

## California State Small Water System Regulations

August 27, 2019

### California Health and Safety Code

#### Section 116275. Definitions.

(n) "State small water system" means a system for the provision of piped water to the public for human consumption that serves at least five, but not more than 14, service connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year.

(s) "Service connection" means the point of connection between the customer's piping or constructed conveyance, and the water system's meter, service pipe, or constructed conveyance. A connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection in determining if the system is a public water system if any of the following apply:

(1) The water is used exclusively for purposes other than residential uses, consisting of drinking, bathing, and cooking, or other similar uses.

(2) The state board determines that alternative water to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulation is provided for residential or similar uses for drinking and cooking.

(3) The state board determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a passthrough entity, or the user to achieve the equivalent level of protection provided by the applicable primary drinking water regulations.

#### Section 116340. State small water systems

This chapter shall not apply to state small water systems except as provided under this section:

(a) The department shall adopt regulations specifying minimum requirements for operation of a state small water system. The requirements may be less stringent than the requirements for public water systems as set forth in this chapter.

(b) The minimum requirements for state small water systems adopted by the department pursuant to subdivision (a) shall be enforced by the local health officer or a local health agency designated by the local health officer. In counties that do not have a local health officer, the requirements shall be enforced by the department. Local health agencies may adopt more stringent requirements for state small water systems than those specified in the state regulations.

(c) The reasonable costs of the local health officer in carrying out the requirements of this section may be recovered through the imposition of fees on state small water systems by the local governing body in accordance with Section 101325.

**Division 101. Part 3. Chapter 4.**  
**Article 1. Enforcement, Fees, Reimbursements, and Taxes.**  
**Section 101325.**

Whenever the governing body of any city or county determines that the expenses of the local health officer or other officers or employees in the enforcement of any statute, order, quarantine, or regulation prescribed by a state officer or department relating to public health, requires or authorizes its health officer or other officers or employees to perform specified acts that are not met by fees prescribed by the state, the governing body may adopt an ordinance or resolution prescribing fees to pay the reasonable expenses of the health officer or other officers or employees incurred in the enforcement, and may authorize a direct assessment against the real property in cases where the real property is owned by the operator of a business and the property is the subject of the enforcement. The schedule of fees prescribed by ordinance or resolution of the governing body shall be applicable in the area in which the local health officer or other officers or employees enforce any statute, order, quarantine, or regulation prescribed by a state officer or department relating to public health.

**Title 22, California Code of Regulations**

**Chapter 14. Water Permits**  
**Article 3. State Small Water Systems**

**Section 64211. Permit Requirement**

(a) No person shall operate a state small water system unless a permit to operate the system has been issued by the local health officer.

(b) The state small water system shall submit a technical report to the local health officer as part of the permit application. The report shall describe the proposed or existing system as follows: service area, distribution system including storage and pumping facilities, the water source including source capacity, water quality, and any water treatment facilities. The report shall identify the owner of the system and the party responsible for day to day operation of the system. The report shall include a plan for notification of those served by the system under emergency conditions. The report shall describe the operating plan for the system and shall specify how the responsible party will respond to failure of major system components.

(c) A change in ownership of a state small water system shall require the submission of a new application.

(d) A state small water system shall provide the following notice to the consumers served by the state small water system: "The domestic water supply for this area is provided by a state small water system. State regulatory requirements for operation of a state small water system are less extensive than requirements for larger public water systems. If you have questions concerning your water supply, you should contact [insert (1) name of water system, (2) name of responsible person, and (3) telephone number] or your local health department." This notice shall be by direct delivery on an annual basis or by continuous posting at a central location within the area served by the state small water system.

**Section 64212. Bacteriological Quality Monitoring**

(a) A water supplier operating a state small water system shall collect a minimum of one routine sample from the distribution system at least once every three months. The sample shall be analyzed for the presence of total coliform bacteria by a laboratory certified by the State Board for bacteriological analyses pursuant to Article 3, commencing with section 100825, of Chapter 4 of Part 1 of Division 101, Health and Safety Code. The results of the analyses shall be reported to the local health officer no later than the 10th day of the month following receipt of the results by the state small water system.

