

**Introduced by Senator Rubio**

January 17, 2013

---

---

An act to amend Sections 116275, 116475, and 116590 of, and to add Section 116276 to, the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 117, as introduced, Rubio. Drinking water: State Water Resources Control Board.

Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems, and imposes on the State Department of Public Health various responsibilities and duties. Existing law requires the department to conduct research, studies, and demonstration projects relating to the provision of a dependable, safe supply of drinking water, to adopt regulations to implement the California Safe Drinking Water Act, and to enforce provisions of the federal Safe Drinking Water Act.

This bill would transfer the various duties and responsibilities imposed on the department by the California Safe Drinking Water Act to the State Water Resources Control Board and make conforming changes.

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 116275 of the Health and Safety Code
- 2 is amended to read:
- 3 116275. As used in this chapter:

- 1 (a) “Contaminant” means any physical, chemical, biological,  
2 or radiological substance or matter in water.
- 3 (b) “Department” means the State Department of Public Health.
- 4 (c) “Primary drinking water standards” means:
- 5 (1) Maximum levels of contaminants that, in the judgment of  
6 the ~~department~~ *state board*, may have an adverse effect on the  
7 health of persons.
- 8 (2) Specific treatment techniques adopted by the ~~department~~  
9 *state board* in lieu of maximum contaminant levels pursuant to  
10 subdivision (j) of Section 116365.
- 11 (3) The monitoring and reporting requirements as specified in  
12 regulations adopted by the ~~department~~ *state board* that pertain to  
13 maximum contaminant levels.
- 14 (d) “Secondary drinking water standards” means standards that  
15 specify maximum contaminant levels that, in the judgment of the  
16 ~~department~~ *state board*, are necessary to protect the public welfare.  
17 Secondary drinking water standards may apply to any contaminant  
18 in drinking water that may adversely affect the odor or appearance  
19 of the water and may cause a substantial number of persons served  
20 by the public water system to discontinue its use, or that may  
21 otherwise adversely affect the public welfare. Regulations  
22 establishing secondary drinking water standards may vary  
23 according to geographic and other circumstances and may apply  
24 to any contaminant in drinking water that adversely affects the  
25 taste, odor, or appearance of the water when the standards are  
26 necessary to ensure a supply of pure, wholesome, and potable  
27 water.
- 28 (e) “Human consumption” means the use of water for drinking,  
29 bathing or showering, hand washing, oral hygiene, or cooking,  
30 including, but not limited to, preparing food and washing dishes.
- 31 (f) “Maximum contaminant level” means the maximum  
32 permissible level of a contaminant in water.
- 33 (g) “Person” means an individual, corporation, company,  
34 association, partnership, limited liability company, municipality,  
35 public utility, or other public body or institution.
- 36 (h) “Public water system” means a system for the provision of  
37 water for human consumption through pipes or other constructed  
38 conveyances that has 15 or more service connections or regularly  
39 serves at least 25 individuals daily at least 60 days out of the year.  
40 A public water system includes the following:

- 1 (1) Any collection, treatment, storage, and distribution facilities  
2 under control of the operator of the system that are used primarily  
3 in connection with the system.
- 4 (2) Any collection or pretreatment storage facilities not under  
5 the control of the operator that are used primarily in connection  
6 with the system.
- 7 (3) Any water system that treats water on behalf of one or more  
8 public water systems for the purpose of rendering it safe for human  
9 consumption.
- 10 (i) “Community water system” means a public water system  
11 that serves at least 15 service connections used by yearlong  
12 residents or regularly serves at least 25 yearlong residents of the  
13 area served by the system.
- 14 (j) “Noncommunity water system” means a public water system  
15 that is not a community water system.
- 16 (k) “Nontransient noncommunity water system” means a public  
17 water system that is not a community water system and that  
18 regularly serves at least 25 of the same persons over six months  
19 per year.
- 20 (l) “Local health officer” means a local health officer appointed  
21 pursuant to Section 101000 or a local comprehensive health agency  
22 designated by the board of supervisors pursuant to Section 101275  
23 to carry out the drinking water program.
- 24 (m) “Significant rise in the bacterial count of water” means a  
25 rise in the bacterial count of water that the ~~department~~ *state board*  
26 determines, by regulation, represents an immediate danger to the  
27 health of water users.
- 28 (n) “State small water system” means a system for the provision  
29 of piped water to the public for human consumption that serves at  
30 least five, but not more than 14, service connections and does not  
31 regularly serve drinking water to more than an average of 25  
32 individuals daily for more than 60 days out of the year.
- 33 (o) “Transient noncommunity water system” means a  
34 noncommunity water system that does not regularly serve at least  
35 25 of the same persons over six months per year.
- 36 (p) “User” means a person using water for domestic purposes.  
37 User does not include a person processing, selling, or serving water  
38 or operating a public water system.
- 39 (q) “Waterworks standards” means regulations adopted by the  
40 ~~department~~ *state board* that take cognizance of the latest available

