

conflagrations engulfing hundreds of structures such as the one in Palisades.

- b) Prepositioning and a multi-pronged approach involving firefighting and emergency responder organizations is essential to combatting wildfires under extreme weather-driven conditions.

*Mountain Fire in Ventura County.*² During the Mountain Fire in November 2024, some of Ventura County’s water providers experienced significant water access issues. Two water pumps in the Camarillo foothills became inactive during the firefight, halting or slowing the process of refilling hillside water tanks that supply high-elevation fire hydrants. One pump was destroyed in the blaze while another lost power during Southern California Edison’s planned electricity shutoffs, and it took hours to bring it back online with a generator, according to officials at the Calleguas Municipal Water District.

*Carr Fire Impacts to California Water Systems.*³ In July and August 2018, the 230,000-acre Carr Fire impacted the Whiskeytown National Recreation Area in Shasta County, California. The fire severely impacted the water system. The fire destroyed the system’s main office and two pump stations. Power outages combined with undersized generators led to treatment process disruptions for some systems. Some water agencies lost up to 95 percent of the homes in their service areas and dealt with extreme demand due to fire response and high leakage.

*Thomas Fire Water Utility Failure.*⁴ In December 5, 2017, the Thomas Fire burned more than 55,000 acres in Ventura County. Officials said power outages caused by the fire and heavy winds left some water pumping stations inoperable, so that water couldn’t reach fire hydrants. In Ojai, the fire caused direct damage to the infrastructure, rendering the water system inoperable.

*Tubbs Fire and Public Water Inaccessibility.*⁵ During the initial hours of the 2017 Tubbs fire, the fire hydrants in the hilltop community of Fountaingrove in Santa Rosa repeatedly lost pressure. Firefighters were forced to travel to the valley of Santa Rosa, where water pressure was stronger, and then return to the hilltop to fight the fire.

Studies on wildfire and water supply.

Wildfire & Water Supply in California. In a 2021 briefing report titled *Wildfire & Water Supply in California*, produced by University of California Agriculture and Natural Resources (UC ANR), California Institute for Water Resources, and the Luskin Center for Innovation at the University of California, Los Angeles (Luskin Center), the authors recommend investing in remote-operable water infrastructure and backup power systems—such as solar panels and battery storage—to help maintain water service

² Grace Toohey, “Firefighters faced low water pressure when battling Mountain fire. Here’s what happened.” Los Angeles Times, November 15, 2024.

³ Environmental Protection Agency, “Water Sector Utility Incident Action Checklist – Wildfire”

⁴ Sarah Parvini and Dakota Smith, “Some fire hydrants didn’t work because of power outages, firefighters say” Los Angeles Times, December 5, 2017

⁵ Kevin McCallum, “Santa Rosa stumped by hilltop water system overwhelmed in Tubbs fire”, *Press Democrat*, July 21, 2018.

during wildfires while reducing risk to utility personnel. The report acknowledges, however, that access to technology, the cost of these upgrades, and the managerial knowledge for implementation may be a limiting factor for water systems.

The report also recommends, as part of their emergency response plans, that water systems develop specific wildfire mitigation plans that include local or regional partnerships with surrounding water systems or water wholesalers with intertying supply connections. Developing these mutual aid relationships can lead to sharing of resources and critical staff and expertise support during an emergency.

Water Supply + Wildfire Research and Policy Coordination Network. After the January 2025 Los Angeles fires, the Luskin Center and UC ANR initiated the Water Supply + Wildfire Research and Policy Coordination Network (Network) to study water supply systems' operations during wildfires and the new public expectations for water systems. In August 2025, the Network held the first of a series of four workshops, which will be held through fall 2026. The first workshop focused on water systems' wildfire fighting capacities and expectations, the second workshop will focus on financial impacts of building and using water supply systems for fighting fires, the third workshop will focus on post-fire communication and trust in quality of drinking water, and the fourth workshop will focus on tradeoffs at the nexus between fire, urban vegetation, and water supply.

