

Date of Hearing: April 30, 2025

ASSEMBLY COMMITTEE ON UTILITIES AND ENERGY

Cottie Petrie-Norris, Chair

AB 367 (Bennett) – As Amended April 21, 2025

SUBJECT: Water: County of Ventura: fire suppression

SUMMARY: Require water purveyors in Ventura County that supply water for fire suppression in either a high risk or very high risk severity zones to have backup power to operate wells and pumps at normal capacity in case de-energization, ensure that wells and pumps are adequately protected from fire damage, and would require a report to the Board of Supervisors assessing water delivery if home losses, or financial losses, exceed certain thresholds.

Specifically, **this bill:**

- 1) Requires water suppliers in Ventura County serving more than 20 homes in high or very high fire hazard zones must have a backup power source, starting July 1, 2027, that can start within 30 minutes of an outage and run wells and pumps at average daily demand for at least 24 hours.
- 2) Mandates that if a water supplier contracts for backup power before July 1, 2027, but hasn't received the generator by that date, they're still considered compliant as long as they obtain it by January 1, 2029.
- 3) Requires the Ventura County Fire Department to conduct annual inspections of water facilities in high or very high fire hazard zones to ensure that critical water infrastructure and backup energy sources meet fire safety standards set by the Fire Department.
- 4) Requires the Ventura County Fire Department, by January 1, 2027, to develop fire safety standards for critical water infrastructure and backup energy sources serving high or very high fire hazard severity zones, as determined by the State Fire Marshal.
- 5) Requires a water supplier to begin to fill up water tanks that supply water for fire suppression and keep them filled, to the maximum extent practical, upon notification from the Ventura County Office of Emergency Services that weather conditions merit that action or that the weather conditions no longer merit that action.
- 6) Requires a water supplier to provide sufficient backup energy sources that any backup energy sources are situated so that they can provide electricity within 12 hours of receiving notification from the Ventura County Office of Emergency Services that weather conditions merit that action in order to operate all wells and water pumps needed to supply water for fire suppression.
- 7) Requires a water supplier described to alert the Ventura County Office of Emergency Services within three business days of becoming aware that its water delivery capacity has been reduced due to equipment failure or maintenance.

- 8) Requires a water supplier described in subdivision (a) to alert the Ventura County Office of Emergency Services as soon as it becomes aware that its water delivery capacity has been reduced due to equipment failure or maintenance during a fire event.
- 9) Requires a water supplier to make a report if any fire damages more than 10 residential dwellings within its service area, documenting where the fire occurred. The report shall be presented to the Ventura County Board of Supervisors by the Ventura County Fire Department at a regularly scheduled board meeting. This report must include:
 - a. Information and an assessment of whether tanks were filled at an appropriate level for fire suppression;
 - b. Whether disruption of water delivery due to a lack of electricity was appropriately mitigated by the water supplier;
 - c. Whether critical water infrastructure and backup energy sources were sufficiently hardened.
- 10) Exempts water delivery systems that are gravity fed and do not require any backup power, nonpotable, recycled, irrigation, or agricultural water systems that are not used for fire suppression and water wholesalers that do not provide retail water service.

EXISTING LAW:

- 1) Provides for the regulation of wells, pumping plants, conduits, and streams (Water Code §§ 7000–7075)
- 2) Provides direction to the governing body of a water distributor to declare a water shortage emergency whenever it finds that ordinary demands of water consumers cannot be satisfied without depleting the supply so that it is insufficient for human consumption, sanitation, and fire protection. This declaration would occur after a public hearing except in the in the event of a wildfire, de-energization event, or an infrastructure failure emergency. (Water Code § 350)
- 3) Requires the State Fire Marshal to identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in the above areas. (Government Code § 51178)
- 4) Establishes the Office of the State Fire Marshal (OSFM) within the California Department of Forestry and Fire Protection (CAL FIRE). (Health and Safety Code § 13100)
- 5) Requires the CPUC to identify backup power systems needed for telecommunications facilities not on customers' premises. Existing law authorizes the CPUC to set

performance reliability standards for telecommunications backup power, subject to best practices and feasibility. (Public Utilities Code § 2892.1(b-e))

