

AMENDED IN ASSEMBLY MARCH 13, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 756**

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**Introduced by Assembly Member Cristina Garcia**

February 19, 2019

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An act to amend Section 116455 of, and to add ~~Section~~ Sections 116378 ~~to~~ and 116379 to, the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

AB 756, as amended, Cristina Garcia. Public water systems: ~~perfluorooctanoic acid and perfluorooctane sulfonate~~. *contaminants*.

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 ~~act~~, *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 require a public water system to monitor for ~~perfluorooctanoic acid and perfluorooctane sulfonate~~. *perfluoroalkyl and polyfluoroalkyl substances*. *The bill would additionally require a public water system to publish and keep current on its internet website water quality information relating to regulated contaminants and to*

notify each customer on the customer’s next water bill and through email, as prescribed, of confirmed detections of specified excess contaminants.

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

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

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

3 116378. A public water system shall monitor for  
4 ~~perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate~~  
5 ~~(PFOS)~~; *perfluoroalkyl and polyfluoroalkyl substances.*

6 SEC. 2. Section 116379 is added to the Health and Safety Code,  
7 to read:

8 116379. *A public water system shall publish and keep current*  
9 *on its internet website water quality information relating to*  
10 *regulated contaminants in the public water system’s water.*

11 SEC. 3. Section 116455 of the Health and Safety Code is  
12 amended to read:

13 116455. (a) A public water system shall comply with the  
14 requirements of this section within 30 days after it is first informed  
15 of a confirmed detection of a contaminant found in drinking water  
16 delivered by the public water system for human consumption that  
17 is in excess of a maximum contaminant level, a notification level,  
18 or a response level established by the ~~department~~; *state board.*

19 (1) If the public water system is a wholesale water system, then  
20 the person operating the wholesale water system shall notify the  
21 wholesale water system’s governing body and the water systems  
22 that are directly supplied with that drinking water. If the wholesale  
23 water system is a water company regulated by the ~~California~~ Public  
24 Utilities Commission, then the wholesale water system shall also  
25 notify the commission. ~~The commission~~ *commission*, in the  
26 exercise of its general and specific powers to ensure the health,  
27 safety, and availability of drinking water served by the utilities  
28 subject to its jurisdiction, may order further action that is not  
29 inconsistent with the standards and regulations of the ~~department~~  
30 *state board* to ensure a potable water supply.

31 (2) If the public water system is a retail water system, then the  
32 person operating the retail water system shall notify the retail water

1 system’s governing body and the governing body of any local  
2 agency whose jurisdiction includes areas supplied with drinking  
3 water by the retail water system. If the retail water system is a  
4 water company regulated by the ~~California~~ Public Utilities  
5 Commission, then the retail water system shall also notify the  
6 commission. The commission, in the exercise of its general and  
7 specific powers to ensure the health, safety, and availability of  
8 drinking water served by the utilities subject to its jurisdiction,  
9 may order further action that is not inconsistent with the standards  
10 and regulations of the ~~department~~ *state board* to ensure a potable  
11 water supply.

12 (3) *Notwithstanding the 30-day requirement in this subdivision,*  
13 *a public water system shall notify each customer on the customer’s*  
14 *next water bill. The public water system shall, before the next water*  
15 *bill is scheduled to be sent out, request from each customer the*  
16 *customer’s email address and, if a customer submits an email*  
17 *address, notify that customer through email.*

18 (b) The notification required by subdivision (a) shall identify  
19 the drinking water source, the origin of the contaminant, if known,  
20 the maximum contaminant level, response level, or notification  
21 level, as appropriate, the concentration of the detected contaminant,  
22 and the operational status of the drinking water source, and shall  
23 provide a brief and plainly worded statement of health concerns.

24 (c) For purposes of this section, the following terms have the  
25 following meanings:

26 (1) “Drinking water source” means an individual groundwater  
27 well, an individual surface water intake, or in the case of water  
28 purchased from another water system, the water at the service  
29 connection.

30 (2) “Local agency” means a city or county, or a city and county.

31 (3) “Notification level” means the concentration level of a  
32 contaminant in drinking water delivered for human consumption  
33 that the ~~department~~ *state board* has determined, based on available  
34 scientific information, does not pose a significant health risk but  
35 warrants notification pursuant to this section. Notification levels  
36 are nonregulatory, health-based advisory levels established by the  
37 ~~department~~ *state board* for contaminants in drinking water for  
38 which maximum contaminant levels have not been established.  
39 Notification levels are established as precautionary measures for  
40 contaminants that may be considered candidates for establishment

1 of maximum contaminant levels, but have not yet undergone or  
2 completed the regulatory standard setting process prescribed for  
3 the development of maximum contaminant levels and are not  
4 drinking water standards.

5 (4) “Response level” means the concentration of a contaminant  
6 in drinking water delivered for human consumption at which the  
7 ~~department~~ *state board* recommends that additional steps, beyond  
8 notification pursuant to this section, be taken to reduce public  
9 exposure to the contaminant. Response levels are established in  
10 conjunction with notification levels for contaminants that may be  
11 considered candidates for establishment of maximum contaminant  
12 levels, but have not yet undergone or completed the regulatory  
13 standard setting process prescribed for the development of  
14 maximum contaminant levels and are not drinking water standards.

15 (5) “Retail water system” means a public water system that  
16 supplies water directly to the end user.

17 (6) “Wholesale water system” means a public water system that  
18 supplies water to other public water systems for resale.