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**SB-930 Bear Lake Reservoir: recreational use.** (2015-2016)

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**Senate Bill No. 930**

**CHAPTER 149**

An act to amend Section 115843.6 of the Health and Safety Code, relating to reservoirs.

[ Approved by Governor August 19, 2016. Filed with Secretary of State August 19, 2016. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 930, Gaines. Bear Lake Reservoir: recreational use.

Existing law prohibits recreational use involving bodily contact with the water in Bear Lake Reservoir unless certain conditions are satisfied, including that the water subsequently receives complete water treatment. Existing law requires the Lake Alpine Water Company, on or before January 1, 2016, to file with the Legislature a report on the recreational uses at Bear Lake Reservoir and the water treatment program for that reservoir. Existing law provides that, upon a finding of noncompliance, the Lake Alpine Water Company could be subject to suspension, amendment, or revocation of any permit issued pursuant to specified provisions, and that failure to comply with these provisions would be deemed a violation subject to specified fines, penalties, or other enforcement actions. Existing law repeals these provisions on January 1, 2017.

This bill would extend the operation of all these provisions until January 1, 2022, and would require the Lake Alpine Water Company to file the report on or before December 31, 2017, and biennially thereafter until January 1, 2022. By expanding the scope of a crime, the bill would create a state-mandated local program.

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

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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

**SECTION 1.** Section 115843.6 of the Health and Safety Code is amended to read:

**115843.6.** (a) In the Bear Lake Reservoir, recreational uses shall not include recreation in which any participant has bodily contact with the water, unless all of the following conditions are satisfied:

- (1) The water subsequently receives complete water treatment, in compliance with all applicable board regulations, including oxidation, filtration, and disinfection, before being used for domestic purposes. The disinfection shall include, but is not limited to, the use of an advanced technology capable of inactivating organisms, including, but not limited to, viruses, cryptosporidium,

and giardia, to levels that comply with board regulations. The treatment shall include, but need not be limited to, filtration with a micro or ultrafiltration system rated to 0.1 micron or less. The treatment shall, at a minimum, comply with all state laws and board regulations and all federal laws and regulations, including, but not limited to, the federal Environmental Protection Agency Long Term 2 Enhanced Surface Water Treatment Rule. Nothing in this division shall limit the state or the board in imposing more stringent treatment standards than those required by federal law.

(2) The Lake Alpine Water Company conducts a monitoring program for cryptosporidium, giardia, and total coliform bacteria, including *E. coli* and fecal coliform, at the reservoir intake and at posttreatment at a frequency determined by the board, but no less than three times during the period when bodily contact is allowed pursuant to paragraph (4).

(3) The reservoir is operated in compliance with regulations of the board.

(4) Bodily contact is allowed for no more than four months each year.

(b) The recreational use of Bear Lake Reservoir shall be subject to additional conditions and restrictions adopted by the entity operating the water supply reservoir, or required by the board, that are required to further protect or enhance the public health and safety and do not conflict with regulations of the board.

(c) The Lake Alpine Water Company shall file, on or before December 31, 2017, and biennially thereafter, with the Legislature in accordance with Section 9795 of the Government Code and the board, a report on the recreational uses at Bear Lake Reservoir and the water treatment program for that reservoir. That report shall include, but is not limited to, all of the following information:

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

(2) A summary of monitoring in the Bear Lake Reservoir watershed for cryptosporidium, giardia, and total coliform bacteria, including *E. coli* and fecal coliform.

(3) The most current sanitary survey of the watershed and water quality monitoring.

(4) As deemed necessary by the board, an evaluation of recommendations relating to inactivation and removal of cryptosporidium and giardia.

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

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

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

(8) The reservoir management plan and the operations plan.

(9) The annual water reports submitted to the consumers each year.

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

(e) (1) The board shall, at the end of each recreational season, annually review monitoring and reporting data from the Bear Lake Reservoir to ensure full compliance with this section.

(2) If at any time the board finds a failure to comply with this section, the exemption granted pursuant to this section shall cease immediately, and a permit issued to the Lake Alpine Water Company pursuant to Chapter 4 (commencing with Section 116270) of Part 12 may be subject to suspension, amendment, or revocation pursuant to that chapter. A failure to comply with this section shall be deemed a violation of Chapter 4 (commencing with Section 116270) of Part 12 and shall be subject to any applicable fines, penalties, or other enforcement action provided under that chapter.

(f) As used in this section, "board" means the State Water Resources Control Board.

(g) This section shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2022, deletes or extends that date.

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

Recreational activities occur at Bear Lake Reservoir pursuant to Section 115843.6 of the Health and Safety Code, provided certain conditions are met. The Lake Alpine Water Company will continue effective water treatment through microfiltration and disinfection in order for bodily contact to continue, and the company will provide information to the Legislature regarding certain issues to ensure that any recreational uses at the reservoir do not affect the provision of domestic water to district customers.

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.