

AMENDED IN ASSEMBLY APRIL 29, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2515**

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**Introduced by Assembly Member V. Manuel Perez**

February 19, 2010

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An act to ~~add Section 116336 to~~ amend Section 116380 of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2515, as amended, V. Manuel Perez. Local government: environmental health departments.

Existing law authorizes local government agencies, in conjunction with other public entities, to organize and operate local public health services within their jurisdictional areas. These services may include implementing projects and policies pertaining to water conservation and water quality.

*Existing law, the California Safe Drinking Water Act, provides for the operation of public drinking water systems, and requires the State Department of Public Health to adopt regulations for these purposes, as prescribed. Under existing law, regulations adopted by the department are required to include requirements governing the use of point-of-entry and point-of-use treatment by public water systems in lieu of centralized treatment, where feasible.*

*This bill would authorize the department to develop criteria governing the permitted use of point-of-use treatment by public water systems in lieu of centralized treatment, as specified, and to utilize these criteria*

*until the earlier of January 1, 2014, or the effective date of the required regulations.*

This bill would make findings and declarations relating to the groundwater contamination in the Coachella Valley. ~~The bill would, until the department develops point-of-entry and point-of-use regulations as specified, allow the local environmental health department of Riverside County to authorize the use of point-of-entry or point-of-use treatment for community water systems serving residents of that county that are experiencing arsenic contamination at a level that exceeds the level allowed by the department’s primary drinking water standards.~~

This bill would make legislative findings and declarations as to the necessity of a special statute for Riverside County.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ 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 both of the  
2 following:

3 (a) The arsenic contamination groundwater problem in the  
4 southeastern Coachella Valley in Riverside County is largely  
5 naturally occurring and is getting progressively worse.

6 (b) There are many limitations to providing the small,  
7 unincorporated communities in the Coachella Valley access to  
8 safe drinking water.

9 ~~SEC. 2. Section 116336 is added to the Health and Safety Code,~~  
10 ~~to read:~~

11 ~~116336. In addition to other actions allowed or required by~~  
12 ~~this chapter and until the department develops point-of-entry and~~  
13 ~~point-of-use regulations pursuant to Section 116380, the local~~  
14 ~~environmental health department of Riverside County may~~  
15 ~~authorize the use of point-of-entry or point-of-use treatment for~~  
16 ~~community water systems serving residents of that county that are~~  
17 ~~experiencing arsenic contamination at a level that exceeds the level~~  
18 ~~allowed by the department’s primary drinking water standards.~~

19 ~~SEC. 3. The Legislature finds and declares that a special law~~  
20 ~~is necessary and that a general law cannot be made applicable~~  
21 ~~within the meaning of Section 16 of Article IV of the California~~  
22 ~~Constitution because of the unique conditions affecting the safety~~  
23 ~~of the drinking water in Riverside County.~~

1 SEC. 2. Section 116380 of the Health and Safety Code is  
2 amended to read:

3 116380. (a) In addition to the requirements set forth in Section  
4 116375, the regulations adopted by the department pursuant to  
5 Section 116375 shall include requirements governing the use of  
6 point-of-entry and point-of-use treatment by public water systems  
7 in lieu of centralized treatment where it can be demonstrated that  
8 centralized treatment is not immediately economically feasible,  
9 limited to the following:

10 ~~(a)~~

11 (1) Water systems with less than 200 service connections.

12 ~~(b)~~

13 (2) Usage allowed under the federal Safe Drinking Water Act  
14 and its implementing regulations and guidance.

15 ~~(c)~~

16 (3) Water systems that have submitted preapplications with the  
17 State Department of Public Health for funding to correct the  
18 violations for which the point-of-use treatment is provided.

19 (b) The department may develop criteria governing the permitted  
20 use of point-of-use treatment by public water systems in lieu of  
21 centralized treatment. These criteria shall not be subject to the  
22 Administrative Procedure Act (Chapter 3.5 (commencing with  
23 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
24 Code) and shall be subject to the following limitations:

25 (1) The department may utilize these criteria until the earlier  
26 of January 1, 2014, or the effective date of regulations adopted  
27 pursuant to this section.

28 (2) The department shall publish the criteria on its Internet Web  
29 site and shall provide the opportunity for public review and  
30 comment, including at least one public hearing conducted upon  
31 no fewer than 20 days' notice.

32 (3) The criteria shall incorporate the limitations described in  
33 paragraphs (1) to (3), inclusive, of subdivision (a).

34 (4) The criteria shall incorporate the public hearing required  
35 under Section 116552.

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