

**RWA PROPOSED AMENDEMENTS TO**  
**SB 1398**  
**August 8, 2016**

AMENDED IN ASSEMBLY JUNE 30, 2016

AMENDED IN ASSEMBLY JUNE 20, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1398**

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**Introduced by Senator Leyva**

February 19, 2016

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An act to add Section 116885 to the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1398, as amended, Leyva. Public water systems: lead-pipes-  
*service lines*.

Existing law requires public water systems to take specified actions to test for and remediate certain contaminants in drinking water, including lead and copper. Existing law prohibits the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption, except as specified.

This bill would require a public water system to compile an inventory of known lead-pipes *service lines* in use in its *distribution* system and identify areas that may have lead-pipes *service lines* in use in its *distribution* system by July 1, 2018. This bill would require a public water system, after completing the inventory, to provide a timeline for replacement of known lead-pipes *service lines* in the *distribution* system to the State Water Resources Control Board. This bill would require, by July 1, 2020, a public water system with areas that may have lead pipes *service lines* in use in its *distribution* system to either determine

the existence or absence of lead-pipes *service lines* in these areas and provide that information to the state board or provide a timeline for replacement of ~~pipes~~ *the pipes, tubings, and fittings* whose content cannot be determined ~~to the state board~~, that connect a water main to an individual water meter or service connection. This bill would require the board to approve a replacement timeline, as specified.

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

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

SECTION 1. The Legislature finds and declares as follows:

(a) Lead in public water systems represents a threat to public health and any such risks should be assessed and mitigated for by public water systems.

(b) Public water systems in the State of California ~~do may not have consistent levels of not have complete knowledge and data concerning the existence of lead in their water distribution systems due to age of the system, inadequate record-keeping, or addition of service areas where record-keeping was not properly maintained. This is a particular concern for small water systems, those located in disadvantaged communities, and those whose service areas include former military bases and other facilities that are being converted to civilian use after being decided to a county or other local land use authority.~~

(c) Public water systems in the state are required to comply with a drinking water permit issued by the board, the United States Environmental Protection Agency's Lead and Copper Rule, and other state and federal requirements intended to protect public health. Public water systems must regularly test their water supplies both at the source and within their distribution systems to ensure that water users are not exposed to lead.

(d) It is the intent of the legislature to ensure that lead water pipes are identified and replaced as promptly as practicable.

(e) ~~Further~~ it is the intent of the legislature that public water systems evaluate water service lines of unidentified composition, and take appropriate actions to ascertain whether they contain lead.

(f) It is the intent of the legislature that public water systems ~~monitor the risk of exposure associated with such unidentified service lines, and manage the replacement of such service lines on a schedule that is commensurate with the risks and costs involved.~~

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1 SECTION 2. Section 116885 is added to the Health and Safety  
2 Code, to read:

3 116885. (a) By July 1, 2018, a public water system shall  
4 compile an inventory of known lead-pipes *user service lines* in  
5 use in  
6 its *distribution system* and identify areas that may have lead-pipes  
7 *user service lines* in use in its *distribution system*.

8 (b) (1) After completing the inventory required pursuant to  
9 subdivision (a), a public water system shall provide a timeline for  
10 replacement of known lead-pipes *user service lines* in use  
11 in its

12 *distribution system* to the ~~State Water Resources Control Board~~  
13 *board*.

14 (2) By July 1, 2020, a public water system with areas that may  
15 have lead-pipes *user service lines* in use in its *distribution system*  
16 shall

17 do either of the following:

15 (A) Determine the existence or absence of lead-pipes user  
16 service

17 lines in these areas use in its distribution system and provide that  
18 information to the ~~State Water Resources Control Board~~ board.

19 (B) Provide a timeline *to the board* for replacement of-pipes  
20 user service lines whose content cannot be determined.

21 (c) *The board shall approve a timeline established pursuant to*  
22 *subdivision (b) as follows:*

23 (1) *The board shall review a public water system's proposed*  
24 *timeline for lead user service line replacement and within, 30*  
25 *days of*

26 *submission of the timeline to the board, do either of the following:*

27 (A) *Approve the proposed timeline.*

28 (B) *Deny the proposed timeline and propose a revised timeline*  
29 *to the public water system. The board shall explain to the public*

1 water system, in writing, why the public water system's timeline  
2 was not approved, the factors that the board used to propose a  
3 revised timeline, and why the board used those factors.

4 (2) If the board fails to act within 30 days of the submission of  
5 the timeline, the timeline shall be deemed approved.

6 (3) If the public water system rejects the board's proposed  
7 revised timeline, the public water system and the board shall  
8 develop a compromise timeline within 30 days.

9 (4) An approved timeline or a compromise timeline shall be a  
10 public record and available on the board's Internet Web site.

11 ~~(e)~~ (5) In cases where a portion of a public water system's distribution system is located  
within a Superfund site (as designated under the Comprehensive Environmental Response,  
Compensation, and Liability Act of 1980, as amended, 42 U.S.C. Sec. 9601 et seq.) under an active  
clean-up order, the board will not propose a timeline for lead user service line replacement that  
does not conform to any applicable federal regulatory requirements and timelines.

12 (d) For the purposes of this section, "public water system" has  
13 the same meaning as provided in Section 116275: section:

14 (1) "Board" means the State Water Resources Control Board.

15 (2) "User service line" has the same meaning as in Section  
16 64551.60 of Title 22 of the California Code of Regulations.

17 (3) "Public water system" has the same meaning as in Section  
18 116275.