Date of Hearing: April 8, 2025

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS
Damon Connolly, Chair
AB 990 (Hadwick) – As Introduced February 20, 2025

SUBJECT: Public water systems: emergency notification plan

SUMMARY: Authorizes and encourages a public water system, when updating an emergency notification plan, to provide notification to water users in their preferred language, if resources are available.

EXISTING LAW:

1) Declares that it is the established 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)

2) Requires, pursuant to the California Safe Drinking Water Act (SDWA), the State Water Resources Control Board (State Water Board) to regulate drinking water and to enforce the federal SDWA and other regulations. (Health and Safety Code (HSC) § 116275, et seq.)

3) Requires, pursuant to the federal SDWA and California SDWA, drinking water to meet specified standards for contamination, as set by the United States Environmental Protection Agency (US EPA) or the State Water Board. (HSC § 116270, et seq.)

4) Establishes, under the California SDWA, the following definitions:

    a) "Maximum contaminant level" (MCL) means the maximum permissible level of a contaminant in water;

    b) "Primary drinking water standards" means:

        i) MCLs that may have an adverse effect on human health;

        ii) Specific treatment techniques adopted by the State Water Board in lieu of MCLs; or,

        iii) The monitoring and reporting requirements specified in regulations, adopted by the State Water Board, that pertain to MCLs;

    c) "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; and,

    d) "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. (HSC § 116275)

5) Prohibits a person from operating a public water system without an emergency notification plan that has been submitted to and approved by the State Water Board; requires the emergency notification plan to provide for immediate notice to the public water system's customers of any significant rise in bacterial count, or other failure to comply with any primary drinking water standard that represents an imminent danger to the health of water users; authorizes and encourages a public water system, when updating an emergency notification plan, to provide notification to water users by means of other communication technology, including, but not limited to, text messages, email, or social media; requires the State Water Board to adopt regulations to implement these requirements. (HSC § 116460)

6) Defines a "Tier 1 public notice" to mean a public notice issued in response to any one of several events, including occurrence of a microbial disease outbreak or violations of specified MCLs; requires Tier 1 public notices to be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10% of the persons served by a public water system. (California Code of Regulations § 64401.71, 64463.1, and 64465(c))

FISCAL EFFECT: Unknown.

COMMENTS:

Need for the bill: According to the author, "During an emergency, every second counts, and being notified in your preferred language could make all the difference. As California becomes increasingly more diverse and disaster prone, it is important that we do more to promote public safety and improve communications in an emergency. In some California counties, there are dozens of primary languages spoken. This bill would encourage public water systems, if resources are available, to update their emergency notification plan to include notifying users in their preferred language. AB 990 will improve emergency response and increase public safety."

Human right to water: Through enactment of AB 685 (Eng, Chapter 524, Statutes of 2012), California became the first state with a Human Right to Water law. AB 685 establishes a state policy that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation. Water supply issues; contaminants; costs of treatment and distribution systems; climate change; the number and nature of small public water systems, especially in disadvantaged communities; and many other factors continue to challenge progress in implementing the Human Right to Water.

Drinking water contamination: While most drinking water in California meets requirements for health and safety, surface waters and aquifers used for drinking water can be contaminated by various chemicals, microbes, and radionuclides. According to the US EPA, common sources of drinking water contaminants include:

- *Industry and agriculture*. Organic solvents, petroleum products, and heavy metals from disposal sites or storage facilities can migrate into aquifers. Pesticides and fertilizers can be carried into lakes and streams by storm water runoff or snowmelt, or can percolate into aquifers;

- *Human and animal waste*. Human wastes from sewage and septic systems can carry harmful microbes into drinking water sources, as can wastes from animal feedlots and wildlife.

