



APPENDIX:
**NEW LEGISLATION RELATED TO THE
SAFER PROGRAM AND CAPACITY
DEVELOPMENT STRATEGY**

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INTRODUCTION

The State Water Board implements and enforces legislative and regulatory requirements to ensure the Human Right to Water is achieved. The following summarize the relevant legislation and State Water Board resolutions related to the SAFER Program¹ and the State Water Board's Drinking Water Capacity Strategy.²

NEW LEGISLATION

2024

SENATE BILL 1188

On September 24, 2024, the California legislature passed Senate Bill 1188³ (SB 1188) which requires the State Water Resources Control Board (State Water Board) to develop and adopt minimum standards related to the technical, managerial, and financial (TMF) capacity of community water systems with fewer than 10,000 people or 3,300 service connections and non-transient non-community water systems that serve K-12 schools. This bill requires the State Water Board to adopt timelines of no less than two years for when the water systems would need to demonstrate compliance. The State Water Board is authorized to require such public water systems to show proof of TMF capacity, including but not limited to, annual reporting requirements.

SENATE BILL 1147

On September 28, 2024, the California legislature passed Senate Bill 1147⁴ (SB 1147) which requires the Office of Environmental Health Hazard Assessment (OEHHA) to study the health effects of microplastics in drinking water and bottled water and authorizes the State Water Board, after OEHHA's study is complete, to request that OEHHA develop a public health goal (PHG) for microplastics in drinking water.

SENATE BILL 867

On July 03, 2024, the California legislature passed Senate Bill 867⁵ (SB 867) which authorizes the issuance of bonds in the amount of \$10,000,000,000 pursuant to the State General

¹ [State Water Board SAFER Program](https://www.waterboards.ca.gov/safer)

<https://www.waterboards.ca.gov/safer>

² [State Water Board 2022 Capacity Development Strategy for Drinking Water Systems](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/docs/2022/2022-capdev-strategy-v2.pdf)

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/docs/2022/2022-capdev-strategy-v2.pdf

³ [Bill Text- SB-1188 Drinking water: technical, managerial, and financial standards.](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1188)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1188

⁴ [Senate Bill No. 1147](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1147)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1147

⁵ [Senate Bill No. 867](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB867)

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB867

Obligation Bond Law to finance projects for safe drinking water, drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate-smart, sustainable, and resilient farms, ranches, and working lands, park creation and outdoor access, and clean air programs.

ASSEMBLY BILL 2454

On September 24, 2024, the California legislature passed Assembly Bill 2454⁶ (AB 2454), which require owners of domestic wells serving rental properties within designated testing areas to participate in a testing program. The State Water Board must publish relevant program information online. Well owners must provide test results and explanatory information to residents within 10 days of receipt. If test results indicate contamination exceeding primary drinking water standards and the owner or a resident qualifies for a safe drinking water assistance program, the owner must supply safe drinking water at no additional cost to residents. The bill prohibits well-owners from increasing rent or imposing additional charges due to compliance requirements. Additionally, making false statements in test result notifications would constitute a crime, expanding legal liability. The bill may also necessitate state reimbursement for certain local government costs.

ASSEMBLY BILL 2962

On August 26, 2024, the California legislature passed Assembly Bill 2962⁷ (AB 2962), which requires the City and County of San Francisco to adopt a specified program of capital improvement projects designed to restore and improve the bay area regional water system. This bill extends the repeal date of the act to January 1, 2036.

ASSEMBLY BILL 157

On September 30, 2024, the California legislature passed Assembly Bill 157⁸ (AB 157), which requires 5 percent of annual proceeds to be transferred to the Safe and Affordable Drinking Water Fund. The Director of Finance may transfer to the Safe and Affordable Drinking Water Fund an additional amount equal to the difference between the amount transferred in a quarter pursuant to subparagraph (A) of paragraph (3) of subdivision (b) of Section 39719 of the Health and Safety Code and \$32,500,000 per quarter of the 2023–24 fiscal year.

