

APRIL 2017

IMPACT OF SENATE BILL 1263 ON NEW PUBLIC WATER SYSTEM PERMIT APPLICATIONS

The passage of SB 1263 created a significant addition to the water supply permit application process required for new public water systems (PWSs). The purpose of this State bill is to discourage the formation of new unsustainable PWSs when there is a feasible alternative such as connecting to an existing PWS.

The bill was promulgated to address an increasing State-wide issue of existing PWSs considered unsustainable due to the inability to meet the California Safe Drinking Water Act requirements. This bill became effective on **January 1, 2017**. The premise is there may be feasible alternatives to a new PWS being created and the responsibility is upon the applicant to explore these alternatives prior to the permit application process.

The bill requires a “**Preliminary Water System Technical Report**” (Report) to be submitted to the State regulating agency 6 months before commencing water-related construction for a new public water system.

Note that some projects may have already submitted applications to the County as a Planning or Use Permit application. This fact does not change any requirement for the Preliminary Water System Technical Report but may be helpful to have available for contact or other information.

The Sections of this Report are summarized below. Full text of Senate Bill 1263 may be found at the following website link:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1263

Potential for Proposed Water System to be Served by An Existing Water System

This is the screening process required prior to requesting the permit application from the State Water Resources Control Board - Division of Drinking Water (SWRCB-DDW) district office.

The applicant will need to identify and list the names of all existing PWSs for which any service area boundary is within three miles, as measured through

existing public rights-of-way, of any boundary of the applicant's proposed public water system's service area. In order to accomplish this request, there are tools to search for existing public water systems in each County at the following websites:

<https://sdwis.waterboards.ca.gov/PDWW/>

http://cehtp.org/page/water/water_system_map_viewer

The first website link contains a database of all public drinking water systems under the jurisdiction of the SWRCB- DDW in California. Only the active systems should be considered. You may select for your county. Water System boundary maps for most public water systems may be found at the second web address. This website is in the development process and does not yet contain a complete inventory of all public water systems.

Feasibility Report. After identifying PWSs (if any) within the 3-mile radius, the following documentation is required for those PWSs within the radius area: An evaluation document created by contacting each identified system regarding the possibility of obtaining water service. The PWS name, person(s) contacted and summary of their response is to be provided. The Report also requires the estimated costs for a connection to each PWS be provided. However, if a PWS rejects the possibility of connection, the estimated connection cost for that PWS does not need to be provided. The estimated cost information is required for the water system or systems identified as *possible* to connect to or offer a connection.

If your project is located within the County Local Area Formation Commission's (LAFCO) sphere of influence boundary for any city or municipal water service, you must provide the dates of contact with the County LAFCO executive officer and/or staff describing the ability to be connected to the water services under LAFCO jurisdiction.

See Section 1 below: *You will also need to discuss managerial oversight (if available) at the time you contact each system.*

Note: *As a result of this process, if an existing PWS is willing to provide water service and a connection is feasible, you do not need to complete this Report. Instead, write a letter to the appropriate SWRCB-DDW office and your County Building/Planning Department indicating your intent to connect and not become a new public water system. Provide DDW and the County with the name, address, and contact personnel for the water system that will be providing water service to your project. Then begin the process of obtaining the "will serve" letter or the documentation required by DDW and the County.*

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1. **Managerial Consolidation:** If physically connecting to another water system is not feasible, the applicant must submit a record of all actions taken to pursue a contract for managerial and/or operational oversight from an existing PWS within the 3-mile radius. The response summary is to be provided.
2. **Cost of Proposed New Public Water System:** The Report is to be submitted on the proposed costs to construct, operate and maintain the proposed new PWS. Please note that a comprehensive evaluation should be conducted that takes into account equipment, administration, personnel, compliance, etc., costs.
3. **Twenty-Year Evaluation of Proposed New Water System's Supply Capacity:** An analysis must be submitted of the proposed new PWS's total projected water supply availability during normal, single dry or multiple dry years to meet current demand and, if applicable, any anticipated growth for the next 20 years. Note that new community water systems are required to have at least two well sources.
4. **Cost Comparison:** Submit an analysis comparing the estimated costs associated with construction, operation and maintenance, and long-term sustainability of the new PWS to the costs of the PWS annexing, consolidating or connecting to an existing PWS only if a connection has been offered.
5. If the SWRCB-DDW accepts the **Preliminary Water System Technical Report**, the applicant will be advised that an application for a water supply permit may be submitted. The Permit Application is a separate process from SB 1263 requirements, and permit application requirements will be provided separately by the SWRCB-DDW.

Attached: Definition of a Public Water System

State Water Resources Control Board
Division of Drinking Water
Sonoma District 18 (Sonoma and Marin Counties)
50 D Street, Room 200, Santa Rosa, CA 95404 (707) 576-2145

Public Water System Definitions

What are public water systems ? (Per Section 116275 of the California Safe Drinking Water Act contained in Part 12, Chapter 4 of the California Health and Safety Code.)

The term “**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. If a water system meets this definition, then the *type* of public water system must be determined. The categories of public water systems regulated by this Division are noted below. Regulatory requirements vary for different types of public water systems.

Community water systems - A Public Water System that serves at least 15 service connections used by year-long residents or regularly serves at least 25 year-long residents. For example: This category includes cities, subdivisions, mutual water companies, mobile home parks and other similar residential areas.

Noncommunity water systems - A Public Water System that is *not* a Community water system. There are two categories of Noncommunity water systems:

Nontransient-Noncommunity water system: This is a special class of Noncommunity water systems that regularly serves at least 25 of the same persons over 6 months of the year. For example: This category includes schools and larger places of employment with 25 or more employees.

Transient-Noncommunity water system - Serves at least 25 individuals daily at least 60 days of the year and *no more* than 24 year-long residents, students, employees, etc. This category includes restaurants, campgrounds, small grocery and retail stores, wineries with tasting rooms, motels and other non-residential uses.