

AMENDED IN ASSEMBLY JUNE 20, 2012

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1340

Introduced by Senator La Malfa
(Coauthor: Assembly Member Nielsen)

February 24, 2012

An act to add Section 1487 to, and to add and repeal Section 1488 of, the Water Code, relating to water resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1340, as amended, La Malfa. Appropriation of water: Sewerage Commission Oroville.

Under existing law, the State Water Resources Control Board (state 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.

Existing law authorizes any municipality, governmental agency, or political subdivision operating a waste disposal plant that discharges water meeting the requirements of the appropriate regional board into the San Joaquin River to file an application for a permit to appropriate an equal amount of water, as adjusted for seepage and other factors, downstream from the disposal plant and out of the San Joaquin River or the Sacramento-San Joaquin Delta, which water may be sold or utilized for any beneficial purpose. Existing law authorizes the state board to grant the permit to appropriate on such terms and conditions

as in the board's judgment are necessary for the protection of the rights of others.

~~Existing law authorizes the Sacramento Regional County Sanitation District to discharge treated wastewater meeting the requirements of the California Regional Water Quality Control Board, Central Valley, into the Sacramento River, and to file an application for a permit to appropriate an equal amount of water, as adjusted for seepage and other factors, downstream from the disposal plant and out of the Sacramento River or the Sacramento-San Joaquin Delta, which water may be sold or utilized for any beneficial purpose. Existing law authorizes the state board to grant the permit to appropriate on such terms and conditions as in the board's judgment are necessary for the protection of the rights of others.~~

This bill would authorize the Sewerage Commission Oroville to file an application for a permit to appropriate a specified amount of water that is based on the volume of treated wastewater that it discharges into the Feather 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 Sewerage Commission Oroville.

~~The bill would require the state board to prepare a report and to submit it to the Legislature by July 1, 2013, assessing the potential cumulative effects of the above-described discharge and appropriation provisions on the use of water rights by current water rights holders, the ability to meet or exceed instream flow standards in the Sacramento and San Joaquin Rivers, and the ability to meet or exceed water quality standards in the Sacramento-San Joaquin Delta and in the Sacramento and San Joaquin Rivers. *The would bill require the board to post the report on its Internet Web site and transmit an electronic copy of the final report to subject matter committees of the Legislature by July 1, 2013, as specified.*~~

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. Section 1487 is added to the Water Code, to read:

2 1487. (a) The Sewerage Commission Oroville, and any
3 successor thereto, with respect to treated wastewater produced by
4 the sanitation district that meets the requirements of the California
5 Regional Water Quality Control Board, Central Valley, as may be
6 amended or modified, and that is discharged into the Feather River,
7 may file an application with the ~~State Water Resources Control~~
8 ~~Board~~ board for a permit to appropriate an amount of water up to
9 the amount of treated wastewater that the Sewerage Commission
10 Oroville discharges into the Feather River, less diminution by
11 seepage, evaporation, transportation, or other natural causes
12 between the point of discharge from the wastewater treatment plant
13 and the point of diversion out of the Feather River.

14 (b) Upon application for a permit to appropriate water pursuant
15 to subdivision (a), the ~~state~~ board may grant the permit subject to
16 the terms and conditions as in the board's judgment are necessary
17 for the protection of the rights of any legal user of the water.

18 (c) Prior to the ~~state~~ board granting a permit under subdivision
19 (b), the board shall comply with Part 2 (commencing with Section
20 1200) of Division 2, and other applicable law, and may impose
21 terms and conditions authorized thereunder.

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

24 SEC. 2. Section 1488 is added to the Water Code, to read:

25 1488. (a) The ~~State Water Resources Control Board~~ board
26 shall prepare a report ~~to be submitted to the Legislature~~ assessing
27 the potential cumulative effects of the application of this article
28 on the following:

29 (1) The ~~use~~ exercise of water rights by current water rights
30 holders.

31 (2) The ability to meet or exceed instream flow standards for
32 the Sacramento and San Joaquin Rivers.

33 (3) The ability to meet or exceed water quality standards for the
34 Sacramento and San Joaquin Rivers.

35 ~~(b) The board shall submit its report prepared pursuant to~~
36 ~~subdivision (a) to the Legislature by July 1, 2013.~~

1 ~~(e) (1) The report submitted pursuant to subdivision (a) shall~~
2 ~~be submitted in compliance with Section 9795 of the Government~~
3 ~~Code.~~

4 *(b) (1) The board shall keep an electronic mailing list of*
5 *interested parties. Before issuing a final report prepared pursuant*
6 *to subdivision (a), the board shall post a draft of the report on its*
7 *Internet Web site and notify all interested parties subscribed to*
8 *the electronic mailing list. The board shall accept written comments*
9 *on the report for a period of not less than 30 days from the date*
10 *of posting.*

11 *(2) The board shall post its final report on its Internet Web site*
12 *and notify interested parties subscribed to the electronic mailing*
13 *list. The board shall transmit an electronic copy of the final report*
14 *to the Senate Committee on Natural Resources and Water and the*
15 *Assembly Committee on Water, Parks and Wildlife by July 1, 2013.*

16 *(c) The report prepared pursuant to subdivision (a) shall not*
17 *be considered binding or precedential on any later proceeding*
18 *before the board.*

19 ~~(2)~~

20 *(d) Pursuant to Section 10231.5 of the Government Code, this*
21 *section is repealed on July 1, 2017.*

22 SEC. 3. The Legislature finds and declares that a special law
23 is necessary and that a general law cannot be made applicable
24 within the meaning of Section 16 of Article IV of the California
25 Constitution because of the unique problems applicable to the full
26 utilization of the waters of the Feather River, into which treated
27 wastewater discharged by the Sewerage Commission Oroville
28 flows.