⁶ [Assembly Bill No. 2454](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2454)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2454

⁷ [Assembly Bill No. 2962](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2962)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2962

⁸ [Assembly Bill No. 157](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB157)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB157

ASSEMBLY BILL 1627

On September 8, 2023, the California legislature passed Assembly Bill 1627⁹ (AB 1627) which preserves the State’s authority to implement the federal Safe Drinking Water Act (SDWA) in California by (1) repealing a provision in the California SDWA that may be construed to exempt food facilities that operate public water systems from regulation under the California SDWA and (2) making a technical clarification to the California SDWA’s definition of “public water system.”. By aligning the California SDWA and the federal SDWA, AB 1627 ensures that state law is no less stringent than federal law. This protects the state’s primary authority to enforce the federal SDWA in California.

ASSEMBLY BILL 682

On October 7, 2023, the California legislature passed Assembly Bill 682¹⁰ (AB 682) requiring the State Water Board to update its online search tool for funding applications to better provide public information as to the status of funding applications and information requested by the board of applicants.

ASSEMBLY BILL 755

On October 8, 2023, the California legislature passed Assembly Bill 755¹¹ (AB 755) requiring that when public entities conduct a cost-of-service analysis, the entity should also conduct a water usage demand analysis prior to, or as part of, the cost-of-service analysis. This bill requires the water usage demand analysis to include specific details pertaining to the amount of water used by high water users and the cost to deliver that water and require public entities to make that information publicly available.

ASSEMBLY BILL 541

On October 8, 2023, the California legislature passed Assembly Bill 541¹² (AB 541) directing the State Water Board to require a public water system that has experienced a wildfire event, as specified, to perform sample collection and analysis of its source waters, treatment facilities, conveyance facilities, distribution systems, or a combination thereof, for the presence of benzene, as soon as it is safe to do so. This bill also clarifies the State Water Board’s authority to direct a public water system’s post-wildfire response if benzene contamination is detected.

⁹ [Assembly Bill No. 1627](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1627)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1627

¹⁰ [Assembly Bill 682](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB682)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB682

¹¹ [Assembly Bill No. 755](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB755)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB755

¹² [Assembly Bill No. 541](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB541)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB541

ASSEMBLY BILL 1572

On October 13, 2023, the California legislature passed Assembly Bill 1572¹³ (AB 1572) which prohibits the use of potable water for irrigation of nonfunctional turf located on commercial, industrial, and institutional properties as specified. This bill also would authorize the State Water Board to create a form to be used by property owners for compliance certification and postpone the compliance deadline by up to three years. Additionally, the bill requires public water systems to revise regulations, ordinances, or policies by January 1, 2027, and to communicate those changes with water users on or before that date. Finally, the bill establishes that these provisions may be enforced by a public water system, city, or county.

ASSEMBLY BILL 664

On October 13, 2023, the California legislature passed Assembly Bill 664¹⁴ (AB 664) requires the owner of any domestic well that serves a rental property and is located within a consolidation or extended service area, if the owner does not provide written consent, to ensure that tenants of rental properties served solely by that domestic well have access to an adequate supply of safe drinking water. Until consent is provided, the bill requires the domestic well owner to test the drinking water from the domestic well once per year for primary and secondary water contaminants, provide the testing results to tenants and the local health officer or other relevant health agency, and provide or pay for uninterrupted replacement water service if the testing results demonstrate a violation of primary or secondary drinking water contaminant standards. This bill makes enforcement of its requirements contingent upon a legislative appropriation and clarifies the State Water Board's enforcement authorities against such landlords and others who violate the California Safe Drinking Water Act.

SENATE BILL 3

On October 13, 2023, the California legislature passed Senate Bill 3¹⁵ (SB 3) requiring community water systems with 200 or fewer service connections to comply with the Water Shutoff Protection Act (Act). The bill requires the State Water Board, subject to the availability of funding, to provide statewide trainings for water systems to assist in compliance with the Act. Finally, this bill would allow the State Water Board to use the Safe Drinking Water Account to administer the Act's provisions, including the requirement to provide training to water systems to assist with compliance.

¹³ [Assembly Bill No. 1572](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1572)

https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1572

¹⁴ [Assembly Bill No. 664](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB664)

https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB664

¹⁵ [Senate Bill No. 3](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB3)

https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB3

ASSEMBLY BILL 2877

On September 23, 2022, the California legislature passed Assembly Bill 2877¹⁶ (AB 2877) which requires that the State Water Board collaborate with California Native American tribes to:

- Eliminate obstacles hindering their access to funding from the Safe and Affordable Drinking Water Fund (SADW Fund).
- Ensure that any waiver of tribal sovereignty necessary for tribes to obtain funding is narrowly and specifically tailored to address the unique needs of each tribe and that the funding agreement is enforceable.
- Publish all data regarding funding for tribes.

