

UNFINISHED BUSINESS

Bill No: SB 1153
Author: Caballero (D), et al.
Amended: 8/17/26
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

SENATE FLOOR: 33-0, 5/22/26
AYES: Archuleta, Arreguín, Ashby, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Ochoa Bogh, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Allen, Alvarado-Gil, Becker, Hurtado, Niello, Padilla, Stern

ASSEMBLY FLOOR: Passed, 8/27/26

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

SOURCE: Association of California Water Agencies

DIGEST: This bill 1) requires, beginning January 1, 2028, applicable urban retail water suppliers serving 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 2) clarifies the liability limitations of public water systems when responding to wildfires, as specified.

Assembly Amendments specify which urban retail water suppliers are subject to this bill; include additional elements in the required critical infrastructure assessment; require the disaster preparedness plans to be reviewed at least once every five years, as specified; further clarify that public water systems do not have an affirmative duty to stop wildfire, as specified; and make other minor technical and clarifying changes.

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 3,300 or more persons and 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, including coordination with offices of emergency services (OES) and other local emergency responders, as specified;
 - c) An assessment of the resilience of critical infrastructure that identifies the critical infrastructure and assesses the risk wildfire poses, 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) Provides that the plans in 3) above shall be provided to the respective county OES in accordance with the California Public Records Act as specified.
- 6) Requires urban retail water suppliers subject to this bill to review their disaster preparedness plans at least once every five years and to update those plans as necessary.

- 7) Clarifies that, notwithstanding any other law, nothing in this bill 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.
- 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 construed to guarantee the ability of a public water system to maintain water supply or water pressure during a wildfire.
- 9) Specifies that neither the failure of an urban retail water supplier to implement or comply with any actions identified in this bill nor the inability of any public water system to maintain water supply or water pressure during a wildfire shall be considered a substantial cause of the damages resulting from a wildfire.
- 10) Provides that nothing in this bill 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 of providing water for human consumption, as described in statute, and any other applicable laws and regulations governing system operations.

Background

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, preparedness, response and recovery actions to the required ERP report elements.

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.

In addition to provisions requiring disaster preparedness planning, this bill seeks to clarify that public water systems do not have an affirmative duty to stop wildfires. As noted by the Assembly Judiciary Committee:

"Legal liability arises when one person (or entity) has a legal duty to another and fails to follow through with that duty. That failure can take the form of affirmative action that harms another or an omission or failure to act that results in harm. For example, when driving, all Californians owe each other a duty exercise "reasonable care in driving a vehicle," which includes lookout for pedestrians, obstacles, and other vehicles while maintaining a safe speed. (California Civil Jury Instructions - CACI No. 700.)

As it relates to this bill, the measure explicitly states that nothing in the bill is to, "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 Committee staff have found no published case or statutory law imposing such a duty, and thus such a duty presumably does not presently exist, it appears that the water agencies backing this bill fear that the

development of procedures to be utilized during a wildfire may be interpreted as a duty to put out the fire.

While it seems unreasonable that an urban system would ever have a duty to put out a wildfire being driven by potentially gale-force winds, one can understand the concern that adopting the wildfire plan proposed by this bill may be interpreted as imposing a legal duty and setting a legal standard of care. To the extent that state law doesn't currently impose a duty on urban water systems to put out wildfires, it seems imprudent that this bill's planning requirements would somehow be interpreted to do so. Accordingly, alleviating water agencies of the duty of wildfire defense or suppression seems reasonable, especially in light of the negligence provisions also provided in the bill."

This bill provides 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.

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

According to the Assembly Appropriations Committee:

- 1) Costs of an unknown, but potentially significant amount, across publicly owned urban retail water suppliers in qualifying FHSZs to plan for additional disaster response procedures, review the plan every five years, and share the procedures with county OES, which the state would not need to reimburse because this bill's requirements for local agencies equally apply to privately owned water suppliers.
- 2) Minor and absorbable costs to Cal OES to coordinate any subsequent updates or reviews of county emergency plans.

SUPPORT: (Verified 8/18/26)

Association of California Water Agencies (source)
Bella Vista Water District
Calaveras County Water District
California American Water
California Association of Mutual Water Companies

California Chamber of Commerce
California Council for Environmental and Economic Balance
California Municipal Utilities Association
California Special Districts Association
California Water Association
California Water Service
California-Nevada Section of the American Water Works Association
Calleguas Municipal Water District
Camrosa Water District
Casitas Municipal Water District
Castroville Community Services District
Central Basin Water Association
City of Santa Rosa
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
Humboldt Bay Municipal Water District
Irvine Ranch Water District
Jurupa Community Services 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
Sonoma Water
Southern California Water Coalition
Stockton East Water District
Suburban Water Systems
Three Valleys Municipal Water District
Trabuco Canyon 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: (Verified 8/18/26)

None received

ARGUMENTS IN SUPPORT: In support of this bill, the sponsor, Association of California Water Agencies, writes that, “Over the last decade, California has faced some of the largest and most destructive wildfires in history, placing extraordinary demands on public water systems and customers. Despite these demands, public water systems are investing and taking actions to prepare for future wildfire events through emergency preparedness and planning actions, which vary based on the needs of the system and area of the state....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. The bill would require these plans to include, but not be limited to, (1) mitigation actions, procedures, and equipment that can obviate or significantly lessen the impacts of a wildfire on the water system and the supply of drinking water, (2) actions to prepare for a wildfire, including an assessment of the resilience of critical infrastructure located in a high or very high fire hazard severity zone, (3) actions to respond to a wildfire, and (4) actions to recover from a wildfire. SB 1153 improves wildfire preparedness while recognizing operational realities. California must acknowledge the limited role of our public water systems, support their efforts to adapt to climate change, and prepare for future long-term investments in disaster response.”

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