

AMENDED IN SENATE JULY 5, 2007
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

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 prohibit the department from approving a request for a specified grant, submitted after January 1, 2009 2010, unless certain requirements are met. The department would be required, by July 1, 2008, to identify available peer-reviewed information, or ~~develop information~~ *the best available scientific 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~~ *department*, 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~~ *department* 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.

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

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

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

SEC. 2. Part 1.6 (commencing with Section 10100) is added 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 and other bulletins issued by the department concerning the statewide status of groundwater resources.

(b) On or before July 1, 2008, the department shall identify available peer-reviewed information, *or in its absence, the best available scientific information*, including information produced in response to Executive Order S-3-05, ~~or develop information,~~

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

11 (c) The department shall not approve any request for a grant
12 pursuant to Section 75026 of the Public Resources Code, submitted
13 after January 1, ~~2009~~ 2010, unless the integrated regional water
14 management plan that is the basis of the grant application ~~includes~~
15 ~~consideration of the information regarding climate change made~~
16 ~~available in accordance with subdivision (b) or Section 10103 or~~
17 ~~other relevant information if the supplier deems that information~~
18 ~~reasonably reliable. If this information is not available, or does~~
19 ~~not apply to a particular integrated regional water management~~
20 ~~planning area, the grant applicant is not subject to the requirements~~
21 ~~of this section. meets either of the following conditions:~~

22 (1) *The integrated regional water management plan includes*
23 *consideration of the information regarding climate change made*
24 *available in accordance with subdivision (b) or Section 10103 or*
25 *other relevant information if the supplier deems that information*
26 *reasonably reliable. If this information is not available, or does*
27 *not apply to a particular integrated regional water management*
28 *planning area, the grant applicant is not subject to the*
29 *requirements of this section and the body adopting the integrated*
30 *regional water management plan shall adopt a written statement*
31 *that information pursuant to subdivision (b) is not available, or*
32 *does not apply to the integrated regional water management in*
33 *the planning area.*

34 (2) *The integrated regional water management plan was adopted*
35 *before January 1, 2009, has not been updated or amended, and*
36 *the department received the grant application within four years*
37 *from the date the integrated regional water management plan was*
38 *adopted.*

39 10102. (a) In order to assist local and state agencies in
40 implementing the California Global Warming Solutions Act of

1 2006 (Division 25.5 (commencing with Section 38500) of the
2 Health and Safety Code), *the department, in collaboration with*
3 *the State Water Resources Control Board, in consultation with the*
4 ~~department~~, the State Air Resources Board, the Energy Resources
5 Conservation and Development Commission, and the Public
6 Utilities Commission, shall prepare a report that quantifies the
7 energy savings and greenhouse gas emission reductions associated
8 with water supply development, including, but not limited to,
9 increasing the use of recycled water to offset the use of potable
10 water for nonpotable uses in the state and expanding reliance on
11 water conservation. *The State Water Resources Control Board has*
12 *the primary responsibility for the analysis of recycled water and*
13 *the department has primary responsibility for the analysis of all*
14 *other water supply development alternatives.*

15 (b) In making the quantifications required by subdivision (a),
16 ~~the board~~ agencies shall use the best scientific information
17 available and consult with all interested local agencies.

18 (c) The report shall quantify statewide energy savings and
19 greenhouse gas emission reductions by utilizing various scenarios
20 that assume the state will exceed its current use of recycled water
21 and will meet or exceed the state's goal for water recycling
22 established by Section 13577. The study shall consider energy
23 savings and greenhouse gas emission reductions in each region
24 identified in Section 13200 from all possible nonpotable uses of
25 recycled water referenced in Chapter 3 (commencing with Section
26 60301) of Division 4 of Title 22 of the California Code of
27 Regulations, including agricultural, industrial, environmental,
28 groundwater recharge, commercial, and urban irrigation uses.

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

33 (e) ~~The board~~ department shall submit the report required by
34 subdivision (a) to the Governor and the Legislature, and make the
35 report available to the public, on or before January 1, 2009. The
36 report shall include specific policy recommendations and
37 administrative actions that will assist the state in meeting the
38 requirements of Section 38560.5 of the Health and Safety Code
39 to identify and implement specific greenhouse gas emission
40 reduction measures.

1 10103. For the purpose of preparing or revising a state water
2 quality control plan or a regional water quality control plan, the
3 State Water Resources Control Board or the regional water quality
4 control board shall consider, as appropriate, a reasonable range of
5 plausible hydrological, temperature, and sea-level rise scenarios
6 resulting from climate change.

7 10104. (a) On and after January 1, 2009, an urban water
8 supplier that is required to prepare a plan pursuant to Part 2.6
9 (commencing with Section 10610), or an agricultural water supplier
10 that is required to prepare a plan pursuant to Part 2.8 (commencing
11 with Section 10800), shall do both of the following:

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

15 (2) Identify, to the extent practicable, the possible effects of
16 climate change on its water supply projections based on the
17 information made available pursuant to subdivision (b) of Section
18 10101 or other relevant information if the supplier deems that
19 information reasonably reliable.

20 (b) An urban water supplier shall consider the information
21 regarding climate change and water supply made available pursuant
22 to subdivision (b) of Section 10101 or other information if the
23 supplier deems that information reasonably reliable in describing
24 the reliability of its water supply pursuant to subdivision (c) of
25 Section 10631 and the reliability of water service to its customers
26 pursuant to Section 10635.

27 (c) An agricultural water supplier shall consider the information
28 regarding climate change and water supply made available pursuant
29 to subdivision (b) of Section 10101 or other relevant information
30 if the supplier deems that information reasonably reliable in
31 describing the quantity and source of water delivered to, and by,
32 the supplier.

33 (d) If the information described in subdivision ~~(d)~~ (b) of Section
34 10101 is not available or does not apply to a supplier described in
35 subdivision (a), the supplier is not subject to the requirements of
36 this section *and the governing board of a supplier specified in*
37 *subdivision (a) shall adopt a written statement stating that the*

- 1 *information described in subdivision (b) of Section 10101 is not*
- 2 *available or does not apply to the supplier..*

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