

AMENDED IN SENATE APRIL 21, 2014
AMENDED IN SENATE MARCH 26, 2014

SENATE BILL

No. 1130

Introduced by Senator Roth

February 20, 2014

An act to add Section 71760 to the Water Code, relating to drinking water, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1130, as amended, Roth. Drinking water: County Water Company of Riverside water system: liability.

The

(1) *The Municipal Water District Law of 1911* provides for the formation of municipal water districts and grants to those districts specified powers. Existing law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district.

Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems, and imposes on the State Department of Public Health various responsibilities and duties. Existing law requires the department to conduct research, studies, and demonstration projects relating to the provision of a dependable, safe supply of drinking water, to adopt regulations to implement the California Safe Drinking Water Act, and to enforce provisions of the federal Safe Drinking Water Act.

This bill would exempt the Elsinore Valley Municipal Water District, the Eastern Municipal Water District, the Western Municipal Water District, and the Metropolitan Water District of Southern California

from liability, as prescribed, for claims by past or existing County Water Company of Riverside customers or those who consumed water provided through the County Water Company of Riverside water system prior to and during the interim operation period, as specified. ~~This~~ *The* bill would prohibit the immunity from liability from being construed either to relieve any water district, water wholesaler, or any other entity from compliance with drinking water standards, impair any cause of action or proceeding brought by specified public entities, or ~~to extend to impair~~ claims alleging the taking of property without compensation. ~~This~~ *The* bill would require the interim operation period to last until permanent replacement facilities are accepted by the Elsinore Valley Municipal Water District and the Eastern Municipal Water District with the concurrence of the ~~department,~~ *department* or December 31, 2015, whichever occurs first. ~~This~~ *The* bill would require the department to extend the interim operation period for up to 3 successive one-year periods at the request of the Elsinore Valley Municipal Water District and the Eastern Municipal Water District, as prescribed.

(2) *This bill would make legislative findings and declarations as to the necessity of a special statute with regard to the customers of the County Water Company of Riverside.*

~~This~~

(3) *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.

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

1 **SECTION 1.** (a) *The Legislature finds and declares that the*
 2 *provisions of this act are precisely tailored to address the unique*
 3 *circumstances facing the customers of the County Water Company*
 4 *of Riverside.*

5 (b) *The Legislature further finds and declares that the provisions*
 6 *of this act are not intended to apply to other water districts because*
 7 *the limitations on liability within the act reflect the unique*
 8 *circumstances facing the customers of the County Water Company*
 9 *of Riverside.*

10 ~~SECTION 1.~~

11 **SEC. 2.** Section 71760 is added to the Water Code, to read:

1 71760. (a) (1) The Elsinore Valley Municipal Water District
2 and the Eastern Municipal Water District shall not be held liable
3 for claims by past or existing County Water Company of Riverside
4 customers or those who consumed water provided through the
5 County Water Company of Riverside water system concerning the
6 operation and supply of water from the County Water Company
7 of Riverside water system during the interim operation period
8 specified in subdivision (c) for any good faith, reasonable effort
9 using ordinary care to assume possession of, to operate, or to
10 supply water to, to the County Water Company of Riverside water
11 system.

12 (2) The Elsinore Valley Municipal Water District and the
13 Eastern Municipal Water District shall not be held liable for claims
14 by past or existing County Water Company of Riverside customers
15 or by those who consumed water provided through the County
16 Water Company of Riverside water system for any injury that
17 occurred prior to the commencement of the interim operation
18 period specified in subdivision (c).

19 (b) (1) (A) The Western Municipal Water District and the
20 Metropolitan Water District of Southern California shall not be
21 held liable for claims by past or existing County Water Company
22 of Riverside customers or by those who consumed water provided
23 through the County Water Company of Riverside water system
24 concerning the provision of supplemental imported water supplies
25 to the County Water Company of Riverside water system during
26 the interim operation period specified in subdivision (c) for any
27 good faith, reasonable effort using ordinary care to supply water
28 to the County Water Company of Riverside water system.

29 (B) The Western Municipal Water District and the Metropolitan
30 Water District of Southern California shall not be held liable for
31 claims by past or existing County Water Company of Riverside
32 customers or by those who consumed water provided through the
33 County Water Company of Riverside water system concerning the
34 operation and supply of water from the County Water Company
35 of Riverside water system for any injury that occurred prior to the
36 commencement of the interim operation period specified in
37 subdivision (c).