Additionally, the law requires the State Water Board's tribal liaison to participate in all discussions with tribes regarding SADW Fund disbursement, including negotiations concerning waivers of tribal sovereignty.

SENATE BILL 1188

On September 28, 2022, the California legislature passed Senate Bill 1188¹⁷ (SB 1188) which permits the State Water Board to dispense grants, principal forgiveness funding, and zero percent financing from the Drinking Water State Revolving Fund to the maximum extent authorized by federal law. These modifications enable the State Water Board to provide additional funding for consolidation projects, public health drinking water projects, and encourage consolidation between larger non-disadvantaged communities and smaller water systems.

ASSEMBLY BILL 1642

On September 30, 2022, the California legislature passed Assembly Bill 1642¹⁸ (AB 1627) which creates an exemption from the requirements of the California Environmental Quality Act (CEQA) for well projects connected to a water system categorized as “high” or “medium” risk by the State Water Board’s Needs Assessment. To be eligible for the exemption, the law requires applicants to first consult with the State Water Board to determine whether it would affect their eligibility for federal financial assistance. The well project must also be designed to mitigate or prevent failure of a well that would leave residents, or the water system to which the well is connected, without an adequate supply of safe drinking water.

¹⁶ [Assembly Bill No. 2877](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2877)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2877

¹⁷ [Senate Bill No. 1188](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1188)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1188

¹⁸ [Assembly Bill No. 1642](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1642)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1642

SENATE BILL 1254

On September 30, 2022, the California legislature passed Senate Bill 1254¹⁹ (SB 1254) which authorizes the State Water Board contract with, or provide grant funding for, an administrator to provide administrative, technical, operational, legal, or managerial services to a “designated”²⁰ public water system. Administrators are vital to assisting in the development of such water system’s TMF capacity. The newly enacted legislation authorizes the State Water Board to appoint an administrator to oversee construction or development projects related to a consolidation or extension of service for such systems. The law further provides liability protection to water system administrators who are appointed by the State Water Board against claims against the administrator, if good faith, reasonable effort, and ordinary care were used by the administrator to assume possession of, or to operate, the water system. Additionally, the law clarifies the liability of the State Water Board when appointing administrators.

2021

SENATE BILL 403

On September 23, 2021, the California legislature passed Senate Bill 403²¹ (SB 403) authorizing the State Water Board to conduct mandatory consolidation of At-Risk water systems that serve disadvantaged communities or where a disadvantaged community is substantially reliant on At-Risk state small water systems or domestic wells.

SENATE BILL 552

On September 23, 2021, the California legislature passed Senate Bill 552²² (SB 552) to support planning and implementation of drought resiliency measures by counties and small water systems. SB 552 has four main resiliency areas:

- Implementation of water shortage contingency plans,
- Infrastructural resiliency implementation for small community water systems and K-12 schools that are non-community water systems,
- County planning requirements for domestic wells and state small water systems, and
- State Water Board and Department of Water Resource Tool development and coordination activities.

Under the infrastructure resiliency implementation, SB 552 specifically requires small water suppliers, defined as community water systems (CWS) serving 15 to 2,999 service

¹⁹ [Senate Bill No. 1254](#)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1254

²⁰ Under the law, “Designated water system” means any of the following: (A) A public water system or state small water system that has been ordered to consolidate pursuant to Section 116682. (B) A public water system or state small water system that serves a disadvantaged community and that the state board finds consistently fails to provide an adequate supply of affordable, safe drinking water. (C) An at-risk water system.

²¹ [Senate Bill No. 403](#)

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB403

²² [Senate Bill No. 552](#)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB552

connections and non-transient, non-community water systems that are K-12 schools, to implement the following drought resiliency measures, subject to funding availability:

- No later than January 1, 2023, implement monitoring systems sufficient to detect production well groundwater levels.
- Beginning no later than January 1, 2023, maintain membership in the California Water/Wastewater Agency Response Network (CalWARN) or similar mutual aid organization.
- No later than January 1, 2024, to ensure continuous operations during power failures, provide adequate backup electrical supply.
- No later than January 1, 2027, have at least one backup source of water supply, or a water system intertie, that meets current water quality requirements and is sufficient to meet average daily demand.
- No later than January 1, 2032, meter each service connection and monitor for water loss due to leakages.
- No later than January 1, 2032, have source system capacity, treatment system capacity if necessary, and distribution system capacity to meet fire flow requirements.

