

AMENDED IN ASSEMBLY APRIL 6, 2015
AMENDED IN ASSEMBLY MARCH 19, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 434

Introduced by Assembly Member Eduardo Garcia

February 19, 2015

An act to amend ~~Section~~ *Sections 116380 and 116552* 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 relating to providing a dependable, safe supply of drinking water. *The act prohibits the state board from issuing a permit to a public water system or amending a valid existing permit to allow the use of point-of-use treatment unless the state board determines that there is no community opposition to the installation of the treatment device. The act also limits the issuance of this permit to no more than 3 years or until funding for centralized treatment is available, whichever occurs first.*

This bill would require the state board to adopt ~~regulations~~ *regulations, similar to those previously authorized for adoption by the State Department of Public Health*, governing the use of point-of-entry and point-of-use treatment by a public water ~~systems~~ *system* in lieu of centralized treatment where it can be demonstrated that centralized

treatment is not immediately economically feasible, with specified limitations. The bill would 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 also prohibit the use of point-of-entry treatment absent the state board determination of no community opposition, and would delete the limitation on the duration of these permits.*

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) The State Water Resources Control Board shall
4 adopt regulations governing the use of point-of-entry and
5 point-of-use treatment by public water systems in lieu of
6 centralized treatment where it can be demonstrated that centralized
7 treatment is not immediately economically feasible, limited to the
8 following:
9 (1) Water systems with less than 200 service connections.
10 (2) Usage not prohibited by the federal Safe Drinking Water
11 Act and its implementing regulations and guidance.
12 ~~(3) Water systems that have submitted preapplications with the~~
13 ~~State Department of Public Health for funding to correct the~~
14 ~~violations for which the point-of-entry and point-of-use treatment~~
15 ~~is provided.~~
16 (b) (1) The regulations described in subdivision (a) shall comply
17 with Section 116552 and shall not be subject to the rulemaking
18 provisions of the Administrative Procedure Act (Chapter 3.5
19 (commencing with Section 11340) of Part 1 of Division 3 of Title
20 2 of the Government Code). The regulations shall take effect when
21 filed with the Secretary of State, and shall be published in the
22 California Code of Regulations.
23 (2) Any regulations or amendments to those regulations adopted
24 pursuant to this section shall remain in effect until revised by the
25 State Water Resources Control Board.

1 *SEC. 2. Section 116552 of the Health and Safety Code is*
2 *amended to read:*

3 116552. ~~The department~~ *State Water Resources Control Board*
4 shall not issue a permit to a public water system or amend a valid
5 existing permit to allow the use of point-of-use *or point-of-entry*
6 treatment unless ~~the department~~ *State Water Resources Control*
7 *Board* determines, after conducting a public hearing in the
8 community served by the public water system, that there is no
9 substantial community opposition to the installation of ~~point-of-use~~
10 *the treatment devices. The issuance of a permit pursuant to this*
11 ~~section shall be limited to not more than three years or until funding~~
12 ~~for centralized treatment is available, whichever occurs first.~~

13 ~~SEC. 2.~~

14 *SEC. 3.* This act is an urgency statute necessary for the
15 immediate preservation of the public peace, health, or safety within
16 the meaning of Article IV of the Constitution and shall go into
17 immediate effect. The facts constituting the necessity are:

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