

Introduced by Senator Costa

February 22, 2001

An act to amend Section 21151.9 of the Public Resources Code, and to amend Sections 10635, 10910, 10911, 10912, and 10915 of, and to repeal Section 10913 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 610, as introduced, Costa. Water supply planning.

(1) Existing law requires every urban water supplier to include as part of its urban water management plan an assessment of the reliability of its water service to its customers.

This bill would require additional information to be included as part of an urban water management plan for urban water suppliers whose water supply includes groundwater.

(2) Existing law, under certain circumstances, requires a city or county that determines an environmental impact report is required in connection with a project, as defined, to request each public water system that may supply water for the project to assess, among other things, whether its total projected water supplies will meet the projected water demand associated with the proposed project. Existing law requires the public water system to submit the assessment to the city or county not later than 30 days from the date on which the request was received and, in the absence of the submittal of an assessment, provides that it shall be assumed that the public water system has no information to submit. Existing law makes legislative findings and declarations concerning "Proposition C," a measure approved by the voters of San Diego County relating to regional growth management, and provides that the procedures established by a specified review board established in connection with that measure are deemed to comply with the



requirements described above relating to water supply planning by a city or county.

This bill would revise these provisions. The bill, instead, would require a city or county that determines a project is subject to the California Environmental Quality Act to identify any public water system that may supply water for the project and to request those public water systems to assess whether its total projected water supplies will meet the projected water demand associated with the proposed project. The bill would require the assessment to include an identification of existing water supply entitlements, water rights, or water service contracts held by the public water system and prior years water deliveries so received by the public water system. The bill would revise the definition of “project,” for the purposes of these provisions, and make related changes.

The bill would require the city or county, if a public water system does not submit the assessment within 90 days, to request the Department of Water Resources to submit the assessment to the city or county not later than 90 days from the date on which the request was received. The bill would provide for the recovery of the costs incurred by the department in connection with the preparation of the assessment. The bill would require the city or county to include the water supply assessment and other prescribed information in any environmental document prepared for the project pursuant to the act. By establishing duties for counties and cities, the bill would impose a state-mandated local program.

The bill would provide that the County of San Diego is deemed to comply with these water supply planning requirements if the Office of Planning and Research determines that certain requirements have been met in connection with the implementation of “Proposition C.”

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.



Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:
- 3 (1) The length and severity of droughts in California cannot be
4 predicted with any accuracy.
- 5 (2) There are various factors that affect the ability to ensure that
6 adequate water supplies are available to meet all of California's
7 water demands.
- 8 (3) Because of these factors, it is not possible to guarantee a
9 permanent water supply for all water users in California in the
10 amounts requested.
- 11 (4) Therefore, it is critical that California's water agencies
12 carefully assess the reliability of their water supply and delivery
13 systems.
- 14 (5) Furthermore, California's overall water delivery system
15 has become less reliable over the last 20 years because demand for
16 water has continued to grow while supplies available for
17 consumptive uses have decreased.
- 18 (6) With increasing frequency, California's water agencies are
19 required to impose water rationing on their residential and
20 business customers during this state's frequent and severe periods
21 of drought.
- 22 (7) The identification of water supplies needed during
23 multiple-year droughts is vital to California's business climate, as
24 well as to the health of the agricultural industry, environment, rural
25 communities, and residents who continue to face the possibility of
26 severe water cutbacks during water shortage periods.
- 27 (8) It appears that the water supply and land use planning
28 linkage, established by Part 2.10 (commencing with Section
29 10910) of Division 6 of the Water Code, has not been implemented
30 in a manner that ensures the appropriate level of communication
31 and the necessary information to understand water supply
32 availability is not consistently reaching the governing bodies of the
33 affected organizations in order for decisions to be made with
34 regard to development and water supply availability within local
35 communities.



1 (b) It is the intent of the Legislature to strengthen the process
2 pursuant to which cities and counties determine the adequacy of
3 existing and planned future water supplies to meet existing and
4 planned future demands on those water supplies.

