

December 8, 2022

Clerk to the Board  
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Delivered by email to:  
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Subject: Comment Letter - Point-of-Use/Point-of-Entry Final Report and Regulations

Dear Chair Esquivel and Members of the Board:

I am writing on behalf of the California Association of Mutual Water Companies (CalMutuals). CalMutuals represents over 400 small water systems throughout the state that collectively serve 1.3 million Californians.. We appreciate the efforts of the State Water Resources Control Board's (SWRCB) Division of Drinking Water to look critically at Point of Use(POU) and Point of Entry(POE) devices and the benefits and challenges of their use. We have carefully reviewed the final report, participated in several webinars focused on POE/POE hosted by the SWRCB, and invited the report's author, Chad Fisher, to join us at our annual meeting in Sacramento in October.

CalMutuals found that the report did a good job in identifying the challenges associated with POU/POE devices including the difficulty engaging customers/homeowners, lack of certifications for all contaminants, and lack of resources to fund and maintain devices. We further generally support the recommendations for pilot studies focused on educational materials, performance certification, smart technology, workforce development, and the relative advantages and disadvantages of POU versus POE.

CalMutuals is concerned with the report's fundamental assumption that the only realistic solution for small water systems in addressing contamination is POU/POE, long understood as a temporary and inferior solution. The manufacturers of POU and POE devices will not likely accept liability for failure in the performance of the devices. This poses a moral and ethical question in their suggested use by California's r smallest and most impoverished water systems.. If the human right to water applies equally to all residents of the state, it is the state's responsibility to make the best treatment methods available to all residents, including to those that can't afford them. CalMutuals believes that economic feasibility rests on access to resources for compliance, not the cheapest alternative. Thus we repeat our recommendation that upon adoption of a standard, that the state water board have a plan to help all water systems comply through the best available means while having a financial plan to help those systems that can't afford the recommended technology.

While we applaud the SWRCB's efforts to engage stakeholders in developing the report, the voice of water suppliers is noticeably missing. While NGOs, academics, engineering firms, manufacturers and community members have important insights to share, the input and feedback of the professionals who manage our water systems are critical. Ignoring the practical issues of managing water systems with POU/POEs will itself impede success.

CalMutuals is further concerned that the report failed to address challenges facing water suppliers in compliance with current regulations and potential solutions to work through these challenges. The challenges and CalMutuals' recommendations for addressing them follow. The common thread in our recommendations is the critical need to bolster guidance, technical assistance, and financial resources to support small systems in successfully implementing POU/POE to address contamination.

#### §64418. General Provisions.

1. The requirement for water suppliers to demonstrate that centralized treatment for achieving compliance is not immediately economically feasible to be eligible for a permit to use POU/POE devices presents a significant challenge for many small systems, particularly systems managed by customers who volunteer to manage their water systems. For systems with limited financial resources, this requirement may further strain their existing capacity. CalMutuals recommends that the SWRCB add a recommendation to its final report to utilize currently available data to create estimates of the costs of treatment for systems by size band, by contaminant and common circumstances that render their use impractical and to allow small systems to utilize the SWRCB estimates to support applications for POU/POE rather than having to shoulder the cost of individual studies.
2. Public water systems must have a State Board-approved POU Treatment Strategy, POU Operations and Maintenance Program, and POU Monitoring Program is onerous for small systems, particularly for systems managed by customers who volunteer to manage their water system. CalMutuals recommends that the SWRCB add a Recommendation to the report to develop templates for each of these required strategies and programs and make these available to small systems, augmented by Technical Assistance to develop the required policies and procedures.

#### §64418.2. POU Requirements.

3. The requirement that devices be owned, controlled, operated, and maintained by the public water system and/or a person(s) under contract with the public water system, to ensure proper operation, maintenance, monitoring, and compliance with this Article and applicable drinking water standards is problematic given that devices are typically

installed in customer's homes and cannot be accessed without customers' positive participation and cooperation. CalMutuals recommends expansion of the Recommendation to pilot smart technologies to include exploration of technology that would link data from each device directly to the water supplier.

4. The requirement for pilot testing 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 presents significant challenges to small water suppliers. CalMutuals recommends that the SWRCB add a Recommendation to the final report to conduct pilot testing on POU/POE devices and identify devices that are approved for each contaminant and combination of contaminants and work to modify the regulations to remove the pilot testing requirement. If this is not feasible, CalMutuals recommends that the SWRCB develop guidance documents for how to conduct pilot studies and provide robust Technical Assistance to systems that may need help.

#### **§64420.5. POE Monitoring Program.**

5. The requirement to sample a percent of all units monthly on a rotating basis presents significant challenges for small water suppliers. While the SWRCB's proposed development of training for operators focused on installation and maintenance of POU/POE devices addresses this challenge in part, it does not address the practical challenges of additional workload, need for additional staff, or help in navigating the challenges of scheduling and access given that the devices are typically inside customers' homes. Strategies for addressing customers who are unwilling to participate or cooperate need to be engaged in a meaningful way by the SWRCB and water suppliers.
6. The required notification when devices fail and contamination levels exceed MCL is reasonable and appropriate. The regulations must address what to do if/when POU/POE devices are installed and working but not removing contaminants. Assistance from the SWRCB in developing guidance about how to obtain emergency bottled water and alternative devices would be helpful.

#### **§64420.6. Public Hearing and Acceptance.**

7. Requirement of Public Hearing and Acceptance. Public acceptance is critical to the success of POU/POE as a treatment alternative, so gaining that assurance at the outset makes sense. However, the Report fails to address the question of what alternatives are available for communities that reject POU/POE.

Thank you for your consideration of these comments.