According to the report of the first workshop, 42 participants representing water systems, water industry associations, nonprofit organizations, regulators and legislators, technical assistance providers, fire protection experts, engineering consultants, and researchers attended. The workshop revealed that, among its participants, there was a strong consensus that water supply systems "should have a very limited role in fighting wildfires – and likely could not have a significant larger role, even with substantial investment" and "water systems – even 'super -sized ones' – cannot extinguish very large, fast-moving fires" and that "no water system can reasonably be expected to 'stop' large urban wildfires."

Other themes that emerged from the participants include:

- Communication with the public and policymakers, with many participants noting a lack of understanding about water systems and wildfires and abilities of water distribution systems to fight wildfires. Participants had near consensus.
- Water systems' physical limitations and trade-offs in wildfire fighting where participants discussed which wildfire solutions may be most efficient and noting that increasing the resilience and capacity of water systems for wildfire response requires a cost-benefit analysis. Participants had near consensus.
- Whether there should be statewide standards for water supply infrastructure and wildfires. Participants were very divided on this.

Urban retail water suppliers.

Urban retail water suppliers are water suppliers that directly provide potable (drinkable) water for municipal purposes to at least 3,000 end users or provide at least 3,000 acre-feet of potable water. Urban water suppliers provide water for indoor and outdoor use for residents, as well as for businesses, manufacturers, and public service entities, such

as schools and parks. They include retail water suppliers, which provide water directly to customers, and wholesale water suppliers, which sell water to retail suppliers. An urban retail water supplier can be either publicly or privately owned.

Many urban water suppliers are public entities, such as cities, counties, or special districts, while some are private investor-owned utilities. Medium and large public water systems that serve 3,300 or more connections are subject to the federal Safe Drinking Water Act and must submit detailed vulnerability assessments and emergency response plans to the Environmental Protection Agency.

Disaster preparedness plans.

Public water systems with 10,000 or more service connections are required to review and revise their disaster preparedness plans in conjunction with other agencies to ensure that the plans are sufficient to address possible disaster scenarios. The plans should examine and review pumping station and distribution facility operations during an emergency, water pressure at both pumping stations and fire hydrants, and whether there is sufficient water reserve levels and alternative emergency power, including onsite backup generators and portable generators (Government Code (GOV) §8607.2).

Fire Hazard Severity Zones. Public Resources Code (PRC) §4202 and Government Code §51178 require the State Fire Marshal to classify lands into fire hazard severity zones (FHSZ). Moderate, high, and very high fire hazard severity zones are based on fuel loading, slope, fire weather, and other relevant factors present, including areas where winds have been identified by the department as a major cause of wildfire spread.

Existing federal law, under the Safe Drinking Water Act:

- 1) Requires each community water system serving a population greater than 3,300 persons to conduct an assessment of the risks to, and resilience of, its system.
 - a) The assessment is required to include:
 - i) The risk to the system from malevolent acts and natural hazards;
 - ii) The resilience of the pipes and constructed conveyances, physical barriers, source water, water collection and intake, pretreatment, treatment, storage and distribution facilities, electronic, computer, or other automated systems which are utilized by the system;
 - iii) The monitoring practices of the system;
 - iv) The financial infrastructure of the system; and
 - v) The use, storage, or handling of various chemicals by the system.
 - b) It may include an evaluation of capital and operational needs for risk and resilience management for the system.
(United States Code (U.S.C.), Title 42, §300i-2(a)).

- 2) Requires each community water system serving a population greater than 3,300 to prepare or revise an emergency response plan that incorporates the findings of the above-described assessment. The emergency plan is required to include:
 - a) Strategies and resources to improve the resilience of the system;
 - b) Plans and procedures that can be implemented, and identification of equipment that can be utilized, in the event of a malevolent act or natural hazard that threatens the ability of the community water system to deliver safe drinking water;
 - c) Actions, procedures, and equipment which can obviate or significantly lessen the impact of a malevolent act of natural hazard on the public health and the safety and supply of drinking water provided to communities and individuals, including the development of alternative source water options, relocation of water intakes, and construction of flood protection barriers; and
 - d) Strategies that can be used to aid in the detection of malevolent acts or natural hazards that threaten the security or resilience of the system. (42 U.S.C. §300i-2(b)).
- 3) Defines “community water system” as a public water system that serves at least 15 service connections used by year-round residents of the area served by the system or regularly serves at least 25 year-round residents. (42 U.S.C. 300f).
- 4) Defines “public water system” as a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves at least 25 individuals. (42 U.S.C. §300f).