5 SEC. 2. Section 21151.9 of the Public Resources Code is
6 amended to read:

7 21151.9. Whenever a city or county determines that ~~an~~
8 ~~environmental impact report is required in connection with a~~
9 project, as defined in Section ~~10913~~ 10912 of, and described in
10 Section 10910 of, ~~of~~ the Water Code, *is subject to this division*, it
11 shall comply with Part 2.10 (commencing with Section 10910) of
12 Division 6 of the Water Code.

13 SEC. 3. Section 10635 of the Water Code is amended to read:

14 10635. (a) Every urban water supplier shall include, as part
15 of its urban water management plan, an assessment of the
16 reliability of its water service to its customers during normal, dry,
17 and multiple dry water years. This water supply and demand
18 assessment shall compare the total water supply sources available
19 to the water supplier with the total projected water use over the
20 next 20 years, in five-year increments, for a normal water year, a
21 single dry water year, and multiple dry water years. The water
22 service reliability assessment shall be based upon the information
23 compiled pursuant to Section 10631, including available data from
24 state, regional, or local agency population projections within the
25 service area of the urban water supplier.

26 (b) *In addition to the information provided pursuant to*
27 *subdivision (a), for urban water suppliers whose water supply*
28 *includes groundwater, the following additional information shall*
29 *be provided as part of its urban water management plan:*

30 (1) *An identification and description of the other users of the*
31 *groundwater basin and the historical water use patterns of those*
32 *other users during normal, single-dry, and multiple-dry water*
33 *years.*

34 (2) *An estimate of the maximum quantity of water that can be*
35 *continuously withdrawn from the groundwater basin without*
36 *adverse effect.*

37 (3) *An identification as to whether the groundwater basin is*
38 *overdrafted and a description of the known and anticipated effects*
39 *of the overdraft condition.*



1 (4) A description of any groundwater management programs
2 that have been implemented, including any strategies to monitor
3 groundwater levels and extractions and the development of any
4 cooperative arrangements among basin users to minimize or
5 eliminate problem conditions.

6 (c) The urban water supplier shall provide that portion of its
7 urban water management plan prepared pursuant to this article to
8 any city or county within which it provides water supplies no later
9 than 60 days after the submission of its urban water management
10 plan.

11 ~~(e)~~
12 (d) Nothing in this article is intended to create a right or
13 entitlement to water service or any specific level of water service.

14 ~~(d)~~
15 (e) Nothing in this article is intended to change existing law
16 concerning an urban water supplier’s obligation to provide water
17 service to its existing customers or to any potential future
18 customers.

19 SEC. 4. Section 10910 of the Water Code is amended to read:

20 10910. (a) Any city or county that determines that ~~an~~
21 ~~environmental impact report is required in connection with a~~
22 ~~project, as defined in Section 10913, 10912, is subject to the~~
23 ~~California Environmental Quality Act (Division 13 (commencing~~
24 ~~with Section 21000) of the Public Resources Code) under Section~~
25 ~~21080 of the Public Resources Code shall comply with this part if,~~
26 ~~as part of the approval of the project, either of the following is~~
27 ~~required:~~

28 ~~(1) The adoption of a specific plan, if the city or county has not~~
29 ~~previously complied with this part for the project in question.~~

30 ~~(2) An amendment to, or revision of, the land use element of a~~
31 ~~general plan, or a specific plan, that will result in a net increase in~~
32 ~~the stated population density or building intensity to provide for~~
33 ~~additional development.~~

34 ~~(b) Notwithstanding subdivision (a), only a project that will~~
35 ~~result in a net increase in the stated population density or building~~
36 ~~intensity that has been identified in connection with the revision~~
37 ~~of any part of a general plan is subject to the requirements imposed~~
38 ~~by this part, if the project has not previously complied with this~~
39 ~~part.~~

40 ~~(e)~~



1 (b) The city or county ~~shall~~, at the time that it ~~submits a notice~~
 2 ~~of preparation~~ *determines whether an environmental impact*
 3 *report, a negative declaration, or a mitigated negative declaration*
 4 *is required for any project subject to the California Environmental*
 5 *Quality Act pursuant to Section ~~21080.4~~ 21080.1 of the Public*
 6 *Resources Code, shall identify any water system that is, or may*
 7 *become, a public water system, as defined in Section 10912, that*
 8 *may supply water for the project. If the city or county is not able*
 9 *to identify any public water system that may supply water for the*
 10 *project, the city or county shall request the department to comply*
 11 *with this part.*

