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**AB-1066 Priority inland water-contact recreation sites: water quality monitoring.** (2021-2022)

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**Assembly Bill No. 1066**

**CHAPTER 711**

An act to add Article 2.1 (commencing with Section 115917) to Chapter 5 of Part 10 of Division 104 of the Health and Safety Code, relating to water quality.

[ Approved by Governor October 08, 2021. Filed with Secretary of State October 08, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1066, Bloom. Priority inland water-contact recreation sites: water quality monitoring.

Existing law authorizes recreational activities in which there is bodily contact with the water by any participant in certain reservoirs only in accordance with prescribed requirements. Existing law requires the State Department of Public Health, by regulation and in consultation with the State Water Resources Control Board, local health officers, and the public, to establish, maintain, and amend, as necessary, minimum standards for the sanitation of public beaches. Existing law provides for the establishment of the California Water Quality Monitoring Council, which is administered by the state board, and requires the council to undertake various actions relating to water quality data collection and to review existing water quality monitoring, assessment, and reporting efforts and recommend specific actions and funding needs necessary to coordinate and enhance those efforts.

This bill would require, on or before July 1, 2022, the council to direct a new or existing working group to study water recreation hazards at priority water-contact recreation sites, as specified. The bill would require, on or before July 1, 2023, the working group to submit a report to the council that the council would be required to post on its internet website that includes specified information.

This bill would require, on or before December 31, 2023, the council, in consultation with the department, local health officers, and the public, to propose to the state board for consideration a definition of a priority water-contact recreation site, and recommendations and requirements for the establishment of a priority water-contact recreation site monitoring program that includes specified components. The bill would require the council, in developing a proposed definition of a priority water-contact recreation site, to consider various characteristics of a water body, including whether the body is used for organized recreational events with water contact or for commercial purposes with water contact, among others.

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

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

**SECTION 1.** Article 2.1 (commencing with Section 115917) is added to Chapter 5 of Part 10 of Division 104 of the Health and Safety Code, to read:

**Article 2.1. Priority Inland Water-Contact Recreation Sites**

**115917.** (a) (1) On or before July 1, 2022, the council shall direct a new or existing working group to study water recreation hazards at priority water-contact recreation sites.

(2) The working group shall be co-chaired by representatives from the state board and the department.

(3) The working group shall include representation from other state agencies as deemed appropriate by the council.

(b) On or before July 1, 2023, the working group shall submit a report to the council that the council shall post on its internet website that shall include all of the following:

(1) A summary of existing, readily-available data that identifies water-contact recreation sites.

(2) A summary of existing, readily-available data for specific water-contact recreation sites that indicates the timing and types of uses that involve limited body or full body contact with the water and any demographic information about the users.

(3) Potential criteria for identifying priority water-contact recreation sites, with an emphasis on establishing equity-based criteria, including, but not limited to, the use by one or more overburdened communities.

(4) A discussion of potential water quality hazards at priority water-contact recreation sites.

(5) General recommendations for reducing water quality risks at priority water-contact recreation sites. The recommendations may include, but are not limited to, any of the following:

(A) A risk-based water quality monitoring program.

(B) A public water quality safety education campaign.

(C) Posting and notification of water quality hazards at identified water bodies.

(D) Standards or criteria needed to better protect the public from water quality hazards.

(c) On or before December 31, 2023, the council, in consultation with the department, local health officers, and the public, shall propose to the state board for consideration, based on the working group report described in subdivision (b), both of the following:

(1) A definition of a priority water-contact recreation site.

(2) Recommendations and requirements for the establishment of a priority water-contact recreation site monitoring program that shall include, but is not limited to, all of the following components:

(A) The number of monitoring samples necessary per priority water-contact recreation site.

(B) The frequency of monitoring.

(C) The annual or seasonal duration of monitoring.

(D) The microbiological standards, methods, and data sharing protocols to be used to support an effective monitoring program.

(d) In developing a proposed definition of a priority water-contact recreation site, the council shall consider various characteristics of a water body including, but not limited to, whether the water body is all of the following:

(1) A fresh or estuarine surface water, including water bodies with seasonal or tidal fluctuations.

(2) Used for organized recreational events with water contact.

(3) Used for commercial purposes with water contact.

(4) Accessed through a required fee area and used for water contact.

(5) Used by a high number of persons for water contact recreation.

(6) Designated by the state board or a regional board for water contact recreation (REC-1) beneficial use.

(7) Used by overburdened communities.

(8) Identified as having the potential for significant water quality hazards.

(e) For purposes of this section, the following definitions apply:

(1) "Council" means the California Water Quality Monitoring Council established pursuant to Section 13181 of the Water Code.

(2) "Department" means the State Department of Public Health.

(3) "Inland water" means all fresh and estuarine surface waters of the state.

(4) "Overburdened community" means a minority, low-income, tribal, or indigenous population or geographic location that potentially experiences disproportionate environmental harms and risks. The disproportionality can be as a result of greater vulnerability to environmental hazards, lack of opportunity for public participation, or other factors. Increased vulnerability may be attributable to an accumulation of negative or lack of positive environmental, health, economic, or social conditions within these populations or places. "Overburdened community" includes situations where multiple factors, including both environmental and socio-economic stressors, may act cumulatively to affect health and the environment and contribute to persistent environmental health disparities.

(5) "Regional board" means a California regional water quality control board.

(6) "State board" means the State Water Resources Control Board.

(7) "Water-contact recreation site" means any inland water that is used, or is suitable for being used, recreationally in a manner that involves limited body or full body contact with the water.