

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 224**

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**Introduced by Assembly Member Wolk**

January 29, 2007

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~~An act to amend Section 10631 of, to add Sections 142, 10004.7, and 13248 to, and to repeal and add Part 2.8 (commencing with Section 10800) of Division 6 of, the Water Code, relating to water. An act to add Part 1.6 (commencing with Section 10100) to Division 6 of the Water Code, relating to water.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 224, as amended, Wolk. Water supply planning.

*Under existing law, various state and local agencies engage in water resource planning.*

*This bill would enact the Climate Change and Water Resource Protection Act of 2007. The bill would require the Department of Water Resources, as part of its statewide water resource management responsibilities, to include an analysis of the potential effects of climate change, to the extent applicable, in reports or plans that the department is required to prepare. The bill would require the department to investigate and determine, no later than December 31, 2008, the total equivalent carbon dioxide emissions arising from its operation of the State Water Project. The bill would prohibit the department from approving a request for specified grants, submitted after January 1, 2009, unless the application includes certain information. The department would be required, by July 1, 2008, to identify available information or develop information regarding climate change and water resources for each of the state's hydrologic basins for specified uses.*

*The bill would require an urban water supplier and an agricultural water supplier to take certain action relating to that information.*

*The bill would require the State Water Resources Control Board, in consultation with other state agencies, to prepare a report that quantifies the energy savings and greenhouse gas emission reductions associated with alternative water supply development. The state board would be required to submit the report to the Governor and the Legislature, and to make it available to the public, on or before January 1, 2009. The bill would require the state board or a California regional water quality board to consider, as appropriate, a reasonable range of plausible hydrological, temperature, and sea-level rise scenarios resulting from climate change for the purpose of preparing a state or regional water quality control plan, as applicable.*

~~(1) Under existing law, the Department of Water Resources operates the State Water Project, which includes state water facilities, as defined.~~

~~This bill would require the department, commencing in 2008, and every 2 years thereafter, to prepare and deliver to all State Water Project contractors, all city and county planning departments, and all regional and metropolitan planning departments within the project service area, a report that accurately sets forth, under a range of hydrologic conditions, the then-existing overall delivery capability of the project facilities and the allocation of that capacity to each contractor.~~

~~(2) Under existing law, a plan for the orderly and coordinated control, protection, conservation, development, and utilization of the water resources of the state is known as the California Water Plan. The department is required to update the plan on or before December 31, 2003, and every 5 years thereafter. Existing law requires the plan to include a discussion of specified topics.~~

~~This bill would require the department, as part of updating the plan, to include an analysis of the effect of climate change on future water supplies.~~

~~(3) Existing law requires every urban water supplier to prepare and adopt an urban water management plan with prescribed components. Existing law requires the urban water supplier to update its plan at least once every 5 years, as specified.~~

~~This bill would require the urban water supplier, as part of updating the plan, to include an analysis of the effect of climate change on future water supplies.~~

~~(4) Existing law relating to agricultural water management planning, until January 1, 1993, and thereafter only as specified, provides for the~~

preparation and adoption of water management plans. That law defines “agricultural water supplier” or “supplier” to mean a supplier, either publicly or privately owned, supplying more than 50,000 acre-feet of water annually for agricultural purposes.

This bill would substantially revise existing law relating to agricultural water management planning to require every agricultural water supplier to prepare and adopt an agricultural water management plan, as prescribed, on or before December 31, 2011. The bill would delete the definition of “agricultural water supplier” and “supplier” and would, instead, require the department to conduct a survey of entities that supply water for agricultural purposes to gather data, assess, analyze that data, and recommend the appropriate minimum size of an agricultural water supplier that should prepare an agricultural water management plan. The department would be required to report its findings and recommendations, in writing, to the Governor and the Legislature before January 1, 2009. The bill would state the intent of the Legislature to respond to the department’s report by enacting legislation defining the term “agricultural water supplier.” The bill would require every person that becomes an agricultural water supplier after December 31, 2011, to adopt an agricultural water management plan within one year after it has become an agricultural water supplier. An agricultural water supplier would be required to update the plan at least once every 5 years, and to submit the plan to prescribed entities. The bill would make an agricultural water supplier that fails to prepare, adopt, and submit a plan ineligible for funds made available pursuant to any program administered by the State Water Resources Control Board, the department, or the California Bay-Delta Authority.