38 (2) This subdivision shall only apply if the water supplied by
39 the Western Municipal Water District and the Metropolitan Water
40 District of Southern California through the temporary potable

1 service pipeline to the County Water Company of Riverside water
2 system meets or exceeds federal and state drinking water quality
3 standards.

4 (c) (1) The interim operation period shall commence upon the
5 connection of a temporary potable service pipeline by either the
6 Elsinore Valley Municipal Water District or the Eastern Municipal
7 Water District to the County Water Company of Riverside water
8 system, or upon the execution of an agreement between the
9 Elsinore Valley Municipal Water District, the Eastern Municipal
10 Water District, the County Water Company of Riverside, and any
11 other ~~signatories~~, *signatories* to provide service to the customers
12 of the County Water Company of Riverside, whichever occurs
13 first.

14 (2) (A) Except as provided in subparagraph (B), the interim
15 operation period shall last until permanent replacement facilities
16 are accepted by the Elsinore Valley Municipal Water District and
17 the Eastern Municipal Water District with the concurrence of the
18 State Department of Public ~~Health~~, *Health* or December 31, 2015,
19 whichever occurs first.

20 (B) Upon the showing of good cause, the interim operation
21 period shall be extended by the State Department of Public Health
22 for up to three successive one-year periods at the request of the
23 Elsinore Valley Municipal Water District and the Eastern
24 Municipal Water District.

25 (3) The acceptance date of permanent replacement facilities
26 shall be publicly noticed by the Elsinore Valley Municipal Water
27 District and the Eastern Municipal Water District.

28 (d) Subdivision (a) shall only apply if the Elsinore Valley
29 Municipal Water District and the Eastern Municipal Water District
30 provide water to the County Water Company of Riverside water
31 system in accordance with all of the following conditions:

32 (1) The Elsinore Valley Municipal Water District and the
33 Eastern Municipal Water District shall comply with the special
34 terms and conditions established by the State Department of Public
35 Health for safe drinking water emergency funding ~~under~~ *pursuant*
36 *to* Section 75021 of the Public Resources Code for the interim
37 operation period.

38 (2) Water provided by the Elsinore Valley Municipal Water
39 District and the Eastern Municipal Water District through the
40 temporary potable service pipeline to the County Water Company

1 of Riverside water system shall meet or exceed federal and state
2 drinking water quality standards.

3 (3) Reasonable water system flow and pressure through the
4 temporary potable service pipeline shall be maintained during the
5 interim operation period based upon the condition and integrity of
6 the existing County Water Company of Riverside water system
7 and any disruptions to water delivery resulting from construction
8 related activities associated with the installation of permanent
9 replacement facilities shall be minimal.

10 (4) The Elsinore Valley Municipal Water District and the
11 Eastern Municipal Water District shall notify Riverside County
12 fire officials serving the County Water Company of Riverside
13 service area of the condition and firefighting support capabilities
14 of the existing County Water Company of Riverside water system
15 and planned improvements with the installation of permanent
16 replacement facilities thereto. The Elsinore Valley Municipal Water
17 District and the Eastern Municipal Water District shall maintain
18 or improve the condition and firefighting support capabilities of
19 the existing County Water Company of Riverside water system
20 during the interim operation period.

21 (5) Customers of the County Water Company of Riverside shall
22 receive written notice upon any change in possession, control, or
23 operation of the water system.

24 (e) Nothing in this section shall be construed to do any of the
25 following:

26 (1) Relieve any water district, water wholesaler, or any other
27 entity from complying with any provision of federal or state law
28 pertaining to drinking water quality.

29 (2) Impair any cause of action by the Attorney General, a district
30 attorney, a city attorney, or any other public prosecutor, or impair
31 any other action or proceeding brought by or on behalf of a
32 regulatory agency.

33 (3) ~~Extend to~~ *Impair* any claim alleging the taking of property
34 without compensation within the meaning of either the Fifth
35 Amendment to the United States Constitution or Section 19 of
36 Article I of the California Constitution.

37 *SEC. 3. The Legislature finds and declares that a special law*
38 *is necessary and that a general law cannot be made applicable*
39 *within the meaning of Section 16 of Article IV of the California*

1 *Constitution because of the unique circumstances facing the*
2 *customers of the County Water Company of Riverside.*

3 ~~SEC. 2.~~

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

8 In order to provide safe drinking water that is always reliable
9 for current customers of the County Water Company of Riverside
10 at the earliest possible date, it is necessary that this act take effect
11 immediately.