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**SENATE COMMITTEE ON ENVIRONMENTAL QUALITY**

**Senator Allen, Chair**

**2021 - 2022 Regular**

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**Bill No:** SB 1124  
**Author:** Archuleta  
**Version:** 3/14/2022  
**Urgency:** No  
**Consultant:** Gabrielle Meindl

**Hearing Date:** 3/28/2022  
**Fiscal:** Yes

**SUBJECT:** Central Basin Communities Water Reliability, Safe Drinking Water, and Recycled Water Expansion Act of 2022

**DIGEST:** Enacts the Central Basin Communities Water Reliability, Safe Drinking Water, and Recycled Water Expansion Act of 2022 and establishes the Central Basin Communities Water Reliability, Safe Drinking Water, and Recycled Water Expansion Fund in the State Treasury for specified purposes related to drinking water, including, but not limited to, protecting state, local, and regional drinking water systems located in the Central Basin from climate change, drought, catastrophic seismic damage, or failure from terrorist acts or other deliberate acts of destruction.

**ANALYSIS:**

Existing law:

- 1) Establishes the California Safe Drinking Water Act (SDWA) and requires the State Water Board to maintain a drinking water program. (Health & Safety Code (HSC) § 116270, *et seq.*)
- 2) Requires the State Water Resources Control Board (State Water Board) to submit to the Legislature a comprehensive Safe Drinking Water Plan for California every five years. (HSC § 116355 (a))
- 3) Creates the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. (HSC § 116766)
- 4) Authorizes the State Water Board, where a public water system or a state small water system serving a disadvantaged community (DAC) consistently fails to provide an adequate supply of safe drinking water, to order a physical or operational consolidation with a receiving water system. (HSC § 116682 (a))

- 5) Authorizes the State Water Board, in order to provide affordable, safe drinking water to disadvantaged communities and to prevent fraud, waste, and abuse, to:
  - a) Contract with an administrator to provide administrative and managerial services to a designated public water system to assist the designated public water system with the provision of an adequate and affordable supply of safe drinking water; and,
  - b) Order the designated public water system to accept administrative and managerial services, including full management and control, from an administrator selected by the State Water Board. (HSC § 116686 (a))
- 6) Establishes as the policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. (Water Code § 106.3)
- 7) Requires, by January 1, 2021, the State Water Board, in consultation with local health officers and other relevant stakeholders, to make publicly available, a map of aquifers that are used as a source of drinking water that are at high risk of containing contaminants that exceed safe drinking water standards. (HSC § 116772)
- 8) Defines “at-risk water system” to mean a water system that meets all the following conditions: the water system is either a public water system with 3,300 or fewer connections or a state small water system; the system serves a disadvantaged community; 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. (HSC § 116681)
- 9) Defines “safe drinking water” to mean water that meets all primary and secondary drinking water standards. (HSC § 116681)

This bill:

- 1) Enacts the Central Basin Communities Water Reliability, Safe Drinking Water, and Recycled Water Expansion Act of 2022.
- 2) Establishes the Central Basin Communities Water Reliability, Safe Drinking Water, and Recycled Water Expansion Fund in the State Treasury and provides

that unspecified sums of money are available upon appropriation by the Legislature from the fund to the State Water Board for specified purposes related to drinking water, including, but not limited to:

- a) Protecting state, local, and regional drinking water systems located in the Central Basin from climate change, drought, catastrophic seismic damage, or failure from terrorist acts or other deliberate acts of destruction, including projects to:
    - i) Connect public water systems to imported water infrastructure;
    - ii) Install monitoring and early warning systems;
    - iii) Fencing;
    - iv) Protective structures; and
    - v) Contamination treatment facilities.
  - b) Competitive grants to eligible applicants for purposes in the Central Basin, including:
    - i) Offsetting the treatment costs for per- and poly-fluoroalkyl substances (PFAS) contamination of public water systems serving disadvantaged communities;
    - ii) Addressing emergency or urgent funding needs, where other emergency funds are not available and a critical water shortage or outage could occur without support from the fund;
    - iii) Addressing retail water systems, community water systems, and public water systems owned or operated by a local educational agency that are out of compliance with primary drinking water standards, prioritizing water systems in disadvantaged communities located in the Central Basin; and
    - iv) Providing matching funds for the purpose of accelerating consolidations for public water systems out of compliance with primary drinking water standards, at-risk water systems, state small water systems, and domestic wells, focusing on disadvantaged communities.
  - c) Improving local water security by reducing the use of potable water for nonpotable purposes, including projects to:
    - i) Install new recycled water infrastructure;
    - ii) Expand existing recycled water connections; and
    - iii) Improve existing recycled water distribution systems.
- 3) Imposes requirements on recipients of fund moneys, including requiring a project receiving moneys from the fund to comply with prevailing wage requirements, a violation of which is punishable by misdemeanor penalties. Further specifies that contractors and subcontractors for projects receiving moneys from the fund must use a skilled and trained workforce to perform all

