involvement.

(b) At least 30 days prior to the public hearing, the water system shall place the information to be presented at the public hearing into a publicly accessible repository and notify the Department and those in its service area of the date, time, and location of the public hearing, as well as the location and hours of operation of the repository. If the water system serves multi-unit residential dwellings including, but not limited to, apartments and residential institutions, whether sub-metered or not, the water system shall provide notice to residents of such residential dwellings.

(c) Following the public hearing, a water system shall survey its customers. The survey shall be delivered in a manner designed to reach each customer and include the following language-specific options:

- (1) "I vote FOR the use of Point-of-Entry treatment devices. I acknowledge that a Point-of-Entry treatment device(s) will be installed on my premises for each building that may provide water for drinking, cooking, or oral hygiene. I understand that my [system to insert frequency] water bill will increase \$[system to insert increase in cost] to implement this measure.", and
- (2) "I vote AGAINST the use of Point-of-Entry treatment devices. I want [system name] to install a centralized treatment plant. I understand that my [system to insert frequency] water bill will increase \$[system to insert increase in cost] to implement centralized treatment."

(d) POE use shall be considered to have no substantial community opposition if;

$$\frac{(\text{number of customers voting against POEs}) + (\text{number of non - respondents})}{\text{total number of customers}} < 0.50$$

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350 and 116380, Health and Safety Code.

Adopt Section 64420.7 as follows:

**Section 64420.7. Recordkeeping, Reporting, and Compliance.**

(a) A water system shall maintain the following records for at least ten years and provide the records to the Department when requested:

- (1) Results of all water quality monitoring conducted pursuant to this Article;
- (2) The location and type of each installed POE;
- (3) The date and type of maintenance and repairs performed; and
- (4) Verbal and written customer complaints received and the resulting corrective actions

and/or responses.

(b) A water system shall report to the Department, at the frequency noted, the following:

- (1) Monthly – treated water quality monitoring results;
- (2) Quarterly – source water monitoring results and any investigations and/or corrective action(s) taken to ensure POEs meet the requirements of this Article including, but not limited to, POE maintenance, customer complaints, inspection results, and manufacturer notices pertaining to proper operation of devices.

(c) The reports required pursuant to subsection (b) shall be submitted to the Department within ten days following the applicable reporting period.

(d) A water system shall be in violation if:

- (1) for all POEs combined, during a 12-month interval more than five percent of the results of the effluent monitoring conducted pursuant to section 64420.5 exceed an MCL,
- (2) for a POE, the effluent fails to meet the applicable compliance determination requirements in this Chapter for an MCL, or
- (3) a building, residential unit, dwelling unit, commercial or other establishment or institution, served by the public water system, does not have a POE installed pursuant to this Article.

NOTE: Authority Cited: Sections 116350, 116375, 116380, 131052 and 131200, Health and Safety Code. Reference: Sections 116325, 116350 and 116380, Health and Safety Code.