

AMENDED IN ASSEMBLY APRIL 5, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1168**

**Introduced by Assembly Member Saldana**

February 22, 2005

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An act to add Section 116294 to the Health and Safety Code, relating to public water systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 1168, as amended, Saldana. Drinking water standards: boron contamination.

Existing law, the Calderon–Sher Safe Drinking Water Act of 1996, requires the State Department of Health Services to adopt regulations covering water testing, the monitoring of contaminants, the frequency and method of sampling and testing, the reporting of results, and other matters as may be necessary to determine and assure the quality of domestic water supplies. Existing law, in part, defines “public water system,” for this purpose, to mean a system for the provision of piped water to the public for human consumption which has 5 or more service connections.

~~Existing law requires the Office of Environmental Health Hazard Assessment to perform a risk assessment and, based upon that risk assessment, to adopt a public health goal for contaminants in drinking water based exclusively on public health considerations. Existing law requires that, if adequate scientific evidence demonstrates that a safe dose response threshold for a contaminant exists, the public health goal be set at that threshold.~~

~~This bill would require the office to perform a risk assessment and develop a public health goal for boron by January 1, 2007, and would require the department to adopt a primary drinking water standard for~~

~~boron by January 1, 2008~~ require the department, when reviewing an application for a water system operating permit for a ground or ocean water desalination project, to identify potential contaminants and sources of contamination and ensure the safety and effectiveness of treatment processes.

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. Section 116294 is added to the Health and~~  
 2     ~~Safety Code, to read:~~  
 3     ~~116294. (a) By January 1, 2007, the Office of Environmental~~  
 4     ~~Health Hazard Assessment shall perform a risk assessment and,~~  
 5     ~~based upon that risk assessment, shall adopt a public health goal,~~  
 6     ~~based exclusively on public health considerations, for boron~~  
 7     ~~using the criteria set forth in subdivision (c) of Section 116365.~~  
 8     ~~(b) By January 1, 2008, the department shall adopt a primary~~  
 9     ~~drinking water standard for boron found in public water systems~~  
 10    ~~in California in a manner that is consistent with this chapter.~~  
 11    ~~SECTION 1. The Legislature finds and declares all of the~~  
 12    ~~following:~~  
 13    ~~(a) An increasing number of communities are looking at~~  
 14    ~~desalinating seawater as a potential new water supply.~~  
 15    ~~(b) Millions of Californians, including infants and the elderly,~~  
 16    ~~could receive some of their drinking water from desalinated~~  
 17    ~~seawater.~~  
 18    ~~(c) Currently, California has little experience with seawater~~  
 19    ~~desalination. There are only a few small-scale plants in~~  
 20    ~~operation.~~  
 21    ~~(d) Potential contaminants in seawater are different from what~~  
 22    ~~is found in water drawn from rivers and lakes. For instance,~~  
 23    ~~some algal toxins, such as the “Red Tide,” are found in~~  
 24    ~~seawater.~~  
 25    ~~(e) It is vital for health and safety to ensure that the public~~  
 26    ~~knows that desalination processes will remove potentially~~  
 27    ~~dangerous contaminants.~~  
 28    ~~(f) In addition, new desalination projects cost hundreds of~~  
 29    ~~millions of dollars to construct. It is important to know what~~

1 *contaminants must be removed before the projects are designed*  
2 *and constructed.*

3 *SEC. 2. Section 116294 is added to the Health and Safety*  
4 *Code, to read:*

5 *116294. (a) As part of its review of an application for a*  
6 *water system operating permit for a ground or ocean water*  
7 *desalination project, the department shall do all of the following:*

8 *(1) Identify potential sources of contamination, including*  
9 *municipal and industrial waste discharges, runoff, and any*  
10 *naturally occurring sources of contamination such as toxins*  
11 *produced by algae.*

12 *(2) Identify contaminants that may pose a potential health risk,*  
13 *including microbiological agents such as viruses and parasites,*  
14 *chemical contaminants such as endocrine disruptors, algal*  
15 *toxins, and naturally occurring constituents such as boron.*

16 *(3) Evaluate proposed treatment processes to ensure they will*  
17 *remove contaminants to safe levels.*

18 *(4) Evaluate the means proposed to ensure the reliability and*  
19 *security of treatment processes.*

20 *(5) Include in any public water system operating permit*  
21 *measures that will ensure the reliability and security of the*  
22 *treatment processes.*

23 *(b) The department may adopt regulations necessary to*  
24 *implement this section.*