
State Water Resources Control Board

February 18, 2025

To: All Public Water Systems

From: State Water Resources Control Board, Division of Drinking Water

Re: Authority to Inspect the Entirety of Public Water Systems, Including Tanks

The purpose of this correspondence is to: (1) provide a summary of the State Water Resources Control Board's (State Water Board) authority to conduct an inspection of public water systems, including access to all water storage facilities, which includes access to all portions of a system's water tank(s) and (2) identify consequences if a public water system fails to allow those inspections.

Division of Drinking Water Authority and Ability to Inspect Tanks

Pursuant to Health and Safety Code section 116735, the State Water Board's Division of Drinking Water (Division) is authorized to enter and inspect public water systems. Division staff are authorized to enter and inspect public water systems for regularly required inspections, and at any time deemed necessary to carry out the purposes of the Safe Drinking Water Act (Health & Saf. Code, division 104, part 12, chapter 4, commencing with section 116270). (Health & Saf. Code, § 116735.)

To adequately inspect a public water system, Division staff must be able to inspect *all areas of water tanks*, including the areas not visible from the ground. This will most likely require Division staff to climb the water tanks. Division staff receive state-mandated training on how to adequately and safely conduct water system inspections. Division staff are proficient in identifying existing and predictable hazards at inspection sites and can determine when safety equipment, such as a personal fall arrest system, is necessary for water tank inspections. Division staff use personal fall arrest systems that meet the requirements of the California Division of Industrial Safety and are trained on how to properly use the equipment (Cal. Code Regs., tit. 8, §§ 1505, 1670).

Necessity of Inspection of Water Storage Tanks

The Division is authorized to enter any area of a public water system deemed necessary to inspect and ensure compliance with the Safe Drinking Water Act, including all portions of the system's water tank(s).

Inspection of tanks allows the Division to identify various risks to water quality and facilitate mitigation as necessary. Water tanks are particularly susceptible to water quality issues from both external infrastructure damage and internal tank conditions. According to the United States Environmental Protection Agency (U.S. EPA), the following are examples of risks to water quality that water tanks present: (1) Gaps or cracks make tanks susceptible to sanitary risks from nearby contaminants such as animals and ambient water; (2) Opportunistic pathogens such as *Legionella* occur naturally in supply sources and can thrive in finished water storage facilities under certain tank conditions; (3) Temperature, pH, and the presence of corrosion products, biofilms, and/or sediments inside a tank can affect pathogen growth; and (4) High water age in a finished water storage facility can lead to reduced concentrations of disinfectant residuals, encouraging microbial growth, and can also lead to elevated concentrations of disinfection byproducts.¹ Inspection of all areas of a water tank is necessary to allow Division staff to identify such potential hazards to water quality.

Enforcement in Response to Non-Compliance with Tank Inspections

Be advised that it is misdemeanor to "prevent, interfere with, or attempt to impede in any way a duly authorized representative of the state board from undertaking" an inspection of a public water system under Health and Safety Code section 116735, subdivision (a). (Health & Saf. Code, § 116735, subd. (d).)

Further, if a public water system denies Division staff the opportunity to inspect all parts of the water system, including the water storage tank(s), the Division may pursue the following enforcement actions against the system:

1. Denying Division staff access to tank(s) may be deemed a deficiency in the water system's operations and result in the Division directing the system to develop and submit a Water System Operations and Maintenance Plan (Cal. Code Regs., tit. 22, § 64600.) This Plan will require a thorough investigation of the tank(s) within a certain period, correction of any deficiencies found, and implementation of a mandatory schedule for inspection of the system and tank(s).
2. Denying Division staff access to tank(s) may be deemed a violation of the Safe Drinking Water Act, its regulations, or the water system's permit, and may result

¹ Office of Water, U.S. EPA, *Distribution System Water Quality – Protecting Water Quality Through Finished Water Storage Facility Inspection and Cleaning* (April 2022).

in issuance of a citation and/or compliance order (Health & Saf. Code, §§ 116650, 116655.) The State Water Board may assess a penalty up to one thousand dollars (\$1,000) per day for each day that a violation occurs, and for each day that a violation continues to occur (Health & Saf. Code, § 116650, subd. (e)).

Sincerely,

A handwritten signature in black ink, appearing to read "Darrin Polhemus", with a stylized, cursive script.

Darrin Polhemus
Deputy Director, Division of Drinking Water
State Water Resources Control Board