12 ~~(d)~~

13 (c) The city or county, at the time it ~~submits a notice of~~
 14 ~~preparation~~ *makes the determination required under Section*
 15 *21080.1 of the Public Resources Code, shall request each public*
 16 *water system identified pursuant to subdivision ~~(e)~~ (b) to assess*
 17 *whether the projected water demand associated with a proposed*
 18 *project ~~described in subdivision (a) or (b)~~ was included as part of*
 19 *the most recently adopted urban water management plan adopted*
 20 *pursuant to Part 2.6 (commencing with Section 10610). As part of*
 21 *that assessment, the public water system shall indicate whether its*
 22 *total projected water supplies available during normal, single-dry,*
 23 *and multiple-dry water years included in the 20-year projection*
 24 *contained in the urban water management plan will meet the*
 25 *projected water demand associated with the proposed project, in*
 26 *addition to the public water system’s existing and planned future*
 27 *uses.*

28 ~~(e)~~ *The assessment shall also include an identification of any*
 29 *existing water supply entitlements, water rights, or water service*
 30 *contracts held by the public water system, and a description of the*
 31 *quantities of prior years’ water deliveries received by the public*
 32 *water system under the existing water supply entitlements, water*
 33 *rights, or water service contracts.*

34 (d) *An identification of existing water supply entitlements,*
 35 *water rights, or water service contracts held by the public water*
 36 *system shall be demonstrated by providing information related to*
 37 *all of the following:*

38 (1) *Written contracts or other proof of entitlement to an*
 39 *identified water supply.*



1 (2) Copies of a capital outlay program for financing the
2 delivery of a water supply, that has been adopted by the public
3 water system.

4 (3) Federal, state, and local permits for construction of
5 necessary infrastructure associated with delivering the water
6 supply.

7 (4) Any necessary regulatory approvals that are required in
8 order to be able to convey or deliver the water supply.

9 (e) If no prior years' water deliveries have been received by the
10 public water system under the existing water supply entitlements,
11 water rights, or water service contracts, the public water system
12 shall also include in its water supply assessment pursuant to
13 subdivision (c), an identification of the other public water systems
14 or water service contract holders that receive a water supply or
15 have existing water supply entitlements, water rights, or water
16 service contracts, to the same source of water as the public water
17 system has identified as a source of water supply within its water
18 supply assessments.

19 (f) In addition to the information provided pursuant to
20 subdivision (c), a public water system whose water supply includes
21 groundwater shall also provide the following information:

22 (1) An identification and description of the other users of the
23 groundwater basin and the historical water use patterns of those
24 other users during normal, single-dry, and multiple-dry water
25 years.

26 (2) An estimate of the maximum quantity of water that can be
27 continuously withdrawn from the groundwater basin without
28 adverse effect.

29 (3) An identification as to whether the groundwater basin is
30 overdrafted and a description of the known and anticipated effects
31 of the overdraft condition.

32 (4) A description of any groundwater management programs
33 that have been implemented, including any strategies to monitor
34 groundwater levels and extractions and the development of any
35 cooperative arrangements among basin users to minimize or
36 eliminate problem conditions.

37 (g) (1) The governing body of each public water system shall
38 approve the assessment prepared pursuant to subdivision ~~(d)~~ (c),
39 at a regular or special meeting and submit the assessment to the city



1 or county not later than ~~30~~ 90 days ~~after~~ *from* the date on which
2 the request was received.

3 ~~(f) If the public water system that receives a request pursuant~~
4 ~~to subdivision (d) fails to submit its assessment to the city or~~
5 ~~county within the 30 days provided in subdivision (e), it shall be~~
6 ~~assumed, without a request for a specific extension of time, that the~~
7 ~~public water system has no information to submit.~~

8 *(2) If the governing body does not approve and submit the*
9 *assessment within 90 days, the city or county shall request the*
10 *department to prepare the assessment pursuant to subdivision (c)*
11 *and the department shall submit the assessment to the city or*
12 *county not later than 90 days from the date on which the request*
13 *was received.*

