

ASSEMBLY BILL

No. 890

Introduced by Assembly Member John A. Perez

February 26, 2009

An act to add Chapter 4.1 (commencing with Section 116755) to Part 12 of Division 104 of the Health and Safety Code, relating to the City of Maywood.

LEGISLATIVE COUNSEL'S DIGEST

AB 890, as introduced, John A. Perez. City of Maywood: drinking water.

Existing law, the Calderon-Sher Safe Drinking Water Act of 1996, requires the State Department of Public Health to, among other things, adopt regulations relating to primary and secondary drinking water standards for contaminants in drinking water, which are based upon specified criteria.

This bill would authorize the City of Maywood, if the city determines that the drinking water being supplied to the city fails to meet certain minimum water quality requirements relating to the color, taste, and odor of the water, to prepare and transmit to the appropriate public water supplier a written determination that specifies the nature of the water quality problems. If the public water supplier, upon notification, fails to correct the water quality problems within a specified period of time, the city would be authorized to void the agreement with the public water supplier that governs the terms and conditions of the supplier's commitment to provide water to the city. The bill would require the state department to adopt regulations to carry out these provisions, including regulations that specify requirements relating to the color, taste, and odor of the water being supplied to the city. The state

department would also be authorized to establish procedures pursuant to which the city may take action to void the drinking water supply agreement and to ensure that the public water supplier has an adequate opportunity to correct the water quality problems.

The bill would make legislative findings and declarations, including findings and declarations concerning the need for special legislation.

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. The Legislature finds and declares all of the
2 following:

3 (a) Californians are protected from drinking water contamination
4 through the establishment of legal maximum allowable
5 concentrations of harmful chemicals.

6 (b) These standards effectively protect the health and safety of
7 Californians, but do not address cosmetic issues in water quality
8 such as color, taste, and odor, which force some Californians to
9 drink water that is unpalatable though not necessarily harmful.

10 (c) The City of Maywood is currently being supplied water that
11 does not meet the basic requirements of its inhabitants.

12 (d) The City of Maywood has an obligation and responsibility
13 to ensure the quality of drinking water that is supplied to that city
14 and the state should provide adequate standards by which the City
15 of Maywood may determine the quality of its city water supply.

16 SEC. 2. Chapter 4.1 (commencing with Section 116755) is
17 added to Part 12 of Division 104 of the Health and Safety Code,
18 to read:

19
20 CHAPTER 4.1. THE CITY OF MAYWOOD SAFE DRINKING WATER
21 ACT

22
23 116755. (a) This chapter shall be known and may be cited as
24 the City of Maywood Safe Drinking Water Act.

25 (b) For the purpose of this section, “city” means the City of
26 Maywood.

27 (c) If the city determines that the drinking water being supplied
28 to the city fails to meet the minimum water quality requirements
29 established pursuant to subdivision (e), the city may prepare and

1 transmit to the appropriate public water supplier a written
2 determination that specifies the nature of the water quality
3 problems.

4 (d) If the public water supplier does not correct the problem
5 within 60 days of the receipt of the written determination, or within
6 any longer time period established pursuant to subdivision (e), the
7 city, in accordance with the regulations adopted pursuant to
8 subdivision (e), may void the agreement with the public water
9 supplier that governs the terms and conditions of the supplier's
10 commitment to provide drinking water to the city and may enter
11 into another agreement with one or more alternate public water
12 suppliers.

13 (e) (1) The State Department of Public Health shall adopt
14 regulations to carry out this section.

15 (2) The regulations shall include requirements relating to the
16 color, taste, odor, and other features of the drinking water being
17 supplied to the city that may contribute to the water being
18 unpalatable.

19 (3) The regulations shall establish procedures pursuant to which
20 the city may take action pursuant to subdivision (d).

21 (4) The regulations shall also establish procedures to ensure
22 that the public water supplier has an adequate opportunity to correct
23 the water quality problems upon being notified pursuant to
24 subdivision (c). For the purpose of making this determination, the
25 State Department of Public Health shall take into consideration
26 the availability of funds to correct the water quality problems. As
27 necessary, the State Department of Public Health, by regulation,
28 may extend the 60-day time period specified in subdivision (d)
29 within which the public water supplier is required to correct the
30 water quality problems.

31 SEC. 3. The Legislature finds and declares that this act, which
32 is applicable only to the City of Maywood and the public water
33 suppliers that supply drinking water to that city, is necessary
34 because of the poor taste, color, and odor associated with the
35 drinking water being provided to that city. It is, therefore, declared
36 that a general law within the meaning of Section 16 of Article IV
37 of the California Constitution cannot be made applicable and that
38 the enactment of this special law is necessary for the public good.

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