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AB-2454 Drinking water: rental property: domestic well testing. (2023-2024)

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Assembly Bill No. 2454

CHAPTER 506

An act to amend Section 116681 of, and to add Section 116688 to, the Health and Safety Code, relating to drinking water.

[Approved by Governor September 24, 2024. Filed with Secretary of State September 24, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2454, Lee. Drinking water: rental property: domestic well testing.

The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various duties and responsibilities for the regulation and control of drinking water in the State of California. The act requires the state board to adopt primary drinking water standards for contaminants in drinking water based upon specified criteria. Existing law makes certain violations of the act a crime.

This bill would require an owner of a domestic well that serves a rental property within the boundaries of a testing program, as defined, to participate in the testing program, as specified. The bill would require the state board to post certain information regarding applicable testing programs on its internet website. The bill would require the owner of a domestic well that serves a rental property to ensure that the test results, and information on how to read and understand the test results, are provided to current residents of the rental property within 10 days of receiving the test results. If the test results demonstrate an exceedance of any primary drinking water standard, and the owner of the domestic well or a resident served by the domestic well is eligible for a program for the provision of safe drinking water, the bill would require the domestic well owner to provide safe drinking water to the residents. The bill would prohibit an owner of a domestic well from imposing any charge, or increasing any fee, rent, or other charge imposed, on any resident solely as a result of the requirements of these provisions.

To the extent that an owner of the rental property, when providing notice of the results of domestic well testing to residents pursuant to these provisions, would make any false statement or representation, this bill would expand the scope of a crime and impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 116681 of the Health and Safety Code is amended to read:

116681. The following definitions shall apply to this section and Sections 116682, 116684, 116686, and 116688:

(a) "Adequate supply" means sufficient water to meet residents' health and safety needs at all times.

(b) "Affected residence" means a residence within a disadvantaged community that is reliant on a water supply that is either inadequate or unsafe and that is not served by a public water system or state small water system.

(c) "At-risk domestic well" means a domestic well that serves a disadvantaged community and is at risk of consistently failing to provide an adequate supply of safe drinking water as determined by the state board pursuant to the methodology established in the 2021 Drinking Water Needs Assessment referenced in subdivision (b) of Section 116769, or a substantially similar methodology adopted by the state board in an update to the Drinking Water Needs Assessment.

(d) "At-risk water system" means a water system that meets all the following conditions:

(1) The water system is either a public water system with 3,300 or fewer connections or a state small water system.

(2) The system serves a disadvantaged community.

(3) The system is at risk of consistently failing to provide an adequate supply of safe drinking water, as determined by the state board pursuant to the methodology established in the 2021 Drinking Water Needs Assessment referenced in subdivision (b) of Section 116769, or a substantially similar methodology adopted by the state board in an update to the Drinking Water Needs Assessment.

(e) "Consistently fails" means a failure to provide an adequate supply of safe drinking water.

(f) "Consolidated water system" means the public water system resulting from the consolidation of a public water system with another public water system, state small water system, or affected residences.

(g) "Consolidation" means joining two or more public water systems, state small water systems, or affected residences into a single public water system.

(h) "Disadvantaged community" means a disadvantaged community, as defined in Section 79505.5 of the Water Code.

(i) "Domestic well" means a groundwater well used to supply water for the domestic needs of an individual residence or a water system that is not a public water system and that has no more than four service connections.

(j) "Extension of service" means the provision of service through any physical or operational infrastructure arrangement other than consolidation.

(k) "Groundwater sustainability agency" has the same meaning as provided in Section 10721 of the Water Code.

(l) "Infill site" means a site within the area served by a subsumed water system that, as of the date of consolidation, is adjacent to a parcel that is developed for a qualified urban use.

(m) "Operation period" means the period during which an administrator provides services to a designated water system, as provided in paragraph (2) of subdivision (r) of Section 116686.

(n) "Qualified urban use" means any residential, commercial, public institutional, industrial, transit or transportation facility, or retail use, or any combination of those uses.

(o) "Receiving water system" means the public water system that provides service to a subsumed water system through consolidation or extension of service.

(p) "Safe drinking water" means water that meets all primary and secondary drinking water standards.

(q) "State small water system" has the same meaning as provided in Section 116275.

(r) "Subsumed water system" means a public water system, state small water system, or affected residences served by domestic wells consolidated into or receiving service from the receiving water system.

SEC. 2. Section 116688 is added to the Health and Safety Code, to read:

116688. (a) For the purposes of this section, "testing program" means a program that provides domestic well testing for one or more primary or secondary drinking water contaminants by a laboratory accredited by the state to conduct drinking water sampling and analysis, that is offered free of charge to the owner of a domestic well or a resident of a rental property served by a domestic well, and that was established by, or receives funding from, the state board or a regional water quality control board.

(b) (1) An owner of a domestic well that serves a rental property that is within the boundaries of a testing program shall participate in the testing program, to the extent that the testing program has capacity, and shall do all of the following:

(A) (i) Request testing for all primary and secondary drinking water contaminants for which testing is provided by the testing program.

(ii) The domestic well owner may request testing for contaminants of emerging concern if offered by the testing program.

(B) Request regular testing as frequently as the testing program recommends, within the capacity of the testing program.

(C) Provide all necessary consent for the testing and for submission of testing results by the accredited laboratory to the state board, to any relevant database maintained by the state board, or to the local health officer or other relevant local agency, depending on the testing program's procedures for sharing testing data.

(2) If a domestic well that serves a rental property is located within the boundaries of more than one testing program, the owner of the domestic well shall be required to participate in only one testing program at a time.

(3) If the owner of a domestic well that serves a rental property does not qualify for a testing program but a resident of the rental property does, the owner shall participate in the testing program on the resident's behalf, to the extent allowed by the testing program.

(c) (1) The state board shall post information regarding applicable testing programs on its internet website. The information shall include, but is not limited to, all of the following:

(A) The boundaries of the testing program.

(B) Qualifications for participating in the testing program.

(C) Information on how to participate in the testing program.

(D) The duty of an owner of a domestic well that serves a rental property to comply with the requirements of this section.

(E) Information on how to read and understand test results.

(F) Information on how domestic well users can access safe drinking water, including through programs offered by the state board, regional water quality control boards, or other state agencies.

(2) The state board shall inform all counties within the boundaries of a testing program of the presence of the testing program and of the information described in paragraph (1), and shall encourage the relevant local health officers or other relevant local agencies to share this information with the owners of domestic wells and residents of rental properties served by domestic wells, within the boundaries of the testing program.

(3) The state board and the regional water quality control boards may partner with local agencies and community organizations to spread awareness and educate domestic well owners and residents of rental properties served by domestic wells about testing programs and the requirements of this section.

(d) Within 10 days of receiving test results from a testing program, the owner of a domestic well that serves a rental property shall ensure that the test results, and the information on how to read and understand test results posted by the board pursuant to subparagraph (E) of paragraph (1) of subdivision (c), are provided to current residents of the rental property.

(e) If the test results collected pursuant to this section demonstrate an exceedance of any primary drinking water standard, and the owner of the domestic well or a resident served by the domestic well is eligible for the provision of safe drinking water under a program identified pursuant to subparagraph (F) of paragraph (1) of subdivision (c), the domestic well owner shall provide safe drinking water under that program to residents served by the domestic well.

(f) An owner of a domestic well shall not impose any charge, or increase any fee, rent, or other charge imposed, on any resident solely as a result of the requirements of this section.

(g) This section does not impose any new obligation or requirement on a testing program.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.