- 6) Requires emergency plans to be established for residential care facilities for persons with chronic life-threatening illness, including provision of backup power in the case of de-energization. (Health and Safety Code § 1568.044)
- 7) Requires the State Fire Marshal to adopt regulations to require a public address system with an emergency backup power system for all buildings or structures which are intended for public assemblies of 10,000 or more persons. (Health and Safety Code § 13108.9)
- 8) Requires OES to adopt thresholds for determining whether a telecommunications outage creates a community isolation outage based on risks to public health and safety. Upon adoption of these regulations, every telecommunication service provider offering 911 service must submit a notice to OES within 60 minutes of identifying a community isolation outage. (Government Code § 53122)
- 9) Mandates funds from the Safe Drinking Water, Wildfire Prevention, Drought Preparedness and Clean Air Bond Act of 2024 can be spent on grants for water delivery system improvements for fire suppression purposes for communities in very high or high fire hazard areas. (Public Resources Code § 91510)

FISCAL EFFECT: Unknown. This bill is keyed fiscal and will be referred to the Assembly Committee on Appropriations for its review.

CONSUMER COST IMPACTS: Unknown.

BACKGROUND:

Palisades and Eaton Fires – The Eaton and Palisades Fires of January 2025 are the second and third most destructive fires in California history, respectively. They burned a combined 37,469 acres and leveled entire communities in the Pacific Palisades and Altadena neighborhoods in LA County. The Eaton destroyed 9,418 structures and the Palisades Fire destroyed 6,837 structures.¹ Additional fires broke out in the Los Angeles area. Two weeks after the initial fires, the Hughes Fire began near Castaic Lake in northern Los Angeles County on January 22 and quickly grew to over 10,000 acres.

During the Palisades Fires LADWP reported that water use spiked to four times the normal level for over 15 hours, leaving some hydrants dry.² It has been reported that there was no overall water shortage, but that demand overwhelmed the system, preventing water tanks from refilling

¹ CalFIRE, “Top 20 Most Destructive California Wildfires”, April 3, 2025

² Matt Hamilton, David Zahnister, “Hydrants ran dry with 'extreme' use in Palisades fire; Amid criticism, a top DWP official notes the unprecedented demand of the blaze.” Los Angeles Times, January 9, 2025.

fast enough to maintain the required pressure to reach higher-elevation areas in the Palisades. Investigations are ongoing to assess these water system failures.³

History of Water Access Problems during California Wildfires –

Mountain Fire in Ventura County⁴

During the Mountain Fire in November 2024, some of Ventura County’s water providers experienced significant water access issues. Two water pumps in the Camarillo foothills became inactive during the firefight, halting or slowing the process to refill hillside water tanks that fuel high-elevation fire hydrants. One pump was completely destroyed in the blaze while another lost power during Southern California Edison’s planned electricity shutoffs, and it took hours to bring it back online with a generator, according to officials at the Calleguas Municipal Water District. In addition, according to Calleguas Municipal Water District, a utility pump in Ventura County was without electricity for several hours and did not receive a generator until late that evening, resulting in water supply challenges.

Carr Fire Impacts to California Water Systems⁵

In July and August 2018, the 230,000-acre Carr Fire impacted the Whiskeytown National Recreation Area in Shasta County, California. The fire severely impacted the water system. The fire destroyed a system’s main office and two pump stations. Power outages combined with undersized generators led to treatment process disruptions for some systems. Some communities lost up to 95 percent of the homes in their service areas and dealt with extreme demand due to fire response and high leakage.

Thomas Fire Water Utility Failure⁶

In December 5, 2017 the Thomas Fire burned more than 55,000 acres in Ventura County. Officials said power outages caused by the fire and heavy winds left some water pumping stations inoperable, so that water couldn’t reach fire hydrants. In Ojai, the fire caused direct damage to the infrastructure, rendering the water system inoperable.