14 *(3) The Controller shall deduct the amount of any costs*
15 *incurred by the department in preparing the assessment pursuant*
16 *to paragraph (2), as those costs are determined by the department*
17 *and submitted to the Controller, from any appropriation to, or for*
18 *the benefit of, the public water system for which the assessment*
19 *was prepared until the total cost of the assessment has been*
20 *recovered by the state.*

21 SEC. 5. Section 10911 of the Water Code is amended to read:

22 10911. (a) If, as a result of its assessment, the public water
23 system concludes that its water supplies are, or will be,
24 insufficient, the public water system shall provide to the city or
25 county its plans for acquiring additional water supplies, setting
26 forth the measures that are being undertaken to acquire and
27 develop those water supplies. Those plans may include, but are not
28 limited to, information concerning all of the following:

29 (1) The estimated total costs, and the proposed method of
30 financing the costs, associated with acquiring the additional water
31 supplies.

32 (2) All federal, state, and local permits, approvals, or
33 entitlements that are anticipated to be required in order to acquire
34 and develop the additional water supplies.

35 (3) Based on the considerations set forth in paragraphs (1) and
36 (2), the estimated timeframes within which the public water
37 system expects to be able to acquire additional water supplies.

38 ~~(b) The lead agency city or county shall include in the~~
39 ~~environmental impact report the water supply assessment~~
40 ~~provided to the lead agency by the public water system pursuant~~



1 to Section 10910, and any information provided pursuant to
 2 subdivision (a), ~~except that the assessment and information shall~~
 3 ~~not exceed 10 standard typewritten pages in length unless the lead~~
 4 ~~agency determines that additional information is appropriate in~~
 5 ~~any environmental document prepared for the project pursuant to~~
 6 ~~Division 13 (commencing with Section 21000) of the Public~~
 7 ~~Resources Code.~~

8 (c) ~~The lead agency city or county may include in the any~~
 9 ~~environmental impact report document an evaluation of any~~
 10 ~~information included in the that environmental impact report~~
 11 ~~document provided pursuant to subdivision (b). The lead agency~~
 12 ~~city or county shall determine, based on the entire record, whether~~
 13 ~~projected water supplies will be sufficient to satisfy the demands~~
 14 ~~of the proposed project, in addition to existing and planned future~~
 15 ~~uses. If the lead agency city or county determines that water~~
 16 ~~supplies will not be sufficient, the lead agency city or county shall~~
 17 ~~include that determination in its findings pursuant to Section~~
 18 ~~21081 of the Public Resources Code for the project.~~

19 SEC. 6. Section 10912 of the Water Code is amended to read:
 20 10912. For the purposes of this part, ~~“public~~ the following
 21 terms have the following meanings:

- 22 (a) “Project” means any of the following:
- 23 (1) A proposed residential development of more than 500
- 24 dwelling units.
- 25 (2) A proposed shopping center or business establishment
- 26 employing more than 1,000 persons or having more than 500,000
- 27 square feet of floor space.
- 28 (3) A proposed commercial office building employing more
- 29 than 1,000 persons or having more than 250,000 square feet of
- 30 floor space.
- 31 (4) A proposed hotel or motel, or both, having more than 500
- 32 rooms.
- 33 (5) A proposed industrial, manufacturing, or processing plant,
- 34 or industrial park planned to house more than 1,000 persons,
- 35 occupying more than 40 acres of land, or having more than
- 36 650,000 square feet of floor area.
- 37 (6) A mixed-use project that includes one or more of the
- 38 projects specified in this subdivision.
- 39 (7) A general plan, element, or amendment that provides for
- 40 one or more of the projects specified in this subdivision.



1 (8) A project that would demand an amount of water equivalent
2 to, or greater than, the amount of water required by a 500 dwelling
3 unit project.

4 (b) If a public water system has fewer than 5,000 service
5 connections, then “project” means any proposed residential,
6 business, commercial, hotel or motel, or industrial development
7 that would account for an increase of 10 percent or more in the
8 number of the public water system’s existing service connections,
9 or a mixed-use project that would demand an amount of water
10 equivalent to, or greater than, the amount of water required by
11 residential development that would represent an increase of 10
12 percent or more in the number of the public water system’s existing
13 service connections.