Existing state law:

- 1) Under the California Emergency Services Act:
 - a) Designates the California Office of Emergency Services (Cal OES) as the lead state agency responsible for state emergency and disaster response services for natural, technological, or man-made disasters and emergencies, as specified. (GOV §8585).
 - b) Requires all public water systems with 10,000 or more service connections to review and revise their disaster preparedness plans in conjunction with related agencies, including, but not limited to, local fire departments and Cal OES, to ensure that the plans are sufficient to address possible disaster scenarios. (GOV §8607.2).
- 2) Requires the governing body of a distributor of a public water supply to declare a water shortage emergency whenever it finds that ordinary demands of water consumers cannot be satisfied without depleting the supply so that it is insufficient for human consumption, sanitation, and fire protection. (Water Code (WAT) §350).

- 3) Requires the State Fire Marshal (SFM) to identify areas in the state as moderate, high, or very high fire hazard severity zones, as specified. (GOV §51178).
- 4) Establishes the Office of the SFM (OSFM) within the California Department of Forestry and Fire Protection (CAL FIRE). (Health and Safety Code (HSC) §13100).

PROPOSED LAW

This bill would:

- 1) Commencing January 1, 2028, require urban retail water suppliers serving a high or very high fire hazard severity zone (HFHSZ and VHFHSZ, respectively) to include incident-specific response procedures for wildfires as part of their disaster preparedness plans, including any applicable emergency response plan as required by the federal Safe Drinking Water Act.
- 2) Require the plans to include:
 - a) Mitigation actions, including actions, procedures, and equipment, that can obviate or significantly lessen the impact of a wildfire on the water system and the supply of drinking water. Identification of mitigation actions within the plan are required to consider system conditions, risks, operations, and available resources, including financial and staffing constraints.
 - b) Actions to prepare for a wildfire, such as identification of critical infrastructure and coordination with local emergency responders.
 - c) Actions to respond to a wildfire, such as identifying immediate response actions and a communications strategy to communicate with customers.
 - d) Actions to recover from a wildfire, such as completion of water system damage assessments and development of long-term adaptation measures.
- 3) State that while public water systems, including wholesale water systems and the water distributed through them, may be available to aid in firefighting activities, both of the following apply:
 - a) The inability of a public water system to maintain water supply or water pressure during a wildfire shall not be considered a substantial cause of the damages resulting from the wildfire.
 - b) The spread of wildfire shall not be considered an inherent risk presented by the deliberate design, construction, or maintenance of a public water system.
- 4) Provide that these provisions shall not be interpreted to impose a duty on public water systems, including wholesale water systems, to design, construct, or maintain a water system for wildfire defense or suppression.
- 5) Specify that while the inclusion of incident-specific response procedures for wildfires in a disaster preparedness plan is required by the bill, the identified mitigation actions are intended to inform preparedness and response planning and are not

intended to guarantee the ability of a public water system to maintain water supply or water pressure during a wildfire. Specify that failure to comply with the above is not considered a substantial cause of the damages resulting from a wildfire.

- 6) Specify that these provisions shall not be construed to limit or affect liability for injury or damage resulting from a negligent act or omission of an entity operating a public water system for its intended purpose and function.
- 7) Define the following terms for these purposes:
 - a) “High or very high fire hazard severity zone” as those areas identified by the State Fire Marshal as high or very high fire hazard severity zones, as specified.
 - b) “Public water system” as 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.
 - c) Defines “urban retail water supplier” as a water supplier, either publicly or privately owned, that directly provides potable municipal water to more than 3,000 end users or that supplies more than 3,000 acre-feet of potable water annually at retail for municipal purposes.
 - d) Defines “wildfire” as an unplanned, unwanted wildland fire, including unauthorized human-caused fires, escaped wildland fire use events, escaped prescribed fire projects, and all other wildland fires where the objective is to extinguish the fire.
 - e) Defines “wholesale water systems” as a public water system that supplies water to other public water systems for resale.
- 8) Make various findings and declarations relating to public water systems and their function during wildfires.

