

AMENDED IN ASSEMBLY APRIL 23, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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 amended, 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~~ *require the department, upon a request by a majority of the Maywood City Council, to determine whether a public water system serving residents within the city's jurisdiction possesses the adequate financial, managerial, and technical capability to ensure the delivery of safe, wholesome, and potable drinking water and, if the department finds that the public water system does not meet this requirement, to take specified actions.*

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 ~~SECTION 1. California law requires that, in order to be issued~~
- 17 ~~a permit to supply drinking water, a public water system must~~
- 18 ~~demonstrate adequate financial, managerial, and technical~~
- 19 ~~capability to deliver safe, wholesome, and potable drinking water~~
- 20 ~~to the community. It is the intent of the Legislature to provide the~~
- 21 ~~government of the City of Maywood with appropriate powers~~

1 *necessary to ensure safe, wholesome, and potable drinking water*
2 *for its residents.*

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

6
7 CHAPTER 4.1. THE CITY OF MAYWOOD SAFE DRINKING WATER
8 ACT
9

10 116755. (a) This chapter shall be known ~~and may be cited,~~
11 ~~and may be cited,~~ as the City of Maywood Safe Drinking Water
12 Act.

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

15 ~~(c) If the city determines that the drinking water being supplied~~
16 ~~to the city fails to meet the minimum water quality requirements~~
17 ~~established pursuant to subdivision (c), the city may prepare and~~
18 ~~transmit to the appropriate public water supplier a written~~
19 ~~determination that specifies the nature of the water quality~~
20 ~~problems.~~

21 ~~(d) If the public water supplier does not correct the problem~~
22 ~~within 60 days of the receipt of the written determination, or within~~
23 ~~any longer time period established pursuant to subdivision (c), the~~
24 ~~city, in accordance with the regulations adopted pursuant to~~
25 ~~subdivision (c), may void the agreement with the public water~~
26 ~~supplier that governs the terms and conditions of the supplier’s~~
27 ~~commitment to provide drinking water to the city and may enter~~
28 ~~into another agreement with one or more alternate public water~~
29 ~~suppliers.~~

30 ~~(e) (1) The State Department of Public Health shall adopt~~
31 ~~regulations to carry out this section.~~

32 ~~(2) The regulations shall include requirements relating to the~~
33 ~~color, taste, odor, and other features of the drinking water being~~
34 ~~supplied to the city that may contribute to the water being~~
35 ~~unpalatable.~~

36 ~~(3) The regulations shall establish procedures pursuant to which~~
37 ~~the city may take action pursuant to subdivision (d).~~

38 ~~(4) The regulations shall also establish procedures to ensure~~
39 ~~that the public water supplier has an adequate opportunity to correct~~
40 ~~the water quality problems upon being notified pursuant to~~

1 subdivision (e). For the purpose of making this determination, the
2 State Department of Public Health shall take into consideration
3 the availability of funds to correct the water quality problems. As
4 necessary, the State Department of Public Health, by regulation,
5 may extend the 60-day time period specified in subdivision (d)
6 within which the public water supplier is required to correct the
7 water quality problems.

8 (c) The department shall, upon a request made by a majority
9 of the city council, review permits issued to public water systems
10 serving the residents within the city's jurisdiction to consider
11 whether the public water system possesses the adequate financial,
12 managerial, and technical capability to ensure the delivery of safe,
13 wholesome, and potable drinking water.

14 (d) If the department determines that the public water system
15 does not possess adequate financial, managerial, and technical
16 capability to ensure the delivery of pure, wholesome, and potable
17 drinking water, the department shall impose conditions on the
18 public water system leading to the ability of the water system to
19 meet the requirements of this section. The department shall require
20 the public water system to comply with the conditions within a
21 specified period of time. If the public water system does not agree
22 to the conditions or fails to meet the requirements established, the
23 department shall revoke the public water system's permit.

24 (e) A public water system found, through the review process
25 required by this section, not to meet the requirements for holding
26 a permit shall have 30 days to appeal the department's finding,
27 and shall not be required to adopt the conditions required pursuant
28 to subdivision (d) until the appeal process has been concluded.
29 Upon receipt of an appeal, the department shall review the appeal
30 and determine whether the public water system has demonstrated
31 to the satisfaction of the department and the city that it possesses
32 the requisite financial, managerial, and technical capability to
33 deliver safe, wholesome, and potable drinking water.

34 (f) The department shall develop and adopt necessary
35 regulations to enforce this section.

36 SEC. 3. The Legislature finds and declares that this act, which
37 is applicable only to the City of Maywood and the public water
38 suppliers that supply drinking water to that city, is necessary
39 because of the poor taste, color, and odor associated with the
40 drinking water being provided to that city. It is, therefore, declared

1 that a general law within the meaning of Section 16 of Article IV
2 of the California Constitution cannot be made applicable and that
3 the enactment of this special law is necessary for the public good.

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