

AMENDED IN ASSEMBLY MAY 28, 2002

AMENDED IN ASSEMBLY MAY 2, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2071**

**Introduced by Assembly Member Jackson**

February 19, 2002

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An act to add Section 116747 to the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2071, as amended, Jackson. Public water systems: contaminants: damages recoverable.

Existing law, the California Safe Drinking Water Act, requires the State Department of Health Services to administer provisions relating to the regulation of drinking water and public water systems. The department is required to adopt regulations to monitor contaminants.

This bill would permit a public water system that prevails in a civil action seeking damages arising from the investigation of, or from the remediation, filtration, or treatment of water for, any contaminant in surface *water* or groundwater supplies utilized by the public water system for drinking water purposes, to recover specified costs, interest, and attorney fees, in addition to any other relief available in law or equity.

This bill would also ~~specify the time within which a public water system would be required to file a civil action seeking specified damages and costs~~ *provide that the statute of limitations for any cause of action for which relief may be awarded under these provisions shall*

*be tolled for a period not to exceed 3 years while the public water system is investigating the contamination, as specified.*

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

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

1 SECTION 1. Section 116747 is added to the Health and  
2 Safety Code, to read:

3 116747. (a) A public water system that prevails in a civil  
4 action seeking damages arising from the investigation of, or from  
5 the remediation, filtration, or treatment of water for, any  
6 contaminant in surface *water* or groundwater supplies utilized by  
7 the public water system for drinking water purposes shall recover,  
8 in addition to any other relief available in law or equity, all of the  
9 following:

10 (1) The reasonable costs of investigating the nature and extent  
11 of the contamination, and of investigating appropriate measures,  
12 including filtration or other forms of drinking water treatment, to  
13 prevent entry into the public water distribution system of the  
14 contaminant.

15 (2) The reasonable costs of designing, constructing, installing,  
16 operating, and maintaining any facilities, including filtration or  
17 other forms of drinking water treatment, necessary to prevent the  
18 entry into the public water distribution system of the contaminant,  
19 including administration and overhead costs.

20 (3) Interest on the costs described in paragraphs (1) and (2)  
21 accrued from the date of expenditure. Interest shall be based on the  
22 average annual rate of return on the public water system's  
23 investment of surplus funds for the fiscal year in which costs were  
24 accrued.

25 (4) Reasonable attorney fees and court costs.

26 (b) Notwithstanding any other provision of law, ~~a public water~~  
27 ~~system shall have three years from the date it incurs costs described~~  
28 ~~in paragraphs (1) and (2) of subdivision (a) within which to file a~~  
29 ~~civil action to recover those costs, interest pursuant to paragraph~~  
30 ~~(3) of subdivision (a), and reasonable attorney fees and court costs~~  
31 ~~pursuant to paragraph (4) of subdivision (a). the statute of~~  
32 ~~limitations on any cause of action for which relief may be awarded~~  
33 ~~pursuant to subdivision (a) shall be tolled for a period not to~~



1 *exceed three years while the public water system is conducting the*  
2 *investigations described in paragraph (1) of subdivision (a).*  
3 (c) Any damages awarded pursuant to subdivision (a) are in  
4 addition to, and are not a restriction upon, the awarding of other  
5 damages available under any cause of action available to a public  
6 water system.

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