

AMENDED IN SENATE JULY 1, 2008  
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**

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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 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 *specified* 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, 2011, unless certain requirements are met. The department would be required, by July 1, 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 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, 2010. The bill would require the State Water Resources Control Board and each California regional water quality *control* 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 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.

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 of  
14 reducing greenhouse gas emissions, as required by the California  
15 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 of  
18 reducing greenhouse gas emissions, as required by the California  
19 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 ~~decisions~~  
2 ~~as to how to ensure water supply reliability for California~~ *decisions*  
3 *as to the way in which the state ensures water supply reliability*  
4 should include consideration of how climate change may affect  
5 water resources and ~~how the way in which~~ water use affects  
6 greenhouse gas emissions and climate change.

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

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

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

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

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

22 (4) The State Plan of Flood Control *and the Central Valley*  
23 *Flood Protection Plan*.

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

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

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

1 In conjunction with the preparation of the California Water Plan,  
2 the department shall work with the California Environmental  
3 Protection Agency and the scientific community to periodically  
4 update the climate change information, as appropriate, *by including,*  
5 *among other information, information generated pursuant to*  
6 *Chapter 4 (commencing with Section 12890) of Part 2.5 of Division*  
7 *3 of Title 2 of the Government Code.*

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

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

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

(c) The report shall quantify statewide energy savings and greenhouse gas emission reductions by utilizing various scenarios that assume the state will exceed its current use of recycled water and will meet or exceed the state's goal for water recycling established by Section 13577. The study shall consider energy savings and greenhouse gas emission reductions in each region identified in Section 13200 from all possible nonpotable uses of recycled water, ~~including, but not limited to, all of the following meeting the requirements in Chapter 3 (commencing with Section 60301) of Division 4 of Title 22 of the California Code of Regulations, including agricultural, industrial, environmental, groundwater recharge, commercial, urban irrigation, and domestic~~ uses:

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

(d) In making the ~~quantification~~ *quantifications* related to water conservation, the report shall quantify statewide energy savings and greenhouse gas emission reductions assuming the potential water use efficiency identified in the department's Bulletin 160-05. The report shall include recommendations as to emission reduction

1 measures that provide state agencies a way to reduce greenhouse  
2 gas emissions *resulting* from water use.

3 (e) The department shall submit the report required by  
4 subdivision (a) to the Governor and the Legislature, and make the  
5 report available to the public, on or before January 1, 2010. The  
6 report shall include specific policy recommendations and  
7 administrative actions that will assist the state in meeting the  
8 requirements of Section 38560.5 of the Health and Safety Code  
9 to identify and implement specific greenhouse gas emission  
10 reduction measures. *The report shall include information generated*  
11 *pursuant to Chapter 4 (commencing with Section 12890) of Part*  
12 *2.5 of Division 3 of Title 2 of the Government Code.*

13 10105. For the purpose of the triennial review of applicable  
14 water quality standards pursuant to Section 303(c)(1) of the Clean  
15 Water Act (33 U.S.C. Sec. 1313 (c)(1)), the board and each  
16 California regional water quality control board shall consider, to  
17 the extent practicable, the reasonably foreseeable effects of climate  
18 change on the water quality of the basin, based on the applicable  
19 information made available pursuant to subdivision (b) of Section  
20 10103 and other information that the board or the California  
21 regional water quality control board deems relevant and reliable.

22 10106. (a) On and after July 1, 2009, an urban water supplier  
23 that is required to prepare a plan pursuant to Part 2.6 (commencing  
24 with Section 10610) shall do all of the following:

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

28 (2) Identify, to the extent practicable, the possible effects of  
29 climate change on its water supply projections based on the  
30 information made available pursuant to subdivision (b) of Section  
31 10103 or other relevant information if the supplier deems that  
32 information reasonably reliable.

33 (3) Consider the information regarding climate change and water  
34 supply made available pursuant to subdivision (b) of Section 10103  
35 or other information if the supplier deems that information  
36 reasonably reliable in describing the reliability of its water supply  
37 pursuant to subdivision (c) of Section 10631 and the reliability of  
38 water service to its customers pursuant to Section 10635.

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

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

7 (2) Consider the information regarding climate change and water  
8 supply made available pursuant to subdivision (b) of Section 10103  
9 or other relevant information if the supplier deems that information  
10 reasonably reliable in describing the quantity and source of water  
11 delivered to, and by, the supplier.

12 (c) If the information described in subdivision (b) of Section  
13 10103 is not available or does not apply to a supplier described in  
14 subdivision (a) or (b), the supplier is not subject to the requirements  
15 of this section and the governing board of a supplier specified in  
16 subdivision (a) or (b) shall adopt a written statement stating that  
17 the information described in subdivision (b) of Section 10103 is  
18 not available or does not apply to the supplier.