

AMENDED IN SENATE JULY 1, 1996  
AMENDED IN ASSEMBLY MAY 24, 1996  
AMENDED IN ASSEMBLY APRIL 8, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2727**

**Introduced by Assembly Member House**

February 22, 1996

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~~An act to amend and renumber Section 4019.10 of the Health and Safety Code, relating to public water systems. An act to amend and renumber Section 4010.1 of, and to add Sections 113732, 113843, and 116283 to, the Health and Safety Code, relating to drinking water.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2727, as amended, House. ~~Public~~ *Drinking water systems.*

*Existing law, the California Uniform Retail Food Facilities Law establishes sanitation standards for retail food facilities and requires local agencies to enforce its provisions. Existing law, the California Safe Drinking Water Act, establishes certain prescribed drinking water standards, as defined.*

*This bill would amend the California Uniform Retail Food Facilities Law to define "potable water" for purposes of that law, and would amend the California Safe Drinking Water Law to provide that it applies to a food facility only if the human consumption at the food facility includes the drinking of water. This bill would also amend the California Safe*

*Drinking Water Act to revise certain definitions in the act and to define a “nontransient noncommunity water system” and a “transient noncommunity water system”.*

*The California Uniform Retail Food Facilities Law generally requires that certain activities, including, but not limited to, thawing potentially hazardous frozen food with running water, using water in vending machines, and using water to wash and clean food intended for sampling at a certified farmers’ market be performed using potable water.*

*This bill would authorize the department and all local health agencies to monitor and enforce the potable drinking water standards provided in the California Safe Drinking Water Act for purposes of enforcing the California Uniform Retail Food Facilities Law.*

~~Existing law, the Safe Drinking Water Act of 1989, requires the State Department of Health Services to administer provisions relating to the regulation of drinking water and public water systems, as defined, so as to protect public health, including, but not limited to, the conduct of research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water.~~

~~Existing law requires the department to enforce the federal Safe Drinking Water Act, to adopt enforcement regulations, and to conduct studies and investigations to assess the quality of water in domestic water supplies.~~

~~Existing law defines “public water system” for this purpose to mean a system for the provision of piped water to the public for human consumption that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.~~

~~Existing law defines “noncommunity water system” as a public water system that either (1) serves drinking water to at least 25 nonresident individuals daily at least 60 days of the year, but not more than 24 yearlong residents, or (2) serves 15 or more service connections and any number of nonresident individuals at least 60 days of the year, but no yearlong residents. Existing law establishes related fees.~~

~~This bill would reduce from \$350 to \$100 the maximum annual inspections, monitoring, surveillance, and water quality evaluation fee for certain noncommunity water~~



~~systems that service a transient population and are fully contained within a county with a population of less than 200,000.~~

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

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

1 ~~SECTION 1. Section 4019.10 of the Health and Safety~~

2 *SECTION 1. Section 113732 is added to the Health*  
3 *and Safety Code, to read:*

4 *113732. The enforcement agency may monitor and*  
5 *enforce the potable drinking water standards in the*  
6 *California Safe Drinking Water Act (Chapter 4*  
7 *(commencing with Section 116275)) for purposes of*  
8 *enforcing this chapter and compliance with any*  
9 *requirements with regard to potable water, as defined in*  
10 *Section 113843.*

11 *SEC. 2. Section 113843 is added to the Health and*  
12 *Safety Code, to read:*

13 *113843. "Potable water" means, for the purposes of*  
14 *this chapter, water that complies with the requirements*  
15 *for water from transient noncommunity water systems*  
16 *under the California Safe Drinking Water Act.*

17 *SEC. 3. Section 4010.1 of the Health and Safety Code*  
18 *is amended to read:*

19 ~~{116275} 4010.1.—~~

20 *116275. As used in this chapter:*

21 (a) "Contaminant" means any physical, chemical,  
22 biological, or radiological substance or matter in water.

23 (b) "Department" means the State Department of  
24 Health Services.

25 (c) "Primary drinking water standards" means:

26 (1) Maximum levels of contaminants that, in the  
27 judgment of the department, may have an adverse effect  
28 on the health of persons.

29 (2) Specific treatment techniques adopted by the  
30 department in lieu of maximum contaminant levels  
31 pursuant to subdivision (c) of Section 4023.1.



1 (3) The monitoring and reporting requirements as  
2 specified in regulations adopted by the department that  
3 pertain to maximum contaminant levels.