Major contaminants resulting from human and animal waste include Giardia, Cryptosporidium, and *E. coli*;

- *Treatment and distribution*. While treatment can remove many contaminants, it can also leave behind byproducts (such as trihalomethanes) that may themselves be harmful. Water can also become contaminated after it enters the distribution system, from a breach in the piping system or from corrosion of plumbing materials made from lead or copper; and,

- *Natural sources*. Some groundwater is unsuitable or challenging to use for drinking because the local underground conditions include high levels of certain contaminants. For example, as ground water travels through rock and soil, it can pick up naturally occurring arsenic, other heavy metals, or radionuclides.

Health effects of drinking water contaminants: The US EPA reports that there is a broad range of health effects associated with exposure to drinking water contaminants. Ingestion or exposure to pathogens at sufficient doses can result in gastrointestinal illness with symptoms such as diarrhea, nausea, stomach cramps, and vomiting. Exposure to higher doses of chemicals, metals, or radionuclides through drinking water can produce biological responses, toxicological effects, and more severe health impacts including cancer, developmental or reproductive effects, neurological changes, and organ damage.

Federal and state regulation of contaminants in drinking water: To regulate drinking water contaminants that pose significant health risks, the State Water Board can begin the process by requesting that the Office of Environmental Health Hazard Assessment (OEHHA) establish a public health goal (PHG). PHGs are concentrations of drinking water contaminants that pose no significant health risk if consumed for a lifetime, based on current risk assessment principles, practices, and methods. Once OEHHA establishes a PHG, the State Water Board determines whether an MCL—a legally enforceable primary drinking water standard that applies to public water systems—should be considered. If the State Water Board determines that an MCL should be considered, it then conducts an in-depth risk management analysis and, if appropriate, initiates the regulatory process for adopting an MCL, enforceable under the California SDWA.

Wildfires and drinking water contamination: According to the California Air Resources Board, the frequency and severity of wildfires have been increasing, both in the state and all over the world. Since 1950, the area burned by California wildfires each year has been growing, as spring and summer temperatures increase and spring snowmelt occurs earlier. CalFire data show that four out of the five most destructive wildfires in California history happened in just the last 10 years. In 2025, the Eaton and Palisades fires in Los Angeles County destroyed over 16,000 structures and burned 38,000 acres combined; in 2018, the Camp Fire in Butte County destroyed nearly 19,000 structures and burned 153,000 acres; and in 2017, the Tubbs Fire in Napa and Sonoma counties destroyed more than 5,500 structures and burned nearly 37,000 acres.

According to research reviewed by the Union of Concerned Scientists in a 2021 brief, "Wildfire and water supply in California" (2021 brief), the Tubbs and Camp fires were the first known instances where widespread drinking water contamination was discovered in drinking water distribution systems after wildfire events. The 2021 brief describes how wildfires can negatively impact drinking water quality and infrastructure through multiple pathways, including the following:

- Loss of pressure in water service lines can allow soil and contaminants, including bacteria, to enter the distribution system;

- Subsequent rainfall on burn scars can wash contaminants and sediment downstream into reservoirs, which can clog water system filters or fuel algal blooms; and,

- Burned or melted water infrastructure can release dangerous levels of volatile organic compounds, like benzene, into drinking water supplies.

Among other things, the 2021 brief recommends that officials ensure water safety communications and alerts are translated into locally accessible languages.

Emergency notification plans: State law prohibits a public water system from operating without an emergency notification plan, which must be approved by the State Water Board. These plans contain emergency contact phone numbers for water system personnel and a description of the system's public notification methods. The plan must provide for immediate notice to customers, in the event that there is a significant rise in bacterial counts or other failures to comply with MCLs that pose an imminent threat to human health.

This bill: AB 990 authorizes and encourages a public water system, when updating an emergency notification plan, to provide notification to water users in their preferred language, if resources are available. Ensuring language access for California's residents may become increasingly critical, as the frequency and severity of wildfires, and their potential to negatively impact drinking water quality, grows.

Arguments in support: None on file.

Arguments in opposition: None on file.

Related Legislation:

1) AB 3090 (Maienschein, Chapter 68, Statutes of 2024). Authorizes and encourages a public water system, when updating its emergency notification plan, to provide notification to water users by means of various technology.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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