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METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

*Doreen E. Duff*  
EXECUTIVE SECRETARY

February 23, 1994

To: Board of Directors (Special Committee on Legislation--Action)  
(Executive Committee--Action)  
From: General Manager  
Subject: Support for Assembly Bill 2098

**Report**

Assembly Bill 2098 (AB 2098) was introduced March 5, 1993 by Assembly Member Costa. The bill would amend the State Health and Safety Code by changing the name of recommended public health levels (RPHLs) to recommended public health goals. The word change from "levels" to "goals" is supported by water utilities and staff in the California Department of Health Services (CDHS).

In 1989, the Legislature passed AB 21 which was a major revision of the California Health and Safety Code. Included was a new provision that required that CDHS set RPHLs every time they set a maximum contaminant level (MCL). RPHLs were required to be strictly health based with no consideration for cost, available treatment or laboratory technology. For carcinogens, RPHLs were interpreted to be based on a one in a million cancer risk. California is the only state to have such levels. Many utilities may meet all MCLs but still exceed various RPHLs, resulting in costly studies and potentially the need for new facilities, if CDHS decides they are necessary to meet RPHLs.

RPHLs must be reported to customers annually and the public relations backlash for utilities not meeting the perception of recommended public health levels would be detrimental. The sponsor of RPHLs, Assembly Member Byron Sher, stands firm in support of RPHLs.

CDHS is currently in the process of writing regulations for RPHLs. Assembly Member Costa is sympathetic to the concerns by public water systems over RPHLs and based upon input from the water utility associations, has offered this bill. This is a good bill for water utilities because the word "goal" is perceived as a point to strive for but may not be achievable; a "level" has an attainable sound to it.

**Board Committee Assignments**

This letter is referred for action to:

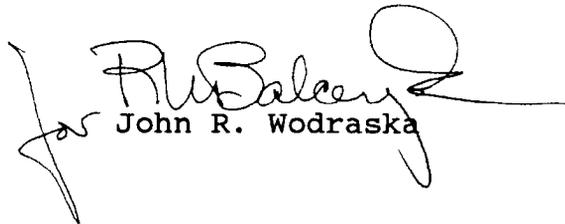
The Special Committee on Legislation because of its responsibility to review staff's recommendations for positions on legislation, pursuant to Administrative Code Section 2581 (b); and

The Executive Committee because of its jurisdiction over legislation sponsored by the District or in any way affecting the District, pursuant to Administrative Code Section 2417 (a).

**Recommendation**

**SPECIAL COMMITTEE ON LEGISLATION AND EXECUTIVE COMMITTEE FOR ACTION.**

That the Board support AB 2098.

  
for John R. Wodraska

JSS:wt  
(s:staff\AB2098.jss)

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AMENDED IN ASSEMBLY JANUARY 18, 1994

AMENDED IN ASSEMBLY JANUARY 4, 1994

AMENDED IN ASSEMBLY APRIL 12, 1993

CALIFORNIA LEGISLATURE—1993-94 REGULAR SESSION

**ASSEMBLY BILL****No. 2098**

Introduced by Assembly Member Costa

March 5, 1993

An act to amend Sections 4010, 4018, 4022, 4023, 4023.1, 4023.2, and 4030 of the Health and Safety Code, relating to drinking water.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2098, as amended, Costa. Drinking water: regulation. Existing law, the California Safe Drinking Water Act, provides a drinking water regulatory program in order to ensure there is safe drinking water and to emphasize the establishment of drinking water standards and recommended public health levels. Existing law requires the ~~department~~ *Office of Environmental Health Hazard Assessment* to establish recommended public health levels for contaminants in drinking water. Existing law requires the department to adopt primary drinking water standards for contaminants found in drinking water based in part on the recommended public health levels.

This bill would ~~make change~~ references in the act from recommended public health "levels" to ~~references to~~ recommended public health "~~goals.~~" "goals," and would *make other changes of a technical nature.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4010 of the Health and Safety  
 2 Code is amended to read:  
 3 4010. The Legislature finds and declares all of the  
 4 following:  
 5 (a) Every citizen of California has the right to pure  
 6 and safe drinking water.  
 7 (b) Feasible and affordable technologies are available  
 8 and shall be used to remove toxic contaminants from  
 9 public water supplies.  
 10 (c) According to the State Department of Health  
 11 Services, over 95 percent of all large public water systems  
 12 in California are in compliance with health-based action  
 13 levels established by the state department for various  
 14 contaminants.  
 15 (d) It is the policy of the state to reduce to the lowest  
 16 level feasible all concentrations of toxic chemicals that  
 17 when present in drinking water may cause cancer, birth  
 18 defects, and other chronic diseases.  
 19 (e) This chapter is intended to ensure that the water  
 20 delivered by public water systems of this state shall at all  
 21 times be pure, wholesome, and potable. The provisions of  
 22 this chapter provide the means to accomplish this  
 23 objective.  
 24 (f) It is the intent of the Legislature to improve laws  
 25 governing drinking water quality to improve upon the  
 26 minimum requirements of the federal Safe Drinking  
 27 Water Act Amendments of 1986, to establish primary  
 28 drinking water standards that are at least as stringent as  
 29 those established under the federal Safe Drinking Water  
 30 Act, and to establish a program under this chapter that is  
 31 more protective of public health than the minimum  
 32 federal requirements.  
 33 (g) It is the further intent of the Legislature to  
 34 establish a drinking water regulatory program within the  
 35 State Department of Health Services in order to provide  
 36 for the orderly and efficient delivery of safe drinking  
 37 water within the state and to give the establishment of  
 38 drinking water standards and recommended public

