

ASSEMBLY BILL

No. 1249

Introduced by Assembly Member Salas

February 22, 2013

An act to amend Section 10910 of the Water Code, relating to public water systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 1249, as introduced, Salas. Public water systems: water supply assessments.

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.

This bill would make a technical, nonsubstantive change to this requirement.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 10910 of the Water Code is amended to
2 read:
3 10910. (a) Any city or county that determines that a project,
4 as defined in Section 10912, is subject to the California
5 Environmental Quality Act (Division 13 (commencing with Section

1 21000) of the Public Resources Code) under Section 21080 of the
2 Public Resources Code shall comply with this part.

3 (b) The city or county, at the time ~~that~~ it determines whether an
4 environmental impact report, a negative declaration, or a mitigated
5 negative declaration is required for any project subject to the
6 California Environmental Quality Act pursuant to Section 21080.1
7 of the Public Resources Code, shall identify any water system that
8 is, or may become as a result of supplying water to the project
9 identified pursuant to this subdivision, a public water system, as
10 defined in Section 10912, that may supply water for the project.
11 If the city or county is not able to identify any public water system
12 that may supply water for the project, the city or county shall
13 prepare the water assessment required by this part after consulting
14 with any entity serving domestic water supplies whose service
15 area includes the project site, the local agency formation
16 commission, and any public water system adjacent to the project
17 site.

18 (c) (1) The city or county, at the time it makes the determination
19 required under Section 21080.1 of the Public Resources Code,
20 shall request each public water system identified pursuant to
21 subdivision (b) to determine whether the projected water demand
22 associated with a proposed project was included as part of the most
23 recently adopted urban water management plan adopted pursuant
24 to Part 2.6 (commencing with Section 10610).

25 (2) If the projected water demand associated with the proposed
26 project was accounted for in the most recently adopted urban water
27 management plan, the public water system may incorporate the
28 requested information from the urban water management plan in
29 preparing the elements of the assessment required to comply with
30 subdivisions (d), (e), (f), and (g).

31 (3) If the projected water demand associated with the proposed
32 project was not accounted for in the most recently adopted urban
33 water management plan, or the public water system has no urban
34 water management plan, the water supply assessment for the project
35 shall include a discussion with regard to whether the public water
36 system's total projected water supplies available during normal,
37 single dry, and multiple dry water years during a 20-year projection
38 will meet the projected water demand associated with the proposed
39 project, in addition to the public water system's existing and
40 planned future uses, including agricultural and manufacturing uses.

1 (4) If the city or county is required to comply with this part
2 pursuant to subdivision (b), the water supply assessment for the
3 project shall include a discussion with regard to whether the total
4 projected water supplies, determined to be available by the city or
5 county for the project during normal, single dry, and multiple dry
6 water years during a 20-year projection, will meet the projected
7 water demand associated with the proposed project, in addition to
8 existing and planned future uses, including agricultural and
9 manufacturing uses.

10 (d) (1) The assessment required by this section shall include
11 an identification of any existing water supply entitlements, water
12 rights, or water service contracts relevant to the identified water
13 supply for the proposed project, and a description of the quantities
14 of water received in prior years by the public water system, or the
15 city or county if either is required to comply with this part pursuant
16 to subdivision (b), under the existing water supply entitlements,
17 water rights, or water service contracts.

18 (2) An identification of existing water supply entitlements, water
19 rights, or water service contracts held by the public water system,
20 or the city or county if either is required to comply with this part
21 pursuant to subdivision (b), shall be demonstrated by providing
22 information related to all of the following:

23 (A) Written contracts or other proof of entitlement to an
24 identified water supply.

25 (B) Copies of a capital outlay program for financing the delivery
26 of a water supply that has been adopted by the public water system.

27 (C) Federal, state, and local permits for construction of necessary
28 infrastructure associated with delivering the water supply.

29 (D) Any necessary regulatory approvals that are required in
30 order to be able to convey or deliver the water supply.

31 (e) If no water has been received in prior years by the public
32 water system, or the city or county if either is required to comply
33 with this part pursuant to subdivision (b), under the existing water
34 supply entitlements, water rights, or water service contracts, the
35 public water system, or the city or county if either is required to
36 comply with this part pursuant to subdivision (b), shall also include
37 in its water supply assessment pursuant to subdivision (c), an
38 identification of the other public water systems or water service
39 contractholders that receive a water supply or have existing water
40 supply entitlements, water rights, or water service contracts, to the

1 same source of water as the public water system, or the city or
2 county if either is required to comply with this part pursuant to
3 subdivision (b), has identified as a source of water supply within
4 its water supply assessments.