ARGUMENTS IN SUPPORT

According to the author, “As wildfires become more frequent, unpredictable, and destructive across California, misunderstandings about how public water systems operate have shaped public expectations and contributed to perceptions that these systems may not have performed as designed during wildfire events.”

“SB 1153 clarifies the role and limitations of public water systems when responding to wildfires as approved to responding to structure fires.”

“SB 1153 will enhance wildfire preparedness efforts by requiring all urban retail water suppliers serving a High or Very High Fire Hazard Severity Zones to include wildfire response procedures as part of their existing emergency response plans.”

“Lastly, SB 1153 establishes in statute that water supply or pressure limitations during a wildfire event are not a substantial cause of wildfire damages and that wildfire spread is not an inherent risk of water system design.”

“SB 1153 supports proactive planning by public water systems, the experts on their own infrastructure and operational needs, to prepare for wildfire events. The bill acknowledges the physical and financial limitations of local water infrastructure and addresses misunderstandings about the capabilities of these systems that have contributed to increased claims and litigation for wildfire damages. These costs are ultimately borne by ratepayers, impacting water affordability.”

“California must acknowledge the limited role our public water systems were originally designed to occupy, support their efforts to adapt to climate change, and prepare for future long-term investments in disaster response.”

ARGUMENTS IN OPPOSITION

None received

COMMENTS

This bill is double referred. This bill has been referred to both the Senate Emergency Management Committee and this Committee for hearing. This Committee is the second committee of referral. This bill was heard in the Senate Emergency Management Committee on March 24, 2026, and passed out with a vote of 8 - 0. Elements of this bill under the jurisdiction of the Senate Emergency Management Committee are included here for completeness and context only.

Piecing it together. The definition for “public water systems” under state law is nearly identical to the definition for “community water systems” under federal law (Health and Safety Code (HSC) §116275; 42 U.S.C. §300). Thus, under federal law, a public water system that serves more than 3,3000 people is required to conduct the specified assessment and have an emergency response plan, and if the public water system has more than 10,000 service connections, state law requires the public water system to have a disaster preparedness plan.

This bill requires all urban retail water suppliers serving a HFHSZ or VHFHSZ to include incident-specified response procedures for wildfire as part of their disaster preparedness plans, including any applicable emergency response plan required by federal law. Under the bill, “urban retail water supplier” is a “water supplier, either publicly or privately owned, that directly provides potable municipal water to more than 3,000 end users or that supplies more than 3,000 acre-feet of potable water annually at retail for municipal purposes.” Thus, for purposes of the bill, an urban retail water supplier is essentially a public water system with 3,000 or more end users and, under existing law, is required to have an emergency response plan pursuant to the federal Safe Drinking Water Act and a disaster preparedness plan, if over 10,000 service connections, for purposes of state law.

Shielding accountability for identified vulnerability? During Senate Emergency Management Committee’s hearing of this bill, a concern was raised that language in proposed GOV §8607.3(c) could shield a public water system from liability for failing to take a mitigation action identified in their disaster preparedness plan. The author has since amended that subdivision, but the overall effect of the language is the same. The language in subdivision (c) currently provides:

“Nothing in this section shall be interpreted to impose a duty on public water systems, including wholesale water systems to design, construct, or maintain a water system for wildfire defense or suppression. While compliance with [the requirements to include incident-specific response procedures for wildfires as part of their disaster response plan] shall be required, the identified mitigation actions ... are intended to inform preparedness and response planning, not guarantee the ability of a public water system to maintain water supply or water pressure during a wildfire, and therefore failure to meet [those response procedures] shall not be considered a substantial cause of the damages resulting from a wildfire.”

Considerations of “substantial cause” and “damages” often arise in tort negligence cases. In a negligence case, 4 elements must be proven: (1) duty of care, (2) breach of that duty, (3) cause in fact/proximate cause, and (4) damages. Historically, “proximate cause” mostly arose in the tort context, used to describe the causal relationship between a breach of duty and an injury in a negligence action. In tort, a proximate cause must be the cause-in-fact, i.e. a necessary antecedent of the event in question. In the last few decades, however, California courts have moved away from using proximate cause in jury instructions and replaced it with “substantial factor” causation. A factor is a substantial one in causing harm if a reasonable person would consider it to have contributed to the harm; it must be more than a remote or trivial factor, but need not be the only cause of the harm. The substantial factor test is not associated with proximate cause, but is intended to capture the acts that would not have happened without the back act in question.

