

AMENDED IN SENATE JUNE 25, 2015

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 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, 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 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 a~~ state board determination of no community ~~opposition, and would delete the limitation on the duration of these permits.~~ *opposition.*

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 applications for funding*
13 *to correct the violation for which the point-of-entry and*
14 *point-of-use treatment is provided.*
15 (b) (1) The regulations described in subdivision (a) shall comply
16 with Section 116552 and shall not be subject to the rulemaking
17 provisions of the Administrative Procedure Act (Chapter 3.5
18 commencing with Section 11340) of Part 1 of Division 3 of Title
19 2 of the Government Code). The regulations shall take effect when
20 filed with the Secretary of State, and shall be published in the
21 California Code of Regulations.
22 (2) Any regulations or amendments to those regulations adopted
23 pursuant to this section shall remain in effect until revised by the
24 State Water Resources Control Board.

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

3 ~~116552. The State Water Resources Control Board shall not~~
4 ~~issue a permit to a public water system or amend a valid existing~~
5 ~~permit to allow the use of point-of-use or point-of-entry treatment~~
6 ~~unless the State Water Resources Control Board determines, after~~
7 ~~conducting a public hearing in the community served by the public~~
8 ~~water system, that there is no substantial community opposition~~
9 ~~to the installation of the treatment devices.~~

10 ~~SEC. 2. Section 116552 of the Health and Safety Code is~~
11 ~~amended to read:~~

12 ~~116552. The department State Water Resources Control Board~~
13 ~~shall not issue a permit to a public water system or amend a valid~~
14 ~~existing permit to allow the use of point-of-use or point-of-entry~~
15 ~~treatment unless the department State Water Resources Control~~
16 ~~Board determines, after conducting a public hearing in the~~
17 ~~community served by the public water system, that there is no~~
18 ~~substantial community opposition to the installation of point-of-use~~
19 ~~the treatment devices. The issuance of a permit pursuant to this~~
20 ~~section shall be limited to not more than three years or until funding~~
21 ~~for centralized treatment is available, whichever occurs first.~~

22 ~~SEC. 3. This act is an urgency statute necessary for the~~
23 ~~immediate preservation of the public peace, health, or safety within~~
24 ~~the meaning of Article IV of the Constitution and shall go into~~
25 ~~immediate effect. The facts constituting the necessity are:~~

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