

AMENDED IN SENATE MARCH 17, 2011

SENATE BILL

No. 267

Introduced by Senator Rubio

February 14, 2011

~~An act to amend Section 13376 of the Water Code, relating to water quality.~~ *An act to amend Section 10912 of the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 267, as amended, Rubio. ~~Waste discharges: report.~~ *Water supply planning: renewable energy plants.*

(1) Existing law requires a city or county that determines a project is subject to the California Environmental Quality Act to identify any public water system that may supply water for the project and to request those public water systems to prepare a specified water supply assessment. If no public water system is identified, the city or county is required to prepare the water supply assessment.

Existing law defines "project" for purposes of the above provisions as, among other things, a proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.

This bill would revise the definition of "project" to exclude a renewable energy plant that would not demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

The bill, by revising the definition of "project," would impose new duties on local agencies with respect to determining whether a project

is subject to the water supply assessment requirements, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

~~Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the federal Clean Water Act and the Porter-Cologne Water Quality Control Act (state act). The state act requires a person who proposes to discharge pollutants or dredged or fill material or to operate a publicly owned treatment works or other treatment works treating domestic sewage to file a report at least 180 days in advance of the date on which it is desired to commence the discharge of pollutants or dredged or fill material or the operation of the treatment works.~~

~~This bill would instead require that waste discharge report to be filed at least 185 days before the discharge or operation of the treatment work.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~^{yes}.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10912 of the Water Code is amended to
2 read:

3 10912. For the purposes of this part, the following terms have
4 the following meanings:

5 (a) “Project” means any of the following:

6 (1) A proposed residential development of more than 500
7 dwelling units.

8 (2) A proposed shopping center or business establishment
9 employing more than 1,000 persons or having more than 500,000
10 square feet of floor space.

1 (3) A proposed commercial office building employing more
2 than 1,000 persons or having more than 250,000 square feet of
3 floor space.

4 (4) A proposed hotel or motel, or both, having more than 500
5 rooms.

6 (5) A proposed industrial, manufacturing, or processing plant,
7 or industrial park planned to house more than 1,000 persons,
8 occupying more than 40 acres of land, or having more than 650,000
9 square feet of floor area, *except a renewable energy plant not*
10 *meeting the condition described in paragraph (7). A renewable*
11 *energy plant pending approval on the effective date of the*
12 *amendments made to this section at the 2011–12 Regular Session*
13 *is not a project unless the condition described in paragraph (7)*
14 *applies.*

15 (6) A mixed-use project that includes one or more of the projects
16 specified in this subdivision.

17 (7) A project that would demand an amount of water equivalent
18 to, or greater than, the amount of water required by a 500 dwelling
19 unit project.

20 (b) If a public water system has fewer than 5,000 service
21 connections, then “project” means any proposed residential,
22 business, commercial, hotel or motel, or industrial development
23 that would account for an increase of 10 percent or more in the
24 number of the public water system’s existing service connections,
25 or a mixed-use project that would demand an amount of water
26 equivalent to, or greater than, the amount of water required by
27 residential development that would represent an increase of 10
28 percent or more in the number of the public water system’s existing
29 service connections.

30 (c) “Public water system” means a system for the provision of
31 piped water to the public for human consumption that has 3000 or
32 more service connections. A public water system includes all of
33 the following:

34 (1) Any collection, treatment, storage, and distribution facility
35 under control of the operator of the system which is used primarily
36 in connection with the system.

37 (2) Any collection or pretreatment storage facility not under the
38 control of the operator that is used primarily in connection with
39 the system.

1 (3) Any person who treats water on behalf of one or more public
2 water systems for the purpose of rendering it safe for human
3 consumption.

4 *SEC. 2. No reimbursement is required by this act pursuant to*
5 *Section 6 of Article XIII B of the California Constitution because*
6 *a local agency or school district has the authority to levy service*
7 *charges, fees, or assessments sufficient to pay for the program or*
8 *level of service mandated by this act, within the meaning of Section*
9 *17556 of the Government Code.*

10 *SEC. 3. This act is an urgency statute necessary for the*
11 *immediate preservation of the public peace, health, or safety within*
12 *the meaning of Article IV of the Constitution and shall go into*
13 *immediate effect. The facts constituting the necessity are:*

14 *In order to ensure renewable energy projects are approved in*
15 *a timely manner, it is necessary that this act take effect*
16 *immediately.*

17 ~~SECTION 1. Section 13376 of the Water Code is amended to~~
18 ~~read:~~

19 ~~13376. A person who discharges pollutants or proposes to~~
20 ~~discharge pollutants to the navigable waters of the United States~~
21 ~~within the jurisdiction of this state or a person who discharges~~
22 ~~dredged or fill material or proposes to discharge dredged or fill~~
23 ~~material into the navigable waters of the United States within the~~
24 ~~jurisdiction of this state shall file a report of the discharge in~~
25 ~~compliance with the procedures set forth in Section 13260. Unless~~
26 ~~required by the state board or a regional board, a report need not~~
27 ~~be filed under this section for discharges that are not subject to the~~
28 ~~permit application requirements of the Federal Water Pollution~~
29 ~~Control Act, as amended. A person who proposes to discharge~~
30 ~~pollutants or dredged or fill material or to operate a publicly owned~~
31 ~~treatment works or other treatment works treating domestic sewage~~
32 ~~shall file a report at least 185 days in advance of the date on which~~
33 ~~it is desired to commence the discharge of pollutants or dredged~~
34 ~~or fill material or the operation of the treatment works. A person~~
35 ~~who owns or operates a publicly owned treatment works or other~~
36 ~~treatment works treating domestic sewage, which treatment works~~
37 ~~commenced operation before January 1, 1988, and does not~~
38 ~~discharge to navigable waters of the United States, shall file a~~
39 ~~report within 45 days of a written request by a regional board or~~
40 ~~the state board, or within 45 days after the state has an approved~~

1 ~~permit program for the use and disposal of sewage sludge,~~
2 ~~whichever occurs earlier. The discharge of pollutants or dredged~~
3 ~~or fill material or the operation of a publicly owned treatment~~
4 ~~works or other treatment works treating domestic sewage by any~~
5 ~~person, except as authorized by waste discharge requirements or~~
6 ~~dredged or fill material permits, is prohibited. This prohibition~~
7 ~~does not apply to discharges or operations if a state or federal~~
8 ~~permit is not required under the Federal Water Pollution Control~~
9 ~~Act, as amended.~~

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