14 (c) “Public water system” means a system for the provision of
15 piped water to the public for human consumption that has 3000 or
16 more service connections. A public water system includes all of
17 the following:

18 ~~(a)~~

19 (1) Any collection, treatment, storage, and distribution facility
20 under control of the operator of the system which is used primarily
21 in connection with the system.

22 ~~(b)~~

23 (2) Any collection or pretreatment storage facility not under
24 the control of the operator that is used primarily in connection with
25 the system.

26 ~~(c)~~

27 (3) Any person who treats water on behalf of one or more
28 public water systems for the purpose of rendering it safe for human
29 consumption.

30 SEC. 7. Section 10913 of the Water Code is repealed.

31 ~~10913. — A project, for purposes of this part, means any of the~~
32 ~~following activities for which an application has been submitted~~
33 ~~to a city or county:~~

34 ~~(a) A proposed residential development of more than 500~~
35 ~~dwelling units.~~

36 ~~(b) A proposed shopping center or business establishment~~
37 ~~employing more than 1,000 persons or having more than 500,000~~
38 ~~square feet of floor space.~~



1 ~~(c) A proposed commercial office building employing more~~
2 ~~than 1,000 persons or having more than 250,000 square feet of~~
3 ~~floor space.~~

4 ~~(d) A proposed hotel or motel, or both, having more than 500~~
5 ~~rooms.~~

6 ~~(e) A proposed industrial, manufacturing, or processing plant,~~
7 ~~or industrial park planned to house more than 1,000 persons,~~
8 ~~occupying more than 40 acres of land, or having more than~~
9 ~~650,000 square feet of floor area.~~

10 ~~(f) A mixed-use project that would demand an amount of water~~
11 ~~equivalent to, or greater than, the amount of water required by a~~
12 ~~500-dwelling-unit project.~~

13 SEC. 8. Section 10915 of the Water Code is amended to read:

14 10915. ~~(a) The Legislature finds and declares all of the~~
15 ~~following:~~

16 ~~(1) The voters of the County of San Diego, in November 1988,~~
17 ~~approved Proposition C, a measure that required *The County of*~~
18 ~~*San Diego is deemed to comply with this part if the Office of*~~
19 ~~*Planning and Research determines that all of the following*~~
20 ~~*conditions have been met:*~~

21 ~~(a) Proposition (C), as approved by the voters of the County of~~
22 ~~*San Diego in November 1988, requires the development of a*~~
23 ~~regional growth management plan and ~~directed~~ *directs* the~~
24 ~~establishment of a regional planning and growth management~~
25 ~~review board.~~

26 ~~(2)~~

27 ~~(b) The County of San Diego and the cities in the county, by~~
28 ~~agreement, ~~designated~~ *designates* the San Diego Association of~~
29 ~~Governments as that review board.~~

30 ~~(3)~~

31 ~~(c) A regional growth management strategy that provides for~~
32 ~~a comprehensive regional strategy and a coordinated economic~~
33 ~~development and growth management program has been~~
34 ~~developed pursuant to Proposition C.~~

35 ~~(4)~~

36 ~~(d) The regional growth management strategy includes a water~~
37 ~~element to coordinate planning for water that is consistent with the~~
38 ~~requirements of this part.~~

39 ~~(5)~~



1 (e) The San Diego County Water Authority, by agreement with
2 the San Diego Association of Governments in its capacity as the
3 review board, uses the association’s most recent regional growth
4 forecasts for planning purposes and to implement the water
5 element of the strategy.

6 ~~(b)~~

7 (f) The procedures established by the review board for the
8 development and approval of the regional growth management
9 strategy, including the water element and any certification process
10 established to ensure that a ~~general plan~~ *project* is consistent with
11 that element, ~~are deemed to~~ comply with the requirements of this
12 part.

13 SEC. 9. Notwithstanding Section 17610 of the Government
14 Code, if the Commission on State Mandates determines that this
15 act contains costs mandated by the state, reimbursement to local
16 agencies and school districts for those costs shall be made pursuant
17 to Part 7 (commencing with Section 17500) of Division 4 of Title
18 2 of the Government Code. If the statewide cost of the claim for
19 reimbursement does not exceed one million dollars (\$1,000,000),
20 reimbursement shall be made from the State Mandates Claims
21 Fund.

