

THIRD READING

Bill No: SB 1153
Author: Caballero (D), et al.
Amended: 4/28/26
Vote: 21

SENATE EMERGENCY MGT. COMMITTEE: 8-0, 3/24/26
AYES: Stern, Seyarto, Allen, Blakespear, Dahle, Grayson, Pérez, Rubio
NO VOTE RECORDED: Ashby

SENATE NATURAL RES. & WATER COMMITTEE: 5-0, 4/21/26
AYES: Becker, Seyarto, Cabaldon, Laird, Stern
NO VOTE RECORDED: Allen, Grove

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SUBJECT: Disaster preparedness: urban retail water suppliers and public water systems: wildfire

SOURCE: Association of California Water Agencies

DIGEST: This bill requires, beginning January 1, 2028, urban retail water suppliers with service areas in a high or very high fire hazard severity zone (FHSZ) to include wildfire-specific response procedures in their disaster preparedness plans, including any applicable federal plan, and specifies the liability limitations of public water systems when responding to wildfires, as specified.

ANALYSIS:

Existing law:

- 1) Designates the California Office of Emergency Services (Cal OES) under the California Emergency Services Act (ESA) as the lead state agency responsible

for state emergency response to natural, technological, or man-made disasters, as specified.

- 2) Requires, under the ESA, 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.
- 3) Directs the State Fire Marshal within the Department of Forestry and Fire Protection (CAL FIRE) to classify areas in the state as moderate, high, and very high FHSZ based on consistent statewide criteria and the severity of fire hazard that is expected to prevail in those areas.
- 4) Establishes the federal Safe Drinking Water Act (SDWA), to protect public health by regulating drinking water. Among other things, the SDWA requires public water systems that serve more than 3,300 people to complete a specified vulnerability assessment and prepare or revise an emergency response plan (ERP) that incorporates the findings of that assessment. The ERP must be prepared or updated and submitted to the federal Environmental Protection Agency (EPA) within six months after completion of the assessment.

This bill:

- 1) Makes various findings and declarations for purposes of this bill, including that public water systems are deliberately designed and constructed to provide clean and safe drinking water in accordance with state and federal safe drinking water laws and regulations and they are not intentionally designed or constructed for wildfire defense or suppression.
- 2) Defines various terms for purposes of this bill.
- 3) Requires, beginning January 1, 2028, urban retail water suppliers, serving a high or very high FHSZ to include wildfire-specific response procedures as part of their disaster preparedness plans, including any applicable federal ERP.
- 4) Specifies that the plans in 3) above must include, but not be limited to, the following:
 - a) Mitigation actions that can obviate or significantly lessen the impact of a wildfire, as specified;

- b) Actions to prepare for a wildfire, as specified;
 - c) An assessment of the resilience of critical infrastructure, as specified;
 - d) Actions to respond to a wildfire, as specified, including during a red flag warning; and,
 - e) Actions to recover from a wildfire, as specified.
- 5) Requires the plans in 3) above to be provided to the respective county Office of Emergency Services in accordance with the California Public Records Act as specified.
 - 6) Establishes that while public water systems may be available to aid in firefighting, a public water system shall not be legally responsible for wildfire damages caused by a loss of water pressure or supply during a wildfire, and the spread of wildfire shall not be considered an inherent risk of a public water system's design, construction, or maintenance.
 - 7) Clarifies that nothing in this bill shall be interpreted to require public water systems, including wholesale water systems, to design, build, or maintain a water system for wildfire defense or suppression.
 - 8) Establishes that, while this bill requires the inclusion of incident-specific response procedures for wildfires in a disaster preparedness plan, the identified mitigation actions shall inform preparedness and response planning and shall not be intended to guarantee the ability of a public water system to maintain water supply or water pressure during a wildfire.
 - 9) Specifies that failure to implement or comply with the identified mitigation actions in the plan as required by this bill shall not be considered a substantial cause of the damages resulting from a wildfire.
 - 10) Prohibits these provisions from being 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 specified.

Background

Author's statement. According to the author's office, "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 will enhance wildfire preparedness efforts by requiring all urban retail water suppliers serving high or very high fire hazard severity zones to include wildfire response procedures as part of their existing emergency response plans. SB 1153 [also] 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."

