data; and 64430 (40 CFR 141.405) for groundwater corrective actions and disinfectant residuals. Each of these record retention requirements ranges from 9 to 18 years. The ten-year timeframe for all records simplifies recordkeeping requirements and does not place an unreasonable burden on a PWS.

Monitoring data, maintenance records, and complaint and response information will accrue over time. POU locations and types may also change over time. To relieve a PWS of unnecessarily frequent reporting obligations, such as each time the records are updated, the proposed regulations requires that the records be made available upon request only.

- Proposed paragraph 64418.7(a)(1) requires a PWS to maintain records of water quality monitoring results. Retaining these records is necessary to evaluate the long-term performance of the POUs; to evaluate compliance with California drinking water standards and monitoring requirements over time; and to evaluate whether, consistent with requirements contained in 40 CFR 142.62(h)(6) and 40 CFR 142.65, Table B. footnote b, devices are monitored to ensure proper performance such that all consumers receive water that consistently meets drinking water standards.

- Proposed paragraph 64418.7(a)(2) requires a PWS to maintain records of the location and type of each installed POU. Health and Safety Code section 116380 requires the State Water Board to limit the proposed regulations to usage not prohibited by the federal SDWA and its implementing regulations and guidance. Retention of these records is necessary to evaluate, consistent with federal requirements contained in 40 CFR 142.62(h)(6), whether buildings and dwellings connected to the PWS have sufficient devices installed such that all consumers receive water that consistently meets drinking water standards.

- Proposed paragraph 64418.7(a)(3) requires a PWS to maintain records for the date, type of maintenance, and repairs performed. Retention of these records is necessary to evaluate POU performance and to evaluate whether, consistent with federal requirements contained in 40 CFR 142.62(h)(6) and 40 CFR 142.65, Table B. footnote b, devices are maintained to ensure proper performance such that all consumers receive water that consistently meets drinking water standards.

- Proposed paragraph 64418.7(a)(4) requires a PWS to maintain records of customer complaints received and resulting corrective actions and/or responses. Retention of these records is necessary to identify POU performance, operation and maintenance issues, as well as trends that may affect short- and long-term reliability of the POU devices. This information may also be relied on for use in evaluating exemption requests pursuant to proposed 22 CCR 64418.2(c).

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Subsection (b) establishes the frequencies at which a PWS is required to report treated water and source water monitoring results (monthly and quarterly, respectively), consistent with the timeframe of the required monitoring. Additionally, a PWS is required to submit information related to PWS investigations and/or corrective actions, POU maintenance, customer complaints, inspection results, and a POU manufacturer's operational notices, to the State Water Board quarterly to assure availability of information for regulatory staff oversight. Consistent with most of the reporting deadlines for PWS, including 22 CCR sections 64469, 64537, 64664, 64423.1, 64433.7, 64687, 64690.10, and 64650 (40 CFR 141.706 and 141.721), subsection (c) requires that the reports in subsection (b) be submitted to the State Water Board no later than ten days following each monitoring period.

Section 64418.8, Compliance.
Proposed section 64418.8 describes how compliance with drinking water standards would be assessed for a public water system using point-of-use treatment devices in lieu of centralized treatment. This description is necessary to ensure uniform compliance determination when considering effluent from numerous point-of-use treatment devices rather than a single, centralized water treatment plant.

CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 22, DIVISION 4, CHAPTER 15, ARTICLE 2.7 (POINT-OF-ENTRY TREATMENT)

Section 64420.3, POE Treatment Strategy.

Utilizing point-of-entry (POE) devices in lieu of centralized treatment raises a number of issues—including multiple points of treatment and compliance and access to consumers' homes for installation, monitoring, and maintenance—that must be carefully considered prior to implementation. Specifically, these issues include whether the POE devices will address the contaminant(s) of concern; whether the POE devices will be installed in a manner to serve all users of the water; whether the PWS has sufficient authority to require customers to accept POE devices; the basis for the particular POE selections; whether POE devices will be installed, operated, maintained, and tested correctly; whether the customers will be appropriately educated about the devices and informed of device failures; whether the PWS has sufficient authority to access homes and businesses to install, operate, and maintain the POE devices; whether appropriate schedules for use of the devices in anticipation of centralized treatment have been developed; and how the water system will address customers who will not voluntarily allow installation of POE devices.

To ensure a PWS has considered and addressed such concerns, section 64420.3 requires a PWS to develop a POE Treatment Strategy and to submit the Strategy for review and approval by the State Water Board. Subsection (a) includes elements to be considered as part of a POE Treatment Strategy, including a description of the compliance problem to be addressed, the type of POE to be installed, the POE selection process, employee qualifications, mandated customer use, legal obligations

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and authority limitations, customer education and consumer notification, and scheduling of milestones, and the means for ensuring the customers' rights and responsibilities convey with the sale or transfer of the property to which the POE is attached, consistent with 40 CFR 141.100(e) and federal guidance. These elements are needed to evaluate and ensure that the PWS is proposing a program that is consistent with federal and state requirements and to ensure careful consideration of the issues described above prior to implementing a POE treatment program. Subsection (b) is needed to explicitly require the PWS to comply with the most current, State Water Board approved version of the POE Treatment Strategy.

