

CONCURRENCE IN SENATE AMENDMENTS

AB 367 (Bennett)

As Amended September 03, 2025

Majority vote

SUMMARY

Requires Ventura County water suppliers to: have backup power, or access to alternative water sources, capable of supplying water for at least 24 hours for fire suppression in high or very high fire hazard severity zones; annually inspect critical fire suppression infrastructure and backup energy sources and notify significant water delivery reductions, as specified, to the County Office of Emergency Services. This bill also requires the Ventura County Fire Department, in cooperation with the water supplier, to issue a report, as specified, after significant fire damage within a service area, as specified.

Senate Amendments

- 1) Authorizes water suppliers, in lieu of backup power, to use alternative water sources supplied by a different water supplier capable of supplying water for at least 24 hours for the purposes of fire suppression.
- 2) Requires alternative sources of water supplied by other entities to be available within 30 minutes and supply the same amount of water provided by the original water supplier.
- 3) Requires water suppliers using mobile back up energy sources to provide power within 60 minutes, instead of 30 minutes, of loss of power.
- 4) Extends all deadline dates by three years.
- 5) Requires local fire departments be consulted by the County Fire Department when developing the related minimum fire safety standards.
- 6) Specifies inspection requirements go into effect following the completion of the minimum fire safety standards.
- 7) Requires the water supplier, instead of the County Fire Department, to inspect critical fire suppression infrastructure and backup energy sources that serve, but are not located within, the high or very high fire hazard severity zone.
- 8) Requires any inspection, by the County Fire Department, occurring in a jurisdiction with a local fire department, to occur in consultation with the local fire department.
- 9) Requires the water supplier to annually review the emergency preparedness plan and update if necessary.
- 10) Requires the water supplier to initiate an emergency preparedness plan following a regional red flag warning from the national Weather Service, instead of requiring the County Office of Emergency Services to alert water suppliers.

- 11) Clarifies the report required after significant fire damage within a service area, as specified, is limited to assessing water tank levels based on the water supplier's emergency preparedness plans.
- 12) Clarifies this bill makes no changes to the confidentiality level of information shared with the County Office of Emergency Services
- 13) Makes other clarifying, conforming, and technical amendments.

COMMENTS

Background: Throughout California's history the state has contended with destructive wildfires impacting communities that were constructed amongst or adjacent to timber and chaparral forests. These areas, commonly referred to as the "wildland urban interface," have long been considered some of the most fire-prone areas in the state. In the last decade, unprecedented wildfires led to the deadliest wildfire in California's history. The impacts of these wildfires cannot be understated, many lives were lost, thousands of homes were destroyed, and residents, in some cases entire communities, have been forced to relocate. Billions of dollars in damage was caused to homes, businesses, and infrastructure throughout the state.

In recent years, an increasing number of wildfires have burned outside of wildland areas and into more urban settings. While persons living in forested areas and those in the wildland urban interface, have long faced significant risks from wildfires, as a result of climate change, more Californians face wildfire risks than ever before. Wildfires that threaten thousands of homes are now an annual occurrence, as autumn days with severe fire-weather prone weather have more than doubled in California since the 1980s.

Many of these areas have been classified by the Department of Forestry and Fire Protection as belonging to "very high fire hazard severity zones." As a result of this designation, the properties within a very high fire hazard zone are subject to the strictest requirements from the building codes, "Fire Safe" regulations, and defensible space requirements. Properties not immediately in the wildland urban interface but subject to fire risks are now characterized as being in "high fire hazard severity zones."

Wildfires across California have repeatedly exposed vulnerabilities in public water systems, especially in high and very high severity zones. During the 2025 Palisades Fire, extreme demand caused by firefighting overwhelmed the system, leaving some hydrants dry. In Ventura County's 2024 Mountain Fire, power outages delayed pump operations and disrupted hillside water supply, echoing similar failures during the 2017 Thomas Fire and leaving high-elevation hydrants without water. Likewise, during the 2017 Tubbs Fire, firefighters in Santa Rosa's Fountaingrove neighborhood lost access to water due to low pressure and had to travel long distances to refill, delaying response efforts.

Public water systems are currently not designed for catastrophic wildfires. Nonetheless, the author's office points to the best practices stated by the deputy general manager at Calleguas Municipal Water District, a water supplier in Ventura County, to the Los Angeles Times: "It is best practices for water providers to top off their water tanks, stage backup generators and prepare crews for contingency work during a red flag event or possible fire weather." These recommendations mirror portions of this bill.

