

AMENDED IN SENATE JULY 1, 2009
AMENDED IN ASSEMBLY JUNE 1, 2009
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. An act to add Section 116335 to the Health and Safety Code, relating to public water systems.~~

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. *Violation of certain provisions relating to public water systems is a crime.*

~~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.~~

This bill would require the public water systems serving the City of Maywood to conduct a study on the City of Maywood's water addressing the impacts of manganese on water quality, would require the city to conduct a public hearing, and would require the public water systems to respond in writing to public comment received at the hearing. The bill would require the study and comments to be posted on the public water systems' Internet Web sites. By requiring the City of Maywood to comply with these provisions and by expanding the definition of existing crimes, the bill would impose a state-mandated local program.

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

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~no~~-yes.

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) Manganese is a mineral that naturally occurs in rocks and
4 soil and can be present in well water as a naturally occurring
5 groundwater mineral or due to underground pollution sources.

6 (b) Manganese may become noticeable in tap water at
7 concentrations greater than 0.05 milligrams per liter (mg/l) of
8 water by imparting a rust color, off-taste, or odor to the water and
9 by causing staining of plumbing fixtures and clothing. However,
10 health effects from manganese are not a concern until
11 concentrations are approximately 10 times higher.

12 (c) Exposure to high concentrations of manganese over the
13 course of years has been associated with toxicity to the nervous
14 system, producing a syndrome that resembles Parkinsonism. This
15 type of effect may be more likely to occur in the elderly. Young
16 children may also have greater potential exposure due to their

1 *bodies absorbing more manganese than older age groups but*
2 *excreting less.*

3 *(d) Manganese levels are not regulated in public water supplies.*
4 *However, the United States Environmental Protection Agency has*
5 *established an aesthetic water quality standard of 50 µg/L.*

6 *(e) The drinking water in the City of Maywood has levels of*
7 *manganese consistently above 0.05 milligrams per liter, rendering*
8 *the water distasteful and unusable for drinking, laundry, and other*
9 *residential and commercial purposes.*

10 *(f) While the public water systems serving the City of Maywood*
11 *have not been found to date to exceed federal and state primary*
12 *drinking water standards and are therefore not in violation of their*
13 *permits, they have failed to address the concerns of the community*
14 *regarding the presence of manganese in drinking water.*

15 *(g) Therefore, further study is necessary to determine the extent*
16 *of manganese contamination in the City of Maywood's drinking*
17 *water and the potential actions needed to address that*
18 *contamination.*

19 *SEC. 2. Section 116335 is added to the Health and Safety Code,*
20 *to read:*

21 *116335. (a) The public water systems serving the City of*
22 *Maywood shall conduct, publish, and submit to the City of*
23 *Maywood, the State Department of Public Health, the Office of*
24 *Environmental Health Hazard Assessment, the Senate Committee*
25 *on Environmental Quality, and the Assembly Committee on*
26 *Environmental Safety and Toxic Materials a study on the City of*
27 *Maywood's water by December 21, 2010, addressing the impacts*
28 *of manganese on the quality of the City of Maywood's water. The*
29 *report shall contain all of the following:*

30 *(1) Testing information and results on manganese for all of the*
31 *sources of drinking water for the City of Maywood.*

32 *(2) The amount of manganese being contributed by each water*
33 *source that serves the City of Maywood.*

34 *(3) Immediate and long-term steps that can be taken by the*
35 *public water systems to reduce the amount of manganese in the*
36 *drinking water supply to be at least as low as a level that is*
37 *consistent with the average level in communities within a 20-mile*
38 *radius of the City of Maywood.*

39 *(4) Infrastructure improvements that can be made to reach the*
40 *immediate and long-term goals to reduce the level of manganese*

1 *and other contaminants in the water to be consistent with the*
2 *average level in communities within a 20-mile radius of the City*
3 *of Maywood.*

4 *(5) Actions that the public water systems will take to pursue*
5 *funding in order to achieve those improvements.*

6 *(b) The City Council of Maywood shall conduct a public hearing*
7 *on the results of the study.*

8 *(c) The public water systems shall respond in writing to public*
9 *comments made at the hearing to the City Council of Maywood.*

10 *(d) The study and comments shall be posted on the public water*
11 *systems' Internet Web sites.*

12 *(e) All current notifications sent to the rate payers within the*
13 *City of Maywood concerning water contaminants shall also be*
14 *sent to occupants, in the same manner as set forth in subdivision*
15 *(f) of Section 116450, and shall be distributed in English and the*
16 *primary language of the residents of the city as well as posted on*
17 *the public water systems' Internet Web sites.*

18 *SEC. 3. No reimbursement is required by this act pursuant to*
19 *Section 6 of Article XIII B of the California Constitution for certain*
20 *costs that may be incurred by a local agency or school district*
21 *because, in that regard, this act creates a new crime or infraction,*
22 *eliminates a crime or infraction, or changes the penalty for a crime*
23 *or infraction, within the meaning of Section 17556 of the*
24 *Government Code, or changes the definition of a crime within the*
25 *meaning of Section 6 of Article XIII B of the California*
26 *Constitution.*

27 *Moreover, if the Commission on State Mandates determines that*
28 *this act contains other costs mandated by the state, no*
29 *reimbursement to local agencies and school districts for those*
30 *costs shall be made pursuant to Section 6 of Article XIII B of the*
31 *California Constitution because those additional costs, if any, are*
32 *the result of a program for which legislative authority was*
33 *requested by the local agency or school district within the meaning*
34 *of Section 17556 of the Government Code and Section 6 of Article*
35 *XIII B of the California Constitution.*

36 ~~SECTION 1. California law requires that, in order to be issued~~
37 ~~a permit to supply drinking water, a public water system must~~
38 ~~demonstrate adequate financial, managerial, and technical~~
39 ~~capability to deliver safe, wholesome, and potable drinking water~~
40 ~~to the community. It is the intent of the Legislature to provide the~~

1 ~~government of the City of Maywood with appropriate powers~~
2 ~~necessary to ensure safe, wholesome, and potable drinking water~~
3 ~~for its residents.~~

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

7
8 CHAPTER 4.1. ~~THE CITY OF MAYWOOD SAFE DRINKING WATER~~
9 ~~Act~~

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

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

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

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

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

1 ~~(f) The department shall develop and adopt necessary regulations~~
2 ~~to enforce this section.~~

3 ~~(g) The department shall undertake the actions in subdivisions~~
4 ~~(e) to (f), inclusive, only to the extent that payment is received~~
5 ~~from the city to cover all incurred costs.~~

6 ~~SEC. 3.~~

7 *SEC. 4.* The Legislature finds and declares that this act, which
8 is applicable only to the City of Maywood and the public water
9 suppliers that supply drinking water to that city, is necessary
10 because of the poor taste, color, and odor associated with the
11 drinking water being provided to that city. It is, therefore, declared
12 that a general law within the meaning of Section 16 of Article IV
13 of the California Constitution cannot be made applicable and that
14 the enactment of this special law is necessary for the public good.