

AMENDED IN SENATE MARCH 23, 2010

SENATE BILL

No. 1450

Introduced by Senator Simitian

February 19, 2010

~~An act to amend Section 116762.60 of the Health and Safety Code, relating to drinking water.~~ *An act to add Section 85035 to the Water Code, relating to water.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1450, as amended, Simitian. ~~Federal capitalization grant funds.~~ *Water: Delta Stewardship Council: contracts.*

The Sacramento-San Joaquin Delta Reform Act of 2009 establishes the Delta Stewardship Council, which is required to develop, adopt, and commence implementation of a comprehensive management plan for the Delta (Delta Plan) by January 1, 2012. The act provides that the council is the successor to the California Bay-Delta Authority and requires the council to administer contracts, grants, easements, and agreements made or entered into by the authority.

The act requires the council to develop an interim plan that includes recommendations for early actions, projects, and programs. The act requires the Department of Water Resources to assist in implementing certain early action ecosystem restoration projects.

This bill would provide that a contract made or entered into by the department is not binding on the council unless the contract is approved by the council.

~~Existing law requires the State Department of Public Health, contingent upon specified federal funding, to develop and implement a program to protect sources of drinking water, as specified. Existing~~

law requires the department to submit a report to the Legislature every 2 years on its activities pursuant to the program:

~~This bill would require the required report to be submitted annually.~~

Vote: majority. Appropriation: no. Fiscal committee: *yes-no*. State-mandated local program: no.

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

1 SECTION 1. Section 85035 is added to the Water Code, to
2 read:

3 85035. A contract made or entered into by the department is
4 not binding on the council unless the contract is approved by the
5 council.

6 SECTION 1. ~~Section 116762.60 of the Health and Safety Code~~
7 ~~is amended to read:~~

8 ~~116762.60. (a) The department shall, contingent upon receiving~~
9 ~~federal capitalization grant funds, develop and implement a~~
10 ~~program to protect sources of drinking water. In carrying out this~~
11 ~~program, the department shall coordinate with local, state, and~~
12 ~~federal agencies that have public health and environmental~~
13 ~~management programs to ensure an effective implementation of~~
14 ~~the program while avoiding duplication of effort and reducing~~
15 ~~program costs. The program shall include the following:~~

16 ~~(1) A source water assessment program to delineate and assess~~
17 ~~the drinking water supplies of public drinking water systems~~
18 ~~pursuant to Section 1453 of the federal act.~~

19 ~~(2) A wellhead protection program to protect drinking water~~
20 ~~wells from contamination pursuant to Section 1428 of the federal~~
21 ~~act.~~

22 ~~(3) Pursuant to Section 1452(k) of the federal act, the department~~
23 ~~shall set aside federal capitalization grant funds sufficient to carry~~
24 ~~out paragraphs (1) and (2) of subdivision (a).~~

25 ~~(b) The department shall set aside federal capitalization grant~~
26 ~~funds to provide assistance to water systems pursuant to Section~~
27 ~~1452(k) of the federal act for the following source water protection~~
28 ~~activities, to the extent that those activities are proposed:~~

29 ~~(1) To acquire land or a conservation easement if the purpose~~
30 ~~of the acquisition is to protect the source water of the system from~~
31 ~~contamination and to ensure compliance with primary drinking~~
32 ~~water regulations.~~

1 ~~(2) To implement local, voluntary source water protection~~
2 ~~measures to protect source water in areas delineated pursuant to~~
3 ~~Section 1453 of the federal act, in order to facilitate compliance~~
4 ~~with primary drinking water regulations applicable to the water~~
5 ~~system under Section 1412 of the federal act or otherwise~~
6 ~~significantly further the health protection objectives of the federal~~
7 ~~and state acts.~~

8 ~~(3) To carry out a voluntary, incentive-based source water~~
9 ~~quality protection partnership pursuant to Section 1454 of the~~
10 ~~federal act.~~

11 ~~(e) The department shall conduct duly noticed public hearings,~~
12 ~~public workshops, focus groups, or meetings around the state to~~
13 ~~encourage the involvement and active input of public and affected~~
14 ~~parties in the development and periodic updating of the source~~
15 ~~water protection program adopted pursuant to this article. The~~
16 ~~notices shall contain basic information about the program in an~~
17 ~~understandable format and shall notify widely representative~~
18 ~~groups, including, but not limited to, federal, state, and local~~
19 ~~governmental agencies, water utilities, public interest,~~
20 ~~environmental, and consumer groups, public health groups, land~~
21 ~~conservation groups, health care providers, groups representing~~
22 ~~vulnerable populations, groups representing business and~~
23 ~~agricultural interests, and members of the general public. In~~
24 ~~addition, the department shall convene a technical advisory~~
25 ~~committee and a citizens' advisory committee made up of those~~
26 ~~representative groups to provide advice and direction on program~~
27 ~~development and implementation.~~

28 ~~(d) The department shall submit a report to the Legislature every~~
29 ~~year on its activities under this section. The report shall contain a~~
30 ~~description of each program for which funds have been set aside~~
31 ~~under this section, the effectiveness of each program in carrying~~
32 ~~out the intent of the federal and state acts, and an accounting of~~
33 ~~the amount of set aside funds used.~~