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SB-1188 Drinking water: technical, managerial, and financial standards. (2023-2024)

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Senate Bill No. 1188

CHAPTER 507

An act to add Article 7.2 (commencing with Section 116600) to Chapter 4 of Part 12 of Division 104 of 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

SB 1188, Laird. Drinking water: technical, managerial, and financial standards.

Existing law, the California Safe Drinking Water Act, imposes on the State Water Resources Control Board various responsibilities and duties relating to providing a dependable, safe supply of drinking water. Existing law requires the state board to directly enforce the provisions of the act for all public water systems, except as specified. The act prohibits a person from operating a public water system unless the person first submits an application to the state board and receives a permit to operate the system, as specified. Existing law authorizes the state board to impose permit conditions, requirements for system improvements, technical, financial, or managerial requirements, and time schedules as it deems necessary to ensure a reliable and adequate supply of water at all times that is pure, wholesome, potable, and does not endanger the health of consumers.

Existing law makes it a crime to knowingly make any false statement or representation in any application, record, report, or other document submitted, maintained, or used for purposes of compliance with the act.

This bill would require the state board to develop and adopt minimum standards related to the technical, managerial, and financial capacity of community water systems serving fewer than 10,000 people or 3,300 service connections and nontransient noncommunity water systems that serve K–12 schools. The bill would require community water systems serving fewer than 10,000 people or 3,300 service connections and nontransient noncommunity water systems that serve K–12 schools to demonstrate compliance with those standards, as provided. The bill would require new community water systems serving fewer than 10,000 persons or 3,300 service connections and nontransient noncommunity water systems that serve K–12 schools to demonstrate, as part of a permit application, compliance with the minimum technical, managerial, and financial standards.

This bill would authorize the state board to require a community water system serving fewer than 10,000 people or 3,300 service connections and a nontransient noncommunity water system that serves K–12 schools subject to the minimum standards to show proof that it has the technical, managerial, and financial capacity to comply with the standards, including, but not limited to, annual reporting of information necessary and appropriate to monitor its current capacity status. Because knowingly making a false statement or representation in that report would be a crime under the California Safe Drinking Water Act, the bill would impose a state-mandated local program by expanding the scope of a crime.

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.

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

SECTION 1. Article 7.2 (commencing with Section 116600) is added to Chapter 4 of Part 12 of Division 104 of the Health and Safety Code, to read:

Article 7.2. Technical, Managerial, and Financial Standards

116600. (a) The state board shall develop and adopt minimum standards in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) related to the technical, managerial, and financial capacity of community water systems serving fewer than 10,000 people or 3,300 service connections and nontransient noncommunity water systems that serve K–12 schools. The standards shall review and consider the most recent technical, managerial, and financial assessment published by the state board, and may include, but not be limited to, all of the following:

- (1) Source water adequacy, related to both supply and quality.
- (2) Infrastructure adequacy, including source, treatment, distribution, and storage.
- (3) Adequacy of organizational staffing levels and staff technical knowledge, including internal management of outside contractors.
- (4) Adequate staffing and organization governance structures enabling transparent and informed decisions.
- (5) Effectiveness of external contracts, contractors, or other agreements.
- (6) Revenue sufficiency, including adequate financial reserves to plan, operate, maintain, and restore or replace the system's water infrastructure as it reaches the end of its useful life.
- (7) Credit worthiness.
- (8) Fiscal management and controls.
- (9) Adequate management and technical staffing.
- (10) Governance and public processes.

(b) In developing the standards, the state board shall review and consider documents, standards, and practices produced by other government and water industry organizations, including, but not limited to, all of the following:

- (1) United States Environmental Protection Agency reports related to the agency's technical, managerial, and financial capacity standards, including the 2001 report titled "State Programs to Ensure Demonstration of Technical, Managerial, and Financial Capacity of New Water Systems."
- (2) The American Water Works Association's G410-18 Business Practices for Operation and Management and M1 Principles of Water Rates, Fees, and Charges.
- (3) The Rural Community Assistance Partnership's document titled "The Basics of Financial Management for Small-community Utilities."
- (4) Statutes, regulations, or reports from other state governments subject to the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et seq.).
- (5) The most recent "California Capacity Development Strategy For Public Water Systems" document published by the state board.

(c) In developing the standards, the state board may consider proposed or adopted regulations required by Section 116375.

(d) Before adopting the standards, the state board shall convene at least two virtual statewide public workshops regarding the proposed standards.

(e) This article does not limit the Public Utilities Commission's authority in relation to the regulation of water corporations.

116601. (a) Community water systems serving fewer than 10,000 people or 3,300 service connections and nontransient noncommunity water systems that serve K–12 schools shall demonstrate compliance with the minimum technical, managerial, and financial standards adopted pursuant to Section 116600 within timelines adopted by the state board. The timelines adopted by the state board shall not require compliance with the minimum technical, managerial, and financial standards sooner than two years after the adoption of the standards. The board may grant an extension for compliance with the technical, managerial, and financial standards for good cause when an explanation of the need for an extension is included in a compliance plan submitted by a water system and is approved by the state board.

(b) Notwithstanding subdivision (a), new community water systems serving fewer than 10,000 persons or 3,300 service connections and nontransient noncommunity water systems that serve K–12 schools shall demonstrate, as part of a permit application, compliance with the minimum technical, managerial, and financial standards adopted pursuant to Section 116600.

(c) The state board may require a community water system serving fewer than 10,000 people or 3,300 service connections and a nontransient noncommunity water system that serves K–12 schools subject to the minimum standards adopted pursuant to Section 116600 to show proof that it has the technical, managerial, and financial capacity to comply with the standards, including, but not limited to, annual reporting of information necessary and appropriate to monitor its current capacity status.

(d) Nothing in this article shall be construed as limiting the state board's authority under other laws, including the authority to order consolidation pursuant to Section 116682 or to request a technical report under Section 116530.

SEC. 2. 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.