
Implementation of Executive Order N-42-20: Guidelines and Best Practices for Water and Wastewater Systems

APRIL 30, 2020

On April 2, 2020, the Governor issued Executive Order (EO) N-42-20, which prohibits water systems from discontinuing residential water service and water service to small businesses in a critical infrastructure sector. The EO also has the following directive in provision 5:

The State Water Resources Control Board shall identify best practices, guidelines, or both to be implemented during the COVID-19 emergency (i) to address non-payment or reduce payments, (ii) to promote and to ensure continuity of service by water systems and wastewater systems, and (iii) to provide measures such as the sharing of supplies, equipment and staffing to relieve water systems under financial distress.

The State Water Board has developed the following guidelines and best practices for water systems to implement during the COVID-19 emergency. While these guidelines may be used by both public and private water systems to guide their actions through this emergency, they do not override any directive, decision, or tariff rule issued and approved by the California Public Utilities Commission that pertain to water systems under their jurisdiction. This document may be updated and modified as conditions evolve.

Best Practices for Water Systems to Address Non-Payment or Reduced Payments

- **Communication and Outreach**
 - Inform all customers about the prohibition on shutoffs, re-connection options and timeline, and bill payment options, and which options apply specifically to residential and critical infrastructure small business customers.¹

¹ See <https://www.sba.gov/page/coronavirus-covid-19-small-business-guidance-loan-resources>. Also, see <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf> for a list of critical infrastructure workers in California. If you are unsure about whether a business customer meets the definition, please contact that customer to inquire about their functions and services.

- Communication materials should be provided in the languages spoken within the service area.²
- Use applicable communication methods, including:
 - Email and phone calls
 - Bill inserts
 - Website
 - Traditional and social media
 - Doorhangers
 - Communications from local elected and public health officials
- Respond promptly to shutoff and re-connection reports filed through <https://watershut-off.covid19.ca.gov/>
- Report on the status of specific customer protections at https://swb-orpp-conservation.shinyapps.io/Shutoffs_Lookup/

- **Restoration of Service**
 - Identify all residential and small business critical infrastructure business accounts currently shut off and develop and make public a timeline for restoring service to all those accounts.
 - Assume residences where service was discontinued are occupied unless vacancy has been otherwise verified.
 - Under EO N-42-20, water systems are legally obligated to restore service to occupied residences where service was discontinued for nonpayment since March 4, 2020.
 - Consider waiving re-connection fees.
 - Water systems that elect not to waive re-connection fees must comply with the fee limits established by the [Water Shutoff Protection Act](#).
 - Water systems that elect not to waive re-connection fees should consider offering payment plans for the fee instead of requiring a full payment at the time of re-connection.
 - When restoring water to buildings, work with owners to follow appropriate guidelines for flushing and testing prior to habitation and usage.
 - Guidance is available at: https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/covid-19.html

- **Payment Options**
 - Offer residential, critical infrastructure small business customers, and other non-residential customers experiencing severe financial hardship the ability to make partial payments for the duration of the COVID-19 emergency.

² Water suppliers should follow the requirements of the Water Shutoff Protection Act for determining which languages to use for customer communications.

- Develop payment plans for delinquent bills.
 - Payment plans should be tailored to the level of outstanding debt and the customer's ability to pay.
 - Payment plans should allow for repayment over at least 12 months for customers with significant debt and reduced income.
 - Consider waiving late payment fees.
- Water systems must comply with the requirements of the Water Shutoff Protection Act for low-income households. The State Water Board has a [Frequently Asked Questions](#) document about the Water Shutoff Protection Act available on its website.
- **Additional Best Practices**
 - Track the following:
 - Total dollar amount of nonpayment by month (or by billing period)
 - Number of residential customers making partial payments
 - Number of residential customers granted alternate payment plans
 - Number of residential customers making no payments
 - Number of critical infrastructure small business customers making partial or no payments
 - Use reserve funds as needed to cover revenue losses.
 - Identify and implement methods to expand and augment existing rate assistance programs, including:
 - Broader eligibility criteria
 - Higher benefit levels
 - Enhanced budgetary resources

Best Practices to Promote and Ensure Continuity of Service by Water and Wastewater Systems

- **Continue Monitoring and Testing**
 - Any water system that anticipates not being able to complete all required monitoring and testing should notify their Division of Drinking Water District Office immediately.
 - Water systems should routinely check with their testing laboratory to assure continued service. In the event of service disruption visit the Environmental Laboratory Accreditation Program (ELAP) [ELAP COVID-19 website](#) to find labs that are open and accepting monitoring samples.
 - ELAP staff are available to support water systems and labs with questions or concerns.
 - Water systems should maintain cross-connection control programs with some modifications.

- Guidance is available at:
https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/covid-19.html
- **Delayed Activities**
 - In order to allow water systems to focus their workforce on service provision, the following reporting and regulatory requirements have been delayed or may be performed later in the regulatory period.
 - [Extension](#) of the Electronic Annual Report submission deadline
 - Extended PFAS testing order delayed
 - Lead and copper sampling may be performed towards end of regulatory period.
- **Stay Informed and Utilize Resources**
 - Water systems should monitor information from state and federal health officials, including the California Department of Public Health, and the Centers for Disease Control.
 - Water and wastewater systems should also identify resources available through California Water/Wastewater Response Network (<http://calwarn.org>), the Office of Emergency Services, and the US Environmental Protection Agency
- **Communicate with Customers**
 - Wastewater systems should continue to communicate the need for people to only flush toilet paper
 - The State Water Board issued a [news advisory](#) that can be used as a resource
 - Water systems that meet drinking water standards should continue to communicate that tap water is safe to drink
 - Wastewater systems should continue to communicate that treatment processes remove COVID-19 from sewage.

Measures Such as Sharing Supplies, Equipment and Staffing to Relieve Water Systems Under Financial Distress

- Small water systems may be eligible for operator assistance through the State Water Board's technical assistance program. Systems in need of operator assistance should contact their Division of Drinking Water District Office.
- Water and wastewater systems should work through their local Emergency Operation Center and CalWARN to share operators, supplies, and equipment where needed.

A Note on Financial Assistance:

The State Water Board, in coordination with the Office of Emergency Services, is evaluating options for supporting small water systems experiencing severe financial distress to support continued operations. If financial resources are made available, the State Water Board will promptly communicate with water and wastewater systems.

Guidelines for Communicating with the State Water Board

- Water systems should provide information and updates on their COVID-19 responses at: https://swb-orpp-conservation.shinyapps.io/Shutoffs_Lookup/
- Water systems that anticipate critical shortages of personnel, supplies, or revenues should contact their Division of Drinking Water District Office: https://www.waterboards.ca.gov/drinking_water/programs/documents/ddwem/DDWdistrictofficesmap.pdf
- Water systems that have questions or concerns about responsibilities to customers, including responding to reports filed at: <https://watershutoff.covid19.ca.gov/> should send an email to: ORPP-WaterConservation@waterboards.ca.gov