A description of each particular element of the POE Treatment Strategy, and the rationale behind and rationale for each provision, is set forth below:

- Proposed paragraph 64420.3(a)(1) requires a PWS to provide a description of compliance issues (*i.e.*, identify which drinking water standards are not being met) for which POEs are being proposed and how the use of POEs will achieve compliance. Health and Safety Code section 116380 requires the State Water Board to limit the proposed regulations to usage not prohibited by the federal State Drinking Water Act (SDWA) or its implementing regulations and guidance. In addition, 40 CFR 141.100(c) requires that "[u]*nder the plan approved by the State, point-of-entry devices must provide health protection equivalent to central water treatment. "Equivalent" means that the water would meet all national primary drinking water regulations and would be of acceptable quality similar to water distributed by a well-operated central treatment plant.*" 40 CFR 142.62(h)(3) requires that "[t]*he public water system must apply effective technology under a State-approved plan*". The identification of compliance issues is necessary to determine whether these issues can be effectively addressed using the proposed POEs.

- Proposed paragraph 64420.3(a)(2) requires a PWS to provide a description of type, number, and location of POEs to ensure a sufficient number of devices are installed to ensure that all end users receive safe water. 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. 40 CFR 142.62(h)(6) requires that "[t]*he State must be assured that buildings connected to the system have sufficient point-of-use or point-of-entry devices that are properly installed, maintained, and monitored such that all consumers will be protected.*" For a PWS using POE devices, 40 CFR 141.100(e) requires that "[a]*ll consumers shall be protected. Every building connected to the system must have a point-of-entry device installed, maintained, and adequately monitored*". A description of the type, number, and location of POE devices is necessary to evaluate compliance with federal requirements and whether implementation of the proposed POE Treatment Strategy would ensure buildings and dwellings connected to the PWS have sufficient devices installed

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such that all consumers receive water that consistently meets drinking water standards.

- Proposed paragraph 64420.3(a)(3) requires a PWS to have 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 a POE. U.S. EPA's "Point-of-Use or Point-of-Entry Treatment Options for Small Drinking Water Systems" guidance manual includes the following language in its model ordinance: "[*t*]*he Water Supplier may terminate, after notice and opportunity for a hearing, the water service of any Customer who: - Fails or refuses to allow the installation of treatment units as required by this Ordinance…*". 40 CFR 142.62(h)(6) requires that "[t]*he State must be assured that buildings connected to the system have sufficient point-of-use or point-of-entry devices that are properly installed, maintained, and monitored such that all consumers will be protected*". The PWS's authority to require customers to accept POEs is necessary to comply with these federal regulations and to ensure all consumers are protected through the provision of water meeting drinking water standards.

- Proposed paragraph 64420.3(a)(4) requires a PWS to provide the basis for the POE selections. 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. In addition, 40 CFR 142.62(h)(3) requires that a PWS "*must apply effective technology under a State-approved plan*". 40 CFR 141.100(d) requires that "[e]*ffective technology must be properly applied under a plan approved by the State*" and that "[t]*he State must require adequate certification of performance, field testing, and, if not included in the certification process, a rigorous engineering design review of the point-of-entry devices*." It is necessary for a PWS to provide the basis for its POE selection to demonstrate that it will be reliable and effective for its intended use.

- Proposed paragraph 64420.3(a)(5) requires a PWS to include in the POE Treatment Strategy the qualifications and identification of the person(s) responsible for POE installation, operation, maintenance, and water quality sampling and analyses. 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. In addition, 42 U.S.C. section 300g-1(b)(4)(E)(II) requires that "[p]*oint-of-entry and point-of-use treatment units shall be owned, controlled and maintained by the public water system or by a person under contract with the public water system to ensure proper operation and maintenance*." 40 CFR 141.100(b) states that "[i]*t is the responsibility of the public water system to operate and maintain the point-of-entry treatment system*." 40 CFR 141.100(d) requires that "[e]*ffective technology must be properly applied under a plan approved by the State and the microbiological safety of the water must be maintained*." 40 CFR 142.62(h)(2) requires that "[b]*efore point-of-use or point-of-entry devices are installed, the*

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PWS must obtain the approval of a monitoring plan which ensures that the devices provide health protection equivalent to that provided by central water treatment." The qualifications and identification of personnel responsible for installation, operation, maintenance, sampling, and analysis are necessary to evaluate compliance with federal requirements and whether implementation of the proposed POE Treatment Strategy would ensure continuous, uninterrupted provision of water meeting drinking water standards.

