
State Water Resources Control Board

Changes to Drinking Water and ELAP-Related Statutes for 2024

All changes are effective January 1, 2024, unless otherwise noted. Additions to the code are underlined; deletions are ~~struck through~~; both are **highlighted**. Only substantive statutory excerpts are presented below; full statutory text is available elsewhere. Rough descriptions of statutes are set forth in [brackets]. Senate and Assembly Bill Numbers for legislation associated with each change are noted so users can more easily find additional information about changed statutes.¹

If you would like to discuss any of these changes, please contact your supervisor or an attorney at the Office of Chief Counsel. Do not rely on this document as a statement of the law or changes to it, but rather as a quick reference to see what statutory changes became effective this year that may affect your work. For questions specific to this document, contact Matt Carr.

1. **Health & Safety Code sec on 116275.** [Definitions.] (*Amended by Stats. 2023, Ch. 173, Sec. 1, (AB 1627) and Stats. 2023, Ch. 810, Sec. 1.*)
 - a. (g) "Person" means an individual, corporation, company, association, partnership, limited liability company, municipality, public utility, or other public body or institution, including the United States to the extent authorized by federal law.
 - b. (h) "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 an average of at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:
2. **Health & Safety Code sec on 116577.** [Billing.] (*Amended by Stats. 2023, Ch. 810, Sec. 2. (AB 664).*)
 - a. (a) Each public water system person shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that person:
 - b. (b) The state board shall submit an invoice for these enforcement costs to the public water system person that requires payment before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the

¹ Legislation, along with associated analyses, can be looked up here:

https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml

state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.

- c. (c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by a public water system under the jurisdiction of the local primacy agency, a public water system or other person shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.
3. **Health & Safety Code section 116590.** [Billing.] *(Amended by Stats. 2023, Ch. 855, Sec. 1. (SB 3).)*
 - a. (a) Funds received by the state board pursuant to this chapter shall be deposited into the Safe Drinking Water Account, which is hereby established, and shall be available for use by the state board, upon appropriation by the Legislature, for the purpose of providing funds necessary to administer this chapter and the Water Shutoff Protection Act (Chapter 6 (commencing with Section 116900)). Funds in the Safe Drinking Water Account shall not be expended for any purpose other than as set forth in this chapter.
 4. **Health & Safety Code section 116596.** [Wildfire Testing.] *(Added by Stats. 2023, Ch. 530, Sec. 2. (AB 541).)*
 - a. (a) The state board shall require a public water system that has experienced a wildfire event of 300 acres or more, if the event damaged or destroyed a structure or structures connected to the public water system's water distribution system, 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.
 - b. (b) If a public water system conducts sampling and finds detectable concentrations of benzene, the state board may require a public water system response, including all the following:
 - i. (1) A requirement that investigation and additional testing be completed in consultation with, or at the direction of, the state board.
 - ii. (2) Timelines for investigation and additional testing.
 - iii. (3) Additional testing frequency and duration.
 - iv. (4) Additional testing locations, such as specific locations within a distribution system.
 - v. (5) Flushing prior to confirmed detections of contamination.
 - vi. (6) Requirements to provide notice to affected customers upon a finding of contamination, including the form and content of the notices and when the notice shall be provided.
 - vii. (7) Remediation measures if contamination is found in the source waters, treatment facilities, conveyance facilities, distribution systems, or a combination thereof, such as taking sources offline, flushing within the distribution system, repairs, and replacements.
 - c. (c) For purposes of this section, "wildfire" has the same meaning as defined in Section 51177 of the Government Code.
 - d. (d) This section does not limit the state board's authority under any other law.