Tubbs Fire and Public Water Inaccessibility⁷

During the initial hours of the 2017 Tubbs fire, the fire hydrants in the hilltop community of Fountaingrove in Santa Rosa repeatedly lost pressure. Firefighters were forced to travel to the valley of Santa Rosa, where water pressure was stronger, and then return to the hilltop to fight the fire.

UCLA Report Recommendations – In a 2021 briefing report titled *Wildfire & Water Supply in California*, the authors recommend investing in remote-operable water infrastructure and backup power systems—such as solar panels and battery storage—to help maintain water service during wildfires while reducing risk to utility personnel. They also highlight the importance of fire-

³ Ian James and Matt Hamilton, “Newsom orders investigation into dry fire hydrants during that hampered firefighting in L.A.” Los Angeles Times, January 10, 2025

⁴ Grace Toohey, “Firefighters faced low water pressure when battling Mountain fire. Here’s what happened.” Los Angeles Times, November 15, 2024.

⁵ Environmental Protection Agency, “Water Sector Utility Incident Action Checklist – Wildfire”

⁶ Sarah Parvini and Dakota Smith, “Some fire hydrants didn’t work because of power outages, firefighters say” Los Angeles Times, December 5, 2017

⁷ Kevin McCallum, “Santa Rosa stumped by hilltop water system overwhelmed in Tubbs fire”, *Press Democrat*, July 21, 2018.

resistant building materials and site design to protect critical water system assets in high-risk areas. The Los Angeles Fires in 2025 continue to highlight these ongoing issues. In response to these recent events, UCLA is launching a new Urban Water Supply + Fire working group to function as a research and policy coordination network.

Fire Hazard Severity Zones (FHSZ) – Public Resource Code § 4202 and Government Code § 51178, require the State Fire Marshal to classify lands into fire hazard severity zones. Moderate, high, and very high fire hazard severity zones shall embrace relatively homogeneous lands and shall be based on fuel loading, slope, fire weather, and other relevant factors present, including areas where winds have been identified by the department as a major cause of wildfire spread.

CPUC Mandated Emergency Response Plans for Water Utilities – AB 1650 (Portantino, Chapter 472, Statutes of 2012) mandates that any water company regulated by the CPUC must develop and adopt an emergency and disaster preparedness plan. In 2015, the CPUC began a rulemaking to establish policies, procedures, and rules for the regulation of physical security risks. CPUC Decision D.21-05-019 modified

General Order 166 (GO 166) to require Emergency Response Plans by water utilities and required the inclusion of high fire danger, windstorms, and voluntary de-energization by electric utilities (Public Safety Power Shutoffs) that may result from severe weather events. These plans may include the prepositioning of personnel and equipment to assure timely restoration of service or public safety in the event of anticipated severe weather. The State Water Resources Board Control Board Division of Drinking Water Emergency Response Plan Guidance highlights the requirement to identify back up power generation and acknowledges the risk of fire to water infrastructure.

COMMENTS:

- 1) *Author's Statement:* According to the author: "California's wildfire destruction has reached a tipping point. Ventura County has experienced its three most destructive fires