(b) If any routine sample is total coliform-positive, the water supplier shall collect a repeat sample from the same location within 48 hours of being notified of the positive result. If the repeat sample is also total coliform-positive, the sample shall also be analyzed for the presence of fecal coliforms or *Escherichia coli* (*E. coli*). The water supplier shall notify the local health officer within 48 hours from the time the results are received and shall take corrective actions as directed by the local health officer to eliminate the cause of the positive samples.

(c) A local health office may require a state small water system to sample the distribution system each month, in lieu of the requirements of subsection (a), if the system has bacteriological contamination problems indicated by more than one total-coliform positive sample during the most recent 24 months of operation. The monthly sample shall be analyzed for the presence of total coliform bacteria by a laboratory certified by the State Board for bacteriological analyses pursuant to Article 3, commencing with section 100825, of Chapter 4 of Part 1 of Division 101, Health and Safety Code. The results of the analyses shall be reported to the local health officer no later than the 10th day of the month following receipt of the results by the state small water system.

### **Section 64213. Chemical Quality Monitoring**

(a) A water supplier operating a state small water system shall sample each source of supply prior to any treatment at least once. The sample shall be analyzed by a laboratory, certified by the State Board pursuant to Article 3, commencing with section 100825, of Chapter 4 of Part 1 of Division 101, Health and Safety Code, for fluoride, iron, manganese, chlorides, total dissolved solids, and the inorganic chemicals listed in table 64431-A, section 64431.

(b) A groundwater source that has been designated as vulnerable by the local health officer pursuant to criteria set forth in sections 64445(d)(1) and (2) shall be sampled by the water supplier operating the state small water system at least once prior to any treatment and analyzed for volatile organic compounds in accordance with approved methods specified in section 64415. The analysis shall be performed by a laboratory certified by the State Board to perform analyses for organic chemicals pursuant to Article 3, commencing with section 100825, of Chapter 4 of Part 1 of Division 101, Health and Safety Code.

(c) The results of the laboratory analyses shall be submitted to the local health officer by the state small water system no later than the 10th day of the month following receipt of the results by the state small water system. A copy of the results of the analyses and a comparison of the results with the maximum contaminant levels for those contaminants listed in table 64431-A, section 64431 and table 64444-A, section 64444, shall be distributed by the state small water system to each regular user of the water system within 90 days of receiving the results. A copy of the distribution notice shall be provided to the local health officer.

(d) A water supplier operating a state small water system shall comply with any corrective actions ordered by the local health officer for any chemical contaminant which exceeds the maximum contaminant level.

### **Section 64214. Service Connection Limitation**

No state small water system shall add additional service connections to the system such that the total number of service connections served by the system exceeds 14 before the water system has applied for and received a permit to operate as a public water system from the State Board.

### **Section 64215. Water Supply Requirements**

Prior to receiving permit approval, a state small water system which was not in existence on November 12, 1991 shall demonstrate to the local health officer that sufficient water is available from the water system's sources and distribution storage facilities to supply a minimum of three gallons per minute for at least 24 hours for each service connection served by the system.

**Section 64216. Mutual Associations Prohibited**

No state small water system which was not in existence on November 12, 1991 shall be issued a permit to operate if the water supplier is an unincorporated association organized under Title 3 (commencing with Section 20000) of Division 3 of the Corporations Code.

**Section 64217. Surface Water Treatment Requirement**

All state small water systems using surface water as a source of supply shall provide continuous disinfection treatment of the water prior to entry to the distribution system.

**Title 22, California Code of Regulations**

**Article 4. Primary Standards – Inorganic Chemicals**

**Section 64431. Maximum Contaminant Levels – Inorganic Chemicals.**

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

**Table 64431-A**  
Maximum Contaminant Levels  
Inorganic Chemicals

<b><u>Chemical</u></b>	<b><u>Maximum Contaminant Level (MCL)</u></b> <b><u>(mg/L)</u></b>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as nitrogen)	10.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

\*MFL = million fibers per liter; MCL for fibers exceeding 10 um in length.