- Proposed paragraph 64420.3(a)(6) requires a PWS to include a Customer Education Program designed to reach all customers, and to be implemented prior to and following installation of POEs. A Customer Education Program to obtain and maintain customer participation is necessary for a PWS to be in compliance with drinking water standards as POE devices require access by the PWS for installation, monitoring, and maintenance, and, unlike centralized treatment, provide water meeting drinking water standards only from properly installed and maintained treatment devices.

- Proposed paragraph 64420.3(a)(7) requires a PWS to identify adequate authority, ordinances, and/or access agreements to customers' premises for POE installation, maintenance, and water quality monitoring. 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. In addition, 40 CFR 142.62(h)(6) requires that "[*t*]*he State must be assured that buildings connected to the system have sufficient point-of-use and/or point-of-entry devices that are properly installed, maintained, and monitored such that all consumers will be protected*". Identification of access agreements and authority is necessary to evaluate compliance with federal requirements and whether implementation of the proposed POE Treatment Strategy would ensure access for installation, maintenance, and monitoring to continuously provide water meeting drinking water standards.

- Proposed paragraph 64420.3(a)(8) requires a PWS to include in the POE Treatment Strategy the identification of applicable local regulatory requirements. U.S. EPA's guidance manual titled "Point-of-Use or Point-of-Entry Treatment Options for Small Drinking Water Systems" (U.S. EPA, April 2006, EPA 815-R-06-010) cautions that a PWS "*should check with State and local regulatory agencies to determine if any State or local regulations exists for POU and POE devices. State and local regulations could exist that would preclude the use of some or all POU or POE devices.*" It is necessary for a PWS to identify applicable local regulatory requirements to evaluate compliance with federal requirements and whether implementation of the proposed POE Treatment Strategy would ensure that the use of POE devices, as a means of complying with drinking water standards, is a viable, effective option.

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- Proposed subparagraphs 64420.3(a)(9)(A) and (B) requires a PWS to include a Consumer Notification Protocol with a plan for timely provision of information and a sufficient quantity of water meeting drinking water standards in the event an installed POE fails to produce water that meets drinking water standards. Timing of alternative water supply provisions would be based on the type of health risk posed by the contaminant not meeting a drinking water standard, with acute risks requiring provision of an alternative water supply within 24 hours and chronic risks requiring provision of an alternative water supply within 7 days. Consumer notification is necessary to ensure that consumers are aware when a POE device is not producing water meeting drinking water standards. Consistent with 22 CCR 64551.100. Waivers and Alternatives, a plan for providing an alternative water supply is necessary to ensure that consumers are not left without an adequate supply of drinking water meeting regulatory standards for an unreasonable amount of time.

- Proposed subparagraphs 64420.3(a)(10)(A) and (B) requires a PWS to provide a Customer Notification Protocol for routine notifications, to be provided no less frequently than quarterly, reminding customers that only the taps for which POE devices are installed provide water meeting drinking water standards and providing information regarding the mechanical warning or shut-off mechanism, and how to contact the PWS. The Customer Notification Protocol is necessary to ensure that, despite changes in ownership or occupancy, customers and consumers continue to be aware of the limitations regarding their drinking water and the need to notify the PWS if the mechanical warning or shut-off mechanism is triggered.

- Proposed subparagraphs 64420.3(a)(11)(A) through (E) requires a PWS to provide proposed schedules for distribution of public hearing information, the public hearing, distribution of POE acceptance surveys, POE installation, and construction of centralized treatment. Health and Safety Code section 116552 requires that "[t]*he State Water Resources Control Board shall not issue a permit to a public water system or amend a valid existing permit to allow the use of point-of-use or point-of-entry treatment unless the State Water Resources Control Board determines, after conducting a public hearing in the community served by the public water system, that there is no substantial community opposition to the installation of the treatment devices. The issuance of a permit pursuant to this section shall be limited to not more than three years or until funding for centralized treatment is available, whichever occurs first*". Provision of schedules for public hearing timelines and eventual construction of centralized treatment is necessary to evaluate compliance with federal requirements and whether implementation of the proposed POE Treatment Strategy ensures that the PWS complies with the public hearing requirement, and that the planned schedule for centralized treatment is consistent.

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- Proposed paragraph 64420.3(a)(12) requires a PWS to provide an estimate of the percentage of customers who are expected to voluntarily allow installation, as well as a description of how it will address those who are not. 40 CFR 142.62(h)(6) requires that "[t]*he State must be assured that buildings connected to the system have sufficient point-of-use or point-of-entry devices that are properly installed, maintained, and monitored such that all consumers will be protected.*" Full customer participation is necessary for a PWS to be in compliance with drinking water standards. An estimate of how much of the customer base is expected to voluntarily participate and a plan for addressing those who are unlikely to participate voluntarily is necessary for the PWS to obtain full participation and assure that all consumers will be protected with the installation and use of POE devices.