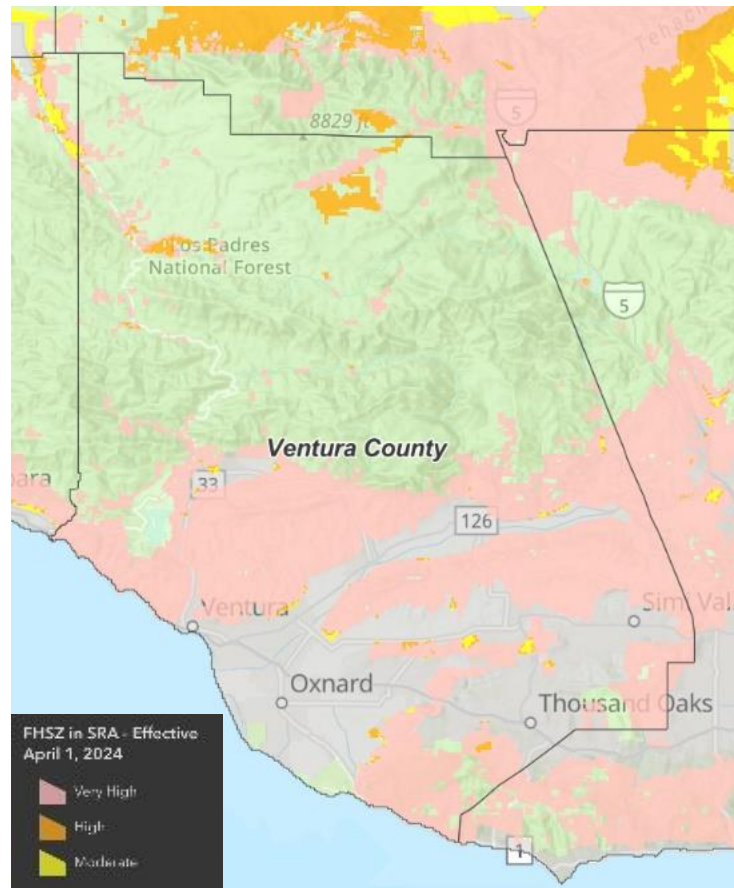


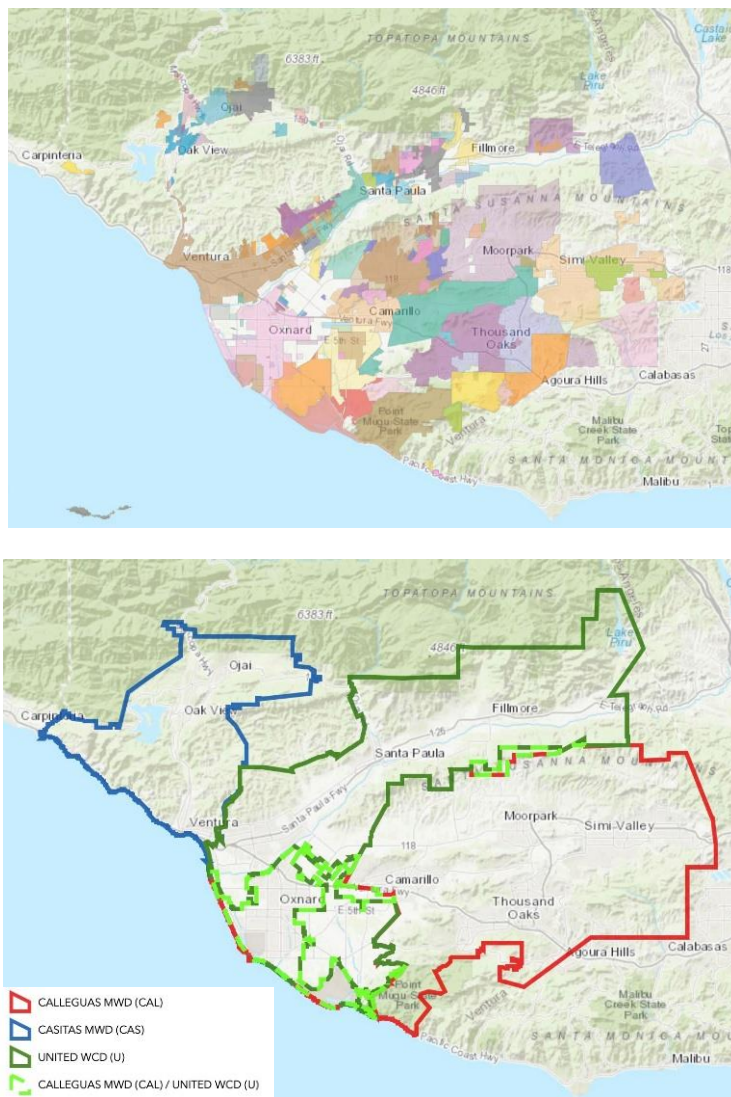
Figure 1: Maps of Ventura County Fire Hazard Severity Zones⁸

⁸ CalFire, Fire Hazard Severy Zone Map, <https://experience.arcgis.com/experience/03beab8511814e79a0e4eabf0d3e7247/>, accessed April 28, 2025

in the last 8 years - Thomas (2017), Woosley (2018), and Mountain (2024). While our water systems and hydrants are not designed to battle hundreds of homes fully engulfed in fire, they should perform to their maximum capacity during wildfire events. During Ventura County's three destructive fires, there have been instances where tanks were not filled appropriately, backup power to run water pumps was not available, and water pumps were destroyed by fire. Filling tanks, ensuring backup power and hardening water pumps are relatively modest investments. AB 367 ensures that Ventura will be able to use its resources to their maximum effectiveness."