1 “Standards of Minimum Requirements for Safe Practice in the  
2 Production and Delivery of Water for Domestic Use” adopted by  
3 the California section of the American Water Works Association.

4 (r) “Local primacy agency” means a local health officer that  
5 has applied for and received primacy delegation from the  
6 ~~department~~ *state board* pursuant to Section 116330.

7 (s) “Service connection” means the point of connection between  
8 the customer’s piping or constructed conveyance, and the water  
9 system’s meter, service pipe, or constructed conveyance. A  
10 connection to a system that delivers water by a constructed  
11 conveyance other than a pipe shall not be considered a connection  
12 in determining if the system is a public water system if any of the  
13 following apply:

14 (1) The water is used exclusively for purposes other than  
15 residential uses, consisting of drinking, bathing, and cooking or  
16 other similar uses.

17 (2) The ~~department~~ *state board* determines that alternative water  
18 to achieve the equivalent level of public health protection provided  
19 by the applicable primary drinking water regulation is provided  
20 for residential or similar uses for drinking and cooking.

21 (3) The ~~department~~ *state board* determines that the water  
22 provided for residential or similar uses for drinking, cooking, and  
23 bathing is centrally treated or treated at the point of entry by the  
24 provider, a passthrough entity, or the user to achieve the equivalent  
25 level of protection provided by the applicable primary drinking  
26 water regulations.

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

30 (u) “Water treatment operator” means a person who has met  
31 the requirements for a specific water treatment operator grade  
32 pursuant to Section 106875.

33 (v) “Water treatment operator-in-training” means a person who  
34 has applied for and passed the written examination given by the  
35 department but does not yet meet the experience requirements for  
36 a specific water treatment operator grade pursuant to Section  
37 106875.

38 (w) “Water distribution operator” means a person who has met  
39 the requirements for a specific water distribution operator grade  
40 pursuant to Section 106875.

1 (x) “Water treatment plant” means a group or assemblage of  
2 structures, equipment, and processes that treats, blends, or  
3 conditions the water supply of a public water system for the  
4 purpose of meeting primary drinking water standards.

5 (y) “Water distribution system” means any combination of pipes,  
6 tanks, pumps, and other physical features that deliver water from  
7 the source or water treatment plant to the consumer.

8 (z) “Public health goal” means a goal established by the Office  
9 of Environmental Health Hazard Assessment pursuant to  
10 subdivision (c) of Section 116365.

11 (aa) “Small community water system” means a community  
12 water system that serves no more than 3,300 service connections  
13 or a yearlong population of no more than 10,000 persons.

14 (ab) “Disadvantaged community” means the entire service area  
15 of a community water system, or a community therein, in which  
16 the median household income is less than 80 percent of the  
17 statewide average.

18 (ac) “*State board*” means the *State Water Resources Control*  
19 *Board*.

20 SEC. 2. Section 116276 is added to the Health and Safety Code,  
21 to read:

22 116276. (a) The state board succeeds to and is vested with all  
23 of the authority, duties, powers, purposes, responsibilities, and  
24 jurisdiction of the department pursuant to this chapter.

25 (b) Any regulations adopted before January 1, 2014, by the  
26 department relating to carrying out the duties and responsibilities  
27 transferred pursuant to subdivision (a), that are in effect on January  
28 1, 2014, shall remain in effect on and after January 1, 2014, and  
29 are enforceable until readopted, amended, or repealed by the state  
30 board.

31 SEC. 3. Section 116475 of the Health and Safety Code is  
32 amended to read:

33 116475. (a) The Emergency Clean Water Grant Fund is hereby  
34 established in the General Fund and, notwithstanding Section  
35 13340 of the Government Code, is continuously appropriated to  
36 the ~~department~~ *state board*, without regard to fiscal years, to  
37 provide financial assistance to public water systems and to fund  
38 emergency actions by the ~~department~~ *state board* to ensure that  
39 safe drinking water supplies are available to all Californians who  
40 are served by public water systems.

