

AMENDED IN SENATE AUGUST 1, 2007

AMENDED IN SENATE JULY 18, 2007

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, 2010, unless certain requirements are met. The department would be required, by July 1, 2008, to identify available peer-reviewed

information, or the best available scientific information, regarding climate change and water resources for the state and each of the state's hydrologic ~~basins~~ *regions* for specified uses. The bill, *on and after January 1, 2009*, would require an urban water supplier and an agricultural water supplier *that is required to prepare a water management plan* to take certain action relating to specified climate change information.

The bill would require the department, in ~~consultation~~ *collaboration* with other state agencies, to prepare a report that quantifies the energy savings and greenhouse gas emission reductions associated with water supply development. The 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~~ *and each* California regional water quality board to ~~take specified action~~ *consider specified matters* relating to climate change for the purpose of ~~preparing a state or regional water quality control plan, as applicable~~ *reviewing applicable water quality standards in accordance with the federal Clean Water Act*.

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

1 limit equivalent to the statewide greenhouse gas emissions level
2 in 1990 to be achieved by 2020. Existing law requires all state
3 agencies to consider and implement strategies to reduce their
4 greenhouse gas emissions.

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

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

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

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

22
23 PART 1.6. CLIMATE CHANGE AND WATER RESOURCES
24

25 10100. This part shall be known and may be cited as the
26 Climate Change and Water Resource Protection Act of 2007.

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

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

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

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

38 (4) State Plan of Flood Control.

39 (5) Bulletin 118 and other bulletins issued by the department
40 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, regarding climate change and water resources for the state and each of the state's hydrologic basins *regions* for use by state and local agencies ~~in preparing plans for the purposes~~ 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. In conjunction with the preparation of the California Water Plan, the department shall work with the California Environmental Protection Agency and the scientific community to periodically update the climate change information, as appropriate.

(c) The department shall not approve any request for a grant pursuant to Section 75026 of the Public Resources Code, submitted after January 1, 2010, unless the integrated regional water management plan that is the basis of the grant application includes consideration of the information regarding climate change made available in accordance with subdivision (b) ~~or of~~ Section 10103 or other relevant information if the ~~supplier~~ *applicant* deems that information reasonably reliable. If this information is not available, or does not apply to a particular integrated regional water management planning area, the grant applicant is not subject to the requirements of this section and the body adopting the integrated regional water management plan shall adopt a written statement that information pursuant to subdivision (b) is not available, or does not apply to the integrated regional water management in the planning area.

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 department, in collaboration with the State Water Resources Control Board, the State Air Resources Board, the Energy Resources Conservation and Development Commission, and the Public Utilities Commission, shall prepare a report that quantifies the energy savings and greenhouse gas emission reductions associated with water supply development, including, but not limited to, increasing the use of recycled water to offset the use of potable water for nonpotable uses in the state

1 and expanding reliance on water conservation. For the purposes
2 of this section, the State Water Resources Control Board has the
3 primary responsibility for the analysis of recycled water and the
4 department has primary responsibility for the analysis of all other
5 water supply development alternatives.

6 (b) In making the quantifications required by subdivision (a),
7 the agencies shall use the best scientific information available and
8 consult with all interested local agencies.

9 (c) The report shall quantify statewide energy savings and
10 greenhouse gas emission reductions by utilizing various scenarios
11 that assume the state will exceed its current use of recycled water
12 and will meet or exceed the state's goal for water recycling
13 established by Section 13577. The study shall consider energy
14 savings and greenhouse gas emission reductions in each region
15 identified in Section 13200 from all possible nonpotable uses of
16 recycled water referenced in Chapter 3 (commencing with Section
17 60301) of Division 4 of Title 22 of the California Code of
18 Regulations, including agricultural, industrial, environmental,
19 groundwater recharge, commercial, and urban irrigation uses.

20 (d) In making the quantification related to water conservation,
21 the report shall quantify statewide energy savings and greenhouse
22 gas emission reductions assuming the maximum potential water
23 use efficiency identified in the department's Bulletin 160-05. The
24 report shall include recommendations as to emission reduction
25 measures that provide state agencies a way to reduce greenhouse
26 gas emissions from water use.