2) *Learning from our Mistakes* – Wildfire is the reality in the state of California. As a result,

Figure 2: Maps of Ventura County Water Purveyors - Ventura County is served by 168 water purveyors and four wholesalers.⁹



city planning and critical infrastructure, including the electrical grid, need to be evaluated with wildfire in mind. In addition, Public Safety Power Shutoffs (PSPS) are no longer a last resort decision that will be phased out as electrical lines are hardened. Purposeful de-energization is going to continue to be an ongoing tool in the face of extreme weather events and wildfire risks. Finally, the Los Angeles fires in January 2025 highlighted that wildfire is no longer only a problem in the states' wildlands, and that the state's risk assessment of urban and residential areas to fire may be inaccurate. This rapidly changing landscape demands that policy makers and local and state emergency management agencies to quickly learn lessons from every wildfire year. One vulnerability revealed from recent wildfire events, is that current water infrastructure is not designed for large-scale firefighting, especially in the case of de-energization. Although, water systems were never built with these demands in mind, these demands are increasingly being asked of them. Low water pressure, de-energization of critical infrastructure and fire

⁹ County of Ventura Purveyors Map,

<https://publicworks.venturacounty.gov/wp/waterresourcesdivision/waterpurveyorsearch-2/>, accessed April 27, 2025

damage has led to the impairment of water delivery during pivotal hours in multiple highly destructive fires. This bill tries to address these concerns by mandating fire hardening of water infrastructure in high and very high severity risk fire zones and mandating sources of backup power to support water infrastructure.

Ventura County, like many parts of California, is served by 168 water purveyors and four wholesalers. This can make implementing collective emergency planning processes difficult. In addition, with no existing standards, there is a wide disparity in disaster preparedness and possession of backup power generation across water utilities. Calleguas Municipal Water District, a large wholesale water provider in Ventura County, has 60 generators,¹⁰ while California American Water, a Ventura County purveyor stated they have plans to add permanent backup power and currently use gravity wells.¹¹

To effectively manage wildfire risk, water utilities are an underappreciated and vulnerable part of the state's critical infrastructure. The goal of this bill is to mandate coordinated emergency planning for water utilities in Ventura County, a region of the state that has borne the brunt of this terrible learning curve.

- 3) *Getting Backup Power Turned On* – When power is lost, backup generators are necessary to power pumps and other infrastructure that is required to get water to various parts of the water system. In these cases, without power, there will be no water. This highlights the importance of acquiring and maintaining backup generators to support critical infrastructure, and the need to turn generators on in a timely manner in the case of a wildfire event. The bill mandates a 30 minute deadline to turn on backup power after de-energization for water infrastructure. The committee appreciates that during firefighting, every minute counts. However, specifying 30 minutes is too prescriptive to be practical. *The committee therefore recommends that the author's change the language to mandate that backup power must be turned on as soon as practically possible or within 30 minutes, if the generator has a remote or automatic transfer switch.*
- 4) *The Importance of Mutual Aid in an Emergency* – Many water purveyors and wholesalers already have permanent backup generators on their infrastructure. However, many utilities have negotiated mutual aid agreements to supply support in the case of emergency. *The committee recommends qualifying the use of mutual aid as a mechanism to successfully meet backup power mandates.*
- 5) *Extending Compliance* – It may be difficult for water purveyors to purchase multiple industrial generators by January 1 2029. *The committee recommends extending the deadline for compliance to January 1, 2030.*
- 6) *Making Plans and Identifying Critical Infrastructure* – Water districts and water purveyor have the most expertise on their respective systems. This includes being able to identify critical infrastructure, and understand the distribution requirements of the water system during an emergency response. However, water availability problems have become recurrent during wildfire events and there is motivation by the authors to involve

