



April 29, 2026

Comment letter submitted via email to: commentletters@waterboards.ca.gov

Courtney Tyler
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

RE: Proposed Emergency Regulations for Electronic Reporting of Drinking Water Quality Data

Dear Ms. Tyler:

The undersigned associations appreciate the opportunity to provide public comments on Proposed Emergency Regulations for Electronic Reporting of Drinking Water Quality Data (PER). The Association of California Water Agencies (ACWA) represents approximately 470 public water agencies that collectively deliver approximately 90 percent of the water in California for domestic, agricultural, and industrial uses. The California-Nevada Section, American Water Works Association (CA-NV AWWA) represents over 470 community water systems of all sizes and types in California and approximately 5,000 members in total. California Municipal Utilities Association (CMUA) represents 86 publicly owned electric, water, and wastewater utilities statewide which collectively provide water service to 75 percent of Californians. Our organizations raise significant concerns about the PER requiring additional responsibilities of public water systems that were previously held by laboratories, seek clarifications related to the proposed emergency requirements, and question moving this proposal forward as an emergency regulation.

The Proposed Emergency Regulations:

- Impose additional requirements upon public water systems using a portal system that has limitations to fulfill the PER, and requires use of laboratories to fulfill time-sensitive requirements.
- Do not identify clear goals that support using this approach which leave many unknowns for public water systems who must comply with the PER.
- Curtail the full statutory process that is appropriate for proposal, review, and finalization of drinking water regulations, including this one.

We jointly recommend the State Water Board consider the following input:

Comment 1- The PER imposes additional requirements upon public water systems in a short time frame that must be addressed prior to adoption.

Comment 1A- Concerns about the usability of the California Laboratory Intake Portal

We have significant concerns about reliance on the California Laboratory Intake Portal (CLIP) to achieve the goals of the PER. Our members have had challenges using CLIP for its intended uses that we fear will carry over into compliance with PER. CLIP is intended to serve as a single point of access for drinking water quality data reporting requirements, but has proved challenging for public water systems to rely upon because the CLIP user interface: does not allow for pulling data to verify quality control to identify if more samples are needed for internal use, does not account for subjective factors like sample odor and color to be considered, and does not enable special testing methods to be used when appropriate.

CLIP will need to incorporate a new method to account for vendor customization, and data variability that historically have been managed through in-person interactions to work through challenges that may justify exemptions, or extensions for compliance.

Comment 1B- Concern about reliance on laboratories to fulfill microbial requirements

Additionally, we must express our concern with relying upon laboratories to fulfill PER requirements related to microbial analyses on time, on behalf of public water systems. Public water systems are highly sensitive to running microbial tests because microbial results (specifically total coliform/*E. coli*) are tied to strict timelines, repeat sampling, public notification, and possible treatment technique violations. Repeating samples may be required if positive results are detected within a limited time frame. It is unclear if these factors have been considered in the three-month time frame provided by the State Water Board to fulfill requirements with the PER. It is unclear how many laboratories are certified to fulfill PER requirements and how backlogged the laboratories will be with many public water systems now being required to use them. Requiring a public water system to use a laboratory to fulfill and submit testing also runs the risk of late submissions and potential penalties assessed against public water systems when submission is in the hands of the laboratory to fulfill. The State Water Board could consider explicitly maintaining enforcement of data submission requirements at the laboratory level to ensure timely compliance and effective execution by data providers themselves. The State Water Board must fully deliberate these practical concerns before enforcing PER requirements, and work with public water systems to address them.

Comment 1C- Concerns about additional staff needed to fulfill PER requirements

Our associations also feel compelled to note that the PER is being proposed during a budget shortfall year¹ that will be felt across public water systems. Additional requirements result in additional staff hours needed, additional hires, consultant support, time to learn new processes, and union considerations. We recognize that there is never a perfect moment to propose new regulations, but this ask occurs during a time when the Legislative Analyst's Office advises spending reductions to offset a growing structural budget deficit in a fourth consecutive year of statewide budget problems. This is a real-world challenge that is felt at the local level when existing staff is stretched thin, or when new staff needs to be brought on to fulfill additional regulatory requirements, especially on short notice. For example, the PER requirement to submit all data to CLIP would mean that "special" data collected at effluent streams or entry points into the distribution system must also be included in the Consumer Confidence Report (CCR). This added requirement would complicate the data analysis process and increase the workload as agencies will be required to produce CCRs twice a year starting in 2027.

