

AMENDED IN ASSEMBLY AUGUST 22, 2012

AMENDED IN SENATE APRIL 23, 2012

AMENDED IN SENATE APRIL 9, 2012

**SENATE BILL**

**No. 1063**

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**Introduced by Senator Gaines**

February 13, 2012

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An act to add and repeal Section 115843.6 of the Health and Safety Code, relating to reservoirs, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1063, as amended, Gaines. Bear Lake Reservoir: recreational use.

Existing law, with certain exceptions, prohibits recreational use in which there is bodily contact with water in a reservoir in which water is stored for domestic use, and establishes water standards for those exempted reservoirs.

This bill would, in addition, exempt from this prohibition recreational activity in which there is bodily contact with water by any participant in the Bear Lake Reservoir, and would establish standards in this regard, including water treatment, monitoring, and reporting requirements. The bill would require the State Department of Public Health to annually review specified data to ensure compliance, and would provide that the exemption granted pursuant to these provisions would cease upon a finding of noncompliance. *This bill would also provide that upon a finding of noncompliance the Lake Alpine Water Company would be subject to suspension or revocation of any permit issued pursuant to specified provisions, and that failure to comply with these provisions*

would be deemed a violation subject to specified penalties. By expanding the definition of a crime, this bill would create a state-mandated local program. This bill would provide that these provisions would remain in effect only until January 1, 2016.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Bear Lake Reservoir.

*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 a specified reason.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . 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. Section 115843.6 is added to the Health and  
 2 Safety Code, to read:  
 3 115843.6. (a) In the Bear Lake Reservoir, recreational uses  
 4 shall not include recreation in which any participant has bodily  
 5 contact with the water, unless all of the following conditions are  
 6 satisfied:  
 7 (1) The water subsequently receives complete water treatment,  
 8 in compliance with all applicable department regulations, including  
 9 coagulation, flocculation, sedimentation, filtration, and disinfection,  
 10 before being used for domestic purposes. The disinfection shall  
 11 include, but is not limited to, *the use of* an advanced technology  
 12 capable of inactivating organisms, including, but not limited to,  
 13 viruses, cryptosporidium, and giardia, to levels that comply with  
 14 department regulations. The treatment shall include, but need not  
 15 be limited to, ~~ozonation or ultra violet disinfection~~ *filtration with*  
 16 *a micro or ultra filtration system rated to 0.1 micron or less.* The  
 17 treatment shall, at a minimum, comply with all state laws and  
 18 department regulations and all federal laws and regulations,  
 19 including, but not limited to, the federal Environmental Protection  
 20 Agency Long-Term 2 Enhanced Surface Water Treatment  
 21 regulations. Nothing in this division shall limit the state or the

1 department in imposing more stringent treatment standards than  
2 those required by federal law.

3 (2) The Lake Alpine Water Company conducts a monitoring  
4 program for *cryptosporidium*, *giardia*, and total coliform bacteria,  
5 including *E. coli* and fecal coliform, at the reservoir intake *and at*  
6 *posttreatment* at a frequency determined by the department, *but*  
7 *no less than three times during the period when bodily contact is*  
8 *allowed pursuant to paragraph (4).*

9 (3) The reservoir is operated in compliance with regulations of  
10 the department.

11 (4) *Bodily contact is allowed for no more than four months each*  
12 *year.*

13 (b) The recreational use of Bear Lake Reservoir shall be subject  
14 to additional conditions and restrictions adopted by the entity  
15 operating the water supply reservoir, or required by the department,  
16 that are required to further protect or enhance the public health  
17 and safety and do not conflict with regulations of the department.

18 (c) The Lake Alpine Water Company shall file, on or before  
19 January 1, 2015, with the Legislature *in accordance with Section*  
20 *9795 of the Government Code* and the department, a report on the  
21 recreational uses at Bear Lake Reservoir and the water treatment  
22 program for that reservoir. That report shall include, but is not  
23 limited to, all of the following information:

24 (1) The estimated levels and types of recreational uses at the  
25 reservoir on a monthly basis.

