

AMENDED IN ASSEMBLY MARCH 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

No. 434

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Introduced by Assembly Member Eduardo Garcia

February 19, 2015

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An act to amend Section 116380 of, and to add Section 116761.25 to, of the Health and Safety Code, relating to drinking water, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 434, as amended, Eduardo Garcia. Drinking water: point-of-entry and point-of-use treatment.

Existing law, the California Safe Drinking Water Act, imposes on the State Water Resources Control Board various responsibilities and duties, which were previously imposed on the State Department of Public Health, *duties* relating to providing a dependable, safe supply of drinking water. Existing law required the department to adopt regulations to implement the California Safe Drinking Water Act, and to enforce provisions of the federal Safe Drinking Water Act, including requirements governing the use of point-of-entry and point-of-use treatment in lieu of centralized treatment where it can be demonstrated that centralized treatment is not immediately economically feasible. Existing law required the department to adopt emergency regulations governing the permitted use of point-of-entry and point-of-use treatment by public water systems in lieu of centralized treatment. Those emergency regulations became inoperative on January 1, 2014.

This bill would specifically make the emergency regulations adopted by the department before January 1, 2014, operative and would require that the emergency regulations remain in effect until repealed or

~~amended by require the State Water Resources Control Board, state board to adopt regulations governing the use of point-of-entry and point-of-use treatment by public water systems in lieu of centralized treatment where it can be demonstrated that centralized treatment is not immediately economically feasible, with specified limitations. The bill would authorize the State Water Resources Control Board to award a grant for point-of-entry and point-of-use treatment, in lieu of centralized treatment, by a public water system that meets certain requirements. exempt the regulations from the Administrative Procedure Act and would require that the regulations and any amendments to the regulations remain in effect until revised by the state board.~~

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. Section 116380 of the Health and Safety Code
- 2 is amended to read:
- 3 116380. (a) ~~In addition to the requirements set forth in Section~~
- 4 ~~116375, the regulations adopted by the department pursuant to~~
- 5 ~~Section 116375 shall include requirements~~ *The State Water*
- 6 *Resources Control Board shall adopt regulations governing the*
- 7 *use of point-of-entry and point-of-use treatment by public water*
- 8 *systems in lieu of centralized treatment where it can be*
- 9 *demonstrated that centralized treatment is not immediately*
- 10 *economically feasible, limited to the following:*
- 11 (1) Water systems with less than 200 service connections.
- 12 (2) ~~Usage allowed under~~ *not prohibited by* the federal Safe
- 13 Drinking Water Act and its implementing regulations and guidance.
- 14 (3) Water systems that have submitted preapplications with the
- 15 State Department of Public Health for funding to correct the
- 16 violations for which the point-of-entry and point-of-use treatment
- 17 is provided.
- 18 ~~(b) The department shall adopt emergency regulations governing~~
- 19 ~~the permitted use of point-of-entry and point-of-use treatment by~~
- 20 ~~public water systems in lieu of centralized treatment.~~
- 21 (†)

(b) (1) The emergency regulations described in subdivision (a) shall comply with Section 116552, 116552 and shall comply with all of the requirements set forth in subdivision (a) applicable to nonemergency regulations, but shall not be subject to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The emergency regulations shall take effect when filed with the Secretary of State, and shall be published in the California Code of Regulations.

(2) Notwithstanding Section 11346.1 of the Government Code, the emergency regulations adopted pursuant to this subdivision by the State Department of Public Health that became inoperative on January 1, 2014, shall become operative on the same date as the act which added this paragraph and shall remain in effect until repealed or amended by the State Water Resources Control Board.

(2) Any regulations or amendments to those regulations adopted pursuant to this section shall remain in effect until revised by the State Water Resources Control Board.

SEC. 2. Section 116761.25 is added to the Health and Safety Code, to read:

116761.25. (a) The State Water Resources Control Board may award a grant for point-of-entry and point-of-use treatment, in lieu of centralized treatment, by a public water system meeting the requirements of subdivision (b) of Section 116380 and regulations adopted pursuant to that subdivision, for the full cost of the project, if that system serves a severely disadvantaged community, as defined in Section 13476 of the Water Code.

(b) The grant shall specify that equipment purchased under the grant with remaining useful life after completion of the project shall be provided for use in other projects meeting the requirements of subdivision (b) of Section 116380 and regulations adopted pursuant to that subdivision, and equipment purchased under the grant with no useful life after completion of the project shall be disposed of in accordance with state and federal requirements, as determined by the State Water Resources Control Board.

SEC. 3.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

- 1 In order to ensure the quality of drinking water relating to
- 2 point-of-entry and point-of-use treatment, at the earliest possible
- 3 time, it is necessary that this act take effect immediately.