



Fact Sheet

New Domestic Well Testing Requirements in Consolidation or Extended Service Areas; Assembly Bill 664 (Lee, 2023)

These FAQs are advisory and do not bind the State Water Resources Control Board in any future decision.

Summary

Effective January 1, 2024, Assembly Bill (AB) 664 requires domestic well owners who do not consent to consolidation or extension of service to ensure tenants at their rental property have access to an adequate supply of safe drinking water. AB 664 does this by requiring domestic well owners to annually test their domestic wells. Domestic well owners must share test results with tenants and the local health officer or other relevant health agency, like a county. If the water fails to comply with certain drinking water standards, then the domestic well owner is required to supply replacement water to the tenants.

Background

California Health and Safety Code section 116682 authorizes the State Water Resources Control Board (State Water Board) to order consolidation with a receiving system in the following situations:

- When a public water system or state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or is an at-risk water system; or
- When a disadvantaged community substantially relies on domestic wells, and those wells consistently fail to provide an adequate supply of safe drinking water or are at-risk domestic wells.

The State Water Board may also order the extension of service to an area within a disadvantaged community that does not have access to an adequate supply of safe drinking water so long as the extension of service is an interim solution in preparation for consolidation.

Domestic well owners are not required by law to consent to the consolidation or extension of service; however, those who do not consent to the consolidation or extension of service will have an ongoing obligation to comply with new domestic well testing requirements enacted by AB 664.



1. Does AB 664 apply to all domestic well owners?

No. AB 664 only applies to a domestic well owner if:

- The domestic well serves a rental property;
- The domestic well is located within a consolidation or extended service area; **and**
- The domestic well owner does not provide written consent to the consolidation or extension of service.

2. What does AB 664 require?

AB 664 requires domestic well owners who do not provide written consent to the consolidation or extension of service to do **all** of the following:

- Annually test their domestic well for all contaminants for which the State Water Board has adopted primary and secondary drinking water standards
- Provide test results to all tenants in English and the primary language spoken by the tenants within 10 days of receiving annual test results
- Provide test results to the local health officer or other relevant health agency
- If the test results show domestic well water fails to meet primary and secondary state water standards, the domestic well owner must provide uninterrupted replacement water service to their tenants, which may include wellhead treatment

The domestic well owner is financially responsible for the costs of fulfilling these requirements. The owner is prohibited from charging, or increasing any fee, rent, or other charge imposed, on any tenant as a result of these requirements.

3. Does AB 664 apply to voluntary consolidations?

Yes. AB 664 applies to both mandatory and voluntary consolidations. (Health & Saf. Code, § 116682, subd. (j)(3)(E).)

4. Who enforces AB 664?

The State Water Board can enforce against a domestic well owner for failure to comply with the requirements of AB 664. Citations with monetary penalties can be issued to domestic well owners who violate AB 664.

5. What if I suspect that a domestic well owner is not complying with AB 664?

Please submit a complaint: SAFER@waterboards.ca.gov, (916) 445-5615