work with the apprenticeable occupation in the building and construction trades.

- 4) Specifies that activities receiving fund moneys must comply with the California Environmental Quality Act.
- 5) Defines “safe drinking water” to mean drinking water that meets primary and secondary drinking water standards and applicable regulations and does not contain unhealthy levels of copper or lead.
- 6) Requires the board to annually review and update a drinking water assessment and, upon updating the assessment, to submit to the State Water Board’s Division of Drinking Water, among other things, a list of at-risk water systems in the Central Basin. Stipulates funding be prioritized to the Central Basin public water systems, community water systems, state small water systems, and domestic wells with the most urgent need for state financial assistance, in light of the following factors:
  - a) Severity of the public health threat;
  - b) The extent to which the community served by the water system is a disadvantaged community;
  - c) The number of people served by the water system; and
  - d) Technical, managerial, and financial capacity of the entity that operates the water system.
- 7) Requires the State Water Board, by January 1, 2024, to use available data to make a map of aquifers in the Central Basin that are, among other things, at high risk of containing contaminants and that exceed primary federal and state drinking water standards that are used or likely to be used as a source of drinking water for a state small water system or a domestic well. Stipulates that the State Water Board update the map at least annually based on any new available data and make the map publicly accessible on its internet website. Specifies that the map is not subject to the Administrative Procedure Act.
- 8) Requires, by January 1, 2024, and by January 1 of each year thereafter, a local health officer or other relevant local agency in the Central Basin to provide to the State Water Board all results of, and data associated with, certain water quality testing.
- 9) Impose various requirements on the Division of Drinking Water relating to assessment of and planning for the provision of safe drinking water in the Central Basin. Specifically, requires that the Division of Drinking Water to arrange for a comprehensive analysis of each at-risk water system in the Central Basin, to be completed within two years of the State Water Board

identifying the at-risk water system in the assessment of funding need.

Specifies that the assessment include all of the following:

- a) The sources and quality of the at-risk water system's water supply, including the primary and secondary contaminants in each of the at-risk water system's water sources.
  - b) The condition of the at-risk water system's physical infrastructure.
  - c) The technical, managerial, and financial qualifications of the entity that operates the at-risk water system.
  - d) Alternative water supplies that comply with drinking water standards and a method to connect the failed system to the alternative water supplies.
  - e) One or more options for resolving the problems that cause or caused the water system to be at-risk and making the water system sustainable over the long term.
  - f) Engagement of members of the community served by the at-risk water system to improve understanding of the at-risk water system's problems, the options for addressing the problems, and the challenges in overcoming the problems.
  - g) Consideration of the unique nature of the community served by the at-risk water system, including, but not limited to, all of the following:
    - i) The community's economic conditions.
    - ii) Community member reliance on languages other than English and their immigration status.
    - iii) Physical proximity to other water systems and communities.
    - iv) The community's willingness and capacity to afford and support the operation and maintenance of new water infrastructure.
    - v) Local agency actions that would be required to support each proposed solution, including consolidations, service extensions, and other organizations or sphere of influence updates.
    - vi) Consultation with the Office of Sustainable Water Solutions within the board, any local primacy agency with authority over the at-risk water system, and representatives of and community members served by the at-risk water system.
- 10) Requires the Division of Drinking Water, for each comprehensive analysis, to develop and submit a recommendation to the State Water Board as to the preferred options or plan presented by the comprehensive analysis within 60 days of posting the comprehensive analysis to the Board's internet website.
- 11) Requires the State Water Board, within 90 days of receiving the recommendation of the Division of Drinking Water, to consider the comprehensive analysis and the recommendation at a public hearing. Further directs the State Water Board to request recommendations from all divisions of

the Board and the Public Utilities Commission.