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

35 ~~10103. For the purpose of preparing or revising a state water~~
36 ~~quality control plan or a regional water quality control plan, the~~
37 ~~State Water Resources Control Board or the regional water quality~~
38 ~~control board shall do all of the following:~~

1 ~~(a) Request, or otherwise obtain from the department, the~~
2 ~~information made available pursuant to subdivision (b) of Section~~
3 ~~10101.~~

4 ~~(b) Identify, to the extent practicable and relevant, the possible~~
5 ~~effects of climate change on water quality based on the information~~
6 ~~made available pursuant to subdivision (b) of Section 10101 or~~
7 ~~other relevant information that the State Water Resources Control~~
8 ~~Board or the regional water quality control board deems relevant~~
9 ~~and reasonably reliable.~~

10 ~~(c) Consider the information made available pursuant to~~
11 ~~subdivision (b) of Section 10101 or other relevant information that~~
12 ~~the State Water Resources Control Board or the regional water~~
13 ~~quality control board deems relevant and reasonably reliable for~~
14 ~~the purpose of the triennial review of applicable water quality~~
15 ~~standards undertaken pursuant to the Clean Water Act (33 U.S.C.~~
16 ~~Sec. 1313(e)(1)).~~

17 *10103. For the purpose of the triennial review of applicable*
18 *water quality standards pursuant to Section 303(c)(1) of the Clean*
19 *Water Act (33 U.S.C. Sec. 1313, the State Water Resources Control*
20 *Board and each California regional water quality control board*
21 *shall consider, to the extent practicable, the reasonably foreseeable*
22 *effects of climate change on the water quality of the basin, based*
23 *on the applicable information made available pursuant to*
24 *subdivision (b) of Section 10101 and other information that the*
25 *State Water Resources Control Board or the California regional*
26 *water quality control board deems relevant and reliable.*

27 *10104. (a) On and after January 1, 2009, an urban water*
28 *supplier that is required to prepare a plan pursuant to Part 2.6*
29 *(commencing with Section 10610), or an agricultural water supplier*
30 *that is required to prepare a plan pursuant to Part 2.8 (commencing*
31 *with Section 10800), shall do both of the following: shall do all*
32 *of the following:*

33 *(1) Request or otherwise obtain from the department the*
34 *information regarding climate change and water supply made*
35 *available pursuant to subdivision (b) of Section 10101.*

36 *(2) Identify, to the extent practicable, the possible effects of*
37 *climate change on its water supply projections based on the*
38 *information made available pursuant to subdivision (b) of Section*
39 *10101 or other relevant information if the supplier deems that*
40 *information reasonably reliable.*

1 ~~(b) An urban water supplier shall consider~~

2 (3) *Consider the information regarding climate change and*
3 *water supply made available pursuant to subdivision (b) of Section*
4 *10101 or other information if the supplier deems that information*
5 *reasonably reliable in describing the reliability of its water supply*
6 *pursuant to subdivision (c) of Section 10631 and the reliability of*
7 *water service to its customers pursuant to Section 10635.*

8 ~~(c) An agricultural water supplier shall consider the information~~
9 ~~regarding climate change and water supply made available pursuant~~
10 ~~to subdivision (b) of Section 10101 or other relevant information~~
11 ~~if the supplier deems that information reasonably reliable in~~
12 ~~describing the quantity and source of water delivered to, and by,~~
13 ~~the supplier.~~

14 (b) *On and after January 1, 2009, an agricultural water supplier*
15 *that is required to prepare a plan pursuant to Part 2.8*
16 *(commencing with Section 10800) shall do all of the following:*

17 (1) *Request or otherwise obtain from the department the*
18 *information regarding climate change and water supply made*
19 *available pursuant to subdivision (b) of Section 10101.*

20 (2) *Identify, to the extent practicable, the possible effects of*
21 *climate change on its water supply based on the information made*
22 *available pursuant to subdivision (b) of Section 10101 or other*
23 *relevant information if the supplier deems that information*
24 *reasonably reliable.*

25 (3) *Consider the information regarding climate change and*
26 *water supply made available pursuant to subdivision (b) of Section*
27 *10101 or other relevant information if the supplier deems that*
28 *information reasonably reliable in describing the quantity and*
29 *source of water delivered to, and by, the supplier.*

30 ~~(d)~~

31 (c) *If the information described in subdivision (b) of Section*
32 *10101 is not available or does not apply to a supplier described in*
33 *subdivision (a) or (b), the supplier is not subject to the requirements*
34 *of this section and the governing board of a supplier specified in*
35 *subdivision (a) or (b) shall adopt a written statement stating that*
36 *the information described in subdivision (b) of Section 10101 is*
37 *not available or does not apply to the supplier.*