

Assembly Bill No. 2727

CHAPTER 875

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.

[Approved by Governor September 24, 1996. Filed with Secretary of State September 25, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2727, House. Drinking water.

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.

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

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

113732. The enforcement agency may monitor and enforce the potable drinking water standards in the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116275)) for purposes of enforcing this chapter and compliance with any



requirements with regard to potable water, as defined in Section 113843.

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

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

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

116275. As used in this chapter:

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

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

(c) "Primary drinking water standards" means:

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

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

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

(d) "Secondary drinking water standards" means standards that specify maximum contaminant levels that, in the judgment of the department, are necessary to protect the public welfare. Secondary drinking water standards may apply to any contaminant in drinking water that may adversely affect the odor or appearance of the water and may cause a substantial number of persons served by the public water system to discontinue its use, or that may otherwise adversely affect the public welfare. Regulations establishing secondary drinking water standards may vary according to geographic and other circumstances and may apply to any contaminant in drinking water that adversely affects the taste, odor, or appearance of the water when the standards are necessary to assure a supply of pure, wholesome, and potable water.

(e) "Human consumption" means the use of water for drinking, bathing or showering, hand washing, or oral hygiene.

(f) "Maximum contaminant level" means the maximum permissible level of a contaminant in water.

(g) "Person" means an individual, corporation, company, association, partnership, limited liability company, municipality, public utility, or other public body or institution.

(h) "Public water system" means 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. A public water system includes the following:

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

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

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

(i) "Community water system" means a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents.

(j) "Noncommunity water system" means a public water system that is not a community water system.

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

(l) "Local health officer" means a local health officer appointed pursuant to Section 451 or a local comprehensive health agency designated by the board of supervisors pursuant to Section 1155.5 to carry out the drinking water program.

(m) "Significant rise in the bacterial count of water" means a rise in the bacterial count of water that the department determines, by regulation, represents an immediate danger to the health of water users.

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

(o) "Transient noncommunity water system" means a noncommunity water system that does not regularly serve at least 25 of the same persons over six months per year.

(p) "User" means any person using water for domestic purposes. User does not include any person processing, selling, or serving water or operating a public water system.

(q) "Waterworks standards" means regulations adopted by the department that take cognizance of the latest available "Standards of Minimum Requirements for Safe Practice in the Production and Delivery of Water for Domestic Use" adopted by the California section of the American Water Works Association.

(r) "Local primacy agency" means any local health officer that has applied for and received primacy delegation from the department pursuant to Section 4010.7.



(s) "Service connection" means the point of connection between the customer's piping or ditch, and the water system's meter, service pipe, or ditch.

(t) "Resident" means a person who physically occupies, whether by ownership, rental, lease or other means, the same dwelling for at least 60 days of the year.

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

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