- 12) Directs the State Water Board to adopt and provide for a sustainable plan for restoring safe drinking water in the Central Basin based on the above recommendations.
- 13) Authorizes the State Water Board to contract with one or more specified entities to implement the sustainable plan for restoring safe drinking water in the Central Basin.
- 14) Requires the State Water Board, by July 1, 2026, to report to the Legislature on its progress restoring safe drinking water to Central Basin communities.
- 15) Requires, at least once every 5 years, the Legislative Analyst's Office to provide to the Legislature an assessment of the effectiveness of expenditures from the fund.
- 16) Requires the State Water Board to create an internet website that provides data transparency for all of its activities pursuant to the bill.
- 17) Provides that its provisions are severable.
- 18) Makes legislative findings and declarations as to the necessity of a special statute for the Central Basin.

## **Background**

- 1) *Regulation of drinking water.* The federal SDWA was enacted in 1974 to protect public health by regulating drinking water. California has enacted its own SDWA to implement the federal law and establish state standards. The United States Environmental Protection Agency (U.S. EPA) enforces the federal SDWA at the national level. However, most states, including California, have been granted "primacy" by the U.S. EPA, giving them authority to implement and enforce the federal SDWA at the state level.

The State Water Board regulates public water systems that provide water for human consumption and have 15 or more service connections, or regularly serve at least 25 individuals daily at least 60 days out of the year. (A "service connection" is usually the point of access between a water system's service pipe and a user's piping.) The state does not regulate water systems with less than 15 connections; county health officers oversee those systems. At the local

level, 30 of the 58 county environmental health departments in California have been delegated primacy- known as Local Primacy Agencies (LPAs)- by the State Water Board to regulate systems with between 15 and 200 connections within their jurisdiction. For investor-owned water utilities under the jurisdiction of California Public Utilities Commission (CPUC), the State Water Board or LPAs share water quality regulatory authority with CPUC.

The State Water Board regulates approximately 7,500 water systems. About one-third of these systems have between 15 and 200 service connections. The number of smaller systems- specifically, those with 14 or fewer connections- is unknown but estimated to be in the thousands.

- 2) *Lack of clean safe drinking water.* Although most of the state's residents receive drinking water that meets federal and state drinking water standards, many drinking water systems in the state consistently fail to provide safe drinking water to their customers. Lack of safe drinking water is a problem that disproportionately affects residents of California's DACs.

DACs often lack the rate base, as well as the technical, managerial, and financial capacity to show they can afford and effectively manage operations and maintenance costs related to water treatment. Without being able to pay for maintenance, these communities are effectively barred from accessing capital improvement funding. In contrast, larger water systems have the financial capacity both to pay treatment costs and to provide for a well-trained and technically competent workforce of water system operators.

- 3) *Consolidation of water systems.* According to the U.S. EPA, restructuring can be an effective means to help small water systems achieve and maintain technical, managerial, and financial capacity, and to reduce the oversight and resources that states need to devote to these systems. The State Water Board maintains that consolidating public water systems and extending service from existing public water systems to communities and areas that currently rely on under-performing or failing small water systems, as well as private wells, reduces costs and improves reliability. Consolidation does this by extending costs to a larger pool of ratepayers.
- 4) *The Safe and Affordable Funding for Equity and Resilience (SAFER) program.* SB 200 (Monning, Chapter 120, Statutes of 2019) created SAFER and the Safe and Affordable Drinking Water Fund (Fund). The SAFER program supports permanent and sustainable drinking water solutions that ensure all Californians have access to safe, affordable, and reliable drinking water. The Fund was established to address funding gaps and provide solutions to water systems,

especially those serving DACs, to address both their short- and long-term drinking water needs.

SB 200 requires the annual transfer of 5 percent of the Greenhouse Gas Reduction Fund (GGRF) (up to \$130 million) into the Fund until June 30, 2030. Money transferred into the Fund is continuously appropriated and must be expended consistent with the Expenditure Plan (Plan), which is adopted annually by the State Water Board. The Plan is based on a drinking water needs assessment and will document past and planned expenditures and prioritize projects for funding. Potential options for funding include consolidation with larger water systems, operations and maintenance costs, building local technical and managerial capacity, providing interim replacement water, and administrators to run the small systems. Additionally, SAFER funds will provide short-term operation and maintenance support as a bridge until long-term sustainable solutions are in place, and providing long-term operation and maintenance support when necessary.