2019

SENATE BILL 200

On July 24, 2019, the Governor signed Senate Bill 200²³ (SB 200) establishing the Safe and Affordable Drinking Water Fund in the California State Treasury to help water systems provide an adequate, affordable supply of safe drinking water in the near and long terms. SB 200 provides funding until 2030 to improve the water quality of disadvantaged communities that lack clean water.

In the first year, \$100 million of the funding will come from the Greenhouse Gas Reduction Fund (GGRF) and \$30 million from the General Fund under the Budget Act. After the first year, SB 200 provides the funding will be 5% of the GGRF, continuously appropriated but capped at \$130 million per year.

The funding and authorities granted to the State Water Board through SB 200 enabled the establishment of the Safe and Affordable Funding for Equity and Resilience (SAFER) Program. The State Water Board prioritizes SAFER Program funding and technical assistance annually through the Fund Expenditure Plan (FEP). The annual FEP is to be informed by “data and analysis drawn from the drinking water Needs Assessment”, per California Health and Safety Code section 116769. The State Water Board’s Drinking Water Needs Assessment (Needs Assessment) consists of three core components: the Risk Assessment, Cost Assessment, and Affordability Assessment.

²³ [Senate Bill No. 200](#)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB200

SB 200 updated Section 116530(a)²⁴ of California's Health and Safety Code allowing for the State Water Board to request information regarding technical, managerial, and financial capacity for existing public water systems. California Health and Safety Code Section 116530 now states:

A public water system shall submit a technical report to the state board as part of the permit application or when otherwise required by the state board. This report may include, but not be limited to, detailed plans and specifications, water quality information, physical descriptions of the existing or proposed system, information related to technical, managerial, and financial capacity and sustainability, and information related to achieving the goals of Section 106.3 of the Water Code, including affordability and accessibility.

2018

ASSEMBLY BILL 2501

On September 28, 2018, the Governor signed Assembly Bill 2501²⁵ (AB 2501) which expands the State Water Board's authority to require consolidation of public and state small drinking water systems and individual wells that serve disadvantaged communities which consistently fail to deliver safe drinking water. The bill also authorizes the appointment of administrators to provide administrative and managerial services to struggling water systems that fail to deliver an adequate and affordable supply of safe drinking water, particularly if consolidation is not a viable option. It also requires the State Water Board to develop standards, terms, and procedures for the management of the designated water system by the administrator.

2016

SENATE BILL 1263

On September 29, 2016, the Governor signed Senate Bill 1263²⁶ (SB 1263) requiring a person submitting an application for a permit for a proposed new public water system to first submit a preliminary technical report to the State Water Board at least six months before initiating construction of any water-related improvement. It is the policy of the state to discourage the establishment of new, unsustainable public water systems when there is a feasible alternative. The purpose of the preliminary technical report is to ensure the sustainability of new water systems and evaluate alternatives prior to developers investing capital into new water systems.

The bill also prohibits a local primacy agency (LPA) from issuing a permit to operate a public water system without the agreement of the State Water Board. The proposed new public water system that would be regulated by the LPA, must also submit a copy of the preliminary technical report to the State Water Board. Furthermore, the bill prohibits a city, including a

²⁴ [California Health and Safety Code Section 116530\(a\)](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=116530)

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=116530

²⁵ [Assembly Bill No. 2501](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2501)

https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2501

²⁶ [Senate Bill No. 1263](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1263)

https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1263

charter city, or a county from issuing a building permit for the construction of a new residential development where a source of the water supply is water transported by a water hauler, bottled water, a water-vending machine, or a retail water facility.

The preliminary technical report shall include all of the following:

1. The name of each community water system within three miles of applicant's proposed public water system's service area.
2. Discussion of the feasibility of each of the adjacent community water system identified through annexing, connecting, or otherwise supplying domestic water to the proposed new public water system.
3. Discussion of all actions taken to secure a supply of domestic water from an existing community water system.
4. All sources of domestic water supply for the proposed new public water system.
5. Estimated costs to construct, operation and maintenance (O&M), and long-term O&M costs and a potential rate structure.
6. Cost comparison of the costs associated with the construction, O&M, and long-term sustainability of the proposed new public water system to the costs associated with receiving water through annexation by, consolidation with, or connection to an existing community water system.
7. Discussion of all actions taken by the applicant to pursue a contract for managerial or operational oversight from an existing community water system.
8. Analysis of whether a proposed new public water system's total projected water supplies available during normal, single dry, or multiple dry water years during a 20-year projection will meet the projected water demand for the service area.
9. Any information provided by the local formation commission (LAFCo). Applicant shall consult LAFCo if any adjacent public water systems are identified.

