

Introduced by Senator AndersonJanuary 11, 2012

An act to amend Section 116380 of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 962, as introduced, Anderson. Public water systems: point-of-use treatment.

Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems, and requires the State Department of Public Health to adopt regulations for these purposes. Under existing law, regulations adopted by the department are required to include requirements governing the use of point-of-entry and point-of-use treatment by public water systems in lieu of centralized treatment, where feasible. Existing law requires the department to adopt emergency regulations governing the permitted use of point-of-entry and point-of-use treatment by public water systems in lieu of centralized treatment and requires that these emergency regulations remain in effect until the earlier of January 1, 2014, or the effective date of the required nonemergency regulations. Existing law limits these regulations to public water systems with less than 200 service connections.

This bill would, instead, limit these regulations to public water systems with less than 2,500 service connections, and would require the emergency regulations to remain in effect until the earlier of January 1, 2016, or the effective date of the required nonemergency regulations.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California's public water systems are required to provide
4 clean water to their residents.

5 (b) For the smallest of these water systems, especially in small
6 isolated communities, such as those in the central valley, the Sierra
7 Nevada Mountains, and the desert areas, the question of
8 affordability of new central treatment is foremost, especially for
9 systems serving customers of modest means.

10 (c) Many small public water systems are faced with the prospect
11 of heavy or insurmountable capital costs to comply with the new
12 rules and the need to provide safe and clean drinking water to their
13 customers.

14 (d) Many of these small systems are challenged by having to
15 provide clean water to widely dispersed rural residents, often in
16 areas with a population of 2,500 or less.

17 (e) Even though the federal and state environmental regulators
18 give extensions for compliance with maximum contaminant level
19 mandates, and some grant or loan money if available, some small
20 systems struggle to move forward and meet the ever-changing
21 maximum contaminant level mandates.

22 (f) Recently, the Australian Cooperative Research Center for
23 Water Quality and Treatment published a report that concluded
24 that "commercially available equipment can produce safe drinking
25 water generally at a lower cost per household than centralized
26 treatment if a distribution per household network is in place."

27 (g) The report identified a significant cost savings for small
28 towns and showed that point-of-use or point-of-entry treatment
29 devices were highly effective at producing safe and clean water,
30 even with poor quality source waters.

31 (h) Point-of-use and point-of-entry water treatment devices can
32 help bridge the compliance gap for these small systems and are a
33 cost-effective way to provide safe and clean drinking water.

34 (i) Point-of-use or point-of-entry treatment devices may be
35 employed where the drinking water enters the house or building,
36 for the purpose of reducing contaminants in the drinking water
37 distributed throughout the house or building.

1 (j) Point-of-use or point-of-entry treatment devices may be
2 employed at a single faucet or tap and used for the purpose of
3 reducing contaminants in drinking water at that one outlet. They
4 are typically installed at the kitchen faucet.

5 (k) These devices must be certified according to product
6 standards of the American National Standards Institute and other
7 third-party testing organizations.

8 (l) According to United States Environmental Protection Agency
9 and California health regulations, point-of-use or point-of-entry
10 devices shall be owned, controlled, or maintained by the public
11 water system or by a person or company under contract with the
12 public water system in order to ensure proper operation and
13 maintenance and to ensure compliance with the maximum
14 contaminant levels or treatment techniques.

15 (m) The State Department of Public Health adopted emergency
16 regulations that became effective on December 21, 2010, in
17 response to the passage of Assembly Bill 2515 (Chapter 601 of
18 the Statutes of 2010), which govern the permitted use of
19 point-of-use or point-of-entry treatment devices by public water
20 systems in lieu of centralized treatment if certain conditions are
21 met.

22 (n) These emergency regulations limit the use of point-of-use
23 or point-of-entry treatment devices to public water systems with
24 fewer than 200 service connections in lieu of centralized treatment
25 for compliance with one or more maximum contaminant levels or
26 treatment techniques, other than for microbial contaminants,
27 volatile organic chemicals, or radon.

28 (o) The California Rural Water Association considers
29 communities of 2,500 residents or less to be rural.

30 (p) This leaves many small, rural communities containing 201
31 to 2,500 residents, inclusive, who suffer from poor water quality
32 in the predicament of having too many residents to qualify to
33 operate under the emergency regulations, but having too few
34 residents to provide the financial base needed to construct
35 state-of-the-art, centralized treatment.

36 (q) It is estimated that only 1 percent or less of the water
37 distributed from a water treatment plant and treated to federal
38 standards is actually consumed by the public as drinking water.
39 The remaining 99 percent of this expensively treated water is used

1 for irrigation, fighting fires, and other household uses, and does
2 not need to be treated to the same standard as drinking water.

3 (r) Community water systems would not incur huge capital
4 expenditures for new water treatment plants, equipment, and
5 operation costs if they were allowed to use point-of-use or
6 point-of-entry water systems.

7 (s) The water treatment industry has available trained,
8 professional experts who are properly licensed by the state and
9 certified to install, operate, and maintain point-of-use or
10 point-of-entry water systems for these small communities.

11 (t) Compliant and safe drinking water treatment approaches
12 using point-of-use or point-of-entry treatment devices can be
13 implemented in a few months, while years are required to design,
14 obtain plan approvals for, finance, and construct central water
15 treatment plants under California's complicated permitting process.

16 SEC. 2. Section 116380 of the Health and Safety Code is
17 amended to read:

18 116380. (a) In addition to the requirements set forth in Section
19 116375, the regulations adopted by the department pursuant to
20 Section 116375 shall include requirements governing the use of
21 point-of-entry and point-of-use treatment by public water systems
22 in lieu of centralized treatment where it can be demonstrated that
23 centralized treatment is not immediately economically feasible,
24 limited to the following:

25 (1) Water systems with less than ~~200~~ 2,500 service connections.

26 (2) Usage allowed under the federal Safe Drinking Water Act
27 (*42 U.S.C. Sec. 300f et seq.*) and its implementing regulations and
28 guidance.

29 (3) Water systems that have submitted preapplications with the
30 State Department of Public Health for funding to correct the
31 violations for which the point-of-entry and point-of-use treatment
32 is provided.

33 (b) (1) The department shall adopt emergency regulations
34 governing the permitted use of point-of-entry and point-of-use
35 treatment by public water systems in lieu of centralized treatment.

36 ~~(1)~~

37 (2) The emergency regulations shall comply with Section
38 116552, and shall comply with all of the requirements set forth in
39 subdivision (a) applicable to nonemergency regulations, but shall
40 not be subject to the rulemaking provisions of the Administrative

1 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
2 Part 1 of Division 3 of Title 2 of the Government Code). The
3 emergency regulations shall take effect when filed with the
4 Secretary of State, and shall be published in the California Code
5 of Regulations.

6 ~~(2)~~

7 (3) The emergency regulations adopted pursuant to this
8 subdivision shall remain in effect until the earlier of January 1,
9 ~~2014~~ 2016, or the effective date of *nonemergency* regulations
10 adopted pursuant to subdivision (a).

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