By explicitly prohibiting the fact that a public water system did not implement an identified mitigation action from being considered a substantial cause of damages, a question is raised if the language would allow a public waters system to identify a potential vulnerability in the system and later claim no duty to mitigate that vulnerability. Alternatively, could a water system argue that, pursuant to these provisions, its inaction in mitigating the identified vulnerability was not a substantial cause that led to the injury in question?

However, the Senate Emergency Management Committee also amended the bill by adding a new subdivision (d), which might address this issue. The new subdivision (d) added that “nothing in [these provisions] shall be construed to limit or affect liability for injury or damage resulting from a negligent act or omission of an entity operating a public water system for its intended purpose and function” (proposed GOV §8607.3(d)). The phrase “limit or affect liability for injury or damage” refers to whether a certain duty of care, or action, was owed. Thus, the added language of subdivision (d) appears to maintain the duty of care owed by public water systems to its customers and the required causation standard to any damages caused by a breach of that duty.

More clarification is needed.

Clarification to author amendments. Recent author amendments to subdivision (c) are intended to clarify that while the public water systems are required to identify mitigation actions, they are not required to implement the identified mitigation actions. The amendments further provide that the identification of such actions is intended to inform a public water system, but not guarantee the ability of the public water system to maintain water supply or water pressure during a wildfire. However, the amended

language, which now provides “and therefore failure to meet the requirements of subdivision (a) ...”, may continue to cause some confusion.

The committee may wish to further amend these provisions to help provide even more clarity to the author’s intent. *See Amendment 1.*

Clarification to Committee on Emergency Management’s amendments. As discussed above, the Committee on Emergency Management amended the bill to include:

“(d) Nothing in this section shall be construed to limit or affect liability for injury or damage resulting from a negligent act or omission of an entity operating a public water system for its intended purpose and function.”

According to that committee’s analysis, the purpose of this language is to further clarify the responsibilities of water systems. However, this committee may wish to amend the language to provide further clarification on what exactly is meant by “intended purpose and function.” *See Amendment 2.*

Pending litigation. Following the LA Fires, a number of lawsuits have been filed. As written, this bill would not impact those lawsuits. According to the sponsor, the goal of this bill is not to impact those lawsuits.

Future considerations of the Legislature in this area. Historically, a water system’s primary function is to provide water. The infrastructure and design of being able to provide clean drinking water is very different than the infrastructure that is needed for wildfire suppression. According to the Luskin Center’s report on its first workshop, “it is widely understood in the water and disaster response sectors that no water system can reasonably be expected to ‘stop’ large urban wildfires” and, in the context of the LA fires, the report specifically notes that urban water systems are not designed to have unlimited supply or fully extinguish widespread or prolonged fires and cannot be sized and maintained to deliver water of sufficient quantity to meet demands during a catastrophic urban wildfire event.

However, as wildfires and their intensity evolve, the Legislature may wish to consider whether the duty of water systems during a wildfire should also evolve. As that duty evolves, so could the design of systems. While a water system cannot be reasonably expected to fight large wildfires, should a water system be required to maintain certain infrastructure and design standards that would ensure functionality during a wildfire? If infrastructure and design standards are changed, what are the potential cost impacts on ratepayers of the water system? It is also of note, that if the underlying infrastructure and design standards are changed, so is the “standard of duty” a water system will have towards its customers. The Legislature may wish to consider these issues and more as the world between wildfires and water systems become more and more intertwined.