The requirements in SB 1263 do not apply to a service area where an applicant certifies in writing to the State Water Board that the applicant will not rely on the establishment of a new public water system for its water supply. This bill and subsequent amended California Health and Safety Code Section 116540 by adding subsections (c) and (d), which require the State Water Board to consider future climate change and possible contamination impacts on new water systems and authorized the State Water Board to deny the permit of a proposed public water system if it determines that it is feasible for the service area of the proposed public water system to be served by an existing water system, respectively.

SENATE BILL 552

On September 28, 2016, the Governor signed Senate Bill 552²⁷ (SB 552) which expanded the mandatory consolidation authorities in SB 88 and also authorized the State Water Board to contract with an administrator to provide administrative and managerial services to a

²⁷ [Senate Bill No. 552](#)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB552

designated water system. This authority allows the State Water Board to order a consolidation where a public water system or state small water system is serving, rather than within, a disadvantaged community and limits the authority to order a consolidation or extension of service to only disadvantaged communities. Mobile home parks (MHPs) are included for these purposes as a disadvantage community, even if it is not an unincorporated area or served by a mutual water company. The consolidation cannot result in increasing charges on existing customers of the receiving water system solely as a consequence of the consolidation or extension of service unless the customer receives a corresponding benefit. The following actions must be taken before ordering a consolidation or extension of service:

1. Consult with specified entities.
2. Hold at least one initial public meeting (unless the potentially subsumed area is only served by domestic wells).
3. Obtain written consent from any domestic well owner. If any effected resident within the service does not provide written consent, they are ineligible for any future water-related grant funding from the state.

Additionally, upon ordering the consolidation or extension of service, owners of a privately owned subsumed water system must be adequately compensated for the fair market value of the system as determined by the California Public Utilities Commission.

SB 552 also authorizes the State Water Board to contract with an administrator to provide administrative and managerial services to a designated water system and to order the designated public water system to accept those services if sufficient funding is available and certain findings are made. Public notice and a public meeting are required as part of determining that a public water system should receive an administrator. This bill authorizes the administrator of a designated public water system to spend available money on capital infrastructure improvements needed to provide an adequate and affordable supply of safe drinking water, to set and collect user water rates and fees, and to spend money for operations and maintenance. The goal of an administrator is to develop, within the shortest feasible timeframe, adequate technical, managerial, and financial capacity to deliver safe drinking water so that the administrator is no longer necessary.

2015

SENATE BILL 88

On June 24, 2015, the Governor signed Senate Bill 88²⁸ (SB 88) authorizing the State Water Board to require water systems serving disadvantaged communities that consistently fail to provide safe drinking water to consolidate with, or receive an extension of service from, another public water system. The consolidation can be physical or managerial. Although for many years the State Water Board has encouraged -- and will continue to encourage -- voluntary consolidations of public water systems, the legislation allows the State Water Board

²⁸ [Senate Bill No. 88](#)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB88

to mandate consolidation of water systems where appropriate. Extension of service to domestic wells is authorized only when agreed to by the well owner. The changes to the California Health and Safety Code, as defined in SB 88, gives the State Water Board authority to mandate such consolidations or extension of service only following a series of specific actions.

The State Water Board's Division of Drinking Water must issue letters to water systems to consolidate with, or seek an extension of service, from a public water system. The recipients of such letters have up to six months from the date the letter is issued to voluntarily consolidate with, or receive extension of service from, a public water system. All letters to public water systems, consolidation orders, petitions, responses, and administrative indices are available to the public upon request and at least two public meetings are required to ensure community engagement and transparency.

2012

ASSEMBLY BILL 685

On September 25, 2012, Governor Edmund G. Brown Jr. signed Assembly Bill 685²⁹ (AB 685), making California the first state in the nation to legislatively recognize the human right to water. Now in the Water Code as Section 106.3, the State statutorily recognizes that: ".... every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes."

