

Senate Bill No. 2201

CHAPTER 70

An act to amend, repeal, and add Section 115825 of, and to add and repeal Section 115840.5 of, the Health and Safety Code, relating to public health.

[Approved by Governor June 19, 1998. Filed with Secretary of State June 22, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2201, Monteith. Recreational water use: Modesto Reservoir.

Existing law prohibits, in San Diego County, with respect to a reservoir in which water is stored for domestic use, recreational uses from including recreation in which there is bodily contact with the water by any participant, unless certain conditions are satisfied relating to water treatment and the operation of the reservoir, and authorizes the recreational use to be subject to additional conditions and restrictions adopted by the entity operating the water supply reservoir.

This bill would apply similar restrictions to recreational water uses in the Modesto Reservoir until January 1, 2004, and would require the Modesto Irrigation District to file a report with the Legislature by January 1, 2002.

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

SECTION 1. Section 115825 of the Health and Safety Code is amended to read:

115825. (a) It is hereby declared to be the policy of this state that multiple use should be made of all public water within the state, to the extent that multiple use is consistent with public health and public safety.

(b) Except as provided in Sections 115840, 115840.5, and 115841, recreational uses shall not, with respect to a reservoir in which water is stored for domestic use, include recreation in which there is bodily contact with the water by any participant.

(c) This section shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2004, deletes or extends that date.

SEC. 2. Section 115825 is added to the Health and Safety Code, to read:

115825. (a) It is hereby declared to be the policy of this state that multiple use should be made of all public water within the state, to



the extent that multiple use is consistent with public health and public safety.

(b) Except as provided in Sections 115840 and 115841, recreational uses shall not, with respect to a reservoir in which water is stored for domestic use, include recreation in which there is bodily contact with the water by any participant.

(c) This section shall become operative on January 1, 2004.

SEC. 3. Section 115840.5 is added to the Health and Safety Code, to read:

115840.5. (a) In the Modesto Reservoir, recreational uses shall not include recreation in which any participant has bodily contact with the water, unless both of the following conditions are satisfied:

(1) The water subsequently receives complete water treatment, in compliance with all applicable department regulations, including coagulation, flocculation, sedimentation, filtration, and disinfection, before being used for domestic purposes. The disinfection shall include, but not be limited to, ozonation.

(2) The reservoir is operated in compliance with regulations of the department.

(b) The recreational use may be subject to additional conditions and restrictions adopted by the entity operating the water supply reservoir, if those conditions and restrictions do not conflict with regulations of the department, and are designed to further protect or enhance the public health and safety.

(c) The Modesto Irrigation District shall file, on or before January 1, 2002, with the Legislature, a report on the recreational uses at Modesto Reservoir and the water treatment program. The report shall include, but not be limited to, all of the following information:

(1) The estimated levels and types of recreational uses at the reservoir on a monthly basis.

(2) Levels of methyl tertiary butyl ether at various reservoir locations on a monthly basis.

(3) A summary of available monitoring in the Modesto Reservoir watershed for giardia and cryptosporidium.

(4) The sanitary survey of the watershed and water quality monitoring plan.

(5) An evaluation of recommendations relating to removal and inactivation of cryptosporidium and giardia as specified in the department water permit dated October 28, 1997.

(6) Annual reports provided to the department, as required pursuant to Sections I and IV of the department water permit dated October 28, 1997.

(7) An evaluation of the impact on source water quality due to recreational activities on the Modesto Reservoir, including any microbiological monitoring.



(8) A summary of any activities between the district and the county for operation of recreational uses and facilities in a manner that optimizes the water quality.

(9) The reservoir management plan and the operations plan.

(10) The annual water quality reports submitted to consumers each year.

(d) This section shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2004, deletes or extends that date.

SEC. 4. (a) The Legislature finds and declares that Section 3, which is applicable only to the Modesto Reservoir, is necessary because of the unique circumstances whereby recreational activities have continued at the reservoir while the Modesto Irrigation District has constructed a water treatment facility that has been authorized by the State Department of Health Services despite the requirements of Section 115825, and that the district will provide information to the Legislature regarding certain issues to ensure that continued recreational uses at the reservoir do not affect the provision of domestic water to Modesto. It is therefore declared that a general law within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution cannot be made applicable, and that the enactment of this special law is necessary for recreation uses to continue at Modesto Reservoir during the study and reporting period.

(b) This section shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2004, deletes or extends that date.