5. **Health & Safety Code section 116650.** [Citation Authority.] (Amended by Stats. 2023, Ch. 810, Sec. 3. (AB 664).)
- a. (a) If the state board determines that a **public water system person** is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the **public water system person**. The citation shall be served upon the **public water system person** personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
6. **Health & Safety Code section 116682.** [Consolidation.] (Amended by Stats. 2023, Ch. 810, Sec. 4. (AB 664).)
- a. (j)(2) Any **owner of a domestic well owner that is located** within the consolidation or extended service area **that who** does not provide written consent shall be ineligible, until the consent is provided, for any future water-related grant funding from the state other than funding to mitigate a well failure, disaster, or other emergency.
- b. **(3)(A) Notwithstanding any other law, any owner of a domestic well that serves a rental property and is located within the consolidation or extended service area who does not provide written consent shall ensure that tenants of rental properties served solely by that domestic well have access to an adequate supply of safe drinking water and, until consent is provided, shall do all of the following:**
1. **(i) Once per year, test the drinking water from domestic wells subject to subparagraph (A). Testing shall be conducted for all contaminants for which the state board has adopted primary and secondary drinking water standards and conducted pursuant to Section 64534 of Title 22 of the California Code of Regulations, and any revisions to those regulations.**
 2. **(ii) Provide the results from the testing to all tenants within 10 days of receiving those results. The notice shall comply with subdivisions (a) and (d) of Section 64465 of Title 22 of the California Code of Regulations, and any revisions to those regulations, and shall be provided in English and the primary language spoken by the tenant recipient.**
 3. **(iii) Provide the test results to the local health officer or other relevant health agency.**
- ii. **(B) If the testing results collected pursuant to subparagraph (A) demonstrate a violation of any primary or secondary drinking water standards adopted by the state board, the domestic well owner shall provide or pay for uninterrupted replacement water service, which may include wellhead treatment.**
- iii. **(C) If wellhead treatment is used to meet the requirement of subparagraph (B), the domestic well owner shall do both of the following:**
1. **(i) Conduct testing pursuant to Section 64534 of Title 22 of the California Code of Regulations, and any revisions to those regulations, to**

determine if, subsequent to wellhead treatment, water from the domestic well meets primary and secondary drinking water standards adopted by the state board.

2. (ii) Provide the test results to tenants pursuant to clause (ii) of subparagraph (A) and to the local health officer or other relevant health agency.
- iv. (D) An owner of a domestic well shall not impose any charge, or increase any fee, rent, or other charge imposed, on any tenant solely as a result of the requirements of subparagraphs (A), (B), and (C).
- v. (E) The requirements of this paragraph shall apply to consolidations ordered by the state board pursuant to this section, and to voluntary consolidations negotiated between a receiving water system and a subsumed water system, subsequent to encouragement to consolidate by the state board pursuant to paragraph (1) of subdivision (b).
- vi. (F) The state board shall enforce this paragraph if the Legislature has appropriated sufficient funds in the annual Budget Act or otherwise for that purpose.

7. Health & Safety Code section 116773.2. [Payment Assistance.] *(Amended by Stats. 2023, Ch. 51, Sec. 14. (AB 148) Effective July 10, 2023. Inoperative July 1, 2026, pursuant to Section 116773.8. Repealed as of January 1, 2027, pursuant to Section 116773.8.)*

- a. Note: subdivisions (c) through (g) were recodified as (d) through (h).
- b. (b) "COVID-19 pandemic bill relief period" means the period from March 4, 2020, to ~~June 15, 2021~~ December 31, 2022, inclusive, and includes any customer billing period that includes these dates.
- c. (c) "Enterprise revenue" means revenues of the water or wastewater enterprise of the community water system or wastewater treatment provider.
- d. (h) "Wastewater treatment provider" means any of the following:
 - i. (1) A city, county, special district, or joint powers authority that provides wastewater collection, treatment, or disposal service through a publicly owned treatment works.
 - ii. (2) Any privately owned facility used in the treatment or reclamation of sewage or industrial wastes, and regulated by the Public Utilities Commission pursuant to Sections 216 and 230.6 of, and Chapter 4 (commencing with Section 701) of Part 1 of Division 1 of, the Public Utilities Code.

8. Health & Safety Code section 116773.4. [Payment Assistance.] *(Amended by Stats. 2023, Ch. 51, Sec. 15. (SB 122) Effective July 10, 2023. Inoperative July 1, 2026, pursuant to Section 116773.8. Repealed as of January 1, 2027, pursuant to Section 116773.8.)*

- a. Note: subdivisions (d) through (h) were recodified as (c) through (g).
- b. (b)(1) Within 90 days of receiving funds pursuant to an appropriation in the annual Budget Act for this purpose, the state board shall survey community water systems to determine statewide arrearages and water enterprise revenue shortfalls and ~~The state board shall~~ adopt a resolution establishing guidelines for application requirements and

reimbursement amounts for those arrearages and ~~shortfalls~~. Within 14 days of adopting the resolution, the state board shall begin accepting applications from community water systems for funds to assist customers who have past due bills from the COVID-19 pandemic bill relief period enterprise revenue shortfalls.