- 5) *2021 Needs Assessment.* The results from the 2021 Needs Assessment illustrate the breadth and depth of challenges to safe and affordable water supply provision across system types in California for the first time. The Needs Assessment identifies water systems that are failing and those that are at-risk of failing to provide safe and affordable drinking water. The 2021 Risk Assessment was conducted for 2,779 public water systems and evaluated their performance across 19 risk indicators within the following four categories: Water Quality, Accessibility, Affordability, and Technical, Managerial, and Financial (TMF) Capacity. The results identified 326 water systems as failing; 617 water systems at-risk of failing, 552 water systems potentially at-risk of failing, and 1,284 water systems not at-risk of failing.

Below is current list of the top 10 counties with water systems identified to be out of compliance for consistently failing to meet primary drinking water standards according to the State Water Board’s Human Right to Water Portal.

	County	# of systems consistently out of compliance
1	Kern	56
2	Tulare	33
3	Fresno	31
4	Madera	24
5	Monterey	18
6	Stanislaus	17

7	San Diego	16
8	San Bernardino	15
9	Sonoma	13
10	Merced	10

- 6) LA County comes in at #11 with 9 systems, none of which are in the Los Angeles Basin.
- 7) *Water Replenishment District of Southern California.* The Water Replenishment District of Southern California (WRD) is the largest groundwater agency in the State of California, managing local groundwater resources for over four million residents. WRD's service area covers a 420-square-mile region of southern Los Angeles County, the most populated county in the United States. The 43 cities in the service area, including a portion of the City of Los Angeles, use about 250,000 acre-feet (82 billion gallons) of groundwater annually which accounts for approximately half of the region's water supply. WRD is responsible for monitoring and testing groundwater throughout the region and very focused on removing and treating a wide range of pollutants in groundwater.
- 8) *Central Basin Municipal Water District.* The Central Basin Municipal Water District (district) was established by a vote of the people in 1952 under the Municipal Water District Law of 1911. The district currently serves a population of more than two million people in 24 cities in southeast Los Angeles County and in some unincorporated areas of the county. The district's mission includes acquiring, selling, and conserving imported water and other water that meets all required standards and furnishing it to customers in a planned, timely, and cost effective manner that anticipates future needs. The district purchases the imported water from the Metropolitan Water District of Southern California and wholesales it to cities, mutual water companies, investor owned utilities, and private companies. Additionally, the district supplies water for groundwater replenishment and provides the region with recycled water for municipal, commercial, and industrial use.
- 9) *Audit of the Central Basin Municipal Water District.* In 2015, the California State Auditor released an audit report concerning the Central Basin Municipal Water District's (district) planning, operations and management, long term financial viability, and control environment. The audit report stated,

"This report concludes that the district's board of directors (board) has failed to provide the leadership necessary for the district to effectively fulfill its responsibilities. For example, we found that the board failed to ensure that

the district maintained stability in key executive management positions throughout our review period. Further, we found that the board failed to take basic steps to ensure the district's long term financial viability, including engaging in long term financial planning and performing the necessary study to ensure the district's water rate structure is appropriate and that it will collect sufficient revenues to meet its costs. Finally, the board's actions contributed to the district losing its insurance coverage, forcing the district to purchase insurance with higher premiums for considerably less coverage than in previous years.”

- 10) *Human right to water.* In 2012, California became the first state to enact a Human Right to Water law, AB 685 (Eng, Chapter 524, Statutes of 2012). Public policy continues to be focused on the right of every human being to have safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation. Water supply, contaminants, costs of treatment and distribution systems, the number and nature of small public water systems, especially in DACs, and many other factors will continue to challenge progress in addressing the Human Right to Water.
- 11) *Perfluorooctanoic acid (PFOA) and Perfluorooctanesulfonic acid (PFOS).* PFOA and PFOS are fluorinated organic chemicals that are part of a larger group of chemicals referred to as per- and poly-fluoroalkyl substances (PFASs). PFOS and PFOA have been extensively produced and studied in the United States. These manmade substances have been synthesized for water and lipid resistance. They have been used extensively in consumer products such as carpets, clothing, fabrics for furniture, paper packaging for food, and other materials (e.g., cookware) designed to be waterproof, stain-resistant, or non-stick. In addition, they have been used in fire-retarding foam and various industrial processes.