4 (d) “Secondary drinking water standards” means  
5 standards that specify maximum contaminant levels that,  
6 in the judgment of the department, are necessary to  
7 protect the public welfare. Secondary drinking water  
8 standards may apply to any contaminant in drinking  
9 water that may adversely affect the odor or appearance  
10 of the water and may cause a substantial number of  
11 persons served by the public water system to discontinue  
12 its use, or that may otherwise adversely affect the public  
13 welfare. Regulations establishing secondary drinking  
14 water standards may vary according to geographic and  
15 other circumstances and may apply to any contaminant  
16 in drinking water that adversely affects the taste, odor, or  
17 appearance of the water when the standards are  
18 necessary to assure a supply of pure, wholesome, and  
19 potable water.

20 (e) “Human consumption” means the use of water for  
21 drinking, bathing or showering, hand washing, ~~food~~  
22 ~~preparation, cooking,~~ or oral hygiene.

23 (f) “Maximum contaminant level” means the  
24 maximum permissible level of a contaminant in water.

25 (g) “Person” means an individual, corporation,  
26 company, association, partnership, limited liability  
27 company, municipality, public utility, or other public  
28 body or institution.

29 (h) “Public water system” means a system for the  
30 provision of piped water to the public for human  
31 consumption that has 15 or more service connections or  
32 regularly serves at least 25 individuals daily at least 60 days  
33 out of the year. A public water system includes the  
34 following:

35 (1) Any collection, treatment, storage, and  
36 distribution facilities under control of the operator of the  
37 system which are used primarily in connection with the  
38 system.



1 (2) Any collection or pretreatment storage facilities  
2 not under the control of the operator that are used  
3 primarily in connection with the system.

4 (3) Any water system that treats water on behalf of  
5 one or more public water systems for the purpose of  
6 rendering it safe for human consumption.

7 (i) “Community water system” means a public water  
8 system that serves at least 15 service connections used by  
9 yearlong residents or regularly serves at least 25 yearlong  
10 residents.

11 (j) “Noncommunity water system” means a public  
12 water system that ~~meets one of the following criteria:~~

13 ~~(1) Serves drinking water to at least 25 nonresident~~  
14 ~~individuals daily at least 60 days of the year, but not more~~  
15 ~~than 24 yearlong residents.~~

16 ~~(2) Serves 15 or more service connections and any~~  
17 ~~number of nonresident individuals at least 60 days of the~~  
18 ~~year, but no yearlong residents is not a community water~~  
19 ~~system.~~

20 (k) “Nontransient noncommunity water system”  
21 means a public water system that is not a community  
22 water system and that regularly serves at least 25 of the  
23 same persons over 6 months per year.

24 (l) “Local health officer” means a local health officer  
25 appointed pursuant to Section 451 or a local  
26 comprehensive health agency designated by the board of  
27 supervisors pursuant to Section 1155.5 to carry out the  
28 drinking water program.

29 ~~(t)~~

30 (m) “Significant rise in the bacterial count of water”  
31 means a rise in the bacterial count of water that the  
32 department determines, by regulation, represents an  
33 immediate danger to the health of water users.

34 ~~(m)~~

35 (n) “State small water system” means a system for the  
36 provision of piped water to the public for human  
37 consumption that serves at least five, but not more than  
38 14, service connections and does not regularly serve  
39 drinking water to more than an average of 25 individuals  
40 daily for more than 60 days out of the year.



1 ~~(n)~~  
 2 (o) “Transient noncommunity water system” means a  
 3 noncommunity water system that does not regularly  
 4 serve the same 25 persons over 6 months per year.

5 (p) “User” means any person using water for domestic  
 6 purposes. User does not include any person processing,  
 7 selling, or serving water or operating a public water  
 8 system.

9 ~~(o)~~  
 10 (q) “Waterworks standards” means regulations  
 11 adopted by the department that take cognizance of the  
 12 latest available “Standards of Minimum Requirements for  
 13 Safe Practice in the Production and Delivery of Water for  
 14 Domestic Use” adopted by the California section of the  
 15 American Water Works Association.

16 ~~(p)~~  
 17 (r) “Local primacy agency” means any local health  
 18 officer that has applied for and received primacy  
 19 delegation from the department pursuant to Section  
 20 4010.7.

21 ~~(q)~~  
 22 (s) “Service connection” means the point of  
 23 connection between the customer’s piping or ditch, and  
 24 the ~~public—community~~ water system’s meter, service  
 25 pipe, or ditch.

26 ~~(r)~~  
 27 (t) “Resident” means a person who physically  
 28 occupies, whether by ownership, rental, lease or other  
 29 means, the same dwelling for at least 60 days of the year.

