

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 23, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 890**

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**Introduced by Assembly Member John A. Perez**

February 26, 2009

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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 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. *It would, however, provide that the department shall undertake its duties under the bill only to the extent that the department receives payment from the city to cover all the costs.*

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:*

SECTION 1. California law requires that, in order to be issued a permit to supply drinking water, a public water system must demonstrate adequate financial, managerial, and technical capability to deliver safe, wholesome, and potable drinking water to the community. It is the intent of the Legislature to provide the government of the City of Maywood with appropriate powers necessary to ensure safe, wholesome, and potable drinking water for its residents.

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

CHAPTER 4.1. THE CITY OF MAYWOOD SAFE DRINKING WATER  
ACT

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

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

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

(d) If the department determines that the public water system does not possess adequate financial, managerial, and technical capability to ensure the delivery of pure, wholesome, and potable drinking water, the department shall impose conditions on the public water system leading to the ability of the water system to meet the requirements of this section. The department shall require the public water system to comply with the conditions within a specified period of time. If the public water system does not agree

1 to the conditions or fails to meet the requirements established, the  
2 department shall revoke the public water system's permit.

3 (e) A public water system found, through the review process  
4 required by this section, not to meet the requirements for holding  
5 a permit shall have 30 days to appeal the department's finding,  
6 and shall not be required to adopt the conditions required pursuant  
7 to subdivision (d) until the appeal process has been concluded.

8 Upon receipt of an appeal, the department shall review the appeal  
9 and determine whether the public water system has demonstrated  
10 to the satisfaction of the department and the city that it possesses  
11 the requisite financial, managerial, and technical capability to  
12 deliver safe, wholesome, and potable drinking water.

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

15 (g) *The department shall undertake the actions in subdivisions*  
16 *(c) to (f), inclusive, only to the extent that payment is received from*  
17 *the city to cover all incurred costs.*

18 SEC. 3. The Legislature finds and declares that this act, which  
19 is applicable only to the City of Maywood and the public water  
20 suppliers that supply drinking water to that city, is necessary  
21 because of the poor taste, color, and odor associated with the  
22 drinking water being provided to that city. It is, therefore, declared  
23 that a general law within the meaning of Section 16 of Article IV  
24 of the California Constitution cannot be made applicable and that  
25 the enactment of this special law is necessary for the public good.