Exposure through drinking water has become an increasing concern due to the tendency of PFASs to accumulate in groundwater. Such contamination is typically localized and associated with a specific facility, for example, an industrial facility where these chemicals were manufactured or used in other products, or airfield which used the chemicals for firefighting.

The State Water Board is also seeking to establish its first enforceable regulatory standards for PFOA and PFOS. In August 2020, the Board requested that Office of Environmental Health Hazard Assessment (OEHHA) develop public health goals (PHGs) for the two chemicals as the next step in developing regulatory standards, known as maximum contaminant levels

(MCLs). Other PFAS chemicals may be considered for PHG and MCL development later, as data permits.

- 12) *Challenges for small water systems serving disadvantaged communities in Southern Los Angeles County.* In early 2021, "The Human Right To Water In Poor Communities of Color: Southern Los Angeles County, UCLA Institute of the Environment and Sustainability" was released. This report identified the 64 community water systems in Los Angeles County serving disadvantaged or severely disadvantaged populations (DAC/SDAC). These 64 water systems have 281,000 connections, serving approximately 1 million people, nearly 10% of the population of Los Angeles County in 2019. The largest population is concentrated in 29 DAC water systems in Southern Los Angeles County who largely serve communities of color. According to the report, "Disadvantaged communities concentrated in southern Los Angeles County lack fair options when it comes to water supply. When served by public utilities, aging infrastructure, water quality problems, and other complications can translate into sacrifices in quality or reliability. When supplied by investor-owned utilities, they receive reliable water supply but pay more than affluent communities."
- 13) *Manganese Pollution in the Central and West Coast Groundwater Basins.* A 2012 USGS report characterized manganese and iron pollution in these basins. Iron and manganese are secondary pollutants that are naturally present at high concentrations in about 19% of the primary aquifer systems. These secondary pollutants are a significant problem in drinking water wells in both groundwater basins. Secondary pollutants have aesthetic problems. Manganese in particular is a natural mineral in groundwater that makes drinking water look brown or red.

EPA issued an advisory standard that states: "adverse human health effects from manganese in drinking water are not expected to occur below the advisory notification level of 50 parts per billion." The State Water Board requires testing for manganese at the water source every three years for systems where testing shows that it exists. A cursory review of the ten-year database revealed several water systems in the WRD where there have been very high exceedances of the advisory notification level (NL) recorded at wells between 2010 and 2020, raising potential health concerns. The State Water Board requires water systems to report these exceedances to the local government as well as the customer. However, since the water quality standard is advisory, there is no requirement for treatment.

## Comments

- 1) *Purpose of Bill.* According to the author, “This bill addresses the funding needs of the Central Groundwater Basin Communities in general and underserved (disadvantaged) communities in particular. This bill takes advantage of a record state budget surplus to fill the long-standing water infrastructure funding gap that exists throughout the region to improve ground water quality, to build interconnections to high quality drinking water providing increased reliability to water from MWD. This bill will increase the use of recycled water for non-potable and industrial uses to preserve more drinking water as we experience prolonged drought conditions. The Central Groundwater Basin communities have paid and continue to pay their fair share of tax dollars and have not received the re-investment in their local water systems. This bill sets up a framework for the region to draw down infrastructure dollars in a way that is transparent, accountable, and responsible.”
- 2) *Duplication of existing efforts.* The Legislature has been actively involved in ensuring all Californians have access to a safe, clean, affordable and accessible water supply. Many bills have been passed to help secure safe drinking water, including providing new authorities to the State Water Board to order the mandatory physical or managerial consolidation of drinking water systems and to appoint administrators and take other actions to secure safe drinking water in all communities, including the Los Angeles region.

As mentioned above, SB 200 established the Safe and Affordable Drinking Water Fund and the Safe and Affordable Funding for Equity and Resilience (SAFER) Program that includes a detailed fund expenditure plan to help prioritize and distribute the \$130 million in funding each year for 10 years. The recently completed Needs Assessment is designed to outline how to achieve long-term sustainability for water systems throughout the state.

SB 1124 essentially sets up a regional program and fund to implement the SAFER program in southern Los Angeles County. The new framework and responsibilities established by this bill are largely duplicative of the State Water Board’s current authorities and existing processes and efforts.

