

Senate Bill No. 1398

CHAPTER 731

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

[Approved by Governor September 27, 2016. Filed with
Secretary of State September 27, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1398, 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 user service lines whose content cannot be determined. This bill would require the board to approve a replacement timeline, as specified.

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Lead in public water systems represents a threat to public health, and any related risks should be assessed and mitigated by public water systems.

(2) Public water systems in California may not have complete knowledge and data concerning the existence of lead in their water distribution systems due to the age of the system, inadequate recordkeeping, or the addition of service areas for which recordkeeping was not properly maintained.

(3) Public water systems in the state are required to comply with a drinking water permit issued by the State Water Resources Control Board, the United States Environmental Protection Agency's lead and copper rule,

and other state and federal requirements intended to protect public health. Public water systems are required to regularly test their water supplies both at the source and within their distribution systems to ensure that water users are not exposed to lead.

(b) All of the following is the intent of the Legislature:

(1) To ensure that lead water pipes are identified and replaced as promptly as practicable.

(2) That public water systems evaluate water service lines of unidentified composition and take appropriate actions to ascertain whether they contain lead.

(3) That public water systems manage the replacement of service lines on a schedule that is commensurate with the risks and costs involved.

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

116885. (a) By July 1, 2018, a public water system shall 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.

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

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

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

(B) Provide a timeline to the board for replacement of user service lines whose content cannot be determined.

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

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

(A) Approve the proposed timeline.

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

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

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

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

(5) In cases where a portion of a public water system's distribution system is located within a Superfund site, as designated under the Comprehensive

Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.), under an active cleanup order, the board shall not propose a timeline for lead user service line replacement that does not conform to any applicable federal regulatory requirements or timelines.

(d) For the purposes of this section:

- (1) “Board” means the State Water Resources Control Board.
- (2) “Public water system” has the same meaning as in Section 116275.
- (3) “User service line” has the same meaning as in Section 64551.60 of Title 22 of the California Code of Regulations.