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Title 22@ Social Security

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Division 4@ Environmental Health

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Chapter 15@ Domestic Water Quality and Monitoring Regulations

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Article 16@ Secondary Drinking Water Standards

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Section 64449.2@ Waivers for Secondary MCL Compliance

64449.2 Waivers for Secondary MCL Compliance

(a)

If the average of four consecutive quarters of sample results for a constituent that does not have a primary MCL is not greater than three times the secondary MCL or greater than the State Notification Level, an existing community water system is eligible to apply for a nine-year waiver of a secondary MCL in Table 64449-A, for the following: (1) An existing source; or (2) A new source that is being added to the existing water system, as long as: (A) The source is not being added to expand system capacity for further development; and (B) The concentration of the constituent of concern in the new source would not cause the average value of the constituent's concentration at any point in the water delivered by the system to increase by more than 20%.

(1)

An existing source; or

(2)

A new source that is being added to the existing water system, as long as: (A) The source is not being added to expand system capacity for further development; and (B) The concentration of the constituent of concern in the new source would not cause the average value of the constituent's concentration at any point in the water delivered by the system to increase by more than 20%.

(A)

The source is not being added to expand system capacity for further development; and

(B)

The concentration of the constituent of concern in the new source would not cause the average value of the constituent's concentration at any point in the water delivered by the system to increase by more than 20%.

(b)

To apply for a waiver of a secondary MCL, the community water system shall conduct and submit a study to the State Board within one year of violating the MCL that includes the following: (1) The water system complaint log, maintained pursuant to section 64470(a), along with any other evidence of customer dissatisfaction, such as a log of calls to the county health department; (2) An engineering report, prepared by an engineer registered in California and with experience in drinking water treatment, that evaluates all reasonable alternatives and costs for bringing the water system into MCL compliance and includes a recommendation for the most cost-effective and feasible approach; (3) The results of a customer survey distributed to all the water system's billed customers that has first been approved by the State Board based on whether it includes: (A) Estimated costs to individual customers of the most cost-effective alternatives presented in the engineering report that are acceptable to the State Board based on its review of their effectiveness and feasibility; (B) The query: "Are you willing to pay for (identify constituent) reduction treatment?"; (C) The query: "Do you prefer to avoid the cost of treatment and live with the current water quality situation?" (D) The statement: "If you do not respond to this survey, (insert system name) will assume that you are in support of the reduction treatment recommended by the engineering report." (4) A brief report (agenda, list of attendees, and transcript) of a public meeting held by the water system to which

customers were invited, and at which both the tabulated results of the customer survey and the engineering report were presented with a request for input from the public.

(1)

The water system complaint log, maintained pursuant to section 64470(a), along with any other evidence of customer dissatisfaction, such as a log of calls to the county health department;

(2)

An engineering report, prepared by an engineer registered in California and with experience in drinking water treatment, that evaluates all reasonable alternatives and costs for bringing the water system into MCL compliance and includes a recommendation for the most cost-effective and feasible approach;

(3)

The results of a customer survey distributed to all the water system's billed customers that has first been approved by the State Board based on whether it includes: (A) Estimated costs to individual customers of the most cost-effective alternatives presented in the engineering report that are acceptable to the State Board based on its review of their effectiveness and feasibility; (B) The query: "Are you willing to pay for (identify constituent) reduction treatment?"; (C) The query: "Do you prefer to avoid the cost of treatment and live with the current water quality situation?" (D) The statement: "If you do not respond to this survey, (insert system name) will assume that you are in support of the reduction treatment recommended by the engineering report."

(A)

Estimated costs to individual customers of the most cost-effective alternatives presented in the engineering report that are acceptable to the State Board based on its review of their

effectiveness and feasibility;

(B)

The query: "Are you willing to pay for (identify constituent) reduction treatment?";

(C)

The query: "Do you prefer to avoid the cost of treatment and live with the current water quality situation?"

(D)

The statement: "If you do not respond to this survey, (insert system name) will assume that you are in support of the reduction treatment recommended by the engineering report."

(4)

A brief report (agenda, list of attendees, and transcript) of a public meeting held by the water system to which customers were invited, and at which both the tabulated results of the customer survey and the engineering report were presented with a request for input from the public.

(c)

A community water system may apply for a waiver for iron and/or manganese if, in addition to meeting the requirements in Subsection (b), an average of four consecutive quarter results for the source has not exceeded a State Notification Level for iron and/or manganese. In addition, the system shall include sequestering, as follows: (1) As one of the alternatives evaluated in the Engineering Report; (2) In the customer survey as a query: "Are you willing to pay for iron and/or manganese sequestering treatment?"

(1)

As one of the alternatives evaluated in the Engineering Report;

(2)

In the customer survey as a query: "Are you willing to pay for iron and/or manganese

sequestering treatment?"

(d)

Unless 50% or more of the billed customers respond to the survey, the community water system shall conduct another survey pursuant to Subsections (b) or (c) within three months from the date of the survey by sending the survey out to either all the customers again, or only the customers that did not respond to the survey. The water system shall not be eligible for a waiver until it achieves at least a 50% response rate on the survey.

(e)

If the customer survey indicates that the percentage of billed customers that voted for constituent reduction treatment and the number of billed customers that did not respond to the survey at all exceeds 50% of the total number of billed customers, the community water system shall install treatment, except as provided in Subsection (f), within three years from the date the system completed the customer survey, pursuant to a schedule established by the State Board.

(f)

For iron and/or manganese MCL waiver applications, if the percentage of survey respondents that voted for constituent reduction treatment plus the percentage of survey respondents that voted for sequestering exceeds the percentage that voted to avoid the cost and maintain the current water quality situation, the community water system shall implement either constituent reduction treatment or sequestering, on the basis of which was associated with the higher percentage result. If the highest percentage result is for sequestering, the system shall submit a sequestering implementation and assessment plan to the State Board that includes: (1) A description of the pilot testing or other type of evaluation performed to determine the most effective sequestering agent for use in the

system's water; (2) The sequestering agent feed rate and the equipment to be used to insure that the rate is maintained for each source; (3) An operations plan; and (4) The projected cost of sequestering including capital, operations and maintenance costs.

(1)

A description of the pilot testing or other type of evaluation performed to determine the most effective sequestering agent for use in the system's water;

(2)

The sequestering agent feed rate and the equipment to be used to insure that the rate is maintained for each source;

(3)

An operations plan; and

(4)

The projected cost of sequestering including capital, operations and maintenance costs.

(g)

To apply for renewal of a waiver for a subsequent nine years, the system shall request approval from the State Board at least six months prior to the end of the current waiver period. The renewal request shall include all monitoring and treatment operations data for the constituent for which the waiver had been granted and any related customer complaints submitted to the water system. Based on its review of the data and customer complaints, the State Board may require the water system to conduct another customer survey pursuant to this section before making a determination on the waiver renewal.