

AMENDED IN ASSEMBLY APRIL 17, 2007

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 224

Introduced by Assembly Member Wolk

January 29, 2007

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~~ *a specified grant*, submitted after January 1, 2009, unless ~~the application includes certain information~~ *certain requirements are met*. The department would be required, by July 1, 2008, to identify available *peer-reviewed* information, or develop information, regarding climate change and water resources for *the state and* 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~~ *specified climate change* 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.

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 Integrated Energy Policy Report (CEC-IEPR)*
- 9 *produced in 2005 estimates that water-related energy use consumes*
- 10 *19 percent of the state's electricity, 30 percent of its natural gas,*
- 11 *and 88 billion gallons of diesel fuel every year.*
- 12 *(c) The CEC-IEPR also found that water supply and conveyance*
- 13 *have both the highest energy magnitude and the greatest variability*
- 14 *in energy intensity in the water use cycle.*
- 15 *(d) The California Global Warming Solutions Act of 2006*
- 16 *requires the adoption of a statewide greenhouse gas emissions*
- 17 *limit equivalent to the statewide greenhouse gas emissions level*
- 18 *in 1990 to be achieved by 2020. Existing law requires all state*
- 19 *agencies to consider and implement strategies to reduce their*
- 20 *greenhouse gas emissions.*

1 (e) *The CEC-IEPR concluded that, in many areas of the state,*
2 *recycled water is the least energy-intensive source of new water*
3 *supply. Increased use of recycled water statewide will reduce*
4 *California's energy consumption and help meet the state's goal*
5 *of reducing greenhouse gas emissions, as required by the*
6 *California Global Warming Solutions Act of 2006.*

7 (f) *Increasing water conservation statewide will also reduce*
8 *California's energy consumption and help meet the state's goal*
9 *of reducing greenhouse gas emission, as required by the California*
10 *Global Warming Solutions Act of 2006.*

11 (g) *California should improve its overall planning process to*
12 *ensure a safe, clean, and reliable water supply by more fully*
13 *considering the impacts of climate change and by identifying water*
14 *supply options that will help the state meet the requirements of the*
15 *California Global Warming Solutions Act of 2006.*

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

18
19 PART 1.6. CLIMATE CHANGE AND WATER RESOURCES

20
21 10100. *This part shall be known and may be cited as the*
22 *Climate Change and Water Resource Protection Act of 2007.*

23 10101. (a) *The department, as part of its statewide water*
24 *resource management responsibilities, shall include an analysis*
25 *of the potential effects of climate change, to the extent applicable,*
26 *in all reports or plans that the department is required to prepare.*
27 *These reports or plans include all of the following:*

28 (1) *The biennial report on the overall delivery capability of the*
29 *State Water Project and the allocation of that capacity to each*
30 *contractor.*

31 (2) *The California Water Plan prepared pursuant to Part 1.5*
32 *(commencing with Section 10004).*

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

34 (4) *State Plan of Flood Control.*

35 (5) *Bulletin 118 and other bulletins issued by the department*
36 *concerning the statewide status of groundwater resources.*

37 (b) *On or before July 1, 2008, the department shall identify*
38 *available peer-reviewed information, including information*
39 *produced in response to Executive Order S-3-05, or develop*
40 *information, regarding climate change and water resources for*

1 the state and each of the state's hydrologic basins for use by state
2 and local agencies in preparing plans described in Sections 10103
3 and 10104. To the maximum extent practicable, the department
4 shall make the information available on its Internet Web site or
5 through other readily available means. In conjunction with the
6 preparation of the California Water Plan, the department shall
7 work with the California Environmental Protection Agency and
8 the scientific community to periodically update the climate change
9 information, as appropriate.

10 (c) The department shall not approve any request for a grant
11 pursuant to Section 75026 of the Public Resources Code, submitted
12 after January 1, 2009, unless the integrated regional water
13 management plan that is the basis of the grant application includes
14 consideration of the information regarding climate change made
15 available in accordance with subdivision (b) or Section 10103. If
16 this information is not available, or does not apply to a particular
17 integrated regional water management planning area, the grant
18 applicant is not subject to the requirements of this section.

19 10102. (a) In order to assist local and state agencies in
20 implementing the California Global Warming Solutions Act of
21 2006 (Division 25.5 (commencing with Section 38500) of the
22 Health and Safety Code), the State Water Resources Control Board,
23 in consultation with the department, the State Air Resources Board,
24 the Energy Resources Conservation and Development Commission,
25 and the Public Utilities Commission, shall prepare a report that
26 quantifies the energy savings and greenhouse gas emission
27 reductions associated with water supply development, including,
28 but not limited to, increasing the use of recycled water to offset
29 the use of potable water for nonpotable uses in the state and
30 expanding reliance on water conservation.

31 (b) In making the quantifications required by subdivision (a),
32 the board shall use the best scientific information available and
33 consult with all interested local agencies.

34 (c) The report shall quantify statewide energy savings and
35 greenhouse gas emission reductions by utilizing various scenarios
36 that assume the state will exceed its current use of recycled water
37 and will meet or exceed the state's goal for water recycling
38 established by Section 13577. The study shall consider energy
39 savings and greenhouse gas emission reductions in each region
40 identified in Section 13200 from all possible nonpotable uses of

1 recycled water referenced in Chapter 3 (commencing with Section
2 60301) of Division 4 of Title 22 of the California Code of
3 Regulations, including agricultural, industrial, environmental,
4 groundwater recharge, commercial, and urban irrigation uses.

5 (d) In making the quantification related to water conservation,
6 the report shall quantify statewide energy savings and greenhouse
7 gas emission reductions assuming the maximum potential water
8 use efficiency identified in the department's Bulletin 160-05.