For example, SB 1124 requires the State Water Board to annually review and update a drinking water needs assessment of water systems in the Central Basin and provide a sustainable plan for restoring safe drinking water in the Central Basin. A similar annual needs assessment of failing or at risk of failing water systems is being conducted at the state level by the State Water Board as part of its assessment under SAFER. Further, a separate assessment is being conducted by WRD specifically on 29 DACs or SDACs water systems in this

region. SB 1124 would add yet a third layer to this assessment. For the WRD assessment alone, the state has allocated \$850,000. Additionally, the Board is already responsible for developing and coordinating the implementation of sustainability plans. However, putting the Board in a lead role in local water use/infrastructure decision-making, as envisioned by SB 1124, may cause some complications.

The State Water Board has developed a rigorous methodology for how failing and at-risk systems are identified. This methodology is used to guide the prioritization of resources during implementation of the SAFER program statewide. Specifically requiring a comprehensive analysis of a subset of water systems based on their geographic location in California-- instead of based on overall need-- creates inequity in how assistance is provided to those that need it. While the bill focuses on restoring safe drinking water, to date there are currently no at-risk systems in Central Basin's service area.

SB 1124 also requires the State Water Board to make a map of aquifers in the Central Basin and requires the Division of Drinking Water to arrange for a comprehensive analysis of each at-risk water systems in the Central Basin. The SAFER program already requires the Board to develop and issue an Annual Risk Assessment for DAC/SDAC water systems with fewer than 3,300 connections statewide. Further, the State Water Board is also developing an Aquifer Risk Mapping Program to guide its analysis of risk. A question arises as to whether a separate aquifer mapping exercise and analysis is needed for the Central Basin.

This bill sets a new precedent for prioritizing the water challenges and needs of some Californians over others that is outside the process established by the Legislature and implemented by the State Water Board. Creating a separate fund for to support projects in one region of the State creates unnecessary duplication of State Water Board's existing funding programs and adds complexity to administration of funding programs.

As noted above, the State Water Board maintains a list of water systems that consistently fail to meet primary drinking water standards. There are 326 systems on that list. None are in the Los Angeles basin, 59 are in Kern County, 31 in Fresno County, and 24 in Madera County. Given this data, if the Legislature were to prioritize a particular region, would it make more sense to prioritize the Central Valley?

As the Legislature has vested the State Water Board with expansive authority to address the needs of drinking water systems throughout California, a

question arises as to why another, largely duplicative process is necessary just for southern Los Angeles County.

- 3) *Manganese is an Environmental Justice and Health Issue.* As mentioned above, Central and West Coast water basins underlying South Los Angeles County have areas where manganese levels are in high or moderate concentrations. Over the last ten years, grab samples taken at from water in Southern Los Angeles County show exceedances in manganese well above EPA Notification Level. This advisory is set because of potential neurological impacts.

Most median-income water systems with manganese voluntarily install treatment at the water source, whereas disadvantaged water systems cannot afford this without grants. Untreated manganese can accumulate in the pipe distribution system. Preventing the accumulated pollutants from moving from the distribution system to customers' taps takes expert, certified water systems operators to properly flush the pipeline system regularly and replace dead-end pipes. The poorest systems have difficulty paying for water system operators that have this expertise.

***Given the potential health concerns of manganese pollution levels exceeding the EPA Advisory Notification Level multiple times, the Committee may wish to consider amending the bill to delete its current contents and instead:***

- a) ***Require the Office of Environmental Health Hazard Assessment to prepare a public health goal (PHG) for manganese by July 1, 2023;***
- b) ***Once a PHG is established, require the State Water Board to adopt a primary drinking water standard for manganese and establish appropriate monitoring requirements in both source water and the distribution system;***
- c) ***During the period prior to the adoption of the primary drinking water standard for manganese:***
  - i) ***Direct the State Water Board to consider establishing a notification level and response level for manganese;***
  - ii) ***Authorize the State Water Board to require community water systems to monitor for manganese in their source water and within their distribution system;***
  - iii) ***Authorize the State Water Board to continue to provide funding for treatment, source protection, and alternative supplies;***

- iv) Allow the State Water Board to use exceedances of the secondary standard for manganese in the source water or within the distribution system of a community water system as a basis for funding prioritization.*

**DOUBLE REFERRAL:**

If this measure is approved by the Senate Environmental Quality Committee, the do pass motion must include the action to re-refer the bill to the Senate Natural Resources and Water Committee.

