

AMENDED IN SENATE AUGUST 31, 2010

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN SENATE AUGUST 18, 2010

AMENDED IN SENATE JUNE 17, 2010

AMENDED IN ASSEMBLY JUNE 1, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2669

Introduced by Assembly Member V. Manuel Pérez

February 19, 2010

An act to amend Sections 116450 and 116761.23 of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2669, as amended, V. Manuel Pérez. Public water systems.

(1) Existing law, the California Safe Drinking Water Act, requires the State Department of Public Health to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adoption of enforcement regulations, and conducting studies and investigations to assess the quality of water in domestic water supplies.

Existing law establishes the Safe Drinking Water State Revolving Fund, which is continuously appropriated to the department for the provision of grants and revolving fund loans to provide for the design

and construction of projects for public water systems that will enable suppliers to meet safe drinking water standards.

Under existing law, the funding for grants for planning, engineering studies, environmental documentation, and design of a single project is set at a maximum of \$500,000. Existing law requires total funding for planning, engineering studies, project design, and construction costs of a single project, whether in the form of a grant, a loan, or both, to be determined by an assessment of affordability using criteria established by the department.

This bill would add environmental documentation to the costs of a single project that the department is required to determine by an assessment of affordability.

(2) Existing law requires that various notices be made by a public water system and others regarding compliance with safe drinking water requirements.

This bill would require, *commencing July 1, 2011*, that ~~a written~~ public notice given by a public water system pursuant to these provisions be in English, *Spanish*, and in the language spoken by prescribed numbers of residents of the community served, and *that the notice* contain prescribed public water system ~~and department~~ contact information. *The bill would also require nonwritten notice to be provided to persons served in the appropriate language or languages in a manner approved by the department in the public water system's emergency notification plan.*

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. Section 116450 of the Health and Safety Code
2 is amended to read:
3 116450. (a) When any primary drinking water standard
4 specified in the department's regulations is not complied with,
5 when a monitoring requirement specified in the department's
6 regulations is not performed, or when a water purveyor fails to
7 comply with the conditions of any variance or exemption, the
8 person operating the public water system shall notify the
9 department and shall give notice to the users of that fact in the
10 manner prescribed by the department. When a variance or an

1 exemption is granted, the person operating the public water system
2 shall give notice to the users of that fact.

3 (b) When a person operating a public water system determines
4 that a significant rise in the bacterial count of water has occurred
5 in water he or she supplies, the person shall provide, at his or her
6 expense, a report on the rise in bacterial count of the water, together
7 with the results of an analysis of the water, within 24 hours to the
8 department and, where appropriate, to the local health officer.

9 (c) When the department receives the information described in
10 subdivision (b) and determines that it constitutes an immediate
11 danger to health, the department shall immediately notify the
12 person operating the public water system to implement the
13 emergency notification plan required by this chapter.

14 (d) In the case of a failure to comply with any primary drinking
15 water standard that represents an imminent danger to the health
16 of water users, the operator shall notify each of his or her customers
17 as provided in the approved emergency notification plan.

18 (e) In addition, the same notification requirement shall be
19 required in any instance in which the department or the local health
20 department recommends to the operator that it notify its customers
21 to avoid internal consumption of the water supply and to use bottled
22 water due to a chemical contamination problem that may pose a
23 health risk.

24 (f) The content of the notices required by this section shall be
25 approved by the department. Notice shall be repeated at intervals,
26 as required by the department, until the department concludes that
27 there is compliance with its standards or requirements. Notices
28 may be given by the department.

29 In any case where public notification is required by this section
30 because a contaminant is present in drinking water at a level in
31 excess of a primary drinking water standard, the notification shall
32 include identification of the contaminant, information on possible
33 effects of the contaminant on human health, and information on
34 specific measures that should be taken by persons or populations
35 who might be more acutely affected than the general population.

