

Introduced by Senators Pavley and Wieckowski

February 18, 2016

An act to amend Section 66473.7 of the Government Code, and to amend Sections 10910 and 10911 of the Water Code, and relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 1262, as introduced, Pavley. Water supply planning.

(1) Existing law requires a city or county that determines a project, as defined, is subject to the California Environmental Quality Act to identify certain water systems that may supply water for the project and to request those public water systems to prepare and approve a specified water supply assessment. Under existing law, if no public water system is identified, the city or county is required to prepare and approve the water supply assessment. Existing law provides that if, as a result of its assessment, the public water system or city or county concludes that its water supplies are, or will be, insufficient, the public water system or city or county is required to provide its plans for acquiring additional water supplies, as prescribed.

This bill would require a city or county that determines a project is subject to the California Environmental Quality Act to identify any water system whose service area includes the project site and any water system adjacent to the project site. This bill would require, if a water source for a proposed project includes water of a quality not sufficient to meet certain drinking water standards, that prescribed additional information be included in a water supply assessment. This bill, if no water system is identified, would require a city or county to prepare a technical report containing prescribed information. This bill would require a city or county to submit the technical report to the local agency

formation commission with jurisdiction if the city or county concludes based on the technical report that it is feasible for a water system to provide water to the project. This bill, if the local agency formation commission declines to approve an annexation or extensive of service, would require the city or county to develop a water supply assessment for the project, as specified. By imposing new duties on cities and counties, this bill would impose a state-mandated local program.

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. The act authorizes the State Water Resources Control Board to designate a basin as a probationary basin if the state board makes a certain determination and to develop an interim plan for the probationary basin.

This bill would provide that hauled water or groundwater from a probationary basin are not sources of water for the purposes of a water supply assessment. This bill would, if a water supply for a proposed project includes groundwater, require certain additional information to be included in the water supply assessment.

(2) Existing law, the Subdivision Map Act, establishes a statewide regulatory framework for controlling the subdividing of land. The act generally requires a subdivider to submit, and have approved by the city, county, or city and county in which the land is situated, a tentative map for subdivisions of land, as specified. Existing law requires a city or county to deny approval of a tentative map, or parcel map for which a tentative map was not required, if it makes certain findings relating to the proposed subdivision. Existing law requires a city or county to include as a condition in any tentative map that includes a subdivision a requirement that a sufficient water supply be available. Existing law requires proof of the availability of a sufficient water supply, as prescribed, and that the written verification of a public water system's ability or inability to provide a sufficient water supply be supported by substantial evidence.

This bill would revise the definition of sufficient water supply to include additional factors relating to a proposed subdivision that relies in whole or in part on groundwater. This bill would provide that groundwater from a probationary basin is not a water supply for these purposes.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 66473.7 of the Government Code is
2 amended to read:

3 66473.7. (a) For the purposes of this section, the following
4 definitions apply:

5 (1) "Subdivision" means a proposed residential development
6 of more than 500 dwelling units, except that for a public water
7 system that has fewer than 5,000 service connections, "subdivision"
8 means any proposed residential development that would account
9 for an increase of 10 percent or more in the number of the public
10 water system's existing service connections.

11 (2) "Sufficient water supply" means the total water supplies
12 available during normal, single-dry, and multiple-dry years within
13 a 20-year projection that will meet the projected demand associated
14 with the proposed subdivision, in addition to existing and planned
15 future uses, including, but not limited to, agricultural and industrial
16 uses. In determining "sufficient water supply," all of the following
17 factors shall be considered:

18 (A) The availability of water supplies over a historical record
19 of at least 20 years.

20 (B) The applicability of an urban water shortage contingency
21 analysis prepared pursuant to Section 10632 of the Water Code
22 that includes actions to be undertaken by the public water system
23 in response to water supply shortages.

1 (C) The reduction in water supply allocated to a specific water
2 use sector pursuant to a resolution or ordinance adopted, or a
3 contract entered into, by the public water system, as long as that
4 resolution, ordinance, or contract does not conflict with Section
5 354 of the Water Code.

6 (D) The amount of water that the water supplier can reasonably
7 rely on receiving from other water supply projects, such as
8 conjunctive use, reclaimed water, water conservation, and water
9 transfer, including programs identified under federal, state, and
10 local water initiatives such as CALFED and Colorado River
11 tentative agreements, to the extent that these water supplies meet
12 the criteria of subdivision (d).

13 (E) *If a proposed subdivision relies in whole or in part on*
14 *groundwater, the following factors:*

15 (i) *For a basin for which a court or the State Water Resources*
16 *Control Board has adjudicated the rights to pump groundwater,*
17 *the order or decree adopted by the court or the State Water*
18 *Resources Control Board.*

19 (ii) *For a basin that has not been adjudicated, as follows:*

20 (I) *For a basin designated as high- or medium-priority pursuant*
21 *to Section 10722.4 of the Water Code, the most recently adopted*
22 *or revised adopted groundwater sustainability plan.*

23 (II) *For a basin designated as low- or very-low priority pursuant*
24 *to Section 10722.4 of the Water Code, information as to whether*
25 *the Department of Water Resources has identified the basin or*
26 *basins as overdrafted or has projected that the basin will become*
27 *overdrafted if present management conditions continue.*

28 (3) “Public water system” means the water supplier that is, or
29 may become as a result of servicing the subdivision included in a
30 tentative map pursuant to subdivision (b), a public water system,
31 as defined in Section 10912 of the Water Code, that may supply
32 water for a subdivision.

