

AMENDED IN ASSEMBLY APRIL 15, 2011

AMENDED IN ASSEMBLY MARCH 23, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 134**

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**Introduced by Assembly Member Dickinson**  
**(Coauthor: Assembly Member Huber)**  
(Principal coauthor: Senator Steinberg)  
(Coauthor: Senator Wolk)

January 12, 2011

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An act to add Section 1486 to the Water Code, relating to water resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 134, as amended, Dickinson. Appropriation of water: Sacramento Regional County Sanitation District.

Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the state board grants permits and licenses to appropriate water.

Existing law requires the owner of a wastewater treatment plant to obtain the approval of the state board prior to making any changes in the point of discharge, place of use, or purpose of use of treated wastewater, and requires the state board to review the proposed changes in accordance with prescribed procedures.

This bill would authorize the Sacramento Regional County Sanitation District to file an application for a permit to appropriate a specified amount of water that is based on the volume of treated wastewater that the district discharges into the Sacramento River, as specified. The bill would authorize the state board to grant a permit to appropriate that

treated wastewater upon terms and conditions determined by the state board. *The bill would require the board, prior to granting a permit pursuant to these provisions, to comply with permit, approval, and review requirements and other laws applicable to the appropriation of water.*

This bill would make legislative findings and declarations as to the necessity of a special statute for the Sacramento Regional County Sanitation District.

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 people of the State of California have a primary interest~~  
 4     ~~in the development of facilities to produce recycled water to~~  
 5     ~~supplement existing surface water and groundwater supplies and~~  
 6     ~~to assist in meeting the future water requirements of the state.~~

7     ~~(b) It is the intent of the Legislature that the state expeditiously~~  
 8     ~~undertake all possible steps to encourage the development of water~~  
 9     ~~recycling facilities so that recycled water may be made available~~  
 10    ~~to meet the growing water supply needs of the state.~~

11    ~~(c) It is in the best interest of the people of the State of~~  
 12    ~~California, in enacting this act, to provide an additional means for~~  
 13    ~~the Sacramento Regional County Sanitation District to realize the~~  
 14    ~~benefit of its production and discharge of high-quality recycled~~  
 15    ~~water, and to provide a potential revenue stream to offset the high~~  
 16    ~~costs associated with upgrades to the sanitation district's~~  
 17    ~~wastewater treatment plant, to meet new wastewater treatment~~  
 18    ~~requirements under the national pollutant discharge elimination~~  
 19    ~~system permit issued by the California Regional Water Quality~~  
 20    ~~Control Board, Central Valley.~~

21    ~~SEC. 2.~~

22    ~~SECTION 1.~~ Section 1486 is added to the Water Code, to read:

23    1486. (a) The Sacramento Regional County Sanitation District,  
 24    and any successor thereto, with respect to treated wastewater  
 25    produced by the sanitation district that meets the requirements of  
 26    the California Regional Water Quality Control Board, Central  
 27    Valley, *as may be amended or modified*, and that is discharged

1 into the Sacramento River, may file an application for a permit to  
2 appropriate *an amount of water* up to the amount of treated  
3 wastewater that is discharged into the Sacramento River, less  
4 diminution by seepage, evaporation, transportation, or other natural  
5 causes between the point of discharge from the wastewater  
6 treatment plant and the point of diversion out of the Sacramento  
7 River or the Sacramento-San Joaquin Delta.

8 (b) Upon application for a permit to appropriate water pursuant  
9 to subdivision (a), the board may grant the permit subject to the  
10 terms and conditions as in the board's judgment are necessary for  
11 the protection of the rights of any legal user of the water.

12 (c) *Prior to the board granting a permit under subdivision (b),*  
13 *the board shall comply with the provisions of Part 2 (commencing*  
14 *with Section 1200) of Division 2, and other applicable law, and*  
15 *may impose terms and conditions authorized thereunder.*

16 (e)

17 (d) Water appropriated in accordance with this section may be  
18 sold or utilized for any beneficial purpose.

19 ~~SEC. 3.~~

20 *SEC. 2.* The Legislature finds and declares that a special law  
21 is necessary and that a general law cannot be made applicable  
22 within the meaning of Section 16 of Article IV of the California  
23 Constitution because of the unique problems applicable to the full  
24 utilization of the waters of the Sacramento River and the  
25 Sacramento-San Joaquin Delta, into which treated wastewater  
26 discharged by the Sacramento Regional County Sanitation District  
27 flows.