



AB 664

ASSEMBLYMEMBER ALEX LEE

THIS BILL

AB 664 would require domestic well owners to ensure that tenants of rental properties served solely by their wells have access to safe drinking water, if well owners do not consent to consolidation or extension of service from a receiving water system.

BACKGROUND

In 2012, California enacted the Human Right to Water Law, becoming the first state in the nation to statutorily recognize that every human being has the right to safe, clean, affordable, and accessible water. The human right to water applies to all Californians, including individuals from disadvantaged, rural, and urban communities.

The federal Safe Drinking Water Act and California Safe Drinking Water Act are the primary bodies of law that set the state's standards for drinking water quality, including maximum allowable levels for contaminants. The State Water Resources Control Board (State Water Board) maintains regulatory oversight of California's 8,000 public water systems. Neither the state nor the federal government regulates the water quality of domestic wells, which are groundwater wells that supply water to individual residences, or water systems that have no more than four service connections. It is the responsibility of well owners to ensure that their domestic well water is safe.

When water systems fail or are at risk of failing, the State Water Board can order water system consolidation, the physical or managerial joining of two or more systems. The State Water Board maintains that consolidation can benefit disadvantaged communities by helping the systems serving them achieve the technical, managerial, and financial capacity needed to reliably provide safe drinking water.

Although the State Water Board can order consolidation where a disadvantaged community relies on domestic wells that consistently fail or are at risk of failure, domestic well owners must consent to the consolidation. Without consent, domestic well owners are ineligible for most forms of state water-related grants.

PROBLEM

The Human Right to Water Law represents landmark legislation, but implementing its vision remains a work in progress. Disadvantaged communities are more likely to rely on smaller, older, and poorly maintained water systems or domestic wells, which may contain contaminants associated with a broad range of health issues, including gastrointestinal illness, cancer, developmental and reproductive effects,

neurological symptoms, and organ damage. A study published in the *American Journal of Public Health* noted critical environmental justice concerns relating to domestic well use, finding that "poor water quality disproportionately impacts communities of color in California, with the highest estimated arsenic, nitrate, and Cr(VI) concentrations in areas of domestic well use" ([Pace et al., 2022](#)).

The United States Environmental Protection Agency and State Water Board recommend, but do not require, annual testing for contaminants in domestic wells. When contaminants are found, remediation strategies can be expensive. Well owners may need to install and maintain multiple treatment systems, depending upon the specific water quality issues. In cases where water treatment systems cannot address the issue or are not successful, well owners may even need to obtain an alternative water supply or drill a new well that taps a less contaminated aquifer.

Through consolidation, the state can offer resources—both funding and technical assistance—to domestic well owners in disadvantaged communities, to help them provide safe drinking water. However, state law does not require domestic well owners to participate in consolidation projects, nor does it require landlords to ensure their tenants have access to safe drinking water. As a result, renters living in disadvantaged communities reliant on domestic wells face the risk of continued exposure to contaminated drinking water, with little recourse, when well owners do not consent to testing or willfully decline consolidation without holding themselves accountable for ensuring their wells provide safe drinking water.

SOLUTION

To fully realize the promise of the Human Right to Water, California must ensure that its most vulnerable—including renters who live in disadvantaged communities and have limited control over their water quality—have access to safe drinking water.

Consenting to consolidation can help domestic well owners access vital resources for improving their drinking water quality. In cases where well owners do not consent to consolidation, AB 664 will require that domestic well owners ensure that they are providing safe drinking water to any renters who rely solely on their wells.

SUPPORT

Community Water Center (Co-Sponsor)
Leadership Counsel for Justice and Accountability (Co-Sponsor)

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