

AMENDED IN SENATE APRIL 13, 2011
AMENDED IN SENATE MARCH 17, 2011

SENATE BILL

No. 267

Introduced by Senator Rubio

February 14, 2011

An act to amend, *repeal, and add* 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. 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, *until January 1, 2017*, would revise the definition of "project" to exclude a ~~renewable energy plant~~ *proposed photovoltaic or wind energy generation facility approved on or after the effective date of the bill* that would ~~not~~ demand an amount of water equivalent to, or ~~greater~~ *less* than, the amount of water required by a ~~500~~ *250* 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.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: 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.

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

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

16 (5) ~~A(A) Except as otherwise provided in subparagraph (B),~~
17 ~~a proposed industrial, manufacturing, or processing plant, or~~
18 ~~industrial park planned to house more than 1,000 persons,~~
19 ~~occupying more than 40 acres of land, or having more than 650,000~~
20 ~~square feet of floor area, except a renewable energy plant not~~
21 ~~meeting the condition described in paragraph (7). A renewable~~
22 ~~energy plant pending approval on the effective date of the~~
23 ~~amendments made to this section at the 2011–12 Regular Session~~

1 is not a project unless the condition described in paragraph (7)
2 applies.

3 (B) A proposed photovoltaic or wind energy generation facility
4 approved on or after the effective date of the amendments made
5 to this section at the 2011–12 Regular Session is not a project if
6 the facility would demand an amount of water equivalent to, or
7 less than, the amount of water required by a 250 dwelling unit
8 project.

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

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

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

24 (c) “Public water system” means a system for the provision of
25 piped water to the public for human consumption that has ~~3000~~
26 3,000 or more service connections. A public water system includes
27 all of the following:

28 (1) Any collection, treatment, storage, and distribution facility
29 under control of the operator of the system ~~which~~ that is used
30 primarily in connection with the system.

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

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

37 (d) *This section shall remain in effect only until January 1, 2017,*
38 *and as of that date is repealed, unless a later enacted statute, that*
39 *is enacted before January 1, 2017, deletes or extends that date.*

40 SEC. 2. Section 10912 is added to the Water Code, to read:

1 10912. For the purposes of this part, the following terms have
2 the following meanings:

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

4 (1) A proposed residential development of more than 500
5 dwelling units.

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

9 (3) A proposed commercial office building employing more than
10 1,000 persons or having more than 250,000 square feet of floor
11 space.

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

14 (5) A proposed industrial, manufacturing, or processing plant,
15 or industrial park planned to house more than 1,000 persons,
16 occupying more than 40 acres of land, or having more than
17 650,000 square feet of floor area.

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

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

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

33 (c) “Public water system” means a system for the provision of
34 piped water to the public for human consumption that has 3,000
35 or more service connections. A public water system includes all
36 of the following:

37 (1) Any collection, treatment, storage, and distribution facility
38 under control of the operator of the system that is used primarily
39 in connection with the system.

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

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

7 (d) This section shall become operative on January 1, 2017.

8 ~~SEC. 2.~~

9 SEC. 3. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 a local agency or school district has the authority to levy service
12 charges, fees, or assessments sufficient to pay for the program or
13 level of service mandated by this act, within the meaning of Section
14 17556 of the Government Code.

15 ~~SEC. 3.~~

16 SEC. 4. This act is an urgency statute necessary for the
17 immediate preservation of the public peace, health, or safety within
18 the meaning of Article IV of the Constitution and shall go into
19 immediate effect. The facts constituting the necessity are:

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