

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 930**

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**Introduced by Senator Gaines**

February 1, 2016

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An act to amend Section 115843.6 of the Health and Safety Code, relating to reservoirs.

LEGISLATIVE COUNSEL'S DIGEST

SB 930, as amended, Gaines. Bear Lake Reservoir: recreational use.

Existing law prohibits recreational use involving bodily contact with the water in Bear Lake Reservoir unless certain conditions are satisfied, including that the water subsequently receive complete water treatment. Existing law requires the Lake Alpine Water Company, on or before January 1, 2016, to file with the Legislature a report on the recreational uses at Bear Lake Reservoir and the water treatment program for that reservoir. Existing law provides that, upon a finding of noncompliance, the Lake Alpine Water Company could be subject to suspension, amendment, or revocation of any permit issued pursuant to specified provisions, and that failure to comply with these provisions would be deemed a violation subject to specified fines, penalties, or other enforcement actions. Existing law ~~deletes~~ *repeals* these provisions on January 1, 2017.

This bill would require the Lake Alpine Water Company to file the report on or before ~~January 1, 2018~~, *December 31, 2017, and biennially thereafter*, and would ~~delete~~ *repeal* these provisions on January 1, ~~2019~~-2022. By expanding the scope of a crime, the bill would create a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Bear Lake Reservoir.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 115843.6 of the Health and Safety Code  
 2 is amended to read:

3 115843.6. (a) In the Bear Lake Reservoir, recreational uses  
 4 shall not include recreation in which any participant has bodily  
 5 contact with the water, unless all of the following conditions are  
 6 satisfied:

7 (1) The water subsequently receives complete water treatment,  
 8 in compliance with all applicable board regulations, including  
 9 oxidation, filtration, and disinfection, before being used for  
 10 domestic purposes. The disinfection shall include, but is not limited  
 11 to, the use of an advanced technology capable of inactivating  
 12 organisms, including, but not limited to, viruses, cryptosporidium,  
 13 and giardia, to levels that comply with board regulations. The  
 14 treatment shall include, but need not be limited to, filtration with  
 15 a micro or ultrafiltration system rated to 0.1 micron or less. The  
 16 treatment shall, at a minimum, comply with all state laws and board  
 17 regulations and all federal laws and regulations, including, but not  
 18 limited to, the federal Environmental Protection Agency  
 19 ~~Long-Term 2 Enhanced Surface Water Treatment regulations.~~  
 20 *Long Term 2 Enhanced Surface Water Treatment Rule*. Nothing  
 21 in this division shall limit the state or the board in imposing more  
 22 stringent treatment standards than those required by federal law.

23 (2) The Lake Alpine Water Company conducts a monitoring  
 24 program for cryptosporidium, giardia, and total coliform bacteria,  
 25 including E. coli and fecal coliform, at the reservoir intake and at  
 26 posttreatment at a frequency determined by the board, but no less  
 27 than three times during the period when bodily contact is allowed  
 28 pursuant to paragraph (4).

29 (3) The reservoir is operated in compliance with regulations of  
 30 the board.

1 (4) Bodily contact is allowed for no more than four months each  
2 year.

3 (b) The recreational use of Bear Lake Reservoir shall be subject  
4 to additional conditions and restrictions adopted by the entity  
5 operating the water supply reservoir, or required by the board, that  
6 are required to further protect or enhance the public health and  
7 safety and do not conflict with regulations of the board.

8 (c) The Lake Alpine Water Company shall file, on or before  
9 ~~January 1, 2018~~, *December 31, 2017, and biennially thereafter*,  
10 with the Legislature in accordance with Section 9795 of the  
11 Government Code and the board, a report on the recreational uses  
12 at Bear Lake Reservoir and the water treatment program for that  
13 reservoir. That report shall include, but is not limited to, all of the  
14 following information:

15 (1) The estimated levels and types of recreational uses at the  
16 reservoir on a monthly basis.

17 (2) A summary of monitoring in the Bear Lake Reservoir  
18 watershed for cryptosporidium, giardia, and total coliform bacteria,  
19 including E. coli and fecal coliform.

20 (3) The most current sanitary survey of the watershed and water  
21 quality monitoring.

22 (4) As deemed necessary by the board, an evaluation of  
23 recommendations relating to inactivation and removal of  
24 cryptosporidium and giardia.

25 (5) Annual reports provided to the board as required by the  
26 water permit issued by the board.

27 (6) An evaluation of the impact on source water quality due to  
28 recreational activities on Bear Lake Reservoir, including any  
29 microbiological monitoring.

30 (7) A summary of activities for operation of recreational uses  
31 and facilities in a manner that optimizes the water quality.

32 (8) The reservoir management plan and the operations plan.

33 (9) The annual water reports submitted to the consumers each  
34 year.

35 (d) If there is a change in operation of the treatment facility or  
36 a change in the quantity of water to be treated at the treatment  
37 facility, the board may require the entity operating the water supply  
38 reservoir to file a report that includes, but is not limited to, the  
39 information required in subdivision (c), and the entity shall

1 demonstrate to the satisfaction of the board that water quality will  
2 not be adversely affected.

3 (e) (1) The board shall, at the end of each recreational season,  
4 annually review monitoring and reporting data from the Bear Lake  
5 Reservoir to ensure full compliance with this section.

6 (2) If at any time the board finds a failure to comply with this  
7 section, the exemption granted pursuant to this section shall cease  
8 immediately, and a permit issued to the Lake Alpine Water  
9 Company pursuant to Chapter 4 (commencing with Section  
10 116270) of Part 12 may be subject to suspension, amendment, or  
11 revocation pursuant to that chapter. A failure to comply with this  
12 section shall be deemed a violation of Chapter 4 (commencing  
13 with Section 116270) of Part 12 and shall be subject to any  
14 applicable fines, penalties, or other enforcement action provided  
15 under that chapter.

16 (f) As used in this section, “board” means the State Water  
17 Resources Control Board.

18 (g) This section shall remain in effect only until January 1, ~~2019~~,  
19 2022, and as of that date is repealed, unless a later enacted statute,  
20 that is enacted before January 1, ~~2019~~, 2022, deletes or extends  
21 that date.

22 SEC. 2. The Legislature finds and declares that a special law  
23 is necessary and that a general law cannot be made applicable  
24 within the meaning of Section 16 of Article IV of the California  
25 Constitution because of the unique circumstances in the Bear Lake  
26 Reservoir. The facts constituting the special circumstances are:

27 Recreational activities occur at Bear Lake Reservoir pursuant  
28 to Section 115843.6 of the Health and Safety Code, provided  
29 certain conditions are met. The Lake Alpine Water Company will  
30 continue effective water treatment through microfiltration and  
31 disinfection in order for bodily contact to continue, and the  
32 company will provide information to the Legislature regarding  
33 certain issues to ensure that any recreational uses at the reservoir  
34 do not affect the provision of domestic water to district customers.

35 SEC. 3. No reimbursement is required by this act pursuant to  
36 Section 6 of Article XIII B of the California Constitution because  
37 the only costs that may be incurred by a local agency or school  
38 district will be incurred because this act creates a new crime or  
39 infraction, eliminates a crime or infraction, or changes the penalty  
40 for a crime or infraction, within the meaning of Section 17556 of

1 the Government Code, or changes the definition of a crime within  
2 the meaning of Section 6 of Article XIII B of the California  
3 Constitution.

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