Adding a co-author. The author has requested to add Senator Rubio as a coauthor. *See Amendment 3.*

Related legislation

AB 2013 (Bennett) would require community water systems located in a high or very high fire risk area to include an annex to its disaster preparedness plans with

information regarding system preparedness and resiliency during a wildfire, including an assessment of the minimum water tank levels necessary to maintain average daily system capacity during a fire, identification of the minimum number of and types of water pumps that are necessary to maintain average daily capacity, the number of water pumps servicing high or very high fire risk area that do not have emergency backup energy sources, an assessment of system resiliency in the event of a loss of power, and an assessment of the fire risk status and fire hardening measures for infrastructure elements deemed to be a critical point of failure. AB 2013 also prohibits information in the annex from enlarging or diminishing any existing liability, or demonstrating, on its own, a substantial cause of damages resulting from a wildfire. This bill failed passage in the Assembly Emergency Management Committee.

AB 367 (Bennett, Chapter 690, Statutes of 2025) requires a water supplier to take specified actions to help ensure effective fire response and adequate water availability to aid in fire suppression in high or very high FHSZs in Ventura County.

SB 668 (Rubio, 2019) would have required urban water suppliers, instead of public water systems with 10,000 or more service connections, to review and revise its disaster preparedness plan and would have required the urban water supplier to review the plan every five years. This bill failed passage off the Assembly Floor.

SUGGESTED AMENDMENTS

AMENDMENT 1

(c) Nothing in this section shall be interpreted to impose a duty on public water systems, including wholesale water systems, to design, construct, or maintain a water system for wildfire defense or suppression. While ~~compliance with subdivision (a)~~ **an urban retail water supplier, that meets the criteria identified in paragraph (1) of subdivision (a),** shall be required **to include incident-specific response procedures in the disaster preparedness plan prepared pursuant to paragraph (1) of subdivision (a),** the identified mitigation actions pursuant to paragraph (2) of subdivision (a) ~~are intended to~~ **shall** inform preparedness and response planning, ~~and shall not to be construed to~~ **shall** guarantee the ability of a public water system to maintain water supply or water pressure during a wildfire, ~~and therefore~~ **Failure of an urban retail water supplier to meet the requirements of implement or comply with any actions identified in** subdivision (a) shall not be considered a substantial cause of the damages resulting from a wildfire.

AMENDMENT 2

Amend proposed GOV §8607.3(d) as follows:

(d) Nothing in this section shall be construed to limit or affect liability for injury or damage resulting from a negligent act or omission of an entity operating a public water system for its intended purpose and function **as described by subdivision (h) of Section 116275 of the Health and Safety Code and any other applicable laws and regulations governing system operations.**

AMENDMENT 3

Add Senator Rubio as a coauthor.

SUPPORT

Association of California Water Agencies (ACWA) (sponsor)
American Water Works Association, California Nevada Section
Bella Vista Water District
Calaveras County Water District
California Association of Mutual Water Companies
California Chamber of Commerce
California Council for Environmental & Economic Balance (CCEEB)
California Municipal Utilities Association
California Water Association
California Water Service
Calleguas Municipal Water District
Camrosa Water District
Castroville Community Services District
Clearlake Oaks County Water District
Coastside County Water District
Contra Costa Water District
Crescenta Valley Water District
Crestline-lake Arrowhead Water Agency
Cucamonga Valley Water District
El Dorado Irrigation District
El Dorado Water Agency
El Toro Water District
Foothill Municipal Water District
Georgetown Divide Public Utility District
Hidden Valley Lake Community Services District
Irvine Ranch Water District
Kinneloa Irrigation District
LA Habra Heights County Water District
Laguna Beach County Water District
Las Virgenes Municipal Water District

Marin Water
McKinleyville Community Services District
Mesa Water District
Mid-peninsula Water District
North Marin Water District
Olivenhain Municipal Water District
Otay Water District
Padre Dam Municipal Water District
Palmdale Water District
Paradise Irrigation District
Placer County Water Agency
Rancho California Water District
Regional Water Authority
Rowland Water District
Sacramento Suburban Water District
San Benito County Water District
San Diego County Water Authority
San Gabriel Valley Water Association
San Jose Water Company
San Juan Water District
Santa Fe Irrigation District
Stockton East Water District
Suburban Water Systems
Three Valleys Municipal Water District
Tri-county Water Authority
Union Public Utility District
Upper San Gabriel Valley Municipal Water District
Valley Center Municipal Water District
Valley Water
Vista Irrigation District
Walnut Valley Water District
West Valley Water District
Western Municipal Water District

OPPOSITION

None Received

-- END --