

AB 1020 (Laird)

Safe Drinking Water Supplies

SUMMARY

This measure would provide public water systems (PWS) with a clear cause of action to recover expenses to protect drinking water supplies. It specifies that an award of damages for contamination of drinking water supplies shall include costs for investigation, cleanup, replacement water and attorney's fees.

BACKGROUND

Currently, a PWS must bring a suit to recover cleanup costs from responsible parties under a variety of legal theories, including tort and nuisance law. Therefore, the courts do not have clear guidance as to what constitutes awardable damages in these cases to protect our drinking water quality. Interestingly, the existing law provides that utilities are authorized to bring civil actions for damages against people that divert water distribution or tamper with a meter. Indeed, in bringing such an action, the utility is also authorized to recover treble damages, costs of the suit and attorney's fees.

THIS BILL

AB 1020 will assure that a PWS has a clear cause of action to recover its costs involved in protecting their water supply from contamination which makes it unsuitable for its designated beneficial use. AB 1020 also will codify the costs that can be recovered so that PWS can act to protect their water supply before irrevocable harm occurs and be assured

that they will be able to recover expenditures they have made.

By ensuring that a PWS has adequate time to file a civil case relating to the investigation and remediation of contamination of drinking water, it will be encouraged to take action sooner rather than later. It will also discourage Responsible Parties (RPs) from foot-dragging because the PWS can proceed with needed actions if the RPs do not get involved in the solution. This bill is modeled after the Polanco Act, which authorizes three years for the collection of costs by redevelopment agencies for actions they must take in cleaning up brownfields.

SUPPORT

California Water Association
City of Lake Forest
Consumer Attorney's of California
Environment California
Santa Clara Valley Water District
Sierra Club California

OPPOSITION

Ca. Building Industry Assoc., Ca.
Chamber of Commerce, Ca. Council for
Economic Balance, Ca. Independent Oil
Marketers Assoc., Ca. Independent
Petroleum Assoc., Ca. League of Food
Processors, Ca. Manufacturers and
Technology Assoc., Ca. Natural Gas
Producers Assoc., Chemical Industry
Council of Ca., The American Chemistry

Council, Western States Petroleum
Assoc., Wine Institute

Legislative History

Assembly Committee on Environmental
Safety - 5-1 (4/29/03)

Assembly Committee on Judiciary
10-4 (5/6/03)

Assembly Floor 44-31 (5/19/03)

Senate Committee on Environmental
Quality 6-1 (6/23/03)

Senate Judiciary Expected Hearing on
July 15, 2003

FOR MORE INFORMATION

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