The bill would repeal these provisions relating to agricultural water management planning on January 1, 2011, unless the department determines that legislation has been enacted to define the term “agricultural water supplier” for the purposes of these provisions.

(5) Under existing law, the State Water Resources Control Board and the California regional water quality control boards adopt and revise water quality control plans that establish water quality objectives to ensure the reasonable protection of beneficial uses and the prevention of nuisance.

This bill would require the state board or a regional board, for the purpose of adopting or revising a water quality control plan, to consider, as appropriate, a reasonable range of plausible hydrological, temperature, and sea level-rise scenarios resulting from climate change.

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

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

1     *SECTION 1. The Legislature hereby finds and declares all of*  
2     *the following:*

3     *(a) The Department of Water Resources issued a 2006 report*  
4     *on climate change and California's water resources, concluding*  
5     *that climate change is likely to have significant effects on the state's*  
6     *water supply projects and the Sacramento-San Joaquin Delta.*

7     *(b) The State Energy Resources Conservation and Development*  
8     *Commission's Public Interest Energy Research Program*  
9     *(CEC-PIER) produced reports in 2005 and 2006 regarding*  
10    *water-related energy use in California that estimate that*  
11    *water-related energy use consumes 19 percent of the state's*  
12    *electricity, 30 percent of its natural gas, and 88 billion gallons of*  
13    *diesel fuel every year.*

14    *(c) The CEC-PIER report also found that water supply and*  
15    *conveyance have both the highest energy magnitude and the*  
16    *greatest variability in energy intensity. The report noted that, on*  
17    *a statewide average, recycled water is the least energy-intensive*  
18    *source of new water supply.*

19    *(d) The California Global Warming Solutions Act of 2006*  
20    *requires the adoption of a statewide greenhouse gas emissions*  
21    *limit equivalent to the statewide greenhouse gas emissions level*  
22    *in 1990 to be achieved by 2020. Existing law requires all state*  
23    *agencies to consider and implement strategies to reduce their*  
24    *greenhouse gas emissions.*

25    *(e) Increased use of recycled water statewide will reduce*  
26    *California's energy consumption and help meet the state's goal*  
27    *of reducing greenhouse gas emissions, as required by California*  
28    *Global Warming Solutions Act of 2006.*

29    *SEC. 2. Part 1.6 (commencing with Section 10100) is added*  
30    *to Division 6 of the Water Code, to read:*

31  
32    *PART 1.6. CLIMATE CHANGE AND WATER RESOURCES*

33  
34    *10100. This part shall be known and may be cited as the*  
35    *Climate Change and Water Resource Protection Act of 2007.*

1     10101. (a) The department, as part of its statewide water  
2 resource management responsibilities, shall include an analysis  
3 of the potential effects of climate change, to the extent applicable,  
4 in all reports or plans that the department is required to prepare.  
5 These reports or plans include all of the following:

6     (1) The biennial report on the overall delivery capability of the  
7 State Water Project and the allocation of that capacity to each  
8 contractor.

9     (2) The California Water Plan prepared pursuant to Part 1.5  
10 (commencing with Section 10004).

11     (3) Reports related to the Sacramento-San Joaquin Delta.

12     (4) State Plan of Flood Control.

13     (5) Bulletin 118 or other bulletins issued by the department  
14 concerning the statewide status of groundwater resources.

15     (b) The department shall investigate and determine, no later  
16 than December 31, 2008, the total equivalent carbon dioxide  
17 emissions arising from its operation of the State Water Project.

18     (c) The department shall not approve any request for a grant  
19 for the purposes of Section 75026 of the Public Resources Code,  
20 submitted after January 1, 2009, unless the application includes  
21 the information and analysis regarding climate change.

