
State Water Resources Control Board

NOTICE OF PROPOSED EMERGENCY RULEMAKING

Electronic Reporting of Drinking Water Quality Data

Amendment to Title 22, Division 4, Chapter 15 of the California Code of Regulations

Required Notice of Proposed Emergency Action

Government Code section 11346.1, subdivision (a)(2) requires that, at least five working days prior to submission of a proposed emergency action to the Office of Administrative Law, the adopting agency must provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency action to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations, as set forth in Government Code section 11349.6.

Proposed Emergency Action

In addition to the authority provided in Health and Safety Code section 116375 to adopt regulations it determines to be necessary to carry out the purposes of the California Safe Drinking Water Act (SDWA), including the monitoring of contaminants, type of contaminant, frequency and method of sampling and testing, and the reporting of results, section 116385 requires the State Water Resources Control Board (State Water Board) to adopt by the emergency regulation process regulations describing the form, matters and intervals of analysis of drinking water required by public water systems. The proposed regulations will require public water systems to only use a laboratory for performing analysis of drinking water for regulatory purposes that complies with specific reporting requirements.

The State Water Board already adopted the reporting requirements for environmental laboratories in 2020. (See Cal. Code Regs., tit. 22, § 64814, subd. (k), effective January 1, 2021.) These regulations required laboratories to submit analytical results electronically using the California Laboratory Intake Portal (CLIP). CLIP has been officially implemented since September 2021, and laboratories have been submitting their drinking water analysis data through CLIP for over four years.

On June 2, 2026, the State Water Board adopted emergency regulations to amend title 22, section 64469 of the California Code of Regulations to close a gap in current requirements. While accredited laboratories must report data electronically, public water

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systems are not currently obligated to ensure that the laboratory they are using to provide analysis of drinking water for regulatory purposes is reporting results via CLIP. This regulation will require public water systems to only use a laboratory that complies with the electronic reporting mandates, including the use of CLIP.

Proposed Text of Emergency Regulations

See the attached proposed text of the emergency regulation.

Finding of Emergency (Gov. Code, § 11346.1, subd. (b)(2))

Health and Safety Code section 116385, subdivision (a), requires all public water systems to obtain and provide an analysis of the water to the State Water Board in the form, covering those matters, and at intervals as prescribed by regulation. Subdivision (b) of the same section provides that adoption of regulations and amendments under this section relating to the form or format of, and intervals at which, the analysis shall be provided is an emergency and shall be considered by the Office of Administrative Law (OAL) as necessary for the immediate preservation of the public peace, health, safety, and general welfare. In addition, an emergency regulation adopted by the State Water Board pursuant to this section is not subject to review by the OAL and shall remain in effect until revised by the State Water Board. A public hearing is required prior to State Water Board adoption of the proposed regulation.

Authority and Reference (Gov. Code, §11346.5, subd. (a)(2))

Health and Safety Code sections 116271, 116350, 116375, and 116385 provide the authority for the proposed regulation. The regulation implements, interprets, or makes specific Health and Safety Code section 116385.

Informative Digest (Gov. Code, §11346.5, subd. (a)(3))

Existing Laws and Regulations (Gov. Code, § 11346.5, subd. (a)(3)(A))

Health and Safety Code sections 116350 and 116375 require the State Water Board to adopt regulations necessary to carry out the purposes of California's Safe Drinking Water Act, including monitoring of contaminants and reporting of results. Health and Safety Code section 116385, subdivision (a), requires that any person operating a public water system (PWS) obtain and provide an analysis of the water to the State Water Board, "in the form, covering those matters, and at intervals as the State Water Board by regulation may prescribe."

Existing regulations under title 22, section 64469 of the California Code of Regulations establish reporting requirements for public water systems, however, subdivision (c) mandates the use of an electronic deliverable format that is no longer utilized. In contrast, title 22, section 64814.00 of the California Code of Regulations, which governs reporting requirements for accredited laboratories, specifies the use of the updated electronic deliverable format under subdivisions (j), (k) and (l).

The proposed regulations would allow the State Water Board to enforce the current

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electronic reporting requirements directly against public water systems, which are responsible for utilizing laboratories to provide analysis of drinking water that report regulatory results through CLIP.

Effect of Proposed Rulemaking (Gov. Code, § 11346.5, subd. (a)(3)(A))

The net effects of the proposed regulations would be as follows:

- Public water systems will be required to only use a laboratory that complies with the reporting requirements specified in this regulation.
- References to the outdated Electronic Deliverable Format (EDF) will be removed and replaced with the current requirement for laboratories to report drinking water quality analysis results via CLIP.

Comparable Federal Statute and Regulations (Gov. Code, § 11346.5, subd. (a)(3)(B))

Federal laws and regulations require that California, in order to receive and maintain primacy, promulgate regulations that are no less stringent than the federal regulations.

The Safe Drinking Water Act requires state, territorial, and tribal primacy agencies to report key public water system data to the U.S. EPA, including system inventory, compliance monitoring, and enforcement actions, pursuant to 40 C.F.R. Parts 141 and 142. In California, CLIP is used to collect and manage drinking water data that support administration of the drinking water program and fulfillment of applicable state and federal reporting obligations. Data submitted through CLIP are used to support reporting to the U.S. EPA for purposes of meeting federal requirements related to public water system oversight. The proposed regulations will promote timely and accurate data reporting and support California's ability to meet U.S. EPA reporting requirements.

