

AMENDED IN SENATE MAY 28, 2008
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~~ 2008. The bill would require the Department of Water Resources *to include in any water facility feasibility study an analysis of the proposed facility's relationship to greenhouse gas emissions and climate change. The bill would require the department,* 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~~ 2011, unless certain requirements are met. The department would be required, by July 1, ~~2008~~ 2009, 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 regions for specified uses. The bill, ~~on and after January 1, 2009,~~ would require an urban water supplier, *on and after July 1, 2009*, and an agricultural water supplier, *on and after January 1, 2010*, 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 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~~ 2010. The bill would require the ~~state board~~ *State Water Resources Control Board* and each California regional water quality board to consider specified matters relating to climate change for the purpose of 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 finds and declares all of the*
- 2 *following:*
- 3 (a) *The Department of Water Resources issued a report in 2006*
- 4 *on climate change and California's water resources, and concluded*
- 5 *that climate change is likely to have significant effects on*
- 6 *California's water supply projects and the Sacramento-San*
- 7 *Joaquin 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*
- 11 *consumes 19 percent of the state's electricity, 30 percent of its*
- 12 *natural gas, and 88 billion gallons of diesel fuel every year.*

1 (c) *The CEC-IEPR also found that water supply and conveyance*
2 *have both the highest energy magnitude and the greatest variability*
3 *in energy intensity in the water use cycle.*

4 (d) *The California Global Warming Solutions Act of 2006*
5 *requires the adoption of a statewide greenhouse gas emissions*
6 *limit equivalent to the statewide greenhouse gas emissions level*
7 *in 1990 to be achieved by 2020. Existing law requires all state*
8 *agencies to consider and implement strategies to reduce their*
9 *greenhouse gas emissions.*

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

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

20 (g) *California should improve its overall planning process to*
21 *ensure a safe, clean, and reliable water supply by giving more*
22 *consideration to the impacts of climate change on the state's water*
23 *resources, and by identifying water supply options that will help*
24 *the state meet the requirements of the California Global Warming*
25 *Solutions Act of 2006.*

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

28
29 PART 1.6. CLIMATE CHANGE AND WATER RESOURCES
30

31 10100. *This part shall be known and may be cited as the*
32 *Climate Change and Water Resource Protection Act of 2008.*

33 10101. *It is the intent of the Legislature to support all state*
34 *agencies with responsibility for water resources and energy in*
35 *finding ways to reduce greenhouse gas emissions arising out of*
36 *California's water use. These agencies include, but are not limited*
37 *to, the department, the board, the Public Utilities Commission,*
38 *and the State Energy Resources Conservation and Development*
39 *Commission.*

1 10102. (a) (1) *The Legislature finds and declares that*
2 *decisions as to how to ensure water supply reliability for California*
3 *should include consideration of how climate change may affect*
4 *water resources and how water use affects greenhouse gas*
5 *emissions and climate change.*

6 (2) *The department shall include in any water facility feasibility*
7 *study an analysis of the proposed facility's relationship to*
8 *greenhouse gas emissions and climate change.*

9 (b) *The department, as part of its statewide water resource*
10 *management responsibilities, shall include an analysis of the*
11 *potential effects of climate change, to the extent applicable, in all*
12 *reports or plans relating to water management or planning that*
13 *the department is required to prepare. These reports or plans*
14 *include all of the following:*

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

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

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

21 (4) *The State Plan of Flood Control.*

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

24 10103. (a) *At the request of a local agency with water supply*
25 *responsibilities, the department shall assist the local agency in*
26 *assessing the extent of greenhouse gas emissions arising out of*
27 *water supply operations, estimating the impact of climate change*
28 *on the agency's water resources, and identifying options for*
29 *adapting to climate change.*

30 (b) *On or before July 1, 2009, the department shall identify*
31 *available peer-reviewed information, or in its absence, the best*
32 *available scientific information, including information produced*
33 *in response to Executive Order S-3-05, regarding climate change*
34 *and water resources for the state and each of the state's hydrologic*
35 *regions for use by state and local agencies for the purposes*
36 *described in Sections 10105 and 10106. To the maximum extent*
37 *practicable, the department shall make the information available*
38 *on its Internet Web site or through other readily available means.*
39 *In conjunction with the preparation of the California Water Plan,*
40 *the department shall work with the California Environmental*

1 *Protection Agency and the scientific community to periodically*
2 *update the climate change information, as appropriate.*

3 *(c) The department shall not approve any request for a grant*
4 *pursuant to Section 75026 of the Public Resources Code submitted*
5 *after January 1, 2011, unless the integrated regional water*
6 *management plan that is the basis of the grant application includes*
7 *consideration of the information regarding climate change made*
8 *available in accordance with subdivision (b) or other relevant*
9 *information if the applicant deems that information reasonably*
10 *reliable. If this information is not available, or does not apply to*
11 *a particular integrated regional water management planning area,*
12 *the grant applicant is not subject to the requirements of this section*
13 *and the entity adopting the integrated regional water management*
14 *plan shall adopt a written statement that information pursuant to*
15 *subdivision (b) is not available, or does not apply to the integrated*
16 *regional water management in the planning area.*