1 (b) The ~~department~~ *state board* may expend funds in the  
2 Emergency Clean Water Grant Fund for the purposes specified in  
3 subdivision (a), including, but not limited to, payment for all of  
4 the following actions:

5 (1) The provision of alternative water supplies and bottled  
6 water.

7 (2) Improvements of the existing water supply system.

8 (3) Hookups with adjacent water systems.

9 (4) Design, purchase, installation, and operation and  
10 maintenance of water treatment technologies.

11 (c) The ~~department~~ *state board* shall develop and revise  
12 guidelines for the allocation and administration of moneys in the  
13 Emergency Clean Water Grant Fund. These guidelines shall  
14 include, but are not limited to, all of the following:

15 (1) A definition of what constitutes an emergency requiring an  
16 alternative or improved water supply.

17 (2) Priorities and procedures for allocating funds.

18 (3) Repayment provisions, as appropriate.

19 (4) Procedures for recovering funds from parties responsible  
20 for the contamination of public water supplies.

21 The guidelines are not subject to Chapter 3.5 (commencing with  
22 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
23 Code.

24 SEC. 4. Section 116590 of the Health and Safety Code is  
25 amended to read:

26 116590. (a) All funds received by the ~~department~~ *state board*  
27 pursuant to this chapter, including, but not limited to, all civil  
28 penalties collected by the ~~department~~ *state board* pursuant to  
29 Article 9 (commencing with Section 116650) and Article 11  
30 (commencing with Section 116725), shall be deposited into the  
31 Safe Drinking Water Account that is hereby established. Funds in  
32 the Safe Drinking Water Account may not be expended for any  
33 purpose other than as set forth in this chapter. All moneys collected  
34 by the ~~department~~ *state board* pursuant to Sections 116565 to  
35 116600, inclusive, shall be deposited into the Safe Drinking Water  
36 Account for use by the ~~department~~ *state board*, upon appropriation  
37 by the Legislature, for the purpose of providing funds necessary  
38 to administer this chapter.

39 (b) The ~~department's~~ *state board's* hourly cost rate used to  
40 determine the reimbursement for actual costs pursuant to Sections

1 116565, 116577, and 116580 shall be based upon the ~~department's~~  
2 *state board's* salaries, benefits, travel expense, operating,  
3 equipment, administrative support, and overhead costs.

4 (c) Notwithstanding Section 6103 of the Government Code,  
5 each public water system operating under a permit issued pursuant  
6 to this chapter shall pay the fees set forth in this chapter. A public  
7 water system shall be permitted to collect a fee from its customers  
8 to recover the fees paid pursuant to this chapter.

9 (d) The fees collected pursuant to subdivision (b) of Section  
10 116565 and subdivision (b) of Section 116570 shall be adjusted  
11 annually pursuant to Section 100425, and the adjusted fee amounts  
12 shall be rounded off to the nearest whole dollar.

13 (e) Fees assessed pursuant to this chapter shall not exceed actual  
14 costs to either the ~~department~~ *state board* or the local primacy  
15 agency, as the case may be, related to the public water systems  
16 assessed the fees.

17 (f) In no event shall the total amount of funds received pursuant  
18 to subdivision (a) of Section 116565, and subdivision (a) of Section  
19 116577 from public water systems serving 1,000 or more service  
20 connections exceed the following:

21 (1) For the 2001–02 fiscal year, seven million dollars  
22 (\$7,000,000).

23 (2) For the 2002–03 fiscal year and subsequent fiscal years,  
24 the total amount of funds shall not increase by more than 5 percent  
25 of the amount collected for the previous fiscal year.

26 (g) The ~~department~~ *state board* shall develop a time accounting  
27 standard designed to do all of the following:

28 (1) Provide accurate time accounting.

29 (2) Provide accurate invoicing based upon hourly rates  
30 comparable to private sector professional classifications and  
31 comparable rates charged by other states for comparable services.  
32 These rates shall be applied against the time spent by the actual  
33 individuals who perform the work.

34 (3) Establish work standards that address work tasks, timing,  
35 completeness, limits on redirection of effort, and limits on the time  
36 spent in the aggregate for each activity.

37 (4) Establish overhead charge-back limitations, including, but  
38 not limited to, charge-back limitations on charges relating to  
39 reimbursement of services provided to the ~~department~~ *state board*

- 1 by other departments and agencies of the state, that reasonably
- 2 relate to the performance of the function.
- 3 (5) Provide appropriate invoice controls.

O