

ASSEMBLY BILL

No. 2112

Introduced by Assembly Member Dahle

February 17, 2016

An act to amend Section 116271 of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2112, as introduced, Dahle. Safe Drinking Water Act.

Existing law provides that the State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of specified provisions relating to drinking water.

This bill would make nonsubstantive changes to the provisions vesting the State Water Resources Control Board with specified authorities, including deleting an obsolete subdivision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. Section 116271 of the Health and Safety Code
- 2 is amended to read:
- 3 116271. (a) The State Water Resources Control Board succeeds
- 4 to and is vested with all of the authority, duties, powers, purposes,
- 5 functions, responsibilities, and jurisdiction of the State Department
- 6 of Public Health, its predecessors, and its director for purposes of
- 7 all of the following:

1 (1) The Environmental Laboratory Accreditation Act (Article
2 3 (commencing with Section 100825) of Chapter 4 of Part 1 of
3 Division 101).
4 (2) Article 3 (commencing with Section 106875) of Chapter 4
5 of Part 1.
6 (3) Article 1 (commencing with Section 115825) of Chapter 5
7 of Part 10.
8 (4) This chapter and the Safe Drinking Water State Revolving
9 Fund Law of 1997 (Chapter 4.5 (commencing with Section
10 116760)).
11 (5) Article 2 (commencing with Section 116800), Article 3
12 (commencing with Section 116825), and Article 4 (commencing
13 with Section 116875) of Chapter 5.
14 (6) Chapter 7 (commencing with Section 116975).
15 (7) The Safe Drinking Water, Water Quality and Supply, Flood
16 Control, River and Coastal Protection Bond Act of 2006 (Division
17 43 (commencing with Section 75001) of the Public Resources
18 Code).
19 (8) The Water Recycling Law (Chapter 7 (commencing with
20 Section 13500) of Division 7 of the Water Code).
21 (9) Chapter 7.3 (commencing with Section 13560) of Division
22 7 of the Water Code.
23 (10) The California Safe Drinking Water Bond Law of 1976
24 (Chapter 10.5 (commencing with Section 13850) of Division 7 of
25 the Water Code).
26 (11) Wholesale Regional Water System Security and Reliability
27 Act (Division 20.5 (commencing with Section 73500) of the Water
28 Code).
29 (12) Water Security, Clean Drinking Water, Coastal and Beach
30 Protection Act of 2002 (Division 26.5 (commencing with Section
31 79500) of the Water Code).
32 (b) The State Water Resources Control Board shall maintain a
33 drinking water program and carry out the duties, responsibilities,
34 and functions described in this section. Statutory reference to
35 “department,” “state department,” or “director” regarding a function
36 transferred to the State Water Resources Control Board shall refer
37 to the State Water Resources Control Board. This section does not
38 impair the authority of a local health officer to enforce this chapter
39 or a county’s election not to enforce this chapter, as provided in
40 Section 116500.

1 (c) The State Water Resources Control Board shall succeed to
2 the status of grantee or applicant, as appropriate, for any federal
3 Drinking Water State Revolving Fund capitalization ~~grants~~ *grant*
4 that the State Department of Public Health and any of its
5 predecessors applied for.

6 (d) Regulations adopted, orders issued, and all other
7 administrative actions taken by the State Department of Public
8 Health, any of its predecessors, or its director, pursuant to the
9 authorities now vested in the State Water Resources Control Board
10 and in effect immediately preceding ~~the operative date of this~~
11 ~~section~~ *July 1, 2014*, shall remain in effect and are fully enforceable
12 unless and until readopted, amended, or repealed, or until they
13 expire by their own terms. Regulations in the process of adoption
14 pursuant to the authorities vested in the State Water Resources
15 Control Board shall continue under the authority of the State Water
16 Resources Control Board unless and until the State Water
17 Resources Control Board determines otherwise. Any other
18 administrative action adopted, prescribed, taken, or performed by,
19 or on behalf of, the State Department of Public Health, or its
20 director, in the administration of a program or the performance of
21 a duty, responsibility, or authorization transferred to the State
22 Water Resources Control Board shall remain in effect and shall
23 be deemed to be an action of the State Water Resources Control
24 Board unless and until the State Water Resources Control Board
25 determines otherwise.