Urban retail water systems. Existing law defines an urban water supplier as one that provides potable (drinkable) water for municipal purposes and has at least 3,000 service connections or provides at least 3,000 acre-feet of water annually. (An acre-foot is approximately enough water to supply three California households' indoor and outdoor water needs for a year.) 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. 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 SDWA and must submit detailed vulnerability assessments and ERPs to the EPA. This bill adds wildfire response as it relates to mitigation actions to the required ERP report elements.

State emergency preparedness and response. According to its March 1999 Emergency Planning Guidance for Public and Private Water Utilities, Cal OES states that:

Water system operations affect fire protection, public health, public safety, as well as most levels of government and notes that it is critical during a disaster for coordination to take place between water systems and other agencies within the operational area (e.g. cities, county government, and other special districts). This coordination should include specified planning and emergency/recovery actions.

This bill requires urban retail water suppliers to include wildfire-response procedures related to mitigation in their preparedness and response planning processes.

Water systems' role in wildfire response. The January 2025 Eaton and Palisades Fires in Los Angeles County are the second and third most destructive fires in California history, respectively. During the Palisades Fire, the LA Department of Water and Power reported that water use spiked to four times the normal level for over 15 hours, leaving some hydrants dry. Governor Newsom subsequently directed California water and fire officials to prepare an independent after-incident report to determine what caused the loss of water supply and pressure in municipal systems during the fire and identify measures to reduce the likelihood something like this happens again during future fires.

The resulting November 2025 report titled, “Palisades Fire and Water Supply Analysis” included in its findings that water systems are designed to meet their primary purpose of providing clean drinking water, which limits the types of engineering considerations that would likely be needed for a water system capable of combatting large conflagrations engulfing hundreds of structures such as the one in Palisades.

This bill specifies findings and declarations with respect to the role and limitations of public water systems in wildfire response and includes various liability provisions intended to clarify water systems' limited capabilities during wildfire events.

Related/Prior Legislation

AB 2013 (Bennett) of 2026 would have required water suppliers located in a moderate, high, or very high FHSZ to develop and file emergency plans that assess system resilience during extreme weather events, including policies on water tank levels during red flag warnings, backup power, and hardening of critical water pumps and generators in wildfire risk areas. (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. (Failed passage on the Assembly Floor)

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- 1) Cal OES reports ongoing General Fund costs of approximately \$237,000 to coordinate any necessary updates or re-reviews of county emergency plans.
- 2) The State Water Resources Control Board and CAL FIRE do not anticipate a fiscal impact.

SUPPORT: (Verified 5/14/26)

Association of California Water Agencies (source)
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
California Municipal Utilities Association
California Special Districts Association
California Water Association
California Water Service
Calleguas Municipal Water District
Camrosa Water District
Casitas Municipal Water District
Castroville Community Services District
Central Basin Water Association
City of Tracy

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
Elsinore Valley Municipal 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
Mammoth Community Water District
Marin Water
McKinleyville Community Services District
Mesa Water District
Mid-Peninsula Water District
Mountain Counties Water Resources Association
North Marin Water District
Olivenhain Municipal Water District
Orange County Water District
Otay Water District
Padre Dam Municipal Water District
Palmdale Water District
Paradise Irrigation District
Pinyon Pines County Water District
Placer County Water Agency
Rancho California Water District
Regional Water Authority
Rincon Del Diablo Municipal Water District
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
Santa Margarita Water District
Southern California Water Coalition
Stockton East Water District
Suburban Water Systems
Three Valleys Municipal Water District
Tri-County Water Authority
Union Public Utility District
Valley Center Municipal Water District
Valley Water
Vista Irrigation District
Walnut Valley Water District
West Valley Water District
Western Municipal Water District

OPPOSITION: (Verified 5/14/26)

None received

ARGUMENTS IN SUPPORT: In support of the bill, the sponsor, the Association of California Water Agencies, writes that, “SB 1153 would build upon existing emergency planning requirements and strengthen wildfire preparedness by requiring all urban retail water suppliers serving a high or very high fire hazard severity zone to incorporate a specific planning element regarding wildfire preparedness and response into their disaster preparedness and emergency response plans. SB 1153 would [also] include legislative findings and declarations which illustrate that...public water systems are... not intentionally designed or constructed for wildfire defense or suppression and that doing so would be physically impracticable, financially infeasible, and may compromise the quality and affordability of water. This bill would correct misconceptions about the capabilities of water systems during wildfire events, reducing exposure to costly litigation and providing greater financial certainty so public water systems can continue investing in water reliability and resilience projects.”

Prepared by: Cassie Royce / E.M. /
5/16/26 10:37:53

**** END ****