The Human Right to Water extends to all Californians, including disadvantaged individuals and groups and communities in rural and urban areas. Further, the bill required state agencies to consider this policy "when revising, adopting, or establishing policies, regulations, and grant criteria."

On February 16, 2016, the State Water Board adopted a resolution identifying the Human Right to Water statute as a top priority and core value of the State Water Board and Regional Water Quality Control Boards (collectively the 'Water Boards'). The resolution stated the Water Boards will work "to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations."

The resolution cements the Water Boards commitment to considering how its activities impact and advance the human right to safe, clean, affordable, and accessible water to support basic human needs. The Human Right to Water statute will be considered in actions taken by the Water Boards that pertain to the sustainability of drinking water.

These actions may include revising or establishing water quality control plans, policies, and grant criteria; permitting; site remediation and monitoring; and water right administration.

²⁹ [Assembly Bill No. 685](#)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB685

Under the resolution, State Water Boards staff will work with relevant stakeholders, as resources allow, to develop new systems or enhance existing systems to collect data and identify and track communities that do not have, or are at risk of not having, safe, clean, affordable, and accessible water for drinking, cooking, and sanitary purposes. State Water Boards staff will also work with relevant groups to develop performance measures to evaluate the Water Boards' progress toward making the human right to water a reality, and such information will be made available to the public.

The State Water Board has developed and will continue to enhance a set of criteria used to identify "failing" public water systems that are failing to meet the goals of the Human Right to Water.

STATE WATER BOARD RESOLUTIONS

The State Water Board has adopted resolutions that help guide program development and implementation. State Water Board resolutions do not have the same binding effect as statutes or administrative regulations; however, they do serve as an important precedent for State Water Board activities. The following resolutions summarized below are of particular importance for the SAFER Program and the State Water Board's Capacity Development Strategy.³⁰

2024

FUND EXPENDITURE PLAN

On August 20, 2024, the State Water Board adopted Resolution No. 2024-0028, adopting the Fiscal Year 2024-25 Fund Expenditure Plan (FEP). Expenditures from the Safe and Affordable Drinking Water Fund (SADW Fund) on and after July 1, 2024, must be consistent with the FEP. The resolution adopts the FEP and authorizes the Deputy Director of DFA, or his or her designee, to approve or deny funding from the SADW Fund without limitation on funding amount per project or program, for uses consistent with the FEP.

2023

ADMINISTRATOR POLICY HANDBOOK CHANGES RESOLUTION

On March 8, 2023, the State Water Board adopted Resolution No. 2023-0005³¹ to make minor changes to the administrator policy handbook in order to award funds to an administrator on behalf of a designated water system under the safe and affordable fund for equity and

³⁰ [State Water Board 2022 Capacity Development Strategy for Drinking Water Systems](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/docs/2022/2022-capdev-strategy-v2.pdf)

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/docs/2022/2022-capdev-strategy-v2.pdf

³¹ [State Water Board Resolution No. 2023-0005](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2023/rs2023-0005.pdf)

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2023/rs2023-0005.pdf

resilience (SAFER) program.³² The final version of this new policy was adopted in Resolution No. 2023-0026.

EXPEDITED DRINKING WATER GRANT FUNDING PROGRAM RESOLUTION

On March 8, 2023, the State Water Board adopted Resolution No. 2023-0006³³ to accept the guidelines for the expedited drinking water grant funding program (EDWG). EDWG funding program would be available to a subset of the projects that are currently funded consistent with Drinking Water State Revolving Fund (DWSRF) processes, and will utilize a variety of state funding sources for drinking water infrastructure projects.

EMERGENCY RESOLUTION TO REDUCE WATER DEMAND & IMPROVE WATER CONSERVATION RESOLUTION

On May 26, 2023, the State Water Board adopted Resolution No. 2023-0014³⁴ to approve an emergency regulation to reduce water demand and improve water conservation.

