

AMENDED IN ASSEMBLY AUGUST 22, 2011

AMENDED IN SENATE APRIL 13, 2011

AMENDED IN SENATE MARCH 17, 2011

**SENATE BILL**

**No. 267**

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**Introduced by Senator Rubio**

February 14, 2011

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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 proposed photovoltaic or wind energy generation facility, approved on or after the effective date of the bill, that would demand ~~an amount of water equivalent to, or less than, the amount of~~

~~water required by a 250 dwelling unit project no more than 75 acre feet of water annually.~~

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) Except as otherwise provided in subparagraph (B), a
- 17 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.
- 21 (B) A proposed photovoltaic or wind energy generation facility
- 22 approved on or after the effective date of the amendments made

1 to this section at the 2011–12 Regular Session is not a project if  
2 the facility would demand ~~an amount of water equivalent to, or~~  
3 ~~less than, the amount of water required by a 250 dwelling unit~~  
4 ~~project. *no more than 75 acre feet of water annually.*~~

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

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

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

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

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

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

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

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

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

37 10912. For the purposes of this part, the following terms have  
38 the following meanings:

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

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

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

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

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

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

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 3,000  
32 or more service connections. A public water system includes all  
33 of the following:

34 (1) Any collection, treatment, storage, and distribution facility  
35 under control of the operator of the system that 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 (d) This section shall become operative on January 1, 2017.

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

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

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

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