

Assembly Bill No. 890

CHAPTER 259

An act to add Section 116335 to the Health and Safety Code, relating to public water systems.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 890, 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 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.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

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

(b) Manganese may become noticeable in tap water at concentrations greater than 0.05 milligrams per liter (mg/l) of water by imparting a rust color, off-taste, or odor to the water and by causing staining of plumbing

fixtures and clothing. However, health effects from manganese are not a concern until concentrations are approximately 10 times higher.

(c) Exposure to high concentrations of manganese over the course of years has been associated with toxicity to the nervous system, producing a syndrome that resembles Parkinsonism. This type of effect may be more likely to occur in the elderly. Young children may also have greater potential exposure due to their bodies absorbing more manganese than older age groups but excreting less.

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

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

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

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

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

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

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

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

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

(4) Infrastructure improvements that can be made to reach the immediate and long-term goals to reduce the level of manganese and other contaminants in the water to be consistent with the average level in communities within a 20-mile radius of the City of Maywood.

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

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

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

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

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

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

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

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