**Related/Prior Legislation**

AB 1195 (C. Garcia, 2021) Creates the Southern Los Angeles County Human Right to Water Collaboration Act. Requires the State Water Resources Control Board (State Water Board) to appoint a Commissioner to implement the Safe and Affordable Funding for Equity and Resilience (SAFER) Program in southern Los Angeles County. This bill is currently pending before this committee.

SB 200 (Monning, Chapter 120, Statutes of 2019). Created SAFER and the Safe and Affordable Drinking Water Fund to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long-term. Requires the State Water Board to develop a fund expenditure plan and provide funding according to that expenditure plan to identify failing water systems and provide safe and affordable drinking water in the short- and long-term to those who rely on drinking water from those failing water systems.

AB 217 (E. Garcia, 2019). Would have created the Safe Drinking Water for All Act (Act), which would have established the Safe and Affordable Drinking Water Fund (Fund) to provide a source of funding for safe drinking water for all Californians, and long-term sustainability of drinking water systems. Would have imposed several fees on agricultural activities and a charge on retail water systems that together would provide the source of revenue to the Fund. This bill was subsequently amended into another subject.

SB 669 (Caballero, 2019). Would have established the Safe Drinking Water Fund to assist community water systems in disadvantaged communities that are chronically noncompliant. Would have created the Safe Drinking Water Trust

Fund to receive funding from the state and provide the fund source to the Safe Drinking Water Fund. This bill was held in the Senate Appropriations Committee.

SB 623 (Monning, 2017). Would have created the Safe and Affordable Drinking Water Fund, administered by the State Water Board, and would have imposed water, fertilizer, and dairy fees to fund safe drinking water programs. This bill was held in the Assembly Rules Committee.

**SOURCE:** Central Basin Municipal Water District

**SUPPORT:**

Central Basin Municipal Water District

**OPPOSITION:**

California Municipal Utilities Association

**ARGUMENTS IN SUPPORT:** According to the Central Basin Municipal Water District, “For years the communities of the Central Groundwater Basin have contributed, via property taxes, to the drinking water infrastructure that delivers water to Southern California; however, they have not been the beneficiaries of re-investment in their local water infrastructure, reliability, quality and conservation.

“Recently, the UCLA Water Resources Group authored a study entitled “The Human Right To Water In Poor Communities Of Color” where this study highlighted that the greatest concentration of community water systems (more than 29 community water systems) serving disadvantaged communities are concentrated in Southern Los Angeles County, primarily serving communities of color. It is noteworthy that 70% of South Los Angeles County central water basin are disadvantaged communities...SB 1124’s framework will help highlight and prioritize resources for water systems within the central water basin are failing or at risk of failing, assist small water systems within the central water basin that do not have the technical capacity to apply for funding, and assist our region in overcoming distrust among water retailers, wholesalers, and other stakeholders and improve collaboration and progress toward meeting important objectives.”

**ARGUMENTS IN OPPOSITION:** According to California Municipal Utilities Association, “SB 1124 creates a special carve out for one area of the state and is duplicative of existing efforts by the State Water Board to make sure communities throughout the state have safe, accessible and affordable water... Nearly every category in SB 1124 can already be funded through programs at the State Water

Board or Department of Water Resources. SB 1124 also focuses on assessment and planning in the Central Basin area. Again, the State Water Board completed a statewide Needs Assessment in 2021 and is in the midst of an update for 2022, so requiring a region-specific needs assessment is duplicative of existing efforts. The same is true for the map of high-risk aquifers in this area. The comprehensive assessment section of the bill is not needed given the extensive work being done by the State Water Board to ascertain the systems in greatest need of assistance and a long-term plan to secure safe drinking water for all. While we understand and appreciate the needs in the area highlighted in SB 1124, the Legislature should acknowledge that they provided the State Water Board with extensive authority to determine how best to address drinking water issues in the state, including in the Central Basin area, and those efforts should not be derailed by this bill. While it remains a disgrace that there are Californians in our state who do not currently have access to safe drinking water, it is critical that the Legislature does not override the authorities given to the Board and create a cumbersome, duplicative and unnecessary process.”

-- END --