1 health goals greater emphasis and visibility within the  
 2 state department.  
 3 SEC. 2. Section 4018 of the Health and Safety Code is  
 4 amended to read:  
 5 4018. (a) The department shall develop and publish  
 6 a list of all existing or proposed maximum contaminant  
 7 levels that are set at a level substantially less stringent, as  
 8 determined by the department, than their corresponding  
 9 recommended public health goals due to limitations of  
 10 technology or excessive costs.  
 11 (b) Public water systems that serve more than 10,000  
 12 service connections and that exceed, for organic  
 13 contaminants on a running quarterly average basis, or for  
 14 inorganic contaminants on a basis established by the  
 15 department, a recommended public health goal listed by  
 16 the department pursuant to subdivision (a), shall do the  
 17 following:  
 18 (1) The water system shall evaluate in writing all  
 19 reasonable means of reducing the level of the  
 20 contaminant to as close to the recommended public  
 21 health goal as feasible, and submit the written evaluation  
 22 to the department at least once annually.  
 23 (2) After the written evaluation has been submitted  
 24 and upon being notified by the department of the need  
 25 to do so, the water system shall submit a water quality  
 26 improvement plan to the department, based upon the  
 27 evaluation. The water quality improvement plan shall  
 28 identify all reasonable measures available to the water  
 29 system to reduce the level of the contaminant, the costs  
 30 to consumers and the water system of implementing the  
 31 measures, and a proposed schedule of actions to be  
 32 undertaken by the water system to reduce the level of the  
 33 contaminant. If the water system determines that it is  
 34 unable to reduce the level of the contaminant due to  
 35 technical or economic limitations, the basis for that  
 36 determination shall be described in the plan.  
 37 (c) The department shall review the water quality  
 38 improvement plan and may approve it as submitted or  
 39 may require additional information from the water  
 40 system. Upon approval of the plan, the department shall

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1 amend or revise the domestic water supply permit issued  
2 to the water system pursuant to this chapter to include a  
3 time schedule for implementation of those measures  
4 which are technically and economically feasible.

5 SEC. 3. Section 4022 of the Health and Safety Code is  
6 amended to read:

7 4022. (a) On or before July 1, 1991, the department  
8 shall submit to the Legislature a comprehensive Safe  
9 Drinking Water Plan for California.

10 (b) The Safe Drinking Water Plan shall include, but  
11 not be limited to, the following information:

12 (1) An analysis of the overall quality of California's  
13 drinking water and the identification of specific water  
14 quality problems.

15 (2) Types and levels of contaminants found in public  
16 drinking water systems that have less than 10,000 service  
17 connections. The discussion of these water systems shall  
18 include the following:

19 (A) Estimated costs of requiring these systems to meet  
20 primary drinking water standards and recommended  
21 public health goals.

22 (B) Recommendations for actions that could be taken  
23 by the Legislature, the department, and these systems to  
24 improve water quality.

25 (3) A discussion and analysis of the known and  
26 potential health risks that may be associated with  
27 drinking water contamination in California.

28 (4) An evaluation of how existing water quality  
29 information systems currently maintained by local or  
30 state agencies can be more effectively used to protect  
31 drinking water.

32 (5) An evaluation of the research needed to develop  
33 inexpensive methods and instruments to ensure better  
34 screening and detection of water borne chemicals, and  
35 inexpensive detection methods that could be used by  
36 small utilities and consumers to detect harmful microbial  
37 agents in drinking water.

38 (6) An analysis of the technical and economic viability  
39 and the health benefits of various treatment techniques  
40 that can be used to reduce levels of trihalomethanes, lead,

1 nitrates, synthetic organic chemicals, micro-organisms,  
2 and other contaminants in drinking water.

3 (7) A discussion of alternative methods of financing  
4 the construction, installation, and operation of new  
5 treatment technologies, including, but not limited to user  
6 charges, state or local taxes, state planning and  
7 construction grants, loans, and loan guarantees.

8 (8) A discussion of sources of revenue presently  
9 available, and projected to be available, to public water  
10 systems to meet current and future expenses.

11 (9) An analysis of the current cost of drinking water  
12 paid by residential, business, and industrial consumers  
13 based on a statewide survey of large, medium, and small  
14 public water systems.

15 (10) Specific recommendations, including  
16 recommendations developed pursuant to paragraph (6),  
17 to improve the quality of drinking water in California and  
18 a detailed five-year implementation program.

