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AB-756 Public water systems: perfluoroalkyl substances and polyfluoroalkyl substances. (2019-2020)

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Assembly Bill No. 756

CHAPTER 162

An act to add Section 116378 to the Health and Safety Code, relating to drinking water.

[Approved by Governor July 31, 2019. Filed with Secretary of State July 31, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 756, Cristina Garcia. Public water systems: perfluoroalkyl substances and polyfluoroalkyl substances.

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board 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, adopting implementing regulations, and conducting studies and investigations to assess the quality of water in private domestic water supplies. Under the California Safe Drinking Water Act, the implementing regulations are required to include, but are not limited to, monitoring of contaminants and requirements for notifying the public of the quality of the water delivered to customers.

This bill would authorize the state board to order a public water system to monitor for perfluoroalkyl substances and polyfluoroalkyl substances. The bill would require a community water system or a nontransient noncommunity water system, upon a detection of these substances, to report that detection, as specified. The bill would require a community water system or a nontransient noncommunity water system where a detected level of these substances exceeds the response level to take a water source where the detected levels exceed the response level out of use or provide a prescribed public notification.

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

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

SECTION 1. Section 116378 is added to the Health and Safety Code, to read:

116378. (a) The state board may order a public water system to monitor for perfluoroalkyl substances and polyfluoroalkyl substances, in accordance with conditions set by the state board. A laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 shall perform the analysis of any material required by an order to monitor for these substances. The order shall identify the analytical test methods to be used by laboratories and provide for the electronic submission of monitoring results to the state board.

(b) An order issued pursuant to subdivision (a) may apply to an individual public water system, specific groups of public water systems, or to all public water systems. Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to an order issued pursuant to subdivision (a) to specific groups of public water systems or to

all public water systems. All monitoring results shall be submitted to the state board electronically as directed by the state board in its order.

(c) (1) If any monitoring undertaken pursuant to an order issued under subdivision (a) results in a confirmed detection, a community water system or a nontransient noncommunity water system shall report that detection in the water system's annual consumer confidence report. Unless the water source is taken out of use or new data becomes available to show that the response level is no longer being exceeded, the community or nontransient noncommunity water system will provide notice of the exceedance of the response level in the water system's consumer confidence report.

(2) In addition to the notification pursuant to paragraph (1), for perfluoroalkyl substances and polyfluoroalkyl substances with notification levels, a community water system or a nontransient noncommunity water system shall report the detection if the level exceeds the notification level as required by Section 116455.

(3) For perfluoroalkyl substances and polyfluoroalkyl substances with response levels where detected levels of a substance exceed the response level, a community water system or a nontransient noncommunity public water system shall take a water source where detected levels exceed the response level out of use or provide public notification within 30 days of the confirmed detection. For the purposes of this paragraph, notice shall be provided as follows:

(A) A community water system shall do the following:

(i) Mail or directly deliver notice to each customer receiving a bill, including those that provide drinking water to others, and to other service connections to which water is delivered by the water system.

(ii) Email notice to each customer of the water system with an email address known by the water system.

(iii) Post the notice on the internet website of the water system.

(iv) Use one or more of the following methods to reach persons not likely to be reached by the notice provided in clause (i):

(I) Publish notice in a local newspaper for at least seven days.

(II) Post notice in conspicuous public places served by the water system for at least seven days.

(III) Post notice on an appropriate social media site for at least seven days.

(IV) Deliver notice to community organizations.

(B) A nontransient noncommunity water system shall do both of the following:

(i) Post notice in conspicuous locations throughout the area served by the water system.

(ii) Use one or more of the following methods to reach persons not likely to be reached by the notice provided in clause (i):

(I) Publish notice in a local newspaper for at least seven days.

(II) Publish notice in a newsletter distributed to customers.

(III) Send notice by email to employees or students.

(IV) Post notice on the internet website of the water system and an appropriate social media site for at least seven days.

(V) Deliver notice directly to each customer.

(C) A notice shall contain all of the following information:

(i) A statement that there was a confirmed detection above the response level, the numeric level of the applicable response level, and the level of the confirmed detection.

(ii) A description of the potential adverse health effects as identified by the state board in establishing the notification level or response level.

(iii) The population at risk, including subpopulations particularly vulnerable from exposure.

(iv) The name, business address, and phone number of the water system owner, operator, or designee, as a source of additional information concerning the notice.

(v) A statement to encourage the notice recipient to distribute the notice to other persons served, using the following standard language: "Please share this information with all of the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail."

(vi) Information in Spanish regarding the importance of the notice or a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the notice or assistance in Spanish.

(vii) If a non-English speaking group other than a Spanish-speaking group exceeds 1,000 residents or 10 percent of the residents served by the water system, either of the following:

(I) Information in the appropriate language regarding the importance of the notice.

(II) A telephone number or address where a resident may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

(D) The following requirements apply to a notice provided by a water system:

(i) The notice shall be displayed so that it catches people's attention when printed or posted.

(ii) The message in the notice should be understandable at the eighth grade reading level.

(iii) The notice shall not contain technical language beyond an eighth grade reading level or print smaller than 12-point type.

(iv) The notice shall not contain language that minimizes or contradicts the information provided in the notice.

(d) This section is not a substitute for compliance with any requirements of Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code that apply to a community water system or nontransient noncommunity water system.