- i. (2) There shall be an initial 60-day application timeframe in which a community water system or wastewater treatment provider may apply to the state board for reimbursement. ~~The state board shall contact any community water systems that do not apply during the initial application period to assist the community water systems in applying.~~
- ii. (3) The state board shall use the survey results application total to determine the total amount of residential and commercial arrearages and enterprise revenue shortfalls from community water systems and wastewater treatment providers that have submitted that information. ~~The survey shall also quantify revenue shortfalls for community water systems unable to disaggregate customer arrearages.~~
- iii. (4) If there are insufficient funds in the appropriation described in paragraph (1) to reimburse the total amount of reported arrearages and enterprise revenue shortfalls of community water systems and wastewater treatment providers, the state board shall disburse the funds on a proportional basis to each community water system applicant based on reported arrearages and the state board's estimation of customer arrearages for community water systems unable to report arrearages that report water enterprise revenue shortfalls.
- ~~iv. (4)(B) If there are sufficient funds in the appropriation described in paragraph (1) to reimburse the total amount of reported arrearages and revenue shortfalls of community water systems, the state board shall establish a program for funding wastewater treatment provider arrearages and shortfalls in accordance with this chapter with the remaining funds. Notwithstanding the deadlines specified in subdivision (c), the wastewater service program shall commence following substantial completion of the water service program under this chapter, and in no instance later than February 1, 2022.~~
- v. (5) An community water system applicant shall calculate or estimate, based on its billing frequency, the total amount of outstanding past-due bills that have accumulated during the COVID-19 pandemic bill relief period. The calculations shall include documentation to support the amount of outstanding customer arrearages or enterprise revenue shortfalls that were incurred during that period, if available. Community water system applicants shall also report their water enterprise revenue shortfalls during the COVID-19 pandemic bill relief period. An community water system's applicant's authorized representative, or its designee, shall attest that the application is true and accurate.
- vi. (6)(A) The state board shall prioritize the timing of the disbursement of funding to small community water systems or wastewater treatment providers serving small communities.

1. (B) The state board shall establish guidelines for community water systems to prioritize residential water or wastewater customers and customers with the largest arrearages.
- vii. (7) If a community water system or wastewater treatment provider uses customer classes for purposes of its billing program, the following customer classes are eligible for funding under this chapter and may be included in the application:
 1. (A) Residential customers.
 2. (B) Commercial customers.
- c. ~~(c) The state board shall begin disbursing funds under this chapter to community water systems no later than November 1, 2021, and shall complete distribution of funds to community water systems no later than January 31, 2022.~~ An applicant shall, within 60 days of receiving funds under this chapter, allocate payments as follows:
 - i. (1) As bill credits to customers to help address past-due bills incurred during the COVID-19 pandemic bill relief period and notify customers of the amounts credited to their accounts.
 - ii. (2) As offsets to or reimbursements for eligible enterprise revenue shortfalls.
- d. (d)(1) An community water system applicant shall provide customers with arrearages accrued during the COVID-19 pandemic bill relief period a notice that they may enter into a payment plan and that they have 30 days from the date of the notice to enroll in the payment plan. A payment plan and its associated rules offered by a community water system of any size shall conform with Chapter 6 (commencing with Section 116900), notwithstanding limitations in that chapter relating to a community water system's size. A community water system shall not discontinue water service to a customer that remains current on a payment plan.
 - i. (2) A community water system shall not discontinue water service due to nonpayment of past-due bills before either of the following dates, whichever date is later:
 1. (A) December 31, 2021.
 2. (B) For a customer that has been offered an opportunity to participate in a payment plan, the date the customer misses the enrollment deadline for, or defaults on, the payment plan.
- e. (e) A community water system or provider shall remit any moneys disbursed to the community water system or provider under this chapter not credited to customers or utilized as eligible enterprise revenue offsets within six months of receipt back to the state board.
- f. (f) Customer information collected under this chapter is subject to Section 7927.410 of the Government Code.
- g. (g) A community water system or wastewater treatment provider receiving assistance under this chapter may expend up to 3 percent, or up to one million dollars (\$1,000,000), whichever amount is less, of that assistance for costs incurred in applying for the assistance or complying with use and reporting conditions of the assistance.

9. Health & Safety Code section 116773.6. [Payment Assistance.] (Amended by Stats. 2023, Ch. 51, Sec. 16. (SB 122) Effective July 10, 2023. Inoperative July 1, 2026, pursuant to Section 116773.8. Repealed as of January 1, 2027, pursuant to Section 116773.8.)

- a. (e) This chapter satisfies the requirement for subsequent legislation in Provision 2 of Item 3940-062-8506, Provision 3 of Item 3940-162-8506 of Section 2.00 of the Budget Act of 2021, and implementation of Item 3940-162-8506 of Section 2.00 of the Budget Act of 2023.

10. Health & Safety Code section 116773.8. [Payment Assistance.] (Amended by Stats. 2023, Ch. 51, Sec. 17. (SB 122) Effective July 10, 2023. Note: Repeal affects Chapter 4.7, commencing with section 116773.)