19 SEC. 4. Section 4023 of the Health and Safety Code is  
20 amended to read:

21 4023. The ~~department~~ *Office of Environmental*  
22 *Health Hazard Assessment* shall establish recommended  
23 public health goals for contaminants in drinking water in  
24 accordance with all of the following criteria:

25 (a) Recommended public health goals, including  
26 those implementing the criteria set forth in subdivisions

27 (b) to (f), inclusive, shall be set at a level that does not  
28 exceed the national primary drinking water standard  
29 adopted by the United States Environmental Protection  
30 Agency.

31 (b) Any recommended public health goals for an  
32 acutely toxic substance shall be set at a level at which  
33 scientific evidence indicates that no known or  
34 anticipated adverse effects on health will occur, plus an  
35 adequate margin of safety.

36 (c) Any recommended public health goal established  
37 for a carcinogen or other substance which may cause  
38 chronic disease shall be based solely on health effects  
39 without regard to cost impacts or other factors, and shall  
40 be set at a level which the ~~department~~ *office* has

1 determined, based upon currently available data, does  
 2 not pose any significant risk to health.

3 (d) To the extent the information is available, the  
 4 ~~department~~ office shall consider possible synergistic  
 5 effects resulting from exposure to, or interaction by, two  
 6 or more contaminants.

7 (e) The ~~department~~ office shall consider the  
 8 existence of groups or individuals in the population that  
 9 are more susceptible to adverse effects of contaminants  
 10 than a normal healthy adult.

11 (f) The ~~department~~ office shall consider the  
 12 contaminant exposure and body burden levels that alter  
 13 physiological function or structure in a manner that may  
 14 significantly increase the risk of illness.

15 (g) In cases of scientific ambiguity, the ~~department~~  
 16 office shall use criteria most protective of public health  
 17 and shall incorporate safety factors of noncarcinogenic  
 18 substances for which generally accepted scientific  
 19 research indicates there is a safe dose-response threshold.

20 (h) The ~~department~~ office shall consider exposure to  
 21 contaminants in media other than drinking water,  
 22 including, but not limited to, exposures in food, in the  
 23 ambient and indoor air, and the resulting body burden.

24 (i) Recommended public health goals established by  
 25 the ~~department~~ office shall be reviewed periodically and  
 26 revised as necessary based upon the availability of new  
 27 scientific data.

28 SEC. 5. Section 4023.1 of the Health and Safety Code  
 29 is amended to read:

30 4023.1. (a) In addition to, and concurrent with,  
 31 adoption of recommended public health goals established  
 32 by the ~~department~~ office pursuant to Section 4023, the  
 33 department shall adopt primary drinking water  
 34 standards for contaminants found in drinking water in  
 35 accordance with the following criteria:

36 (1) Primary drinking water standards shall be set at a  
 37 level that is as close as practical to recommended public  
 38 health goals placing primary emphasis on protection of  
 39 public health.

40 (2) Primary drinking water standards shall be set

1 using considerations of technical feasibility and economic  
 2 costs of compliance to water purveyors and consumers.

3 (3) In no event shall primary drinking water standards  
 4 be set at levels less stringent than primary drinking water  
 5 standards set by the United States Environmental  
 6 Protection Agency.

7 (b) At least once every five years after adoption, the  
 8 department shall review primary drinking water  
 9 standards, and, using the criteria set forth in subdivision  
 10 (a), shall amend any standard if any of the following  
 11 occur:

12 (1) Changes in technology or treatment techniques  
 13 permit greater protection of public health or attainment  
 14 of the recommended public health goal.

15 (2) New scientific evidence indicates that a substance  
 16 may present a substantially different risk to public health  
 17 than was previously determined.

18 (3) The department determines that a primary  
 19 standard no longer meets the requirements of this  
 20 chapter.

21 (c) The department may, by regulation, require the  
 22 use of a specified treatment technique in lieu of  
 23 establishing a maximum contaminant level for a  
 24 contaminant if the department determines that it is not  
 25 economically or technologically feasible to ascertain the  
 26 level of the contaminant.

27 SEC. 6. Section 4023.2 of the Health and Safety Code  
 28 is amended to read:

29 4023.2. On or before January 1, 1992, the department  
 30 shall propose, hold a public hearing, and promulgate a  
 31 finding of the best available technology for each  
 32 contaminant for which a recommended public health  
 33 goal and a primary drinking water standard have been  
 34 adopted. Thereafter, the department shall promulgate a  
 35 finding of best available technology for each contaminant  
 36 for which a recommended public health goal and a  
 37 primary drinking water standard have been adopted at  
 38 the time the levels and standards are adopted. The  
 39 finding of the department shall take into consideration  
 40 the costs and benefits of best available treatment

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1 technology that have been proven effective under  
2 full-scale field applications.

3 SEC. 7. Section 4030 of the Health and Safety Code is  
4 amended to read:

5 4030. The department shall require every public  
6 water system, as a condition of operation, to report at  
7 least once annually to water consumers on the level of  
8 contaminants in drinking water which pose a potential  
9 risk to human health. The report shall include, but not be  
10 limited to, information on source, content, and quality of  
11 water purveyed, a comparison between levels of  
12 contaminants and recommended public health goals; and  
13 information on compliance with primary drinking water  
14 standards.