

AMENDED IN SENATE AUGUST 4, 2008

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

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 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 *and compares* 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

1 19 percent of the state's electricity, 30 percent of its natural gas,
2 and 88 billion gallons of diesel fuel every year.

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

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

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

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

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

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

30
31 PART 1.6. CLIMATE CHANGE AND WATER RESOURCES

32
33 10100. This part shall be known and may be cited as the
34 Climate Change and Water Resource Protection Act of 2008.

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

1 and the State Energy Resources Conservation and Development
2 Commission.

3 10102. (a) (1) The Legislature finds and declares that decisions
4 as to the way in which the state ensures water supply reliability
5 should include consideration of how climate change may affect
6 water resources and the way in which water use affects greenhouse
7 gas emissions and climate change.

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

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

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

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

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

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

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

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

33 ~~(b)–~~

34 10103. (a) On or before July 1, 2009, the department shall
35 identify available peer-reviewed information, or in its absence, the
36 best available scientific information, including information
37 produced in response to Executive Order S-3-05, regarding climate
38 change and water resources for the state and each of the state's
39 hydrologic regions for use by state and local agencies for the
40 purposes described in Sections 10105 and 10106. To the maximum

1 extent practicable, the department shall make the information
2 available on its Internet Web site or through other readily available
3 means. In conjunction with the preparation of the California Water
4 Plan, the department shall work with the California Environmental
5 Protection Agency and the scientific community to periodically
6 update the climate change information, as appropriate, by
7 including, among other information, information generated
8 pursuant to Chapter 4 (commencing with Section 12890) of Part
9 2.5 of Division 3 of Title 2 of the Government Code.

10 (e)

11 (b) 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, 2011, 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) (a) or other relevant
17 information if the applicant deems that information reasonably
18 reliable. If this information is not available, or does not apply to
19 a particular integrated regional water management planning area,
20 the grant applicant is not subject to the requirements of this section
21 and the entity adopting the integrated regional water management
22 plan shall adopt a written statement that information pursuant to
23 subdivision-(b) (a) is not available, or does not apply to the
24 integrated regional water management in the planning area.

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

(b) In making the quantifications *and comparisons* required by subdivision (a), the agencies shall use the best scientific information available and 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, 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.

(d) In making the 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 measures that provide state agencies a way to reduce greenhouse gas emissions resulting from water use.

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

10105. For the purpose of the triennial review of applicable water quality standards pursuant to Section 303(c)(1) of the Clean Water Act (33 U.S.C. Sec. 1313 (c)(1)), the board and each California regional water quality control board shall consider, to the extent practicable, the reasonably foreseeable effects of climate change on the water quality of the basin, based on the applicable information made available pursuant to subdivision ~~(b)~~ (a) of

1 Section 10103 and other information that the board or the
2 California regional water quality control board deems relevant and
3 reliable.

4 10106. (a) On and after July 1, 2009, an urban water supplier
5 that is required to prepare a plan pursuant to Part 2.6 (commencing
6 with Section 10610) shall do all of the following:

7 (1) Request or otherwise obtain from the department the
8 information regarding climate change and water supply made
9 available pursuant to subdivision-~~(b)~~ (a) of Section 10103.

10 (2) Identify, to the extent practicable, the possible effects of
11 climate change on its water supply projections based on the
12 information made available pursuant to subdivision-~~(b)~~ (a) of
13 Section 10103 or other relevant information if the supplier deems
14 that information reasonably reliable.

15 (3) Consider the information regarding climate change and water
16 supply made available pursuant to subdivision-~~(b)~~ (a) of Section
17 10103 or other information if the supplier deems that information
18 reasonably reliable in describing the reliability of its water supply
19 pursuant to subdivision (c) of Section 10631 and the reliability of
20 water service to its customers pursuant to Section 10635.

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

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

27 (2) Consider the information regarding climate change and water
28 supply made available pursuant to subdivision-~~(b)~~ (a) of Section
29 10103 or other relevant information if the supplier deems that
30 information reasonably reliable in describing the quantity and
31 source of water delivered to, and by, the supplier.

32 (c) If the information described in subdivision-~~(b)~~ (a) of Section
33 10103 is not available or does not apply to a supplier described in
34 subdivision (a) or (b), the supplier is not subject to the requirements
35 of this section and the governing board of a supplier specified in
36 subdivision (a) or (b) shall adopt a written statement stating that
37 the information described in subdivision-~~(b)~~ (a) of Section 10103
38 is not available or does not apply to the supplier.