

AMENDED IN ASSEMBLY AUGUST 18, 2016

AMENDED IN ASSEMBLY JUNE 30, 2016

AMENDED IN ASSEMBLY JUNE 20, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1398

Introduced by Senator Leyva

February 19, 2016

An act to add Section 116885 to the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1398, as amended, Leyva. Public water systems: lead *user* service lines.

Existing law requires public water systems to take specified actions to test for and remediate certain contaminants in drinking water, including lead and copper. Existing law prohibits the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption, except as specified.

This bill would require a public water system to compile an inventory of known lead *user* service lines in use in its distribution system and identify areas that may have lead *user* service lines in use in its distribution system by July 1, 2018. This bill would require a public water system, after completing the inventory, to provide a timeline for replacement of known lead *user* service lines in the distribution system to the State Water Resources Control Board. This bill would require,

by July 1, 2020, a public water system with areas that may have lead *user* service lines in use in its distribution system to either determine the existence or absence of lead *user* service lines in these areas and provide that information to the board or provide a timeline for replacement of the pipes, tubings, and fittings *user service lines* whose content cannot be ~~determined that connect a water main to an individual water meter or service connection.~~ *determined*. This bill would require the board to approve a replacement timeline, as specified.

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

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

- 1 SECTION 1. (a) *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (1) *Lead in public water systems represents a threat to public*
- 4 *health, and any related risks should be assessed and mitigated by*
- 5 *public water systems.*
- 6 (2) *Public water systems in California may not have complete*
- 7 *knowledge and data concerning the existence of lead in their water*
- 8 *distribution systems due to the age of the system, inadequate*
- 9 *recordkeeping, or the addition of service areas for which*
- 10 *recordkeeping was not properly maintained.*
- 11 (3) *Public water systems in the state are required to comply*
- 12 *with a drinking water permit issued by the State Water Resources*
- 13 *Control Board, the United States Environmental Protection*
- 14 *Agency’s lead and copper rule, and other state and federal*
- 15 *requirements intended to protect public health. Public water*
- 16 *systems are required to regularly test their water supplies both at*
- 17 *the source and within their distribution systems to ensure that*
- 18 *water users are not exposed to lead.*
- 19 (b) *All of the following is the intent of the Legislature:*
- 20 (1) *To ensure that lead water pipes are identified and replaced*
- 21 *as promptly as practicable.*
- 22 (2) *That public water systems evaluate water service lines of*
- 23 *unidentified composition and take appropriate actions to ascertain*
- 24 *whether they contain lead.*
- 25 (3) *That public water systems manage the replacement of service*
- 26 *lines on a schedule that is commensurate with the risks and costs*
- 27 *involved.*

1 SECTION 1.

2 SEC. 2. Section 116885 is added to the Health and Safety Code,
3 to read:

4 116885. (a) By July 1, 2018, a public water system shall
5 compile an inventory of known lead *user* service lines in use in
6 its distribution system and identify areas that may have lead *user*
7 service lines in use in its distribution system.

8 (b) (1) After completing the inventory required pursuant to
9 subdivision (a), a public water system shall provide a timeline for
10 replacement of known lead *user* service lines in use in its
11 distribution system to the board.

12 (2) By July 1, 2020, a public water system with areas that may
13 have lead *user* service lines in use in its distribution system shall
14 do either of the following:

15 (A) Determine the existence or absence of lead *user* service
16 lines in use in its distribution system and provide that information
17 to the board.

18 (B) Provide a timeline to the board for replacement of ~~pipes,~~
19 ~~tubings, and fittings~~ *user service lines* whose content cannot be
20 ~~determined that connect a water main to an individual water meter~~
21 ~~or service connection.~~ *determined.*

22 (c) The board shall approve a timeline established pursuant to
23 subdivision (b) as follows:

24 (1) The board shall review a public water system's proposed
25 timeline for lead *user* service line replacement ~~and within, and,~~
26 *within 30 days* of submission of the timeline to the board, do either
27 of the following:

28 (A) Approve the proposed timeline.

29 (B) Deny the proposed timeline and propose a revised timeline
30 to the public water system. The board shall explain to the public
31 water system, in writing, why the public water system's timeline
32 was not approved, the factors that the board used to propose a
33 revised timeline, and why the board used those factors.

34 (2) If the board fails to act within 30 days of the submission of
35 the timeline, the timeline shall be deemed approved.

36 (3) If the public water system rejects the board's proposed
37 revised timeline, the public water system and the board shall
38 develop a compromise timeline within 30 days.

39 (4) An approved timeline or a compromise timeline shall be a
40 public record and available on the board's Internet Web site.

1 (5) *In cases where a portion of a public water system’s*
2 *distribution system is located within a Superfund site, as designated*
3 *under the Comprehensive Environmental Response, Compensation,*
4 *and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et*
5 *seq.), under an active cleanup order, the board shall not propose*
6 *a timeline for lead user service line replacement that does not*
7 *conform to any applicable federal regulatory requirements or*
8 *timelines.*

9 (d) For the purposes of this section:

10 (1) “Board” means the State Water Resources Control Board.

11 ~~(2) “Lead service line” has the same meaning as in Section~~
12 ~~64671.35 of Title 22 of the California Code of Regulations.~~

13 ~~(3)~~

14 (2) “Public water system” has the same meaning as in Section
15 116275.

16 (3) “User service line” has the same meaning as in Section
17 64551.60 of Title 22 of the California Code of Regulations.