30 *SEC. 4. Section 116283 is added to the Health and*  
 31 *Safety Code, to read:*

32 *116283. This chapter shall apply to a food facility that*  
 33 *is regulated pursuant to the California Uniform Retail*  
 34 *Food Facilities Law only if the human consumption*  
 35 *includes drinking of water.*

36 ~~Code is amended and renumbered to read:~~

37 ~~116565. (a) Commencing January 1, 1993, until June~~  
 38 ~~30, 1993, each public water system serving 200 or more~~  
 39 ~~service connections and any public water system that~~  
 40 ~~treats water on behalf of one or more public water~~



1 ~~systems for the purpose of rendering it safe for human~~  
2 ~~consumption, shall reimburse the department pursuant~~  
3 ~~to this section for actual costs incurred by the department~~  
4 ~~for conducting those activities mandated by this chapter~~  
5 ~~relating to the issuance of domestic water supply permits,~~  
6 ~~inspections, monitoring, surveillance, and water quality~~  
7 ~~evaluation that relate to that specific public water system.~~  
8 ~~The amount of reimbursement shall be sufficient to pay,~~  
9 ~~but in no event shall exceed, the department's actual cost~~  
10 ~~in conducting these activities.~~

11 ~~(b) Commencing July 1, 1993, each public water~~  
12 ~~system serving 1,000 or more service connections and any~~  
13 ~~public water system that treats water on behalf of one or~~  
14 ~~more public water systems for the purpose of rendering~~  
15 ~~it safe for human consumption, shall reimburse the~~  
16 ~~department for actual cost incurred by the department~~  
17 ~~for conducting those activities mandated by this chapter~~  
18 ~~relating to the issuance of domestic water supply permits,~~  
19 ~~inspections, monitoring, surveillance, and water quality~~  
20 ~~evaluation that relate to that specific public water system.~~  
21 ~~The amount of reimbursement shall be sufficient to pay,~~  
22 ~~but in no event shall exceed, the department's actual cost~~  
23 ~~in conducting these activities.~~

24 ~~(c) Commencing July 1, 1993, each public water~~  
25 ~~system serving less than 1,000 service connections shall~~  
26 ~~pay an annual drinking water operating fee to the~~  
27 ~~department as set forth in this subdivision for costs~~  
28 ~~incurred by the department for conducting those~~  
29 ~~activities mandated by this chapter relating to~~  
30 ~~inspections, monitoring, surveillance, and water quality~~  
31 ~~evaluation relating to public water systems. The total~~  
32 ~~amount of fees shall be sufficient to pay, but in no event~~  
33 ~~shall exceed, the department's actual cost in conducting~~  
34 ~~these activities. Notwithstanding adjustment of actual~~  
35 ~~fees collected pursuant to Section 100425 as authorized~~  
36 ~~pursuant to subdivision (d) of Section 116590, the~~  
37 ~~maximum amount that shall be paid annually by a public~~  
38 ~~water system pursuant to this section shall not exceed the~~  
39 ~~following:~~

40



1	Type of public	
2	water system	Fee
3	<del>15- 24</del> service connections .....	\$250
4	<del>25- 99</del> service connections .....	\$400
5	<del>100- 499</del> service connections .....	\$500
6	<del>500- 999</del> service connections .....	\$700
7	Noncommunity water systems pursuant to	
8	paragraph (1) of subdivision (j) of	
9		
10		
11	Section 116275 .....	\$350
12	Noncommunity water systems pursuant to	
13	paragraph (1) of subdivision (j) of	
14	Section 116275 that have all of their facilities	
15	and service connections fully contained	
16	within a county of the twentieth class or a	
17	county containing a population less than a	
18	county of the twentieth class .....	\$100
19	Noncommunity water systems exempted pursuant	
20	to Section 116282 .....	\$100
21		

22 (d) For purposes of determining the fees provided for  
 23 in subdivisions (a) and (b), the department shall  
 24 maintain a record of its actual costs for pursuing the  
 25 activities specified in subdivisions (a) and (b) relative to  
 26 each system required to pay the fees. The fee charged  
 27 each system shall reflect the department's actual cost, or  
 28 in the case of a local primacy agency the local primacy  
 29 agency's actual cost, of conducting the specified  
 30 activities.

31 (e) The department shall submit an invoice for cost  
 32 reimbursement for the activities specified in subdivisions  
 33 (a) and (b) to the public water system prior to  
 34 September 1 of the fiscal year following the fiscal year in  
 35 which the costs were incurred. The invoice shall indicate  
 36 the total hours expended, the reasons for the expenditure,  
 37 and the hourly cost rate of the department. Payment of  
 38 the invoice shall be made within 120 days of the date of  
 39 the invoice. Failure to pay the amount of the invoice



1 ~~within 120 days shall result in a 10 percent late penalty~~  
2 ~~that shall be paid in addition to the fee.~~

3 ~~(f) Any public water system under the jurisdiction of~~  
4 ~~a local primacy agency shall pay the fees specified in this~~  
5 ~~section to the local primacy agency in lieu of the~~  
6 ~~department. This section shall not preclude a local health~~  
7 ~~officer from imposing additional fees pursuant to Section~~  
8 ~~101325.~~

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