

Introduced by Senator Pavley

December 1, 2014

An act to ~~repeal and add Section 13752 of~~ *add Division 36 (commencing with Section 86000)* to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 20, as amended, Pavley. ~~Wells: reports: public availability.~~ *California Water Resiliency Investment Act.*

Under existing law, various measures provide funding for water resources projects, facilities, and programs.

This bill would create the California Water Resiliency Investment Fund in the State Treasury and provide that moneys in the fund are available, upon appropriation by the Legislature, for the purpose of providing a more dependable water supply for California. This bill would create various accounts within the fund for prescribed purposes.

~~Existing law requires a person who digs, bores, or drills a water well, cathodic protection well, or a monitoring well, or abandons or destroys a well, or deepens or re-perforates a well, to file a report of completion with the Department of Water Resources. Existing law prohibits those reports from being made available to the public, except under certain circumstances.~~

~~This bill would instead require the department to, upon request, make the reports available to the public. The bill would require the department to provide specified disclaimers when providing the reports to the public. The bill would authorize the department to charge a fee for the provision of a report to recover the department's costs, that does not exceed the reasonable costs to the department of providing the report. The bill~~

would require the release of a report to comply with the Information Practices Act of 1977 and would require the department to redact from the report specified information pertaining to the well owner. The bill would require a person who requests a report to provide his or her name, address, identification number from a government-issued source, as provided, and reason for making the request.

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. Division 36 (commencing with Section 86000) is
2 added to the Water Code, to read:

3
4 DIVISION 36. CALIFORNIA WATER RESILIENCY
5 INVESTMENT ACT

6
7 CHAPTER 1. GENERAL PROVISIONS

8
9 86000. This division shall be known and may be cited as the
10 California Water Resiliency Investment Act.

11 86010. The Legislature finds and declares all of the following:

12 (a) California’s extreme multiyear drought is raising significant
13 concerns regarding the long-term dependability of water supplies
14 that are critical to the state’s residents, economy, and environment.

15 (b) Nearly three-quarters of California is impacted by the severe
16 drought underscoring the need for additional statewide action.

17 (c) The 2015 water year was the driest winter in California’s
18 written record and water experts indicate that we could face
19 multiyear droughts that extend years beyond any droughts
20 previously experienced by the state.

21 (d) California could lose 25 percent of the Sierra snowpack by
22 2050 as a result of warmer weather, according to the department.
23 Because the Sierra snowpack is our largest water reservoir, this
24 loss will significantly reduce water supplies when Californians
25 need them the most.

26 (e) By 2050, California is expected to add more than 10 million
27 residents, placing even greater pressure on our water supplies.

28 (f) The current drought has had a disproportionate impact on
29 disadvantaged communities. Falling groundwater levels in portions

1 of the state from reduced rainfall and increased groundwater
2 pumping have left more than 2,000 wells dry or critically near
3 dry, impacting more than 10,000 residents and with a
4 disproportionate impact on disadvantaged communities.

5 (g) Furthermore, thousands of residents of disadvantaged
6 communities lack access to a secure long-term supply of clean
7 drinking water due to polluted groundwater and falling
8 groundwater levels.

9 (h) Reduced streamflows and water for wildlife areas have had
10 a severe impact on fish and wildlife populations, threatening some
11 species with extinction.

12 (i) Reports by the Public Policy Institute of California and others
13 indicate that state and local agencies face a multibillion dollar
14 annual funding deficit in addressing the state's long-term water
15 needs and that greater investments are needed to protect the state's
16 economy and natural resources and to ensure that disadvantaged
17 communities have access to safe drinking water.

18 (j) Enactment of Proposition 1, the Water Quality, Supply, and
19 Infrastructure Improvement Act of 2014, provided a critical down
20 payment to address California's near-term and long-term water
21 needs. Additional actions are needed now to ensure state and local
22 agencies continue to make the needed investments to provide a
23 more dependable water system to meet California's ongoing needs.

24 (k) To protect the public health and welfare and to protect
25 residential, agricultural, commercial, and environmental uses of
26 water, it is vital that state and local agencies have the resources
27 they need to make responsible and reasonable investments in a
28 more dependable water supply, including by making more efficient
29 use of California's current sources of water.