- Proposed paragraph 64420.3(a)(13) requires a PWS to provide a means to ensure that the rights and responsibilities of the customer and PWS with respect to the installed POE convey with title upon the sale or transfer of the property to which a POE is attached. 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. 40 CFR 141.100 (e) requires that "[a]*ll consumers shall be protected. The State must be assured that every building is subject to treatment and monitoring, and that the rights and responsibilities of the public water system customer convey with title upon sale of property*." The means to ensure conveyance of rights and responsibilities is necessary to ensure that all consumers are protected in accordance with federal regulations.

Section 64420.7, Recordkeeping and Reporting.

Proposed section 64420.7 establishes recordkeeping and reporting requirements for a PWS utilizing POE devices. Subsection (a) requires a PWS to maintain, and to make available to the State Water Board upon request, the records described in paragraphs (1) through (4) for a period of no less than ten years. The ten-year timeframe is consistent with other recordkeeping requirements, including those set forth in 22 CCR sections 64470 for domestic water quality monitoring and sanitary survey communications; 64259 for local primacy agency technical reports, permits, sanitary surveys, and water quality analyses; 64554 for maximum day demand calculations; 64980.80 for lead and copper data; and 64430 (40 CFR 141.405) for groundwater corrective actions and disinfectant residuals. Each of these record retention requirements ranges from 9 to 18 years. The ten-year timeframe for all records simplifies recordkeeping requirements and does not place an unreasonable burden on a PWS.

Monitoring data, maintenance records, and complaint and response information will accrue over time. POE locations and types may also change over time. To relieve a PWS of unnecessarily frequent reporting obligations, such as each time the records are

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updated, the proposed regulations require that the records be made available upon request only.

- Proposed paragraph 64420.7(a)(1) requires a PWS to maintain records of water quality monitoring results. Retaining these records is necessary to evaluate the long-term performance of the POEs; to evaluate compliance with California drinking water standards and monitoring requirements over time; and to evaluate whether, consistent with requirements contained in 40 CFR 142.62(h)(6) devices are monitored to ensure proper performance such that all consumers receive water that consistently meets drinking water standards.

- Proposed paragraph 64420.7(a)(2) requires a PWS to maintain records of the location and type of each installed POE Health and Safety Code section 116380 requires the State Water Board to limit the proposed regulations to usage not prohibited by the federal SDWA and its implementing regulations and guidance. 40 CFR 141.100(e) requires that, for a PWS using POE devices to comply with drinking water standards, every building connected to the PWS have a POE device installed, maintained, and adequately monitored. Retention of these records is necessary to evaluate, consistent with federal requirements contained in 40 CFR 142.62(h)(6), whether buildings and dwellings connected to the PWS have sufficient devices installed such that all consumers receive water that consistently meets drinking water standards.

- Proposed paragraph 64420.7(a)(3) requires a PWS to maintain records for the date, type of maintenance, and repairs performed. Retention of these records is necessary to evaluate POE performance and to evaluate whether, consistent with federal requirements contained in 40 CFR 142.62(h)(6) devices are maintained to ensure proper performance such that all consumers receive water that consistently meets drinking water standards.

- Proposed paragraph 64420.7(a)(4) requires a PWS to maintain records of customer complaints received and resulting corrective actions and/or responses. Retention of these records is necessary to identify POE performance, operation and maintenance issues, as well as trends that may affect short- and long-term reliability of the POE devices. This information may also be relied on for use in evaluating exemption requests pursuant to proposed 22 CCR 64418.2(c).

Proposed subsection (b) establishes the frequencies at which a PWS is required to report treated water and source water monitoring results (monthly and quarterly, respectively), consistent with the timeframe of the required monitoring. Additionally, a PWS is required to submit information related to PWS investigations and/or corrective actions, POE maintenance, customer complaints, inspection results, and a POE manufacturer's operational notices, to the State Water Board quarterly to assure availability of information for regulatory staff oversight. Consistent with most of the reporting deadlines for PWS stated in 22 CCR (sections 64469, 64537, 64664, 64423.1,

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64433.7, 64687, 64690.10) and section 64650 (40 CFR 141.706 and 141.721), subsection (c) requires the reports in subsection (b) to be submitted to the State Water Board no later than ten days following each monitoring period.

Section 64420.8, Compliance.

Proposed section 64420.8 describes how compliance with drinking water standards would be assessed for a public water system using point-of-entry treatment devices in lieu of centralized treatment. This description is necessary to ensure uniform compliance determination when considering effluent from numerous point-of-use treatment devices rather than a single, centralized water treatment plant.

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