17 *10104. (a) In order to assist local and state agencies in*
18 *implementing the California Global Warming Solutions Act of*
19 *2006 (Division 25.5 (commencing with Section 38500) of the*
20 *Health and Safety Code), the department, in collaboration with*
21 *the board, the State Air Resources Board, the State Energy*
22 *Resources Conservation and Development Commission, and the*
23 *Public Utilities Commission, shall prepare a report that quantifies*
24 *the energy savings and greenhouse gas emission reductions*
25 *associated with water supply development, including, but not*
26 *limited to, increasing the use of recycled water to offset the use of*
27 *potable water for nonpotable uses in the state and expanding*
28 *reliance on water conservation. For the purposes of this section,*
29 *the board has the primary responsibility for the analysis of recycled*
30 *water and the department has the primary responsibility for the*
31 *analysis of all other water supply development alternatives.*

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

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

1 identified in Section 13200 from all possible nonpotable uses of
2 recycled water, including, but not limited to, all of the following
3 agricultural, industrial, environmental, groundwater recharge,
4 commercial, urban irrigation, and domestic uses:

- 5 (1) Flushing toilets and urinals.
- 6 (2) Priming drain traps.
- 7 (3) Industrial process water that may come into contact with
8 workers.
- 9 (4) Structural fire fighting.
- 10 (5) Decorative fountains.
- 11 (6) Commercial laundries.
- 12 (7) Consolidation of backfill around potable water pipelines.
- 13 (8) Artificial snow making for commercial outdoor use.
- 14 (9) Commercial car washes, including hand washes if the
15 recycled water is not heated, where the general public is excluded
16 from the washing process.
- 17 (10) Industrial boiler feed.
- 18 (11) Nonstructural fire fighting.
- 19 (12) Backfill consolidation around nonpotable piping.
- 20 (13) Soil compaction.
- 21 (14) Mixing concrete.
- 22 (15) Dust control on roads and streets.
- 23 (16) Cleaning roads, sidewalks, and outdoor work areas.
- 24 (17) Industrial process water that will not come into contact
25 with workers.

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

33 (e) The 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, 2010. 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 to
39 identify and implement specific greenhouse gas emission reduction
40 measures.

1 10105. For the purpose of the triennial review of applicable
2 water quality standards pursuant to Section 303(c)(1) of the Clean
3 Water Act (33 U.S.C. Sec. 1313 (c)(1)), the board and each
4 California regional water quality control board shall consider, to
5 the extent practicable, the reasonably foreseeable effects of climate
6 change on the water quality of the basin, based on the applicable
7 information made available pursuant to subdivision (b) of Section
8 10103 and other information that the board or the California
9 regional water quality control board deems relevant and reliable.

10 10106. (a) On and after July 1, 2009, an urban water supplier
11 that is required to prepare a plan pursuant to Part 2.6
12 (commencing with Section 10610) shall do all of the following:

13 (1) Request or otherwise obtain from the department the
14 information regarding climate change and water supply made
15 available pursuant to subdivision (b) of Section 10103.

16 (2) Identify, to the extent practicable, the possible effects of
17 climate change on its water supply projections based on the
18 information made available pursuant to subdivision (b) of Section
19 10103 or other relevant information if the supplier deems that
20 information reasonably reliable.

21 (3) Consider the information regarding climate change and
22 water supply made available pursuant to subdivision (b) of Section
23 10103 or other information if the supplier deems that information
24 reasonably reliable in describing the reliability of its water supply
25 pursuant to subdivision (c) of Section 10631 and the reliability of
26 water service to its customers pursuant to Section 10635.

27 (b) On and after January 1, 2010, an agricultural water supplier
28 that is required to prepare a plan pursuant to Part 2.8
29 (commencing with Section 10800) shall do all of the following:

30 (1) Request or otherwise obtain from the department the
31 information regarding climate change and water supply made
32 available pursuant to subdivision (b) of Section 10103.

33 (2) Consider the information regarding climate change and
34 water supply made available pursuant to subdivision (b) of Section
35 10103 or other relevant information if the supplier deems that
36 information reasonably reliable in describing the quantity and
37 source of water delivered to, and by, the supplier.

38 (c) If the information described in subdivision (b) of Section
39 10103 is not available or does not apply to a supplier described
40 in subdivision (a) or (b), the supplier is not subject to the

1 *requirements of this section and the governing board of a supplier*
2 *specified in subdivision (a) or (b) shall adopt a written statement*
3 *stating that the information described in subdivision (b) of Section*
4 *10103 is not available or does not apply to the supplier.*

5
6
7 **All matter omitted in this version of the bill**
8 **appears in the bill as amended in Senate,**
9 **August 1, 2007 (JR11)**
10