

AMENDED IN ASSEMBLY APRIL 25, 2007

AMENDED IN ASSEMBLY APRIL 17, 2007

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 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 prohibit the department from approving a request for a specified grant, submitted after January 1, 2009, unless 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 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 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
- 6     state's water supply projects and the Sacramento-San Joaquin
- 7     Delta.
- 8     (b) The State Energy Resources Conservation and Development
- 9     Commission's Integrated Energy Policy Report (CEC-IEPR)
- 10    produced in 2005 estimates that water-related energy use consumes
- 11    19 percent of the state's electricity, 30 percent of its natural gas,
- 12    and 88 billion gallons of diesel fuel every year.
- 13    (c) The CEC-IEPR also found that water supply and conveyance
- 14    have both the highest energy magnitude and the greatest variability
- 15    in energy intensity in the water use cycle.
- 16    (d) The California Global Warming Solutions Act of 2006
- 17    requires the adoption of a statewide greenhouse gas emissions
- 18    limit equivalent to the statewide greenhouse gas emissions level
- 19    in 1990 to be achieved by 2020. Existing law requires all state
- 20    agencies to consider and implement strategies to reduce their
- 21    greenhouse gas emissions.
- 22    (e) The CEC-IEPR concluded that, in many areas of the state,
- 23    recycled water is the least energy-intensive source of new water
- 24    supply. Increased use of recycled water statewide will reduce

1 California's energy consumption and help meet the state's goal of  
2 reducing greenhouse gas emissions, as required by the California  
3 Global Warming Solutions Act of 2006.

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

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

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

15  
16 PART 1.6. CLIMATE CHANGE AND WATER RESOURCES  
17

18 10100. This part shall be known and may be cited as the  
19 Climate Change and Water Resource Protection Act of 2007.

20 10101. (a) The department, as part of its statewide water  
21 resource management responsibilities, shall include an analysis of  
22 the potential effects of climate change, to the extent applicable, in  
23 all reports or plans that the department is required to prepare. These  
24 reports or plans include all of the following:

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

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

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

31 (4) State Plan of Flood Control.

32 (5) Bulletin 118 and other bulletins issued by the department  
33 concerning the statewide status of groundwater resources.

34 (b) On or before July 1, 2008, the department shall identify  
35 available peer-reviewed information, including information  
36 produced in response to Executive Order S-3-05, or develop  
37 information, regarding climate change and water resources for the  
38 state and each of the state's hydrologic basins for use by state and  
39 local agencies in preparing plans described in Sections 10103 and  
40 10104. To the maximum extent practicable, the department shall

1 make the information available on its Internet Web site or through  
2 other readily available means. In conjunction with the preparation  
3 of the California Water Plan, the department shall work with the  
4 California Environmental Protection Agency and the scientific  
5 community to periodically update the climate change information,  
6 as appropriate.

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

18 10102. (a) In order to assist local and state agencies in  
19 implementing the California Global Warming Solutions Act of  
20 2006 (Division 25.5 (commencing with Section 38500) of the  
21 Health and Safety Code), the State Water Resources Control Board,  
22 in consultation with the department, the State Air Resources Board,  
23 the Energy Resources Conservation and Development Commission,  
24 and the Public Utilities Commission, shall prepare a report that  
25 quantifies the energy savings and greenhouse gas emission  
26 reductions associated with water supply development, including,  
27 but not limited to, increasing the use of recycled water to offset  
28 the use of potable water for nonpotable uses in the state and  
29 expanding reliance on water conservation.

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

33 (c) The report shall quantify statewide energy savings and  
34 greenhouse gas emission reductions by utilizing various scenarios  
35 that assume the state will exceed its current use of recycled water  
36 and will meet or exceed the state's goal for water recycling  
37 established by Section 13577. The study shall consider energy  
38 savings and greenhouse gas emission reductions in each region  
39 identified in Section 13200 from all possible nonpotable uses of  
40 recycled water referenced in Chapter 3 (commencing with Section

1 60301) of Division 4 of Title 22 of the California Code of  
2 Regulations, including agricultural, industrial, environmental,  
3 groundwater recharge, commercial, and urban irrigation uses.

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

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

15 10103. For the purpose of preparing or revising a state water  
16 quality control plan or a regional water quality control plan, the  
17 State Water Resources Control Board or the regional water quality  
18 control board shall consider, as appropriate, a reasonable range of  
19 plausible hydrological, temperature, and sea-level rise scenarios  
20 resulting from climate change.

21 10104. (a) On and after January 1, 2009, an urban water  
22 supplier that is required to prepare a plan pursuant to Part 2.6  
23 (commencing with Section 10610), or an agricultural water supplier  
24 that is required to prepare a plan pursuant to Part 2.8 (commencing  
25 with Section 10800), shall do both of the following:

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

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

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

- 1 (c) An agricultural water supplier shall consider the information  
2 regarding climate change and water supply made available pursuant  
3 to subdivision (b) of Section 10101 *or other relevant information*  
4 *if the supplier deems that information reasonably reliable* in  
5 describing the quantity and source of water delivered to, and by,  
6 the supplier.
- 7 (d) If the information described in subdivision (d) of Section  
8 10101 is not available or does not apply to a supplier described in  
9 subdivision (a), the supplier is not subject to the requirements of  
10 this section.