

Introduced by Senator Gaines

February 17, 2011

An act to add Section 115843.6 to the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 577, as amended, Gaines. Bear Lake Reservoir: recreational use.

Existing law, with certain exceptions, prohibits recreational use, in which there is bodily contact with water, in a reservoir in which water is stored for domestic use and establishes water standards for those exempted reservoirs.

This bill would, in addition, exempt from this prohibition recreational activity in which there is bodily contact with water by any participant in Bear Lake Reservoir and would establish standards to be met, including water treatment, monitoring, and reporting requirements.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Bear Lake Reservoir.

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 115843.6 is added to the Health and
- 2 Safety Code, to read:
- 3 115843.6. (a) In the Bear Lake Reservoir, recreational uses
- 4 shall not include recreation in which any participant has bodily

1 contact with the water, unless all of the following conditions are
2 satisfied:

3 (1) The water shall receive ongoing complete water treatment,
4 including coagulation, disinfection, filtration, flocculation, and
5 sedimentation, or an alternative filtration system that provides an
6 equivalent degree of pathogen removal in compliance with all
7 applicable department regulations before being used for domestic
8 purposes. The disinfection shall include, but is not limited to,
9 ozonation or ultraviolet disinfection capable of inactivating
10 organisms including virus, cryptosporidium, and giardia, to levels
11 that comply with department regulations.

12 (2) The Lake Alpine Water Company conducts a monitoring
13 program for total coliform bacteria, which includes E. coli and
14 fecal coliform, at the reservoir intake at a frequency determined
15 by the department.

16 (3) The reservoir is operated in compliance with regulations of
17 the department.

18 (b) The recreational use of that reservoir shall be subject to
19 additional conditions and restrictions adopted by the entity
20 operating the water supply reservoir, or required by the department,
21 that are required to further protect or enhance the public health
22 and safety and do not conflict with regulations of the department.
23 The department shall, prior to requiring any additional conditions
24 and restrictions, consult with the entity operating the water supply
25 reservoir regarding the proposed conditions and restrictions at least
26 60 days prior to the effective date of those conditions and
27 restrictions.

28 (c) The Lake Alpine Water Company shall file, on or before
29 January 1, 2012, with the Legislature and the department, a report
30 on the recreational uses at Bear Lake Reservoir and the water
31 treatment program for that reservoir. That report shall include, but
32 is not limited to, all of the following information:

33 (1) The estimated levels and types of recreational uses at the
34 reservoir on a monthly basis.

35 (2) The levels of methyl tertiary butyl ether taken at various
36 reservoir locations on a monthly basis, unless the use of watercraft
37 with gasoline-powered engines is prohibited.

38 (3) A summary of monitoring in the Bear Lake Reservoir
39 watershed for cryptosporidium and giardia.

1 (4) The sanitary survey of the watershed and water quality
2 monitoring plan.

3 (5) An evaluation of recommendations relating to inactivation
4 and removal of cryptosporidium and giardia.

5 (6) Annual reports provided to the department as required by
6 the water permit issued by the department.

7 (7) An evaluation of the impact on source water quality due to
8 recreational activities on Bear Lake Reservoir, including any
9 microbiological monitoring.

10 (8) A summary of any activities for operation of recreational
11 uses and facilities in a manner that optimizes the water quality.

12 (9) The reservoir management plan and the operations plan.

13 (10) The annual water reports submitted to the consumers each
14 year.

15 (d) If there is a change in operation of the treatment facility or
16 a change in the quantity of water to be treated at the treatment
17 facility, the department may require the entity operating the water
18 supply reservoir to file a report that includes, but is not limited to,
19 the information required pursuant to subdivision (c), and the entity
20 shall demonstrate to the satisfaction of the department that water
21 quality will not be adversely affected.

22 SEC. 2. The Legislature finds and declares that a special law
23 is necessary and that a general law cannot be made applicable
24 within the meaning of Section 16 of Article IV of the California
25 Constitution because of the unique circumstances in the Bear Lake
26 Reservoir. The facts constituting the special circumstances are:

27 Recreational activities have occurred at Bear Lake Reservoir
28 but ceased due to the requirements of Section 115825 of the Health
29 and Safety Code. The Lake Alpine Water District will significantly
30 increase water treatment through new water treatment projects at
31 the reservoir before bodily contact can resume, and the district
32 Company will continue effective water treatment through
33 microfiltration and ozonation in order for bodily contact to resume,
34 and the company will provide information to the Legislature
35 regarding certain issues to ensure that any recreational uses at the
36 reservoir do not affect the provision of domestic water to district
37 customers.