

AMENDED IN ASSEMBLY JUNE 26, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE MARCH 25, 2014

SENATE BILL

No. 1395

Introduced by Senator Block

February 21, 2014

An act to amend Section 115880 of the Health and Safety Code, relating to public beaches.

LEGISLATIVE COUNSEL'S DIGEST

SB 1395, as amended, Block. Public beaches: inspection for contaminants.

Existing law requires the State Department of Public Health to adopt regulations for the minimum public health standards of public beaches, including requiring the testing of waters adjacent to all public beaches for specified microbial contaminants. Existing law authorizes the department to require testing of the waters adjacent to all public beaches for additional microbial indicators if the department establishes that those indicators are as protective of the public health.

This bill would authorize the department to allow a local health officer to use specified polymerase chain reaction testing methods published by the United States Environmental Protection Agency *or approved as an alternative test procedure pursuant to federal law* to determine the level of enterococci bacteria as a single test based on a single indicator ~~in~~ *at one or more beach locations within* that jurisdiction if the local health officer demonstrates through side-by-side testing over a beach season that the use of the test method provides a reliable indication of overall microbiological contamination conditions. The bill would

~~authorize~~ *require* the department, in making the determination of whether to authorize the use of those testing methods by a local health officer, ~~officer~~, to take into account whether the alternative indicators and related test method can provide results more quickly. *The bill would specify that its provisions do not require the use of those testing methods.*

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. Section 115880 of the Health and Safety Code
2 is amended to read:
3 115880. (a) The department shall, by regulation and in
4 consultation with the board, local health officers, and the public,
5 establish, maintain, and amend as necessary, minimum standards
6 for the sanitation of public beaches, including, but not limited to,
7 the removal of refuse, as it determines are reasonably necessary
8 for the protection of the public health and safety.
9 (b) Prior to final adoption or amendment by the department, the
10 regulations and standards required by this section shall undergo
11 an external comprehensive review process similar to the process
12 set forth in Section 57004 of the Health and Safety Code.
13 (c) The regulations shall, at a minimum, do all of the following:
14 (1) Require the testing of the waters adjacent to all public
15 beaches for microbiological contaminants, including, but not
16 limited to, total coliform, fecal coliform, and enterococci bacteria.
17 The department may require the testing of waters adjacent to all
18 public beaches for microbiological indicators other than those set
19 forth in this paragraph, or a subset of those set forth in this
20 paragraph, if the department affirmatively establishes, based on
21 the best available scientific studies and the weight of the evidence,
22 that the alternative indicators are as protective of the public health.
23 (2) Establish protective minimum standards for total coliform,
24 fecal coliform, and enterococci bacteria, or for other
25 microbiological indicators that the department determines are
26 appropriate for testing pursuant to paragraph (1).
27 (3) Require that the waters adjacent to public beaches are tested
28 for total coliform, fecal coliform, and enterococci bacteria, or for
29 other microbiological indicators that the department determines
30 are appropriate for testing pursuant to paragraph (1). Except as set

1 forth in subdivision (e), testing shall be conducted on at least a
2 weekly basis from April 1 to October 31, inclusive, of each year
3 beginning in 2012, if both of the following apply:

4 (A) The beach is visited by more than 50,000 people annually.

5 (B) The beach is located on an area adjacent to a storm drain
6 that flows in the summer.

7 (d) Notwithstanding subdivision (a), if a local health officer
8 demonstrates or has demonstrated through side-by-side testing
9 over a beach season that the use of United States Environmental
10 Protection Agency method 1609 or 1611, or any equivalent or
11 improved rapid detection method published by the United States
12 Environmental Protection Agency for use in beach water quality
13 ~~assessment~~, *assessment or approved as an alternative test*
14 *procedure pursuant to Part 136 of Title 40 of the Code of Federal*
15 *Regulations*, to determine the level of enterococci bacteria as a
16 single indicator provides a reliable indication of overall
17 microbiological contamination conditions ~~in all or part of~~ *at one*
18 *or more beach locations within* that health officer's jurisdiction,
19 the department may authorize the use of that testing method ~~in that~~
20 ~~jurisdiction~~ *at those beach locations* instead of other testing
21 methods. In making that determination, the department shall take
22 into account whether an alternative indicator or subset of indicators,
23 with the associated test method, can provide results more quickly,
24 thereby reducing the period of time the public is at risk while
25 waiting for contamination to be confirmed.

26 (e) The monitoring frequency and locations established pursuant
27 to this section and related regulations may be reduced or altered
28 only after the testing required pursuant to paragraph (3) of
29 subdivision (c) reveals levels of microbiological contaminants that
30 do not exceed, for a period of two years, the minimum protective
31 standards established pursuant to this section.

32 (f) The local health officer shall be responsible for testing the
33 waters adjacent to, and coordinating the testing of, all public
34 beaches within his or her jurisdiction.

35 (g) The local health officer may meet the testing requirements
36 of this section by utilizing test results from other parties conducting
37 microbiological contamination testing of the waters under his or
38 her jurisdiction.

39 (h) *This section does not require a wastewater treatment agency*
40 *or other party conducting microbiological contamination testing*

1 *of the waters under his or her jurisdiction, who provides those test*
2 *results to a local health officer pursuant to this section, to use*
3 *United States Environmental Protection Agency method 1609 or*
4 *1611, or any equivalent or improved rapid detection method*
5 *published by the United States Environmental Protection Agency*
6 *for use in beach water quality assessment or approved as an*
7 *alternative test procedure pursuant to Part 136 of Title 40 of the*
8 *Code of Federal Regulations, for total maximum daily load*
9 *implementation, waste discharge requirements, or other monitoring*
10 *programs required to be implemented pursuant to Division 7*
11 *(commencing with Section 13000) of the Water Code.*

12 ~~(h)~~

13 (i) Any city or county may adopt standards for the sanitation of
14 public beaches within its jurisdiction that are stricter than the
15 standards adopted by the department pursuant to this section.

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