**Article 5.5. Primary Standards – Organic Chemicals**

**Section 64444. Maximum Contaminant Levels – Organic Chemicals.**

The MCLs for the primary drinking water chemicals shown in Table 64444-A shall not be exceeded in the water supplied to the public.

**Table 64444-A**  
Maximum Contaminant Levels  
Organic Chemicals

<u>Chemical</u>	<u>Maximum Contaminant Level, mg/L</u>
(a) Volatile Organic Chemicals (VOCs)	
Benzene	0.001
Carbon Tetrachloride	0.0005
1,2-Dichlorobenzene	0.6
1,4-Dichlorobenzene	0.005
1,1-Dichloroethane	0.005
1,2-Dichloroethane	0.0005
1,1-Dichloroethylene	0.006
cis-1,2-Dichloroethylene	0.006
trans-1,2-Dichloroethylene	0.01
Dichloromethane	0.005
1,2-Dichloropropane	0.005
1,3-Dichloropropene	0.0005
Ethylbenzene	0.3
Methyl-tert-butyl ether	0.013
Monochlorobenzene	0.07
Styrene	0.1
1,1,2,2-Tetrachloroethane	0.001
Tetrachloroethylene	0.005
Toluene	0.15
1,2,4-Trichlorobenzene	0.005
1,1,1-Trichloroethane	0.200
1,1,2-Trichloroethane	0.005
Trichloroethylene	0.005
Trichlorofluoromethane	0.15
1,1,2-Trichloro-1,2,2-Trifluoroethane	1.2
Vinyl Chloride	0.0005
Xylenes	1.750*

**Table 64444-A (continued)**  
Maximum Contaminant Levels  
Organic Chemicals

<b>Chemical</b>	<b>Maximum Contaminant Level, mg/L</b>
<b>(b) Non-Volatile Synthetic Organic Chemicals (SOCs)</b>	
Alachlor	0.002
Atrazine	0.001
Bentazon	0.018
Benzo(a)pyrene	0.0002
Carbofuran	0.018
Chlordane	0.0001
2,4-D	0.07
Dalapon	0.2
Dibromochloropropane (DBCP)	0.0002
Di(2-ethylhexyl)adipate	0.4
Di(2-ethylhexyl)phthalate	0.004
Dinoseb	0.007
Diquat	0.02
Endothall	0.1
Endrin	0.002
Ethylene Dibromide (EDB)	0.00005
Glyphosate	0.7
Heptachlor	0.00001
Heptachlor Epoxide	0.00001
Hexachlorobenzene	0.001
Hexachlorocyclopentadiene	0.05
Lindane	0.0002
Methoxychlor	0.03
Molinate	0.02
Oxamyl	0.05
Pentachlorophenol	0.001
Picloram	0.5
Polychlorinated Biphenyls	0.0005
Simazine	0.004
Thiobencarb	0.07
Toxaphene	0.003
2,3,7,8-TCDD (Dioxin)	3 x 10 <sup>-8</sup>
2,4,5-TP (Silvex)	0.05

\*MCL is for either a single isomer or the sum of the isomers.

## Section 64445. Initial Sampling - Organic Chemicals

### *Sections (a) through (c) omitted as not applicable for this document*

(d) A water system may apply to the Department for a monitoring waiver for one or more of the organic chemicals on Table 64444-A in accordance with the following:

(1) A source may be eligible for a waiver if it can be documented that the chemical has not been previously used, manufactured, transported, stored, or disposed of within the watershed or zone of influence and therefore, that the source can be designated nonvulnerable.

(2) If previous use of the chemical locally is unknown or the chemical is known to have been used previously and the source cannot be designated nonvulnerable pursuant to Paragraph (d)(1), it may still be eligible for a waiver based on a review related to susceptibility to contamination. The application to the State Board for a waiver based on susceptibility shall include the following:

- (A) Previous monitoring results;
- (B) User population characteristics;
- (C) Proximity to sources of contamination;
- (D) Surrounding land uses;
- (E) Degree of protection of the water source;
- (F) Environmental persistence and transport of the chemical in water, soil and air;
- (G) Elevated nitrate levels at the water supply source; and
- (H) Historical system operation and maintenance data including previous Departmental inspection results.