26 (2) A summary of monitoring in the Bear Lake Reservoir  
27 watershed for ~~cryptosporidium~~ *and, giardia, and total coliform*  
28 *bacteria, including E. coli and fecal coliform.*

29 (3) The most current sanitary survey of the watershed and water  
30 quality monitoring.

31 (4) As deemed necessary by the department, an evaluation of  
32 recommendations relating to inactivation and removal of  
33 cryptosporidium and giardia.

34 (5) Annual reports provided to the department as required by  
35 the water permit issued by the department.

36 (6) An evaluation of the impact on source water quality due to  
37 recreational activities on Bear Lake Reservoir, including any  
38 microbiological monitoring.

39 (7) A summary of any activities for operation of recreational  
40 uses and facilities in a manner that optimizes the water quality.

1 (8) The reservoir management plan and the operations plan.  
2 (9) The annual water reports submitted to the consumers each  
3 year.

4 (d) If there is a change in operation of the treatment facility or  
5 a change in the quantity of water to be treated at the treatment  
6 facility, the department may require the entity operating the water  
7 supply reservoir to file a report that includes, but is not limited to,  
8 the information required pursuant to subdivision (c), and the entity  
9 shall demonstrate to the satisfaction of the department that water  
10 quality will not be adversely affected.

11 (e) (1) The department shall, at the end of each recreational  
12 season, annually review monitoring and reporting data from the  
13 Bear Lake Reservoir to ensure full compliance with this section.

14 (2) If at any time the department finds ~~any~~ a failure to comply  
15 with this section, the exemption ~~grated~~ *granted* pursuant to this  
16 section shall cease immediately, *and a permit issued to the Lake*  
17 *Alpine Water Company pursuant to Chapter 4 (commencing with*  
18 *Section 116270) of Part 12 shall be subject to suspension or*  
19 *revocation pursuant to that chapter. A failure to comply with this*  
20 *section shall be deemed a violation of Chapter 4 (commencing*  
21 *with Section 116270) of Part 12 subject to any applicable penalties*  
22 *under Article 11 (commencing with Section 116725) of that*  
23 *chapter.*

24 (f) This section shall remain in effect only until January 1, 2016,  
25 and as of that date is repealed, unless a later enacted statute, that  
26 is enacted before January 1, 2016, deletes or extends that date.

27 SEC. 2. The Legislature finds and declares that a special law  
28 is necessary and that a general law cannot be made applicable  
29 within the meaning of Section 16 of Article IV of the California  
30 Constitution because of the unique circumstances in the Bear Lake  
31 Reservoir. The facts constituting the special circumstances are:

32 Recreational activities have occurred at Bear Lake Reservoir  
33 but ceased due to the requirements of Section 115825 of the Health  
34 and Safety Code. The Lake Alpine Water Company will continue  
35 effective water treatment through microfiltration and disinfection  
36 in order for bodily contact to resume, and the company will provide  
37 information to the Legislature regarding certain issues to ensure  
38 that any recreational uses at the reservoir do not affect the provision  
39 of domestic water to district customers.

1     *SEC. 3. No reimbursement is required by this act pursuant to*  
2     *Section 6 of Article XIII B of the California Constitution because*  
3     *the only costs that may be incurred by a local agency or school*  
4     *district will be incurred because this act creates a new crime or*  
5     *infraction, eliminates a crime or infraction, or changes the penalty*  
6     *for a crime or infraction, within the meaning of Section 17556 of*  
7     *the Government Code, or changes the definition of a crime within*  
8     *the meaning of Section 6 of Article XIII B of the California*  
9     *Constitution.*

10    ~~SEC. 3.~~

11    *SEC. 4.* This act is an urgency statute necessary for the  
12 immediate preservation of the public peace, health, or safety within  
13 the meaning of Article IV of the Constitution and shall go into  
14 immediate effect. The facts constituting the necessity are:

15    In order to ensure that the residents of the Bear Lake Reservoir  
16 community are able to utilize the reservoir during the summer  
17 season in the manner they have previously, it is necessary that this  
18 act take effect immediately.