22     (d) On or before July 1, 2008, the department shall identify  
23 available information or develop information regarding climate  
24 change and water resources for each of the state's hydrologic  
25 basins for use by state and local agencies in preparing plans  
26 described in Sections 10103 and 10104. To the maximum extent  
27 practicable, the department shall make the information available  
28 on its Internet Web site or through other readily available means.  
29 The department may periodically update the climate change  
30 information, as appropriate.

31     10102. (a) In order to assist local and state agencies in  
32 implementing the California Global Warming Solutions Act of  
33 2006 (Division 25.5 (commencing with Section 38500) of the  
34 Health and Safety Code), the State Water Resources Control Board,  
35 in consultation with the department, the State Air Resources Board,  
36 and the Public Utilities Commission, shall prepare a report that  
37 quantifies the energy savings and greenhouse gas emission  
38 reductions associated with alternative water supply development,  
39 including, but not limited to, increasing the use of recycled water

1 to offset the use of existing potable water supplies in the state and  
2 expanding reliance on water conservation.

3 (b) In making the quantification related to water recycling  
4 required by subdivision (a), and using the best scientific  
5 information available, the report shall quantify statewide energy  
6 savings and greenhouse gas emission reductions assuming the  
7 following percentages of wastewater in the state are treated for  
8 use as recycled water and used to offset the use of potable water  
9 supplies in each hydrologic region of the state: 30 percent, 50  
10 percent, 70 percent, and 90 percent.

11 (c) In making the quantification related to water conservation  
12 required by subdivision (a), and using the best scientific  
13 information available, the report shall quantify statewide energy  
14 savings and greenhouse gas emission reductions assuming the  
15 maximum potential water use efficiency identified in the  
16 department's Bulletin 160-05.

17 (d) The State Water Resources Control Board shall submit the  
18 report required by subdivision (a) to the Governor and the  
19 Legislature, and make the report available to the general public,  
20 on or before January 1, 2009. The report shall include specific  
21 policy recommendations and administrative actions that will assist  
22 the state in meeting the requirements of Section 38560.5 of the  
23 Health and Safety Code to identify and implement specific  
24 greenhouse gas emission reduction measures.

25 10103. For the purpose of preparing or revising a state water  
26 quality control plan or a regional water quality control plan, the  
27 State Water Resources Control Board or the regional water quality  
28 control board shall consider, as appropriate, a reasonable range  
29 of plausible hydrological, temperature, and sea-level rise scenarios  
30 resulting from climate change.

31 10104. (a) On and after January 1, 2009, an urban water  
32 supplier that is required to prepare a plan pursuant to Part 2.6  
33 (commencing with Section 10610), or an agricultural water  
34 supplier that is required to prepare a plan pursuant to Part 2.8  
35 (commencing with Section 10800), shall do all of the following:

36 (1) Request or otherwise obtain from the department the  
37 information regarding climate change and water supply made  
38 available pursuant to subdivision (d) of Section 10101.

39 (2) Identify the possible effects of climate change on its water  
40 supply projections based on the information made available

1 pursuant to subdivision (d) of Section 10101 or other reasonably  
2 reliable information in the possession of the supplier.

3 (3) Consider the information described in paragraphs (1) and  
4 (2) for the purposes of making determinations required by Part  
5 2.6 (commencing with Section 10610) or Part 2.8 (commencing  
6 with Section 10800).

7 (b) For the purposes of preparing grant applications for the  
8 purposes of Section 75026 of the Public Resource Code, submitted  
9 to the department after January 1, 2009, the supplier shall consider  
10 the information made available pursuant to subdivision (d) of  
11 Section 10101.

12 (c) If the information described in subdivision (d) of Section  
13 10101 is not available or does not apply to a supplier described  
14 in subdivision (a), the supplier is not subject to the requirements  
15 of this section.

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18 **All matter omitted in this version of the bill**  
19 **appears in the bill as introduced in the**  
20 **Assembly, January 29, 2007 (JR11)**  
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