

**Introduced by Senator Nielsen**February 21, 2013

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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 474, as introduced, Nielsen. Appropriation of water: Sewerage Commission Oroville.

Under existing law, the State Water Resources Control Board (board) administers a water rights program pursuant to which the board grants permits and licenses to appropriate water.

Existing law requires the owner of a wastewater treatment plant to obtain the approval of the board prior to making any changes in the point of discharge, place of use, or purpose of use of treated wastewater, and requires the 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 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, on or after July 1, 2014, 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 board to grant a permit to appropriate that treated wastewater upon terms and conditions determined by the 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.

The bill would require the board to prepare a report assessing the potential cumulative effects of granting the above-described permit, as prescribed. The bill would require the board to post the report on its Internet Web site and transmit an electronic copy of the final report to certain committees of the Legislature by July 1, 2014, as specified. This bill would require the Sewerage Commission Oroville to be responsible for the reasonable costs incurred by the board in complying with this reporting requirement.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Sewerage Commission Oroville.

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 board, on or after July 1, 2014,  
8 for a permit to appropriate an amount of water up to the amount  
9 of treated wastewater that the Sewerage Commission Oroville  
10 discharges into the Feather River, less diminution by seepage,  
11 evaporation, transportation, or other natural causes between the  
12 point of discharge from the wastewater treatment plant and the  
13 point of diversion out of the Feather River.  
14 (b) Upon application for a permit to appropriate water pursuant  
15 to subdivision (a), the board may grant the permit subject to the  
16 terms and conditions as in the board's judgment are necessary for  
17 the protection of the rights of any legal user of the water.

1 (c) Prior to the board granting a permit under subdivision (b),  
2 the board shall comply with and other applicable law, and may  
3 impose terms and conditions authorized thereunder.

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

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

7 1488. (a) The board shall prepare a report assessing the  
8 potential cumulative effects of granting a permit pursuant to  
9 Section 1487 on the following:

10 (1) The exercise of water rights by current water rights holders.

11 (2) The ability to meet or exceed instream flow standards for  
12 the Feather River.

13 (3) The ability to meet or exceed water quality standards for the  
14 Feather River.

15 (b) (1) The board shall keep an electronic mailing list of  
16 interested parties. Before issuing a final report prepared pursuant  
17 to subdivision (a), the board shall post a draft of the report on its  
18 Internet Web site and notify all interested parties subscribed to the  
19 electronic mailing list. The board shall accept written comments  
20 on the report for a period of not less than 30 days from the date of  
21 posting.

22 (2) The board shall post its final report on its Internet Web site  
23 and notify interested parties subscribed to the electronic mailing  
24 list. The board shall transmit an electronic copy of the final report  
25 to the Senate Committee on Natural Resources and Water and the  
26 Assembly Committee on Water, Parks and Wildlife by July 1,  
27 2014.

28 (c) The report prepared pursuant to subdivision (a) shall not be  
29 considered binding or precedential on any later proceeding before  
30 the board.

31 (d) The Sewerage Commission Oroville, and any successor  
32 thereto, shall be responsible for the reasonable costs incurred by  
33 the board in complying with this section.

34 (e) Pursuant to Section 10231.5 of the Government Code, this  
35 section is repealed on July 1, 2018.

36 SEC. 3. The Legislature finds and declares that a special law  
37 is necessary and that a general law cannot be made applicable  
38 within the meaning of Section 16 of Article IV of the California  
39 Constitution because of the unique problems applicable to the full  
40 utilization of the waters of the Feather River, into which treated

1 wastewater discharged by the Sewerage Commission Oroville  
2 flows.

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5 **CORRECTIONS:**

6 **Text—Page 3.**

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