



SB 403 (Gonzalez) Consolidation of At-Risk Water Districts

SUMMARY

Senate Bill (SB) 403, will prevent water contamination and water system failures in disadvantaged communities throughout California by authorizing the State Water Resources Control Board (SWRCB) to mandate the consolidation of a water system that is at-risk of failing.

EXISTING LAW

Existing state law provides the SWRCB with the authority to mandate water system consolidation where a water system serving a disadvantaged community violates drinking water quality standards.

Existing law also requires the SWRCB to establish a petition process to empower residents of a community to request that the SWRCB consider mandatory consolidation of a failing water system. The SWRCB established the petition process in 2020.

BACKGROUND/PROBLEM

According to the SWRCB, water system consolidation is an important and effective tool to improve access to safe and affordable water because larger consolidated systems are generally more reliable, safe, and efficient.¹ Small water systems are typically less resilient and face infrastructure difficulties because of their small ratepayer base.² The “Achieving Human Right to Water in California” report released in January 2021 by the Office of Environmental Health and Hazard Assessment also found that small water systems are far more likely to have water quality violations and higher water rates than larger systems.³

Disadvantaged communities throughout California have continually been overburdened with the legacy of environmental racism that includes a lack of access to safe and affordable drinking water. Whether it be manganese causing brown drinking water in communities in South East Los Angeles, or communities in the Central Valley with arsenic, chromium-6, or other toxic chemicals coming out of their taps. These communities deserve to have the human right to safe drinking water realized.

The existing avenues for communities to seek consolidation do not allow the SWRCB to proactively mandate consolidation in situations where a small water system is at-risk of failure. The SWRCB’s authority is strictly limited to only reactive solutions to address situations where a water system has already failed and is no longer providing safe drinking water.

By waiting until the system fails to take action, the damage is already done. The disadvantaged communities that are served by water systems on the cusp of failure deserve immediate assistance and action, and the SWRCB needs the tools to provide them with that immediate action.

SOLUTION

Senate Bill 403 will allow the SWRCB to work proactively with communities to avoid contamination and water system failures. Specifically, this measure will authorize the SWRCB to proactively assist a small water system that is at-risk of failing by allowing it to consider mandating consolidation of the at-risk system with a larger, nearby water system.

This new SWRCB authority would be limited to at-risk water systems that serve a disadvantaged community.

¹ State Water Resources Control Board

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/waterpartnership.html.

² State Water Resources Control Board, Water Partnerships

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/waterpartnership.html.

³ Office of Environmental Health and Hazard Assessment, “Human Right to Water in California,” pp.110-111 (January 2021)

<https://oehha.ca.gov/media/downloads/water/report/hrtwachievinghrtw2021f.pdf>.

The bill would additionally require the SWRCB to seek and consider community input before ordering consolidation, and to consider whether those served by the at-risk water system have filed a petition for mandatory consolidation.

SB 403 is especially needed in light of the ongoing COVID-19 pandemic, as far too many Californians continue to struggle with unsafe tap water while sheltering in place.

SUPPORT

Leadership Council for Justice and Sustainability (Co-Sponsor)

Clean Water Action (Co-Sponsor)

Community Water Center (Co-Sponsor)

American Rivers

California Coastkeeper Alliance

California League of Conservation Voters

Carbon Cycle Institute

Ceres

Environmental Law Foundation

Environmental Working Group

Friends Committee on Legislation of California

Martin Luther King Jr. Freedom Center

Natural Resources Defense Counsel

Pueblo Unido CDC

San Francisco Bay Physicians for Social Responsibility

Sierra Club California

The Alliance of Nurses for Healthy Environments

Western Center on Law & Poverty



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