30
31 *CHAPTER 2. CALIFORNIA WATER RESILIENCY INVESTMENT*
32 *PROGRAM*

33
34 86020. (a) The California Water Resiliency Investment Fund
35 is hereby created in the State Treasury. Moneys in the fund are
36 available, upon appropriation by the Legislature, for the purpose
37 of, and in held in trust for, providing a more dependable water
38 supply for California.

39 (b) The following accounts are hereby created within the
40 California Water Resiliency Investment Fund:

1 (1) *The Emergency Drought Response and Recovery Account*
 2 *to support emergency actions to protect vulnerable populations*
 3 *from the severe impacts of droughts, including providing*
 4 *emergency drinking water and other residential water supplies,*
 5 *food assistance, employment training and placement, and other*
 6 *economic relief.*

7 (2) *The Integrated Regional Water Resiliency and Management*
 8 *Account to provide matching grants to local and regional agencies*
 9 *to increase regional self-reliance and result in integrated,*
 10 *multibenefit solutions for ensuring sustainable water resources.*
 11 *Eligible projects may include groundwater storage, wastewater*
 12 *recycling, stormwater capture, water conservation, flood*
 13 *management, and other water supply and quality projects.*

14 (3) *The Safe Drinking Water for Disadvantaged Communities*
 15 *Account to support planning, construction, operation, and*
 16 *maintenance of drinking water systems for disadvantaged*
 17 *communities.*

18 (4) *The Environmental Resilience and Recovery Account to*
 19 *provide funding to restore and protect fish and wildlife habitats*
 20 *and populations to avoid or reduce conflicts with water*
 21 *management systems. Funding from the account shall only be used*
 22 *for projects that will provide fisheries, wildlife, or ecosystems with*
 23 *benefits or improvements that are greater than required applicable*
 24 *environmental mitigation measures or compliance obligations and*
 25 *shall not be used to pay for the mitigation or environmental review*
 26 *costs of any current or proposed water supply project.*

27 (5) *The Smart Water Data Program Account to support*
 28 *improved data and information systems that enable better*
 29 *management of water resources and to further facilitate expansion*
 30 *of water markets.*

31 ~~SECTION 1. Section 13752 of the Water Code is repealed.~~

32 ~~SEC. 2. Section 13752 is added to the Water Code, to read:~~

33 ~~13752. (a) Upon request, the department shall make available~~
 34 ~~to the public a report made in accordance with paragraph (1) of~~
 35 ~~subdivision (b) of Section 13751.~~

36 ~~(b) When providing a report to the public pursuant to subdivision~~
 37 ~~(a), the department shall also provide a statement that includes all~~
 38 ~~of the following:~~

39 ~~(1) The information provided in a report varies in accuracy,~~
 40 ~~scale, origin, and completeness.~~

1 ~~(2) The information is provided without warranty of the~~
2 ~~suitability of the information for any particular purpose.~~

3 ~~(3) Use of the information in the report may require professional~~
4 ~~interpretation or judgment.~~

5 ~~(4) Any use of the information provided in a report is at the~~
6 ~~user's own risk.~~

7 ~~(e) (1) The department may charge a fee for the provision of a~~
8 ~~report to recover the department's costs, that does not exceed the~~
9 ~~reasonable costs to the department of providing the report pursuant~~
10 ~~to this section. These costs may include the costs of promulgating~~
11 ~~regulations to implement this section.~~

12 ~~(2) The release of a report in possession of the department shall~~
13 ~~comply with the Information Practices Act of 1977 (Chapter 1~~
14 ~~(commencing with Section 1798) of Title 1.8 of Part 4 of Division~~
15 ~~3 of the Civil Code).~~

16 ~~(3) Prior to releasing a report pursuant to this section, the~~
17 ~~department shall redact from the report the name and address of~~
18 ~~the well owner.~~

19 ~~(d) (1) A person making a request pursuant to subdivision (a)~~
20 ~~shall, on a form provided by the department, provide his or her~~
21 ~~name, address, identification number from an identification card~~
22 ~~issued pursuant to Section 13000 of the Vehicle Code, driver's~~
23 ~~license, or passport, and reason for making the request.~~

24 ~~(2) The department shall maintain copies of the forms submitted~~
25 ~~pursuant to paragraph (1) for five years.~~