¹⁰ Personal communication, March 4, 2025

¹¹ Communication with the author's office, shared by the author

other local emergency management agencies in the process of planning and implementation, including Ventura Office of Emergency Services (OES) and the Ventura County Fire Department. *The committee recommends language that includes the Ventura Office of Emergency Services, the Ventura County Fire Department as well as water suppliers to work in coordination during specific steps in the emergency preparedness process and after-incident reporting process. This new language continues to rely on the expertise of the water utility, including identifying critical infrastructure, and establishing an emergency preparedness plan, but increases transparency and accountability.*

- 7) *Specific Language Regarding Water Reduction.* The bill mandates that water suppliers must communicate with the Ventura Office of Emergency Services when the supplier becomes aware that its water delivery capacity has been reduced due to equipment failure or maintenance. This current capacity reduction language in the bill is not specific and could mandate reporting as a result of minor reductions. *Therefore the committee recommends that the water delivery reduction threshold that requires OES notification pertains to impairing firefighting capacity and reservoir replenishment.*
- 8) *Additional Amendments.* *The bill requires additional clean-up or reorganization for clarity. The committee recommends accepting all of these changes.*
- 9) *Related Legislation*

AB 372 (Bennett, 2025) would establish the Rural Water Infrastructure for Wildfire Resilience Program within the California Office of Emergency Services (Cal OES) for the distribution of state matching funds to communities within the Wildland Urban Interface in designated high fire severity zones or very high fire hazard severity zones to improve water system infrastructure. Status: Pending hearing in the Assembly Committee Environmental Safety and Toxic Materials on after passing out of the Assembly Committee on Emergency Management 7-0-0.

10) *Prior Legislation*

SB 341 (McGuire) required the CPUC to adopt and implement backup power rules for telecommunications service providers to ensure service continuity during power outages, especially in high fire-threat areas. Status: Chapter 425, Statutes of 2021

AB 2421 (Quirk) required local agencies to expedite permitting for emergency standby generators at macro cell tower sites. This measure was intended to enhance the resiliency of wireless networks during power outages, particularly in high fire-threat areas. Status: Chapter 225, Statutes of 2020

SB 1099 (Allen) Requires air districts to adopt or revise their rules to allow critical facilities, as defined, to be allowed to use backup generators (BUGs)—without it counting towards permitted annual runtime totals—during deenergization events and for testing/maintenance. Also prevents air districts from collecting permitting fees for any BUG. Status

AB 1144 (Friedman) required the CPUC to allocate ten percent (\$16.6 million) of the self-generation incentive program (SGIP) in 2020 for the installation of energy storage and other distributed energy resources that provide critical infrastructure to communities in high fire threat districts. Status: Chapter 394, Statutes of 2019

SB 670 (McGuire) required telecommunications providers to notify the California Office of Emergency Services (Cal OES) within 60 minutes of identifying a "community isolation outage" that limits customers' ability to make 911 calls or receive emergency notifications. It also mandated Cal OES to establish regulations for these notifications and to inform local emergency response agencies. Status: Chapter 412, Statutes of 2019

SB 833 (McGuire) required Cal OES, in consultation with stakeholders, to develop voluntary guidelines for alerting and warning the public of an emergency. The bill required OES to develop an alert and warning training that includes information about the operation of the Wireless Emergency Alert system and the Emergency Alert System. Status: Chapter 617, Statutes of 2018

AB 57 (Quirk) required a collocation or siting application for a wireless telecommunications facility to be deemed approved, if specified conditions are met, and applies these provisions to all counties and cities. Status: Chapter 685 of the Statutes of 2015

REGISTERED SUPPORT / OPPOSITION:**Support**

California Professional Firefighters
County of Ventura

Oppose

Eastern Municipal Water District
Fillmore Professional Firefighters Assoc.
Fillmore; City of

Oppose Unless Amended

Association of California Water Agencies (ACWA)
California Water Association

Analysis Prepared by: Kristen Koenig / U. & E. / (916) 319-2083