26 (e) Permits, licenses, accreditations, certificates, and other
27 formal approvals and authorizations issued by the State Department
28 of Public Health, any of its predecessors, or its director pursuant
29 to authorities vested in the State Water Resources Control Board
30 pursuant to this section are not affected by the transfer and remain
31 in effect, subject to all applicable laws and regulations, unless and
32 until renewed, reissued, revised, amended, suspended, or revoked
33 by the State Water Resources Control Board or its deputy director,
34 as authorized pursuant to subdivision (k).

35 (f) Any action or proceeding by or against the State Department
36 of Public Health, including any officer or employee of the State
37 Department of Public Health named in an official capacity, or any
38 of its predecessors, pertaining to matters vested in the State Water
39 Resources Control Board by this section shall not abate, but shall
40 continue in the name of the State Water Resources Control Board.

1 The State Water Resources Control Board shall be substituted for
2 the State Department of Public Health, including any officer or
3 employee of the State Department of Public Health named in an
4 official capacity, and any of its predecessors, by the court or agency
5 where the action or proceeding is pending. The substitution shall
6 not in any way affect the rights of the parties to the action or
7 proceeding.

8 (g) On and after ~~the operative date of this section~~ *July 1, 2014*,
9 the unexpended balance of all funds available for use by the State
10 Department of Public Health or any of its predecessors in carrying
11 out any functions transferred to the State Water Resources Control
12 Board are available for use by the State Water Resources Control
13 Board.

14 (h) Books, documents, data, records, and property of the State
15 Department of Public Health pertaining to functions transferred
16 to the State Water Resources Control Board shall be transferred
17 to the State Water Resources Control Board. This subdivision does
18 not transfer any part of property commonly known as the Richmond
19 Campus that is owned by the State Public Works Board.

20 (i) A contract, lease, license, or any other agreement, including
21 local primacy agreements, as described in Section 116330, to which
22 the State Department of Public Health, any of its predecessors, its
23 director, or their agents, is a party, are not void or voidable by
24 reason of this section, but shall continue in full force and effect,
25 with the State Water Resources Control Board assuming all of the
26 rights, obligations, liabilities, and duties of the State Department
27 of Public Health and any of its predecessors as it relates to the
28 duties, powers, purposes, responsibilities, and jurisdiction vested
29 in the State Water Resources Control Board pursuant to this
30 section. This assumption does not affect the rights of the parties
31 to the contract, lease, license, or agreement.

32 (j) If the Department of Water Resources entered into
33 agreements on behalf of the State Department of Public Health or
34 its predecessor, the State Department of Health Services, pursuant
35 to Chapter 4.5 (commencing with Section 116760), the State Water
36 Resources Control Board shall also succeed the Department of
37 Water Resources as a party to those agreements and to all related
38 security instruments, including, but not limited to, fiscal services
39 agreements, deeds of trust, guarantees, letters of credit, and deposit
40 control agreements.

1 (k) (1) The State Water Resources Control Board shall appoint
2 a deputy director who reports to the executive director to oversee
3 the issuance and enforcement of public water system permits and
4 other duties as appropriate. The deputy director shall have public
5 health expertise.

6 (2) The deputy director is delegated the State Water Resources
7 Control Board's authority to provide notice, approve notice content,
8 approve emergency notification plans, and take other action
9 pursuant to Article 5 (commencing with Section 116450), to issue,
10 renew, reissue, revise, amend, or deny any public water system
11 permits pursuant to Article 7 (commencing with Section 116525),
12 to suspend or revoke any public water system permit pursuant to
13 Article 8 (commencing with Section 116625), and to issue citations,
14 assess penalties, or issue orders pursuant to Article 9 (commencing
15 with Section 116650). Decisions and actions of the deputy director
16 taken pursuant to Article 5 (commencing with Section 116450) or
17 Article 7 (commencing with Section 116525) are deemed decisions
18 and actions taken, but are not subject to reconsideration, by the
19 State Water Resources Control Board. Decisions and actions of
20 the deputy director taken pursuant to Article 8 (commencing with
21 Section 116625) and Article 9 (commencing with Section 116650)
22 are deemed decisions and actions taken by the State Water
23 Resources Control Board, but any aggrieved person may petition
24 the State Water Resources Control Board for reconsideration of
25 the decision or action. This subdivision is not a limitation on the
26 State Water Resources Control Board's authority to delegate any
27 other powers and duties.

28 (3) The State Water Resources Control Board shall not delegate
29 any authority, duty, power, purpose, function, or responsibility
30 specified in this section, including, but not limited to, issuance and
31 enforcement of public water system permits, to the regional water
32 quality control boards.

33 ~~(l) This section shall become operative on July 1, 2014.~~