

SB 230 (Portantino)

Statewide Constituents of Emerging Concern Drinking Water Program

PROBLEM

Constituents of Emerging Concern (CECs) are a diverse group of chemicals and microorganisms that are not currently regulated in drinking water. They can be detected in very small amounts. Over the years, CECs have received growing public attention as potential pollutants in drinking water supplies. Yet, the full extent and risk of their presence is not well understood.

The Metropolitan Water District of Southern California and the California Municipal Utilities Association are co-sponsoring legislation in response to this growing issue that would establish a CEC Drinking Water Program at the State Water Resources Control Board (State Water Board). The program would set up a unified, consistent and science-based approach for assessing the public health and drinking water consequences of CECs, while identifying which CECs warrant further action.

BACKGROUND

Currently CECs can become regulated by the State Water Board in one of three ways: adoption of federal standards, after the Office of Environmental Health Hazard Assessment sets a public health goal, or by legislative mandate. In addition, the State Water Board can set notification levels and response levels as precautionary measures for contaminants that have not yet undergone or completed the regulatory standard setting process. All these processes have their own unique challenges and inefficiencies. The federal process relies upon the Contaminant Candidate List and the Unregulated Contaminant Monitoring Rule to identify and collect data on CECs -- this process can take several years before a final regulatory decision is made and may not focus on issues

specific to California. Similarly, the regulatory development process in California can be lengthy due to a lack of technical and financial resources. And while legislative approaches can address public concerns, they can be made without complete information on occurrence and health effects.

SUMMARY

Senate Bill 230 would require the State Water Board to establish and then maintain an ongoing, dedicated program for CECs to proactively improve the understanding of their occurrence and public health significance in drinking water sources. The state board would create a Science Advisory Panel to gather and develop information for the program. The bill would require the program to provide opportunities for public participation through periodic stakeholder meetings and workshops.

The bill would establish in the State Treasury the CEC Action Fund, which upon appropriation would be administered by the State Water Board. Monies in the fund could be used to establish and maintain the panel, collect occurrence data, develop standardized analytical methods to detect CECs, and support research to fill information gaps.

In addition, the bill authorizes the Board, upon appropriation to provide financial assistance to certain public water systems upon a showing that the costs of testing drinking water in compliance with this act would impose a financial hardship, with eligibility preference given to public water systems serving fewer than 10,000 individuals.

EXISTING LAW

The California Safe Drinking Water Act requires the State Water Board to administer provisions relating to drinking water to protect public health. The State Water Board's duties include, but are not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable and safe supply of drinking water, enforcing the Federal Safe Drinking Water Act, and adopting and enforcing regulation.

SUPPORT

California Municipal Utilities Association
(Sponsor)

Metropolitan Water District of Southern California
(Sponsor)

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