ADOPTION OF PROPOSED CHANGES TO ADMINISTRATOR POLICY HANDBOOK RESOLUTION

On September 6, 2023, the State Water Board adopted Resolution No. 2023-0026³⁵ to accept proposed changes to the administrator policy handbook under the safe and affordable fund for equity and resilience (SAFER) program.³⁶

2022

RESOLUTION TO ADOPT EMERGENCY REGULATION TO REDUCE WATER DEMAND & IMPROVE WATER CONSERVATION

On March 24, 2022, the State Water Board adopted Resolution No. 2022-0018³⁷ adopt emergency regulations to increase water conservation. In response to a March 28, 2022 Executive Order, the State Water Board required urban water suppliers to implement Level 2 of their water shortage contingency plans, establish water shortage response actions for urban water suppliers that have not submitted water shortage contingency plans, taking into consideration model actions that the Department of Water Resources, and establish a ban on

³² [State Water Board SAFER Program](https://www.waterboards.ca.gov/safer)

<https://www.waterboards.ca.gov/safer>

³³ [State Water Board Resolution No. 2023-0006](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2023/rs2023-0006.pdf)

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2023/rs2023-0006.pdf

³⁴ [State Water Board Resolution No. 2023-0014](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2023/rs2023-0014.pdf)

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2023/rs2023-0014.pdf

³⁵ [State Water Board Resolution No. 2023-0026](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2023/rs2023-0026.pdf)

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2023/rs2023-0026.pdf

³⁶ [State Water Board SAFER Program](https://www.waterboards.ca.gov/safer)

<https://www.waterboards.ca.gov/safer>

³⁷ [State Water Board Resolution No. 2022-0018](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2022/rs2022_0018.pdf)

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2022/rs2022_0018.pdf

the irrigation of non-functional turf by entities in the commercial, industrial, and institutional sectors.

2021

RACIAL EQUITY RESOLUTION

On August 18, 2020, the State Water Board publicly acknowledged that the historical effects of institutional racism must be confronted throughout government, and it directed staff to develop a priority plan of action. The Water Boards Racial Equity Team held public and employee listening sessions to help develop a draft resolution. After a public comment period on the draft resolution in spring 2021, the Racial Equity Team made significant updates to the resolution. On November 16, 2021, the State Water Board adopted Resolution No. 2021-0050,³⁸ "Condemning Racism, Xenophobia, Bigotry, and Racial Injustice and Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access, and Anti-Racism" which affirms the State Water Board's commitment to racial equity in its policies, programs, and service to communities. It also directs staff to undertake a variety of actions to achieve racial equity throughout all Water Boards programs and activities. Primary among these actions is the implementation of a Racial Equity Action Plan, which the Racial Equity Team is in the process of developing.³⁹

2017

CLIMATE CHANGE RESOLUTION

The Water Boards strive to protect the many beneficial uses of California waters and ensure a sustainable water supply for all Californians. Current and future climate change effects—such as more frequent wildfires, floods, and droughts—threaten California's water supply and exacerbate challenges like groundwater management and access to safe and affordable drinking water. The Water Boards promote water measures that reduce the emission of greenhouse gases and help Californians adapt to the impacts of climate change primarily through permits, regulations, and financing.

On March 7, 2017, the State Water Resources Control Board adopted a resolution⁴⁰ requiring a proactive approach to climate change in all Board actions, including drinking water regulation, water quality protection, and financial assistance. This action builds on a resolution⁴¹ adopted by the Board in 2007, which set forth initial actions it should take to

³⁸ [State Water Board Resolution No. 2021-0050](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2021/rs2021_0050.pdf)

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2021/rs2021_0050.pdf

³⁹ [Racial Equity Action Plan](https://www.waterboards.ca.gov/racial_equity/resolution-and-actions.html)

https://www.waterboards.ca.gov/racial_equity/resolution-and-actions.html

⁴⁰ [State Water Board Resolution No. 2017-0012](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/rs2017_0012.pdf)

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/rs2017_0012.pdf

⁴¹ [State Water Board Resolution No. 2007-0059](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2007/rs2007_0059.pdf)

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2007/rs2007_0059.pdf

respond to climate change and support the implementation of Assembly Bill 32 (AB 32),⁴² the landmark climate change law that was adopted in 2006.

The directives called for in the resolution include tracking and reporting on actions to reduce greenhouse gases, coordination with internal and external stakeholders to account for climate change, and development of recommendations for specific, enforceable actions over time. The resolution requires State Water Board staff to use current models and data to inform Board actions. State regulators can no longer rely solely on historical data to guide decisions under climate change. To increase regulatory consistency, the resolution also requires staff to use climate change policy guidance from other agencies.

⁴² [Assembly Bill No. 32](http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_0001-0050/ab_32_bill_20060927_chaptered.pdf)

http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_0001-0050/ab_32_bill_20060927_chaptered.pdf