Ventura County Water Access Issues: Ventura County is served by 168 water purveyors and four water wholesalers. During the Mountain Fire in November 2024, some of Ventura County's water providers experienced a significant delay in restoring operations after losing power. According to Calleguas Municipal Water District, the utility pump was without electricity for several hours and did not receive a generator until late that evening, resulting in water supply challenges. The Mountain Fire also disrupted firefighting efforts in the Camarillo foothills, where two water pumps went offline during active fire suppression. This interruption delayed the refilling of hillside water tanks, which are critical for maintaining water pressure in high-elevation fire hydrants. This eventually led to the fire hydrants running dry. During the 2017 Thomas Fire, similar disruptions occurred when several water pumping stations lost power. In Ojai, the fire caused direct damage to the infrastructure, rendering the water system inoperable.

According to the Author

"California's wildfire destruction has reached a tipping point. Ventura County has experienced its three most destructive fires in the last 8 years - Thomas (2017), Woolsey (2018), and Mountain (2024). While our water systems and hydrants are not designed to battle hundreds of homes fully engulfed in fire, they should perform to their maximum capacity during wildfire events. During Ventura County's three destructive fires, there have been instances where tanks were not filled appropriately, backup power to run water pumps was not available, and water pumps were destroyed by fire. Filling tanks, ensuring backup power and hardening water pumps are relatively modest investments. AB 367 ensures that Ventura will be able to use its resources to their maximum effectiveness."

Arguments in Support

According to the Ventura County Board of Supervisors, "This important measure would improve the resilience of Ventura County's water infrastructure in fire-prone areas by requiring water purveyors to maintain backup power sources, protect critical facilities from fire damage, and assess system performance following major wildfire events... The County recognizes that these requirements will entail real costs for local agencies, and we share concerns raised by some of our cities and water suppliers about the financial and operational impacts. As such, we have requested that Assemblymember Bennett continue to work closely with Ventura County, its cities, and local water providers to address these concerns and ensure that implementation is both feasible and effective. Despite these challenges, the Board of Supervisors believes the overall objectives of AB 367 are essential to protecting public safety and strengthening wildfire response capabilities."

Arguments in Opposition

According to the Association of California Water Agencies (ACWA), "While ACWA recognizes the intent of the bill to ensure adequate water availability to aid in fire suppression in high or very high risk hazard severity zones, there are significant concerns with the provisions of the bill. It is important to note that public water agencies' systems were designed to provide the public with safe and reliable drinking water and to provide an immediately available water service to aid in extinguishing structural fires in accordance with requirements for fire flows. These water systems were not designed to combat wildfires, especially the climate-driven wildfires that California experiences today. In addition, fire hydrants are but one tool firefighters use when responding to wildfires. AB 367 overall takes the wrong approach. This bill is overly directive toward water system operations, could potentially subject water agencies to legal liability, and since the provisions in the bill are unfunded, would lead to significant costs for water agencies to

comply. Amendments are needed to provide water agencies with adequate resources to enhance wildfire preparedness."

FISCAL COMMENTS

According to the Senate Committee on Appropriations:

- 1) Unknown one-time and ongoing costs, likely in excess of \$150,000, to the Ventura Office of Emergency Services and Ventura Fire to implement the provisions of this bill. If the Commission on State Mandates determines this bill's requirements to be a reimbursable state mandate, the state would need to reimburse these costs to Ventura County (General Fund).
- 2) To the extent this bill increases or adds new requirements for a local water district, such districts generally have the authority to levy service charges, fees, or assessments to pay for the mandated program or level of service, so resultant costs are likely non-reimbursable by the state.

VOTES:

ASM EMERGENCY MANAGEMENT: 6-1-0

YES: Ransom, Hadwick, Arambula, Bains, Bennett, Calderon

NO: DeMaio

ASM UTILITIES AND ENERGY: 18-0-0

YES: Petrie-Norris, Patterson, Boerner, Calderon, Chen, Davies, Fong, Mark González, Harabedian, Hart, Irwin, Papan, Rogers, Schiavo, Solache, Ta, Wallis, Zbur

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 75-1-3

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO: DeMaio

ABS, ABST OR NV: Chen, Sanchez, Tangipa

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