

June 17, 2026

Comment letter submitted via email.

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

RE: Control of Lead and Copper Regulation and AB 1096 Policy Handbook

Dear Ms. Tyler,

The Association of California Water Agencies (ACWA) appreciates the opportunity to provide input on the State Water Resources Control Board's (State Water Board) proposal for incorporating the federal Lead and Copper Rule Improvements (LCRI) into California regulations and an outline of the policy handbook implementing Assembly Bill 1096 (AB 1096 Handbook)¹. ACWA represents approximately 470 public water agencies that collectively deliver approximately 90 percent of the water in California for domestic, agricultural, and industrial uses.

This letter responds to the proposed approach to approve LCRI, and covers four key areas for consideration in development of the AB 1096 Handbook: address the need to clarify the handbook's scope, legal effect, and relationship to existing statutory and regulatory requirements, highlight the operational constraints and access limitations community water systems face when coordinating sampling at schools and childcare facilities, recommend a phased implementation approach supported by clear, standardized guidance, emphasize the importance of adequate funding and aligning program responsibilities with available authority, resources, and existing requirements. ACWA offers the State Water Board the following input:

Comment 1- Support for the approach to adopt LCRI

ACWA supports adoption of the United States Environmental Protection Agency LCRI² for state primacy. In this situation, the State Water Board is using an expedited

¹ Assembly Bill 1096 (2025) added section 116277 to the Health and Safety Code (Section 116277) to strengthen public transparency by requiring that lead sampling information collected under LCRI for schools and childcare facilities be made publicly available on the State Water Board's website.

² In October 2024, the Environmental Protection Agency (EPA) finalized the National Primary Drinking Water Regulations for Lead and Copper: Improvements (LCRI). The LCRI builds on the 2021 Lead and

approach to adopt federal standards with minor administrative adjustments to mirror statutory language that public water systems (PWS) are already required to comply with starting November 1, 2027.

Comment 2- Clarify scope, legal effect, and relationship to existing requirements for AB 1096 Handbook

ACWA appreciates the Division of Drinking Water's (DDW) effort to develop an AB 1096 Handbook to improve transparency of lead sampling results for schools and childcare facilities. We recommend that DDW further clarify the AB 1096 Handbook's intended legal effect, scope, and relationship to existing statutory and regulatory requirements. Specifically, the AB 1096 Handbook should more clearly distinguish between statutory mandates under Section 116277, existing federal requirements under LCRI, and any new procedural expectations being introduced through the AB 1096 Handbook. This is particularly important for PWS that are simultaneously implementing multiple overlapping programs (such as AB 746, AB 2370, and forthcoming LCRI requirements), where consistency and clear direction are critical to avoiding duplicative efforts and compliance confusion. It will be essential to coordinate directly with the Department of Social Services³ to build from existing platforms to avoid overlapping requirements where feasible.

We recommend developing a summary table that outlines how the AB 1096 Handbook aligns with and differs from prior program requirements, including eligibility criteria, timelines, and reporting obligations. Providing this clarity upfront will help ensure consistent implementation across systems and support the State Water Board's goals of transparency and effective program administration.

Comment 3- Recognize operational constraints and access limitations faced by PWS working to comply with AB 1096 Handbook requirements

ACWA recommends that the AB 1096 Handbook more explicitly recognizes the practical limitations that PWS face in implementing lead sampling requirements at schools and childcare facilities. As noted in the draft outline, PWS are responsible for outreach, sampling coordination, and reporting. However, PWS often do not have direct access to or control over plumbing within these facilities, particularly given the wide range of site types from large public schools to in-home childcare settings. These constraints create real logistical challenges, including coordinating access, securing permission to enter facilities, and conducting sampling within operational hours that may not align with utility staffing. In addition, PWS may incur additional costs related to gaining facility

Copper Rule Revisions (LCRR) and the pre-2021 Lead and Copper Rule (LCR), initially published in 1991. Beginning Nov. 1, 2027, water systems must comply with the LCRI.

³ California Department of Social Services, in collaboration with the State Water Board, mandates lead and copper testing in drinking water for all licensed child care centers to protect children from lead exposure. Testing is required every five years for centers built before 2010.

access, repeated outreach efforts, and increased labor demands where staff availability or site restrictions limit when sampling can occur.

To support effective implementation, we recommend the AB 1096 Handbook acknowledge these limitations and consider incorporating flexible approaches or guidance that account for site-specific access constraints, resource limitations, and variability across facility types. Recognizing these real-world conditions will help ensure the program is both practical to implement and aligned with the operational realities facing community water systems.

Comment 4- Support phased implementation and clear, standardized guidance in the AB 1096 Handbook

ACWA recommends that the AB 1096 Handbook incorporates a phased and well-supported implementation approach to ensure program requirements are practical and achievable for PWS. As the draft outlines new responsibilities related to sampling coordination, data submission, and public transparency, a phased rollout, pilot programs, or prioritization strategies would help systems adapt effectively while maintaining compliance with existing obligations.

In addition, PWS will require clear, standardized guidance to support consistent implementation across diverse service areas and facility types. This includes defined protocols for sampling methods, fixture selection, and sampling frequency, as well as clear direction on notification responsibilities and coordination expectations with school and childcare operators and relevant public health agencies. Providing this level of clarity will reduce uncertainty, limit inconsistencies across systems, and support the DDW's goal of implementing a transparent and effective statewide program.

Comment 5- Ensure appropriate funding to implement AB 1096 Handbook, and align with existing requirements

ACWA recommends that the AB 1096 Handbook more clearly addresses the need for appropriate funding and alignment of responsibilities with available authority and resources. Many of the activities contemplated in the draft, including sampling coordination, outreach, data reporting, and potential follow-up actions, represent new or expanded responsibilities for community water systems. In some cases, PWS may be expected to identify elevated lead levels at schools or childcare facilities without having the authority to address underlying plumbing issues located on private property. This disconnect underscores the importance of ensuring that program responsibilities are appropriately aligned with funding, authority, and the respective roles of water systems, facility operators, and public health agencies. In addition, timelines and implementation expectations should reflect real-world constraints, including staffing limitations, procurement processes, and the coordination required to access and work with a wide

range of facility types. Without this alignment, systems may face challenges meeting program requirements despite best efforts to comply.

We also note potential confusion regarding cost responsibilities. For example, recent direction at the June 11 public workshop⁴ suggested that childcare facilities contact PWS regarding testing costs may create expectations that PWS cannot yet meet. Until the AB 1096 Handbook is finalized and program requirements are clearly established, many PWS will not be able to provide definitive information on costs or program responsibilities. We recommend that DDW provide interim clarification to avoid confusion among childcare providers and ensure consistent messaging statewide.

Conclusion

ACWA is ready to collaborate with State Water Board in further discussion and workshops, and we appreciate the opportunity to provide input on this effort. Please do not hesitate to contact me at nickb@acwa.com or (916) 441-4545 if you have any questions regarding ACWA's input.

Sincerely,



Nick Blair
Senior Policy Advocate
Association of California Water Agencies

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. Darrin Polhemus, Deputy Director, State Water Resources Control Board
Mr. Marwan Khalifa, Interim Executive Director, ACWA
Ms. Chelsea Haines, Regulatory Relations Director, ACWA

⁴ State Water Board hosted a [public workshop](#) on June 11, 2026 to discuss proposed actions related to LCRI and AB 1096 Handbook for future Board consideration.