9 (e) The board shall submit the report required by subdivision
10 (a) to the Governor and the Legislature, and make the report
11 available to the public, on or before January 1, 2009. The report
12 shall include specific policy recommendations and administrative
13 actions that will assist the state in meeting the requirements of
14 Section 38560.5 of the Health and Safety Code to identify and
15 implement specific greenhouse gas emission reduction measures.

16 10103. For the purpose of preparing or revising a state water
17 quality control plan or a regional water quality control plan, the
18 State Water Resources Control Board or the regional water quality
19 control board shall consider, as appropriate, a reasonable range
20 of plausible hydrological, temperature, and sea-level rise scenarios
21 resulting from climate change.

22 10104. (a) On and after January 1, 2009, an urban water
23 supplier that is required to prepare a plan pursuant to Part 2.6
24 (commencing with Section 10610), or an agricultural water
25 supplier that is required to prepare a plan pursuant to Part 2.8
26 (commencing with Section 10800), shall do both of the following:

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

30 (2) Identify, to the extent practicable, the possible effects of
31 climate change on its water supply projections based on the
32 information made available pursuant to subdivision (d) of Section
33 10101 or other relevant information if the supplier deems that
34 information reasonably reliable.

35 (b) An urban water supplier shall consider the information
36 regarding climate change and water supply made available
37 pursuant to subdivision (b) of Section 10101 in describing the
38 reliability of its water supply pursuant to subdivision (c) of Section
39 10631 and the reliability of water service to its customers pursuant
40 to Section 10635.

1 (c) *An agricultural water supplier shall consider the information*
2 *regarding climate change and water supply made available*
3 *pursuant to subdivision (b) of Section 10101 in describing the*
4 *quantity and source of water delivered to, and by, the supplier.*

5 (d) *If the information described in subdivision (d) of Section*
6 *10101 is not available or does not apply to a supplier described*
7 *in subdivision (a), the supplier is not subject to the requirements*
8 *of this section.*

9 ~~SECTION 1. The Legislature hereby finds and declares all of~~
10 ~~the following:~~

11 ~~(a) The Department of Water Resources issued a 2006 report~~
12 ~~on climate change and California's water resources, concluding~~
13 ~~that climate change is likely to have significant effects on the~~
14 ~~state's water supply projects and the Sacramento-San Joaquin~~
15 ~~Delta.~~

16 ~~(b) The State Energy Resources Conservation and Development~~
17 ~~Commission's Public Interest Energy Research Program~~
18 ~~(CEC-PIER) produced reports in 2005 and 2006 regarding~~
19 ~~water-related energy use in California that estimate that~~
20 ~~water-related energy use consumes 19 percent of the state's~~
21 ~~electricity, 30 percent of its natural gas, and 88 billion gallons of~~
22 ~~diesel fuel every year.~~

23 ~~(c) The CEC-PIER report also found that water supply and~~
24 ~~conveyance have both the highest energy magnitude and the~~
25 ~~greatest variability in energy intensity. The report noted that, on~~
26 ~~a statewide average, recycled water is the least energy-intensive~~
27 ~~source of new water supply.~~

28 ~~(d) The California Global Warming Solutions Act of 2006~~
29 ~~requires the adoption of a statewide greenhouse gas emissions~~
30 ~~limit equivalent to the statewide greenhouse gas emissions level~~
31 ~~in 1990 to be achieved by 2020. Existing law requires all state~~
32 ~~agencies to consider and implement strategies to reduce their~~
33 ~~greenhouse gas emissions.~~

34 ~~(e) Increased use of recycled water statewide will reduce~~
35 ~~California's energy consumption and help meet the state's goal of~~
36 ~~reducing greenhouse gas emissions, as required by California~~
37 ~~Global Warming Solutions Act of 2006.~~

38 ~~SEC. 2. Part 1.6 (commencing with Section 10100) is added~~
39 ~~to Division 6 of the Water Code, to read:~~

~~PART 1.6. CLIMATE CHANGE AND WATER RESOURCES~~

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

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

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

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

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

~~(4) State Plan of Flood Control.~~

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

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

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

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

~~10102. (a) In order to assist local and state agencies in implementing the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), the State Water Resources Control Board, in consultation with the department, the State Air Resources Board, and the Public Utilities Commission, shall prepare a report that~~

1 quantifies the energy savings and greenhouse gas emission
2 reductions associated with alternative water supply development,
3 including, but not limited to, increasing the use of recycled water
4 to offset the use of existing potable water supplies in the state and
5 expanding reliance on water conservation.

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

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

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

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

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

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

4 ~~(2) Identify the possible effects of climate change on its water~~
5 ~~supply projections based on the information made available~~
6 ~~pursuant to subdivision (d) of Section 10101 or other reasonably~~
7 ~~reliable information in the possession of the supplier.~~

8 ~~(3) Consider the information described in paragraphs (1) and~~
9 ~~(2) for the purposes of making determinations required by Part 2.6~~
10 ~~(commencing with Section 10610) or Part 2.8 (commencing with~~
11 ~~Section 10800).~~

12 ~~(b) For the purposes of preparing grant applications for the~~
13 ~~purposes of Section 75026 of the Public Resource Codes, submitted~~
14 ~~to the department after January 1, 2009, the supplier shall consider~~
15 ~~the information made available pursuant to subdivision (d) of~~
16 ~~Section 10101.~~

17 ~~(c) If the information described in subdivision (d) of Section~~
18 ~~10101 is not available or does not apply to a supplier described in~~
19 ~~subdivision (a), the supplier is not subject to the requirements of~~
20 ~~this section.~~