

AMENDED IN SENATE JULY 12, 2011

AMENDED IN ASSEMBLY MAY 19, 2011

AMENDED IN ASSEMBLY APRIL 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 403

Introduced by Assembly Member Campos
(Principal coauthor: Senator Alquist)

February 14, 2011

An act to amend Sections 116365.01 and 116365.5 of the Health and Safety Code, relating to drinking water standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 403, as amended, Campos. Public drinking water standards: hexavalent chromium.

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. Existing law requires the Department of Finance to take specified actions regarding the proposed drinking water standards not more than 90 days from when the Department of Public Health submits them. Existing law requires the department to establish a primary drinking water standard for hexavalent chromium on or before January 1, 2004. Existing law requires the department to report to the Legislature on the progress in developing a primary drinking water standard for hexavalent chromium by January 1, 2003. Violation of certain provisions relating to public water systems is a crime.

This bill would require the department to post its progress subsequent to January 1, 2003, on the establishment of the standard on the department’s Internet Web site. The bill would include the adoption of a primary drinking water standard for hexavalent chromium among the proposed regulations relating to maximum contaminant levels for primary or secondary water standards that are subject to a review by the Department of Finance of not more than 90 days.

Vote: majority. Appropriation: no. Fiscal committee: 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 all of the
 2 following:
 3 (a) Chapter 602 of the ~~2001–02 Regular Session Statutes of~~
 4 ~~2001~~ (Senate Bill 351) required the State Department of Public
 5 Health to adopt a primary drinking water standard for hexavalent
 6 chromium. As of 2011, this has not yet occurred.
 7 (b) Hexavalent chromium is recognized as a human carcinogen.
 8 Thus, it is vital that the state take swift action to limit exposure
 9 and protect public health.
 10 SEC. 2. Section 116365.01 of the Health and Safety Code is
 11 amended to read:
 12 116365.01. (a) (1) Notwithstanding any other provision of
 13 law or regulation, including Chapter 3.5 (commencing with Section
 14 11340) of Part 1 of Division 3 of Title 2, and Part 3 (commencing
 15 with Section 13000) of the Government Code, and except as
 16 provided in subdivision (b), for any proposed regulation that relates
 17 to the maximum contaminant levels for primary or secondary
 18 drinking water standards, as defined in subdivisions (c) and (d) of
 19 Section 116275, including, but not limited to, a primary drinking
 20 water standard for hexavalent chromium, that is submitted by the
 21 department to the Office of Administrative Law for review,
 22 pursuant to Section 11349.1 of the Government Code, the
 23 Department of Finance shall take no longer than 90 days,
 24 commencing on the date that the department submits the rule or
 25 regulation to the Department of Finance, to do any of the following:
 26 (A) Review any estimate pursuant to subdivision (c) of Section
 27 11357 of the Government Code.

1 (B) Provide a letter or documentation, if required, pursuant to
2 Section 11349.1 of the Government Code.

3 (C) Complete any other function in connection with the adoption
4 of proposed regulations that relates to the maximum contaminant
5 levels for primary or secondary drinking water standards, including,
6 but not limited to, a primary drinking water standard for hexavalent
7 chromium, as required pursuant to any provision of Chapter 3.5
8 (commencing with Section 11340) of Part 1 of Division 3 of Title
9 2 of the Government Code.

10 (D) Return the proposed regulation if the department has not
11 prepared the estimate required by paragraph (6) of subdivision (a)
12 of Section 11346.5 of the Government Code, in accordance with
13 Section 11357 of the Government Code.

14 (2) If the Department of Finance returns the proposed regulation
15 pursuant to subparagraph (D) of paragraph (1), an additional 90-day
16 time period under this section shall begin when the regulations are
17 resubmitted by the department to the Department of Finance.

18 (3) If the Department of Finance takes longer than 90 days to
19 complete any of the functions set forth in subparagraphs (A) to
20 (D), inclusive, of paragraph (1), the proposed regulations shall be
21 exempt from any provision of Chapter 3.5 (commencing with
22 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
23 Code that requires the involvement of the Department of Finance,
24 and the department and the Office of Administrative Law shall
25 proceed with all other applicable procedures in connection with
26 the adoption of proposed regulations.

27 (b) Subdivision (a) shall not apply to any regulation adopted by
28 the department that reduces, weakens, lessens, or otherwise
29 undermines any requirement established pursuant to this chapter
30 for the protection of public health.

31 SEC. 3. Section 116365.5 of the Health and Safety Code is
32 amended to read:

33 116365.5. (a) The State Department of Public Health shall,
34 on or before January 1, 2004, establish a primary drinking water
35 standard for hexavalent chromium that complies with the criteria
36 established under Section 116365.

37 (b) The department shall report to the Legislature on its progress
38 in developing a primary drinking standard for hexavalent chromium

- 1 by January 1, 2003. The department shall post a report on its
- 2 progress subsequent to that date on its Internet Web site.

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