36 (g) Whenever a school or school system, the owner or operator
37 of residential rental property, or the owner or operator of a business
38 property receives a notification from a person operating a public
39 water system under any provision of this section, the school or
40 school system shall notify school employees, students and parents

1 if the students are minors, the owner or operator of a residential
 2 rental property shall notify tenants, and the owner or operator of
 3 business property shall notify employees of businesses located on
 4 the property.

5 (1) The operator shall provide the customer with a sample
 6 notification form that may be used by the customer in complying
 7 with this subdivision and that shall indicate the nature of the
 8 problem with the water supply and the most appropriate methods
 9 for notification that may include, but is not limited to, the sending
 10 of a letter to each water user and the posting of a notice at each
 11 site where drinking water is dispensed.

12 (2) The notice required by this subdivision shall be given within
 13 10 days of receipt of notification from the person operating the
 14 public water system.

15 (3) Any person failing to give notice as required by this
 16 subdivision shall be civilly liable in an amount not to exceed one
 17 thousand dollars (\$1,000) for each day of failure to give notice.

18 (4) If the operator has evidence of noncompliance with this
 19 subdivision the operator shall report this information to the local
 20 health department and the department.

21 (h) ~~Notwithstanding any other provision of law, commencing~~
 22 ~~July 1, 2011, a written public notice given by a public water system~~
 23 ~~pursuant to this article section shall comply with all of the~~
 24 ~~following:~~

25 (1) It shall be provided in English, *Spanish*, and in the language
 26 spoken by any non-English-speaking group that exceeds ~~1,000~~
 27 ~~residents, or that exceeds 10 percent of residents in the community~~
 28 ~~served, whichever is less. 10 percent of persons served by the~~
 29 ~~public water system.~~

30 (2) It shall contain a telephone number or address where
 31 residents may contact the public water system for assistance.

32 ~~(3) It shall contain a telephone number where residents may~~
 33 ~~contact the department for more information in the appropriate~~
 34 ~~language.~~

35 (3) *For each group that speaks a language other than English*
 36 *or Spanish and that exceeds 1,000 residents but is less than 10*
 37 *percent of the persons served by the public water system, the notice*
 38 *shall contain both of the following in the appropriate language:*

39 (A) *Information regarding the importance of the notice.*

1 (B) A telephone number or address where those residents may
2 contact the public water system to obtain a translated copy of the
3 notice or assistance in the appropriate language.

4 (i) Nonwritten notification shall be provided to persons served
5 in the appropriate language or languages, as approved by the
6 department in the public water system's emergency notification
7 plan.

8 SEC. 2. Section 116761.23 of the Health and Safety Code is
9 amended to read:

10 116761.23. (a) The maximum amount of a planning grant
11 permitted under this chapter for each participating public water
12 system's share of the costs of the planning, engineering studies,
13 environmental documentation, and design of a single project shall
14 be no more than five hundred thousand dollars (\$500,000).

15 (b) Unless the department approves an increase pursuant to this
16 subdivision, the maximum amount of a construction grant award
17 authorized under this chapter to each participating public water
18 system for its share of the cost of the construction of a single
19 project shall be no more than three million dollars (\$3,000,000).
20 The department may approve an increase in the maximum amount
21 for a construction grant award authorized under this chapter so
22 that the maximum amount of the construction grant award does
23 not exceed ten million dollars (\$10,000,000) only if the department
24 makes all of the following findings:

25 (1) A public water system that serves a disadvantaged
26 community has a defined project need that exceeds the maximum
27 grant amount of three million dollars (\$3,000,000).

28 (2) The defined project has been bypassed in at least one funding
29 cycle due to a lack of funds.

30 (3) The defined project is eligible for funding pursuant to the
31 program regulations.

32 (4) The defined project represents the highest public health risk
33 among unfunded projects, as determined by the department
34 according to its standard criteria.

35 (c) Total funding under this article for planning, engineering
36 studies, environmental documentation, project design, and
37 construction costs of a single project, whether in the form of a loan

- 1 or a grant, or both, shall be determined by an assessment of
- 2 affordability using criteria established by the department.

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