

AMENDED IN ASSEMBLY MAY 5, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1242

Introduced by Assembly Member Gray

February 27, 2015

An act to add Section 13145.5 to the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1242, as amended, Gray. Water quality: impacts on groundwater basins: ~~mitigation measures~~: *instream flows*.

Existing law establishes the State Water Resources Control Board and the 9 California regional water quality control boards as the principal state agencies with authority over matters relating to water quality. Existing law requires the ~~State Water Resources Control Board~~ *state board* to formulate and adopt state policy for water quality control. Existing law requires each regional board to formulate and adopt water quality control plans for all areas within the region and prohibits a water quality control plan, or a revision of the plan, adopted by a regional board, from becoming effective unless it is approved by the state board.

Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated

groundwater sustainability plans by January 31, 2022, except as specified.

This bill would require the state board to take into consideration any applicable groundwater sustainability plan or alternative in formulating state policy for water quality control and adopting or approving a water quality control plan that affects a groundwater basin. This bill would require the state board to ~~evaluate impacts on groundwater basins, consider alternatives and mitigation measures to avoid or mitigate any adverse impacts on groundwater quality or supply, and avoid or mitigate those adverse impacts to the extent feasible~~ *identify projects for fish recovery that may be undertaken in lieu of instream flows* before adopting or approving water quality objectives or a program of implementation that requires instream flows for protection of instream beneficial uses.

~~Existing law, the California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA authorizes a public agency to approve a project that would result in significant effects on the environment that are not feasible to mitigate by issuing a statement of overriding consideration making a finding that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effect on the environment.~~

~~This bill would require the state board to adopt and implement mitigation measures to make any adverse impacts to the groundwater basin that are less than significant. This bill would prohibit the state board from adopting a statement of overriding consideration if there is a significant adverse impact to a groundwater basin and would prohibit the state board from adopting or approving a water quality control plan if there is a significant adverse impact to the groundwater basin.~~

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 13145.5 is added to the Water Code, to
2 read:

3 13145.5. (a) In formulating state policy for water quality
4 control and adopting or approving a water quality control plan that
5 affects a groundwater basin, the state board shall take into
6 consideration any applicable groundwater sustainability plan or
7 alternative adopted or approved under Part 2.74 (commencing with
8 Section 10720) of Division 6.

9 (b) ~~(1) Before adopting or approving water quality objectives~~
10 ~~or a program of implementation that requires instream flows for~~
11 ~~protection of instream beneficial uses, the state board shall evaluate~~
12 ~~impacts on groundwater basins, consider alternatives and mitigation~~
13 ~~measures to avoid or mitigate any adverse impacts on groundwater~~
14 ~~quality or supply, and avoid or mitigate those adverse impacts to~~
15 ~~the extent feasible. identify projects for fish recovery that may be~~
16 ~~undertaken in lieu of instream flows.~~

17 ~~(2) If the state board finds any adverse impacts to the~~
18 ~~groundwater basin that are significant, as defined in Section 21068~~
19 ~~of the Public Resources Code, the state board shall adopt and~~
20 ~~implement mitigation measures to make any adverse impact less~~
21 ~~than significant.~~

22 ~~(3) The state board shall not adopt a statement of overriding~~
23 ~~consideration pursuant to Section 21081 of the Public Resources~~
24 ~~Code if there is a significant adverse impact to a groundwater~~
25 ~~basin. The state board shall not adopt or approve a water quality~~
26 ~~control plan as required pursuant to Section 13245 if there is a~~
27 ~~significant adverse impact to a groundwater basin.~~