

Introduced by Senator Gaines

December 3, 2012

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 14, 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~~ *could* 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, 2017.

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: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: 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 oxidation, filtration, and disinfection, before being used for
10 domestic purposes. The disinfection shall include, but is not limited
11 to, the use of an advanced technology capable of inactivating
12 organisms, including, but not limited to, viruses, cryptosporidium,
13 and giardia, to levels that comply with department regulations.
14 The treatment shall include, but need not be limited to, filtration
15 with a micro or ultra filtration system rated to 0.1 micron or less.
16 The treatment shall, at a minimum, comply with all state laws and
17 department regulations and all federal laws and regulations,
18 including, but not limited to, the federal Environmental Protection
19 Agency Long-Term 2 Enhanced Surface Water Treatment
20 regulations. Nothing in this division shall limit the state or the
21 department in imposing more stringent treatment standards than
22 those required by federal law.

23 (2) The Lake Alpine Water Company conducts a monitoring
24 program for cryptosporidium, giardia, and total coliform bacteria,
25 including E. coli and fecal coliform, at the reservoir intake and at
26 posttreatment at a frequency determined by the department, but

1 no less than three times during the period when bodily contact is
2 allowed pursuant to paragraph (4).

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

5 (4) Bodily contact is allowed for no more than four months each
6 year.

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

12 (c) The Lake Alpine Water Company shall file, on or before
13 January 1, 2016, with the Legislature in accordance with Section
14 9795 of the Government Code and the department, a report on the
15 recreational uses at Bear Lake Reservoir and the water treatment
16 program for that reservoir. That report shall include, but is not
17 limited to, all of the following information:

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

20 (2) A summary of monitoring in the Bear Lake Reservoir
21 watershed for cryptosporidium, giardia, and total coliform bacteria,
22 including E. coli and fecal coliform.

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

25 (4) As deemed necessary by the department, an evaluation of
26 recommendations relating to inactivation and removal of
27 cryptosporidium and giardia.

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

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

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

35 (8) The reservoir management plan and the operations plan.

36 (9) The annual water reports submitted to the consumers each
37 year.

38 (d) If there is a change in operation of the treatment facility or
39 a change in the quantity of water to be treated at the treatment
40 facility, the department may require the entity operating the water

1 supply reservoir to file a report that includes, but is not limited to,
2 the information required ~~pursuant to~~ *in* subdivision (c), and the
3 entity shall demonstrate to the satisfaction of the department that
4 water quality will not be adversely affected.

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

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

17 (f) This section shall remain in effect only until January 1, 2017,
18 and as of that date is repealed, unless a later enacted statute, that
19 is enacted before January 1, 2017, deletes or extends that date.

20 SEC. 2. The Legislature finds and declares that Bear Lake
21 Reservoir is a high altitude reservoir that is frozen over for four
22 to six months each year, and oxidation to reduce iron and
23 manganese along with microfiltration is needed, rather than
24 coagulation, flocculation, and sedimentation, due to, among other
25 things, the water quality, very intermittent use of the water system,
26 and subsequent disinfection of the water needed for that
27 intermittent use.

28 SEC. 3. The Legislature finds and declares that a special law
29 is necessary and that a general law cannot be made applicable
30 within the meaning of Section 16 of Article IV of the California
31 Constitution because of the unique circumstances in the Bear Lake
32 Reservoir. The facts constituting the special circumstances are:

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

1 SEC. 4. 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. 5. This act is an urgency statute necessary for the
11 immediate preservation of the public peace, health, or safety within
12 the meaning of Article IV of the Constitution and shall go into
13 immediate effect. The facts constituting the necessity are:

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