

AMENDED IN SENATE SEPTEMBER 1, 2015

AMENDED IN SENATE AUGUST 19, 2015

AMENDED IN SENATE JULY 16, 2015

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 amend Section 39719 of the Health and Safety Code, and to add Section 13145.5 to, and to add Chapter 4.5 (commencing with Section 430) to Division 1 of, the Water Code, relating to ~~water quality~~ water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1242, as amended, Gray. ~~Water quality: groundwater impacts. Water quality and storage.~~

(1) Existing law establishes the Department of Water Resources in the Natural Resources Agency, and, among other things, empowers the department to conduct investigations of all or any portion of any stream, stream system, lake, or other body of water.

Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism relative to reduction of greenhouse gas emissions to be deposited in the Greenhouse Gas Reduction Fund.

This bill would require the department to increase statewide water storage capacity by 25% by January 1, 2025, and 50% by January 1,

2050, as specified. The bill would require the department, on or before January 1, 2017, to identify the current statewide water storage capacity and prepare a strategy and implementation plan to achieve those expansions in statewide water storage capacity, and would require the department to update the strategy and implementation plan on January 1, 2018, and every 2 years thereafter, until January 1, 2050. The bill would require the Legislative Analyst's Office to report to the Legislature on January 1, 2020, and every 5 years thereafter, until January 1, 2050, on the department's progress on achieving those required increases in statewide water storage capacity, as specified. The bill would, beginning in the 2016–17 fiscal year, continuously appropriate 25% of the annual proceeds of the Greenhouse Gas Reduction Fund to the department to comply with these requirements.

Existing

(2) 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 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, in formulating state policy for water quality control and adopting or approving a water quality control plan for the Sacramento-San Joaquin Delta, to take into consideration, consistent with the requirements of the California Environmental Quality Act, any applicable groundwater sustainability plan or alternative and available information and data regarding the

impacts of groundwater use and management on beneficial uses of surface waters.

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

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

1 SECTION 1. Section 39719 of the Health and Safety Code is
2 amended to read:

3 39719. (a) The Legislature shall appropriate the annual
4 proceeds of the fund for the purpose of reducing greenhouse gas
5 emissions in this state in accordance with the requirements of
6 Section 39712.

7 (b) To carry out a portion of the requirements of subdivision
8 (a), annual proceeds are continuously appropriated for the
9 following:

10 (1) Beginning in the 2015–16 fiscal year, and notwithstanding
11 Section 13340 of the Government Code, 35 percent of annual
12 proceeds are continuously appropriated, without regard to fiscal
13 years, for transit, affordable housing, and sustainable communities
14 programs as following:

15 (A) Ten percent of the annual proceeds of the fund is hereby
16 continuously appropriated to the Transportation Agency for the
17 Transit and Intercity Rail Capital Program created by Part 2
18 (commencing with Section 75220) of Division 44 of the Public
19 Resources Code.

20 (B) Five percent of the annual proceeds of the fund is hereby
21 continuously appropriated to the Low Carbon Transit Operations
22 Program created by Part 3 (commencing with Section 75230) of
23 Division 44 of the Public Resources Code. Funds shall be allocated
24 by the Controller, according to requirements of the program, and
25 pursuant to the distribution formula in subdivision (b) or (c) of
26 Section 99312 of, and Sections 99313 and 99314 of, the Public
27 Utilities Code.

28 (C) Twenty percent of the annual proceeds of the fund is hereby
29 continuously appropriated to the Strategic Growth Council for the
30 Affordable Housing and Sustainable Communities Program created
31 by Part 1 (commencing with Section 75200) of Division 44 of the
32 Public Resources Code. Of the amount appropriated in this
33 subparagraph, no less than 10 percent of the annual proceeds, shall

1 be expended for affordable housing, consistent with the provisions
2 of that program.

3 (2) Beginning in the 2015–16 fiscal year, notwithstanding
4 Section 13340 of the Government Code, 25 percent of the annual
5 proceeds of the fund is hereby continuously appropriated to the
6 High-Speed Rail Authority for the following components of the
7 initial operating segment and Phase I Blended System as described
8 in the 2012 business plan adopted pursuant to Section 185033 of
9 the Public Utilities Code:

- 10 (A) Acquisition and construction costs of the project.
- 11 (B) Environmental review and design costs of the project.
- 12 (C) Other capital costs of the project.
- 13 (D) Repayment of any loans made to the authority to fund the
14 project.