Comment 1D- Need clarification regarding which collected data must be submitted to CLIP

We seek clarity on which collected data² must be submitted to CLIP; is it all collected data or only data deemed necessary for submission by the public water system? If laboratories are required to submit all data, the large volume of results from non-compliance sample points may create confusion among members of the public and decisionmakers who are less familiar with the data. Public water systems routinely collect special data samples for internal operational use and improvements. Public water systems frequently collect operational or investigative samples, particularly for coliform bacteria. This PER could discourage public water systems from conducting such evaluations due to the potential for incorrect attribution of the data to regulatory samples.

The State Water Board should clarify how it will manage a database that may include compliance and non-compliance related data, to assure all interested parties that it will not result in unnecessary confusion, or additional work to explain non-compliance related data points.

¹ [Legislative Analyst's Office](#) notes a fourth consecutive budget shortfall year and encourages spending restraint in 2026.

² Title 22, chapter 19 of the California Code of Regulations already requires uploading microbiology results to CLIP. This proposed emergency regulation appears to insert that narrative into chapter 15 to codify it for reporting purposes.

Comment 1E- The State Water Board must address the above identified concerns prior to PER approval

The State Water Board must address the above concerns prior to approval to enable successful implementation. As previously stated, the PER will be enforcing new requirements that public water systems will need time to address, and it is essential for conversation about implementation to occur ahead of time.

Comment 2- The PER lacks clear goals and inappropriately circumvents the full rulemaking process for drinking water regulations.

We remain unclear about the intended goals of the PER³ and why this classifies as an emergency rulemaking. The released Public Notice simply states that electronic reporting requirements currently enforced upon laboratories will now be enforced on drinking water systems directly. As previously stated, we have concerns about implementation of this requirement in practice, but without better clarity we are also unable to respond directly to the need or urgency of the PER.

Our organizations need to express concern about the absence of the full rulemaking process traditionally relied upon for proposing drinking water requirements. A full rulemaking process enables appropriate time for: review of draft text, public workshops, fiscal analysis, formal comment periods, implementation guidance, and necessary revisions to draft text. This process would give public water systems and contract laboratories adequate time to weigh in to address all the concerns raised about the PER in this comment letter, and more as necessary. Additionally, the full rulemaking process serves as a market signal that enables public water systems to strategically prepare in following years for budget effects, labor needs, procurement needs, and contract needs.

Reliance upon the emergency rulemaking process significantly shortens the feedback loop without fully considering the ramifications that will be felt by public water systems. There are situations where emergency rulemaking may be appropriate, but we do not see how this proposal classifies as an emergency rulemaking. We recommend reliance upon the full rulemaking process to consider this proposal and allow necessary dialogue between the State Water Board and interested parties to take place on this matter.

Conclusion

Should this PER move forward, we suggest that, at a minimum, an initial pilot period be considered to test the ability of laboratories to upload microbiological data into CLIP,

³ The Public Notice released on March 19, 2026 states “The proposed emergency regulation amends section 64469 to allow the State Water Board to enforce the current 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.”

and to resolve any system challenges identified. The pilot period should be completed well in advance of the regulatory requirement effective date. Our associations are ready to collaborate with State Water Board, and we appreciate the opportunity to provide input on this effort. Please do not hesitate to contact us at nickb@acwa.com, Megan Murphy at mmurphy@cmua.org, or Sue Mosburg at smosburg@ca-nv-awwa.org if you have any questions regarding our input.

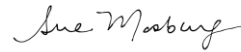
Sincerely



Nick Blair
Senior Policy Advocate
Association of California
Water Agencies



Megan Murphy
Senior Regulatory
Advocate
California Municipal
Utilities Association



Sue Mosburg
Executive Director
California-Nevada
Section American Water
Works Association

cc: The Honorable E. Joaquin Esquivel, Chair, State Water Resources Control Board
The Honorable Dorene D'Adamo, Vice Chair, State Water Resources Control Board
The Honorable Laurel Firestone, Member, State Water Resources Control Board
The Honorable Sean Maguire, Member, State Water Resources Control Board
The Honorable Nichole Morgan, Member, State Water Resources Control Board
Mr. Eric Oppenheimer, Executive Director, State Water Resources Control Board
Mr. Marwan Khalifa, Interim Executive Director, ACWA
Ms. Chelsea Haines, Regulatory Relations Director, ACWA