5 (f) If a water supply for a proposed project includes
6 groundwater, the following additional information shall be included
7 in the water supply assessment:

8 (1) A review of any information contained in the urban water
9 management plan relevant to the identified water supply for the
10 proposed project.

11 (2) A description of any groundwater basin or basins from which
12 the proposed project will be supplied. For those basins for which
13 a court or the board has adjudicated the rights to pump
14 groundwater, a copy of the order or decree adopted by the court
15 or the board and a description of the amount of groundwater the
16 public water system, or the city or county if either is required to
17 comply with this part pursuant to subdivision (b), has the legal
18 right to pump under the order or decree. For basins that have not
19 been adjudicated, information as to whether the department has
20 identified the basin or basins as overdrafted or has projected that
21 the basin will become overdrafted if present management
22 conditions continue, in the most current bulletin of the department
23 that characterizes the condition of the groundwater basin, and a
24 detailed description by the public water system, or the city or
25 county if either is required to comply with this part pursuant to
26 subdivision (b), of the efforts being undertaken in the basin or
27 basins to eliminate the long-term overdraft condition.

28 (3) A detailed description and analysis of the amount and
29 location of groundwater pumped by the public water system, or
30 the city or county if either is required to comply with this part
31 pursuant to subdivision (b), for the past five years from any
32 groundwater basin from which the proposed project will be
33 supplied. The description and analysis shall be based on
34 information that is reasonably available, including, but not limited
35 to, historic use records.

36 (4) A detailed description and analysis of the amount and
37 location of groundwater that is projected to be pumped by the
38 public water system, or the city or county if either is required to
39 comply with this part pursuant to subdivision (b), from any basin
40 from which the proposed project will be supplied. The description

1 and analysis shall be based on information that is reasonably
2 available, including, but not limited to, historic use records.

3 (5) An analysis of the sufficiency of the groundwater from the
4 basin or basins from which the proposed project will be supplied
5 to meet the projected water demand associated with the proposed
6 project. A water supply assessment shall not be required to include
7 the information required by this paragraph if the public water
8 system determines, as part of the review required by paragraph
9 (1), that the sufficiency of groundwater necessary to meet the initial
10 and projected water demand associated with the project was
11 addressed in the description and analysis required by paragraph
12 (4) of subdivision (b) of Section 10631.

13 (g) (1) Subject to paragraph (2), the governing body of each
14 public water system shall submit the assessment to the city or
15 county not later than 90 days from the date on which the request
16 was received. The governing body of each public water system,
17 or the city or county if either is required to comply with this act
18 pursuant to subdivision (b), shall approve the assessment prepared
19 pursuant to this section at a regular or special meeting.

20 (2) Prior to the expiration of the 90-day period, if the public
21 water system intends to request an extension of time to prepare
22 and adopt the assessment, the public water system shall meet with
23 the city or county to request an extension of time, which shall not
24 exceed 30 days, to prepare and adopt the assessment.

25 (3) If the public water system fails to request an extension of
26 time, or fails to submit the assessment notwithstanding the
27 extension of time granted pursuant to paragraph (2), the city or
28 county may seek a writ of mandamus to compel the governing
29 body of the public water system to comply with the requirements
30 of this part relating to the submission of the water supply
31 assessment.

32 (h) Notwithstanding any other provision of this part, if a project
33 has been the subject of a water supply assessment that complies
34 with the requirements of this part, no additional water supply
35 assessment shall be required for subsequent projects that were part
36 of a larger project for which a water supply assessment was
37 completed and that has complied with the requirements of this part
38 and for which the public water system, or the city or county if
39 either is required to comply with this part pursuant to subdivision
40 (b), has concluded that its water supplies are sufficient to meet the

1 projected water demand associated with the proposed project, in
2 addition to the existing and planned future uses, including, but not
3 limited to, agricultural and industrial uses, unless one or more of
4 the following changes occurs:

5 (1) Changes in the project that result in a substantial increase
6 in water demand for the project.

7 (2) Changes in the circumstances or conditions substantially
8 affecting the ability of the public water system, or the city or county
9 if either is required to comply with this part pursuant to subdivision
10 (b), to provide a sufficient supply of water for the project.

11 (3) Significant new information becomes available which was
12 not known and could not have been known at the time when the
13 assessment was prepared.