- a. (a) This chapter shall become inoperative on July 1, 2025-2026, and, as of January 1, 2026-2027, is repealed.
- b. (b) Notwithstanding the repeal of this chapter, any claim or cause of action based thereon that was commenced before January 1, 2027, whether or not reduced to a final judgment, or other action of an implementing agency undertaken pursuant to this chapter shall be preserved, and any remedy that was or could have been ordered to redress a violation of this chapter as it read on June 30, 2026, may be ordered or maintained thereafter.

11. Health & Safety Code section 116900. [Shutoff Protections.] (Amended by Stats. 2023, Ch. 855, Sec. 2. (SB 3).)

- a. Note: subdivisions (c) through (e) were recodified as (d) through (f).
- b. (b) "Public Community water system" has the same meaning as defined in Section 116275.
- c. (c) "Covered water system" means a water system or supplier described in Section 116904.
- d. (e) "Urban and community water system" means a public water system, as defined in Section 116275, that supplies water to more than 200 service connections.

12. Health & Safety Code section 116904. [Shutoff Protections.] (Amended by Stats. 2023, Ch. 855, Sec. 3. (SB 3).)

- a. (d) A community water system not described in subdivision (a), (b), or (c) shall comply with this chapter on and after August 1, 2024.
- b. (e) Subject to the availability of funding, the state board shall make funds available for providing training statewide to community water systems with between 15 and 200 service connections to assist in compliance with this chapter.

13. Health & Safety Code section 116906. [Shutoff Protections.] (Amended by Stats. 2023, Ch. 855, Sec. 4. (SB 3).)

- a. (a) A urban and community covered water system that serves 200 or more service connections shall have a written policy on discontinuation of residential service for nonpayment available in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by at least 10 percent of the people residing in its service

area. A covered water system that serves fewer than 200 service connections shall have a written policy on disconnection of residential service for nonpayment available in English, any language spoken by at least 10 percent of the people residing in its service area, and, upon request of a customer, any of the languages listed in Section 1632 of the Civil Code. Nothing in this section shall be construed to prevent a covered water system from making the policy available in any other language. The policy shall include all of the following:

- b. (1) A plan for deferred or reduced payments that is available for any customer regardless of whether they meet the conditions of subdivision (a) of Section 116910. The plan for deferred or reduced payments that is available to any customer regardless of whether they meet the conditions of subdivision (a) of Section 116910 is not required to reduce the total amount due for water service provided.
- c. (2) Alternative payment schedules that are available for any customer regardless of whether they meet the conditions of subdivision (a) of Section 116910.
- d. (b) The policy shall be available on the urban and community covered water system's internet website, if an internet website exists. If an internet website does not exist, the urban and community covered water system shall provide the policy to customers in writing, upon request.

14. Health & Safety Code sections 116908, 116910, 116912, 116914, 116916, 116918, 116922, and 116926. [Shutoff Protections.] *(Amended by Stats. 2023, Ch. 855, Sec. 5. (SB 3).)*

- a. All references to an “urban and community” water system were changed to “covered” water system.

15. Health & Safety Code section 116920. [Shutoff Protections.] *(Amended by Stats. 2023, Ch. 855, Sec. 5. (SB 3).)*

- a. (a) The Attorney General, at the request of the board or upon the Attorney General's own motion, may bring an action in state court to do either of the following:
 - i. (1) Restrain by temporary or permanent injunction the use of any method, act, or practice declared in this chapter to be unlawful.
 - ii. (2) Restore to any person in interest any money or property, real or personal, that may have been acquired by any method, act, or practice declared by this chapter to be unlawful.
- b. References to an “urban and community” water system were changed to “covered” water system in subdivision (b).

16. Water Code section 13523. [Water Recycling.] *(Amended by Stats. 2023, Ch. 51, Sec. 41. (SB 122).)*

- a. (a) Each regional board, after consulting with and receiving the recommendations of the State Department of Public Health and any party who has requested in writing to be consulted, and after any necessary hearing, shall, if in the judgment of the board, it is necessary to protect the public health, safety, or welfare, prescribe water reclamation or recycling requirements for water that is used or proposed to be used as recycled water.

17. Water Code section 13558. [WQ Criteria for Onsite Treated Nonpotable Water Systems.]
(Amended by Stats. 2023, Ch. 884, Sec. 5. (SB 745).)

- a. (e)(2) ~~On or before December 1, 2023~~ Within 12 months of the state board adopting regulations pursuant to subdivision (a), the Department of Housing and Community Development, in consultation with the state board, shall develop and propose for adoption any necessary corresponding building standards to support the risk-based water quality standards established by the state board pursuant to subdivision (a).