Policy Statement Overview (Gov. Code, § 11346.5, subd. (a)(3)(C))

Broad Objectives

The broad objectives of this proposed regulatory action are to:

- Ensure receipt of public water system water quality data of known and documented quality.
- Enhance data integrity and compliance by requiring public water systems to only utilize laboratories that meet the regulatory requirements for electronic submission of drinking water quality data.
- Modernize reporting requirements by removing outdated references to the Electronic Deliverable Format (EDF) and aligning reporting obligations with the State Water Board's current electronic data systems, reducing confusion and preventing inconsistent data submissions.

Specific Benefits

The anticipated benefits to public health and safety of California residents from the proposed regulatory action include increased public confidence in data upon which:

- Public health risk and benefits and fiscal impact analysis supporting drinking water standard development are based;
 - Enforcement actions and/or public water system corrective actions are based;
- and

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- California consumers make informed health decisions.

Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code, § 11346.5, subd. (a)(3)(D))

The State Water Board reviewed its existing general regulations and regulations specific to electronic reporting of drinking water quality data to evaluate whether the proposed regulations are inconsistent or incompatible with existing state regulations. It was determined that the proposed emergency regulations would be consistent and complimentary to the existing state regulations under title 22, section 64814.00, subd. (k) of the California Code of Regulations, which require accredited laboratories to submit analytical results electronically using CLIP. Therefore, this proposal would not be inconsistent or incompatible with other existing state regulations.

Other Matters Prescribed by Statute (Gov. Code, § 11346.5, subd. (a)(4))

California Environmental Quality Act (Public Resources Code, Div. 13)

The California Environmental Quality Act (CEQA) requires that state agencies consider the potentially significant environmental impacts of their discretionary actions, which include the development of regulations. Consistent with California Code of Regulations, title 14, section 15061, subdivision (b)(3), the State Water Board has prepared a Notice of Exemption, concluding that it can be seen with substantial certainty that the proposed regulations would not have a significant adverse effect on the environment.

Scientific Peer Review (Health & Saf. Code, § 57004, subd. (b))

Health and Safety Code section 57004, subdivision (b) requires that the scientific portions of any regulation proposed by the California Environmental Protection Agency (Cal/EPA), or any board, department or office within Cal/EPA, be submitted to an external scientific peer review entity for evaluation. “Scientific basis” or “scientific portion” is defined as “those foundations of a rule that are premised upon, or derived from empirical data or other scientific findings, conclusions, or assumptions establishing a regulatory level, standard, or other requirement for the protection of public health or the environment.” Where there is no underlying scientific basis for the proposed rule, no peer review is required. The State Water Board has determined that there is no underlying scientific basis for the proposed regulation.

Safe, Clean, Affordable Water (Wat. Code, § 106.3)

California Water Code section 106.3 states that it is the policy of the state that every human has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. In preparing the proposed regulations, the State Water Board determined the proposed regulations are consistent with this statewide policy. The proposed regulations may result in increased public health benefits of improved public notification and information by ensuring accurate water quality monitoring data that allows for timely health-protective and appropriate corrective actions.

Pre-Notice Meeting with Affected Parties (Gov. Code, § 11346.45, subd. (a))

Government Code section 11346.45, subdivision (a) requires that prior to publication of

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a notice of proposed action, the agency proposing the regulation must involve parties who would be subject to the proposed regulations in public discussions, when the proposed regulations involve complex proposals or a large number of proposals that cannot be easily reviewed during the comment period. The regulations proposed here are neither complex nor involve large numbers of proposals that could not be easily reviewed during the comment period. Nevertheless, the State Water Board involved parties in pilot testing completed in February 2021 and hosted laboratory training workshops in April 2021. In addition, public notice of the proposed regulation has been provided in 2019, 2020, 2021, 2022, and 2023 as part of the State Water Board's annual drinking water regulations prioritization resolution.

Local Mandate (Gov. Code, §11346.5, subd. (a)(5))

The proposed emergency regulation does not impose upon local agencies or school districts a mandate that requires state reimbursement because the requirement to provide drinking water quality data that meets the updated process is not expected to cause any increased costs, and it is not a unique requirement to local government and will apply equally to public and private laboratories.

Local agencies or school districts currently incur costs in their operation of public water system laboratories. The regulations are not expected to result in a "new program or higher level of service" that requires reimbursement pursuant to article XIIB, section 6 of the California Constitution because the regulations apply generally to all individuals and entities that operate public water system laboratories in California and do not impose unique requirements on local governments. Similarly, public water systems can pass on the costs of implementation of the regulation through increasing service fees. Therefore, no state reimbursement of costs is required.

Local regulatory agencies also may currently incur costs for their responsibility to enforce state regulations related to small public water systems (fewer than 200 service connections) that they regulate. However, local agencies are authorized to assess fees to pay reasonable expenses incurred in enforcing statutes and regulations related to small systems (Health & Saf. Code, § 101325). Therefore, no reimbursement of any incidental costs to local agencies in enforcing this regulation would be required (Gov. Code, §17556, subd. (d)).

Fiscal Impact (Gov. Code, § 11346.5, subd. (a)(6))

Identified fiscal impact estimates, if any, are prepared in accordance with Department of Finance instructions (SAM 6601-6616).

Estimated Fiscal Impact on Local Agency or School District: None.

Estimated Fiscal Impact on State Government: None.

Estimated Fiscal Impact on Federal Funding of State Programs: None.

Other Non-discretionary Cost or Savings Imposed on Local Agencies: None.

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Cost to Any Local Agency or School District which Must be Reimbursed in Accordance with Government Code sections 17500 through 17630: None.