15 (3) *Beginning in the 2016–17 fiscal year, notwithstanding*
16 *Section 13340 of the Government Code, 25 percent of the annual*
17 *proceeds of the fund is hereby continuously appropriated to the*
18 *Department of Water Resources to comply with the requirements*
19 *of Chapter 4.5 (commencing with Section 430) of Division 1 of the*
20 *Water Code.*

21 (c) In determining the amount of annual proceeds of the fund
22 for purposes of the calculation in subdivision (b), the funds subject
23 to Section 39719.1 shall not be included.

24 *SEC. 2. Chapter 4.5 (commencing with Section 430) is added*
25 *to Division 1 of the Water Code, to read:*

26
27 *CHAPTER 4.5. WATER STORAGE AND RELIABILITY*

28
29 *430. (a) On or before January 1, 2017, the Department of*
30 *Water Resources, after one or more public workshops, shall*
31 *identify the current statewide water storage capacity, including*
32 *local, state, and federal projects, and prepare a strategy and*
33 *implementation plan to achieve an expansion in statewide water*
34 *storage capacity of 25 percent by January 1, 2025, and 50 percent*
35 *by January 1, 2050.*

36 *(b) The Department of Water Resources shall provide a copy*
37 *of the strategy and implementation plan to the appropriate policy*
38 *committees of the Legislature and publish this information on the*
39 *Department of Water Resources' publicly available Internet Web*
40 *site.*

1 (c) On January 1, 2018, and every two years thereafter, until
2 January 1, 2050, the Department of Water Resources shall update
3 the strategy and implementation plan to reflect any changes made
4 to the strategy and plan.

5 (d) The Department of Water Resources shall provide a copy
6 of the updated strategy and implementation plans required
7 pursuant to subdivision (c) to the appropriate policy committees
8 of the Legislature and publish this information on the Department
9 of Water Resources' publicly available Internet Web site.

10 431. (a) The Department of Water Resources shall increase
11 the state's total water storage capacity by 25 percent by January
12 1, 2025, and by 50 percent by January 1, 2050.

13 (b) The increase in water storage capacity required pursuant
14 to subdivision (a) may be accomplished through a mix of both
15 surface water and groundwater storage projects, including, but
16 not limited to, all of the following:

17 (1) Surface water storage projects identified in the CALFED
18 Bay-Delta Program Record of Decision, dated August 28, 2000,
19 except for projects prohibited by Chapter 1.4 (commencing with
20 Section 5093.50) of Division 5 of the Public Resources Code.

21 (2) Local and regional surface water storage projects.

22 (3) Groundwater storage projects and groundwater
23 contamination prevention or remediation projects that provide
24 water storage benefits.

25 (4) Conjunctive use and reservoir reoperation projects.

26 432. (a) On January 1, 2020, and every five years thereafter,
27 until January 1, 2050, the Legislative Analyst's Office shall report
28 to the Legislature on the Department of Water Resources' progress
29 on fulfilling the requirements imposed under Section 431.

30 (b) The Legislative Analyst's Office shall include in the report
31 required pursuant to subdivision (a) whether the Department of
32 Water Resources is expected to achieve the water storage
33 requirements imposed under Section 431 on time.

34 ~~SECTION 4.~~

35 SEC. 3. Section 13145.5 is added to the Water Code, to read:

36 13145.5. In formulating state policy for water quality control
37 and adopting or approving a water quality control plan for the
38 Sacramento-San Joaquin Delta, the state board shall take into
39 consideration, consistent with the requirements of Division 13
40 (commencing with Section 21000) of the Public Resources Code,

1 any applicable groundwater sustainability plan or alternative
2 adopted or approved under Part 2.74 (commencing with Section
3 10720) of Division 6 and available information and data regarding
4 the impacts of groundwater use and management on beneficial
5 uses of surface waters.

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