SFUND RECORDS CTR
103107

BILL NUMBER: SB 1033 ENROLLED
BILL TEXT

PASSED THE SENATE AUGUST 28, 1998
PASSED THE ASSEMBLY AUGUST 26, 1998
AMENDED IN ASSEMBLY AUGUST 24, 1998
AMENDED IN ASSEMBLY JUNE 15, 1998
AMENDED IN ASSEMBLY JUNE 4, 1998
AMENDED IN SENATE JANUARY 20, 1998
AMENDED IN SENATE JANUARY 6, 1998

INTRODUCED BY Senator Sher and Assembly Member Margett
(Principal coauthor: Senator Solis)

FEBRUARY 27, 1997

An act to amend Section 116275 of, and to add Section 116611 to, the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1033, Sher. Public water systems: public health goals: perchlorate.

Existing law, the Calderon-Sher Safe Drinking Water Act of 1996, requires the State Department of Health Services to submit to the Legislature a Safe Drinking Water Plan for California once every 5 years, and to take all reasonable measures necessary to reduce the risk to the public health from waterborne illnesses in drinking water caused by cryptosporidium and giardia.

Existing law requires the department to adopt primary drinking water standards for contaminants in drinking water that are to be set at levels as close as possible to the corresponding public health goal. Existing law requires the Office of Environmental Health Hazard Assessment to perform a risk assessment and, based upon that risk assessment, to adopt a public health goal for contaminants in drinking water based exclusively on public health considerations.

This bill would define "public health goal" for these purposes to mean specified public health goals established by the office.

Existing law defines a "public water system" to mean a system that provides water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days of the year, except as specified.

This bill would require the office, on or before July 1, 1999, to perform a risk assessment and, based upon that risk assessment, to adopt a public health goal based exclusively on public health consideration for perchlorate using specified criteria. It would also require the department, on or before January 1, 2000, to adopt a primary drinking water standard for perchlorate found in public water systems, and to prepare and submit a report to the Legislature that summarizes specified information relative to perchlorate contamination.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 116275 of the Health and Safety Code is amended 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 (j) of Section 116365.

(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 water for human consumption through pipes or other constructed conveyances 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 of the area served by the system.

(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 101000 or a local comprehensive health agency designated by the board of supervisors pursuant to Section 101275 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 116330.

(s) "Service connection" means the point of connection between the customer's piping or constructed conveyance, and the water system's meter, service pipe, or constructed conveyance. A connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection in determining if the system is a public water system if any of the following apply:

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

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

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

(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.

(u) "Public health goal" means a goal established by the Office of Environmental Health Hazard Assessment pursuant to subdivision (c) of Section 116365.

SEC. 2. Section 116611 is added to the Health and Safety Code, to read:

116611. (a) On or before July 1, 1999, the Office of Environmental Health Hazard Assessment shall perform a risk assessment and, based upon that risk assessment, shall adopt a public health goal based exclusively on public health consideration for perchlorate using the criteria set forth in subdivision (c) of Section 116365.

(b) On or before January 1, 2000, the department shall adopt a primary drinking water standard for perchlorate found in public water systems in California in a manner that is consistent with this chapter.

(c) Notwithstanding Section 7550.5 of the Government Code, on or before January 1, 2000, the department shall prepare and submit a report to the Legislature that summarizes all of the following:

(1) The occurrence of perchlorate in sources of drinking water.

(2) The extent of perchlorate contamination in California, including a map showing the location of perchlorate detections in groundwater, surface water, and municipal water supply wells.

(3) The actions that public water systems are taking to reduce the amount of perchlorate contamination found in drinking water.

(4) The action or treatment techniques that public water systems may undertake to prevent, reduce, or eliminate the occurrence of perchlorate in public water systems.

SEC. 3. The Legislature finds and declares all of the following:

(a) Toxicological studies are currently underway and are expected

to be completed within a timeframe sufficient for the Office of Environmental Health Hazard Assessment to set a public health goal and for the State Department of Health Services to set a primary drinking water standard.

(b) The Interagency Perchlorate Steering Committee (IPSC), a group of state and federal agencies of which the State Department of Health Services is a member, is overseeing eight studies at a cost of 2.2 million dollars. The studies will be completed in September 1998, with the peer review completed in October 1998.

(c) The United States Air Force and the United States Environmental Protection Agency are Cochairs of the IPSC, as the majority of the perchlorate-contaminated sites are associated with facilities that manufactured or tested rocket fuels for the United States Department of Defense or the National Aeronautics and Space Administration.