


## INTRODUCTION TO PUBLIC WATER SYSTEMS

KE GHIGLIA  
SAN LUIS OBISPO COUNTY  
ENVIRONMENTAL HEALTH DIVISION

## TOPICS

- What is a public water system?
- Overview of SB 1263 Regulations
- Permitting Process
- Questions?

Note: To find drinking water statutes and regulations referenced in this presentation:  
[https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/Lawbook.shtml](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Lawbook.shtml)



## WHAT IS A PUBLIC WATER SYSTEM?

**“Public water system”** means a system for the provision of water for **human consumption** through pipes or other constructed conveyances that has 15 or more **service connections** or regularly serves at least 25 individuals daily at least 60 days out of the year.

- Human consumption means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including but not limited to, preparing food and washing dishes per Section §116275(e) of the Health and Safety Code.
- See Handout – What is a Public Water System?  
[https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/documents/waterpartnership/what\\_is\\_a\\_public\\_water\\_sys.pdf](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/waterpartnership/what_is_a_public_water_sys.pdf)

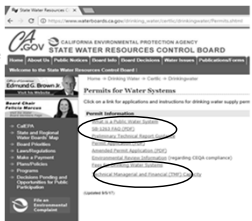
## INITIAL PERMITTING STEPS

- Look for existing water providers
- Preliminary Technical Report (New Requirement, Under Senate Bill-1263)
- Typically 6-month wait prior to water related construction
- Full permitting process (to be discussed later)

## INFORMATION ON OUR WEBSITE

On Drinking Water Program Webpage for Permits:  
[https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/Permits.shtml](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Permits.shtml)

- What is a PWS?
- Preliminary Technical Report Guidance
- SB 1263 – FAQ
- Info on TMF Capacity Assessments



## SENATE BILL 1263

EFFECTIVE: JANUARY 1, 2017

Goal of SB 1263  
*“It is the policy of the State to discourage the establishment of new, unsustainable public water systems where there is a feasible alternative.”*  
 - CA Legislature

- Applicable to proposed new PWS
- **“Public water system”** means a system for the provision of water for **human consumption** through pipes or other constructed conveyances that has 15 or more **service connections** or regularly serves at least 25 individuals daily at least 60 days out of the year.
- **“Nontransient noncommunity water system”** means a public water system that regularly serves at least 25 of the same persons over six months per year.
- **“Transient noncommunity water system”** means a public water system that regularly serves at least 25 persons at least 60 days per year.

## WHO IS EXCLUDED FROM THIS REQUIREMENT?

Section 116527 (h) excludes:

- 1) An application for a permit for a new public water system that was deemed complete prior to January 1, 2017
- 2) An extension of, or annexation to, an existing public water system.

Section 116527 (i) excludes:

- 1) An applicant that certified in writing to the Board that they will not rely on the creation of a new public water system.

## ARE THERE ANY EXEMPTIONS?

Section 116527 (j) allows for an exemption for:

1. A project that consolidates two or more existing PWS, existing state smalls WWS, or other existing WWS creating a new PWS
2. Provides water service in lieu of individual domestic wells

A request for exemption:

- Must be submitted at least 6-months prior to starting water-related construction
- Must clearly describe the proposed new public water system and how it meets the above criteria
- Board has 35 days after receipt to issue a notice if the exemption is not acceptable, otherwise it is deemed exempt.

## WHAT DOES A PWS APPLICANT NEED TO DO?

### ■ Submit an SB 1263 Preliminary Technical Report

- Guidance on our website at:  
[https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/Permits.shtml](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Permits.shtml)
- Copy to both DDW and LPA
- Submittal of Preliminary Technical report must occur 6-months before performing "water-related construction"
- Applicant is encouraged to submit the preliminary tech report *no later than 7 days* after submitting an application for a building permit for any water-related improvement
  - Timing is project dependent, need to work with the county on timing
  - In some cases, will need to submit this much earlier to prevent delays in construction.

## WHAT IS A PRELIMINARY TECHNICAL REPORT?

Per Section 116527 (c), the Preliminary Technical Report requires 9 elements:

1. List all PWSs in 3-mile radius
2. Feasibility of annexing/connection to located PWSs
3. Discuss actions taken to attempt to connect
4. List all proposed sources of water for the new PWS
  - potential migration of known groundwater contaminants
5. Perform a cost estimate for new PWS, including construction, long-term maintenance and rate structure
  - Include potential treatment needs
6. Compare the costs of consolidation to the new system
7. Discuss actions to pursue managerial consolidation
8. Do an analysis of proposed PWS's source capacity for 20 years, including dry years
9. Provide information from contacts with LAFCO

## CAN APPLICANTS SUBMIT SOMETHING ELSE?

- If building application requirements call for an equivalent evaluation, documents prepared for this requirement can be submitted in lieu of the preliminary technical report.
- See Section 116527(d) for details.

## APPROVAL OF PRELIMINARY TECHNICAL REPORT

- LPAs can deem a report incomplete and request further information
- DDW District offices will collaborate with LPAs to review tech report
- State Board review and acceptance of a preliminary technical report should not be deemed an approval of a permit application. Ultimate approval is based on the entire permitting process

### WATER SYSTEM PERMIT PROCESS

The remaining water system permit application process generally remains unchanged and must include:

- Technical, Managerial and Financial Capacity (TMF)
- Engineering Report required
  - CHSC 116530 and 116535
  - per CCR Section 64552
- Permit application and review
- SB1263 - Concurrence of State Board needed by LPAs for issuance of all new permits

### MORE ON TMF

- Purpose: helps ensure that public water systems have long-term sustainability and are able to maintain compliance with all applicable drinking water laws and regulations.
- TMF Capacity Assessment may include:
  - Technical – consolidation feasibility, system description, source capacity, operations plan, water rights, emergency response plan
  - Managerial – legal ownership, certified operators,
  - Financial – 5-year budget projection, budget control policies, capital improvements plan
  - Required info varies by type of water system.
- May be required early in the process, including at the preliminary phase if there is a question that inadequate capacity exists.