

Bills Related to Perchlorate and Other Drinking Water Contaminants

AB 1020 (Laird) Public water systems: civil actions: contaminants

Passed out of Senate Environmental Quality (5-1), currently in Senate Judiciary

The California Safe Drinking Water Act, requires the State Department of Health Services to administer provisions relating to the regulation of drinking water and public water systems. The department is required to adopt regulations to monitor contaminants.

This bill would authorize a public water system to bring a civil action against a polluter responsible for the presence of a contaminant in surface water or groundwater supplies utilized by the public water system for drinking water purposes. Through the civil action, public water systems would recover the costs associated with the investigation, remediation, filtration, replacement, and treatment of water containing that contaminant.

AB 826 (Jackson, Laird, Lieber) The Perchlorate Contamination Prevention Act : perchlorate materials: statewide data base

Passed out of Senate Environmental Quality (7-0). Referred to Senate Appropriations

This bill would enact the Perchlorate Contamination Prevention Act, and would require perchlorate facilities to have an unsaturated zone monitoring program. The bill would require that existing groundwater monitoring wells in the state, emplaced for whatever purpose, be available for use as early warning or sentinel wells to warn of impending threat to drinking water resources, and that the department develop protocols and procedures for conducting groundwater monitoring or perchlorate sentinel wells.

The bill also would require the Department of Toxic Substances Control (DTSC) to adopt regulations, by December 31, 2005, specifying best management practices for managing perchlorate materials and would prohibit a person from managing perchlorate materials after the effective date of those regulations, except in compliance with the best management practices specified in those regulations.

The bill would require the California Environmental Protection Agency to establish a statewide data base for the electronic collection of the data.

AB 623 (Lieber) Hazardous chemicals: discharge: warnings

Currently in Assembly Environmental Safety and Toxic Materials

Under existing law, any person who knowingly causes any hazardous substance to be deposited on roads, into waters, and in other specified places, is guilty of a crime. Existing law, in addition, prohibits a person from disposing of hazardous waste at a facility that does not have the proper permit, and from knowingly, or with reckless disregard, disposing of any hazardous waste in a manner that causes an unreasonable risk of specified consequences.

This bill would prohibit a person from discharging or releasing, in the course of doing business, a chemical known to the state to cause cancer or reproductive toxicity into water or onto land where the chemical passes or is likely to pass into any source of drinking water

AB 897 (Jackson) Water Quality

Passed out of Senate Environmental Quality (4-2). Referred to Senate Rules

This bill clarifies that even though a RWQCB does not respond to a report of intent to discharge waste within 120 days, a person still cannot discharge that waste if it creates a condition of pollution or nuisance. This bill makes any person who knowingly fails to furnish technical information or monitoring reports, or who falsifies such information subject to misdemeanor penalties of up to \$25,000 and eliminates specified caps on penalties for repeat offenders who were previously convicted for the same violations.

SB 922 (Soto) Cleanup or abatement orders: replacement drinking water supplies

Passed out of Assembly Environmental Safety and Toxic Materials (5-2), currently in Assembly Water Parks & Wildlife

Existing law requires that a person who discharges waste into the waters of the state in violation of waste discharge requirements or other order must clean up the waste or abate the effects of the waste. This bill makes it explicit that a cleanup and abatement order issued by the state water quality board may require each discharger to provide or pay for uninterrupted replacement water service of a certain quality to each affected public water supplier or private well owner.

SB 1004 (Soto) Perchlorate: reporting

Passed out of Assembly Environmental Safety and Toxic Materials (5-0)

The Porter-Cologne Water Quality Control Act requires a person who causes or permits any oil or petroleum product to be discharged in any waters of the state to immediately notify the Office of Emergency Services. The act makes any person who fails to provide the notice guilty of a misdemeanor that is punishable by a fine of at least \$500, and not more than \$5,000, for each day of failure to notify. The act requires each California regional water quality control board, every 3 months, to publish and distribute to all public water system operators within the region a list of discharges of MTBE that occurred during the prior 3-month period and a list of locations where MTBE was detected in the groundwater within the region.

This bill would require a person who causes or permits perchlorate to be discharged in any waters of the state, or where it may be so discharged, to immediately notify the State Water Resources Control Board. The bill would make a person who fails to provide that notice liable for civil penalties of not less than \$500, or more than \$5,000, for each day of failure to notify. The bill would authorize a county district attorney, city attorney, public water agency, or the Attorney General to enforce this provision. The bill, on or before January 1, 2005, would require an owner or operator of a storage facility that has stored in any calendar year since January 1, 1950, over 500 pounds of perchlorate to submit to the state board certain information relating to that storage. The bill would require the state board to publish, compile, keep centrally, and make available for public review this information.

SB 311 (Sher, Laird) Environmental health: drinking water

Passed out of Assembly Environmental Safety and Toxic Materials (5-0)

This bill clarifies the scientific peer-review process used by the Office of Environmental Health Hazard Assessment (OEHHA) to develop public health goals for contaminants. In order to avoid unnecessary delay, this bill would allow OEHHA to deny a request for an external scientific review of a public health goal if one has already been completed in accordance with existing procedures.

SB 1020 (Soto) Perchlorate contamination

Currently located in the Senate. This bill has yet to be assigned to committee.

Existing law requires the Office of Environmental Health Hazard Assessment to perform a risk assessment and, based upon that risk assessment, to adopt a public health goal based exclusively on public health consideration for perchlorate. Existing law requires the State Department of Health Services, on or before January 1, 2004, to adopt a primary drinking water standard for perchlorate found in public water systems in California.

This bill would state the intent of the Legislature to enact legislation that would require a health facility to provide notification to county health departments and appropriate state regulatory agencies if the health facility is using well water that is contaminated with

perchlorate, and that would require that health facility to develop a remediation plan to help remove perchlorate from the well water.