33 (b) (1) The legislative body of a city or county or the advisory
34 agency, to the extent that it is authorized by local ordinance to
35 approve, conditionally approve, or disapprove the tentative map,
36 shall include as a condition in any tentative map that includes a
37 subdivision a requirement that a sufficient water supply shall be
38 available. Proof of the availability of a sufficient water supply
39 shall be requested by the subdivision applicant or local agency, at
40 the discretion of the local agency, and shall be based on written

1 verification from the applicable public water system within 90
2 days of a request.

3 (2) If the public water system fails to deliver the written
4 verification as required by this section, the local agency or any
5 other interested party may seek a writ of mandamus to compel the
6 public water system to comply.

7 (3) If the written verification provided by the applicable public
8 water system indicates that the public water system is unable to
9 provide a sufficient water supply that will meet the projected
10 demand associated with the proposed subdivision, then the local
11 agency may make a finding, after consideration of the written
12 verification by the applicable public water system, that additional
13 water supplies not accounted for by the public water system are,
14 or will be, available prior to completion of the subdivision that
15 will satisfy the requirements of this section. This finding shall be
16 made on the record and supported by substantial evidence.

17 (4) If the written verification is not provided by the public water
18 system, notwithstanding the local agency or other interested party
19 securing a writ of mandamus to compel compliance with this
20 section, then the local agency may make a finding that sufficient
21 water supplies are, or will be, available prior to completion of the
22 subdivision that will satisfy the requirements of this section. This
23 finding shall be made on the record and supported by substantial
24 evidence.

25 (c) The applicable public water system's written verification of
26 its ability or inability to provide a sufficient water supply that will
27 meet the projected demand associated with the proposed
28 subdivision as required by subdivision (b) shall be supported by
29 substantial evidence. The substantial evidence may include, but is
30 not limited to, any of the following:

31 (1) The public water system's most recently adopted urban water
32 management plan adopted pursuant to Part 2.6 (commencing with
33 Section 10610) of Division 6 of the Water Code.

34 (2) A water supply assessment that was completed pursuant to
35 Part 2.10 (commencing with Section 10910) of Division 6 of the
36 Water Code.

37 (3) *A groundwater sustainability plan adopted pursuant to Part*
38 *2.74 (commencing with Section 10720) of Division 6 of the Water*
39 *Code.*

40 ~~(3)~~

1 (4) Other information relating to the sufficiency of the water
2 supply that contains analytical information that is substantially
3 similar to the assessment required by Section 10635 of the Water
4 Code.

5 (d) When the written verification pursuant to subdivision (b)
6 relies on projected water supplies that are not currently available
7 to the public water system, to provide a sufficient water supply to
8 the subdivision, the written verification as to those projected water
9 supplies shall be based on all of the following elements, to the
10 extent each is applicable:

11 (1) Written contracts or other proof of valid rights to the
12 identified water supply that identify the terms and conditions under
13 which the water will be available to serve the proposed subdivision.

14 (2) Copies of a capital outlay program for financing the delivery
15 of a sufficient water supply that has been adopted by the applicable
16 governing body.

17 (3) Securing of applicable federal, state, and local permits for
18 construction of necessary infrastructure associated with supplying
19 a sufficient water supply.

20 (4) Any necessary regulatory approvals that are required in order
21 to be able to convey or deliver a sufficient water supply to the
22 subdivision.

23 (e) If there is no public water system, the local agency shall
24 make a written finding of sufficient water supply based on the
25 evidentiary requirements of subdivisions (c) and (d) and identify
26 the mechanism for providing water to the subdivision.

27 (f) In making any findings or determinations under this section,
28 a local agency, or designated advisory agency, may work in
29 conjunction with the project applicant and the public water system
30 to secure water supplies sufficient to satisfy the demands of the
31 proposed subdivision. If the local agency secures water supplies
32 pursuant to this subdivision, which supplies are acceptable to and
33 approved by the governing body of the public water system as
34 suitable for delivery to customers, it shall work in conjunction
35 with the public water system to implement a plan to deliver that
36 water supply to satisfy the long-term demands of the proposed
37 subdivision.

38 (g) The written verification prepared under this section shall
39 also include a description, to the extent that data is reasonably
40 available based on published records maintained by federal and

1 state agencies, and public records of local agencies, of the
2 reasonably foreseeable impacts of the proposed subdivision on the
3 availability of water resources for agricultural and industrial uses
4 within the public water system's service area that are not currently
5 receiving water from the public water system but are utilizing the
6 same sources of water. To the extent that those reasonably
7 foreseeable impacts have previously been evaluated in a document
8 prepared pursuant to the California Environmental Quality Act
9 (Division 13 (commencing with Section 21000) of the Public
10 Resources Code) or the National Environmental Policy Act (Public
11 Law 91-190) for the proposed subdivision, the public water system
12 may utilize that information in preparing the written verification.

13 (h) (1) Where a water supply for a proposed subdivision
14 includes groundwater, the public water system serving the proposed
15 subdivision shall evaluate, based on substantial evidence, the extent
16 to which it or the landowner has the right to extract the additional
17 groundwater needed to supply the proposed subdivision. Nothing
18 in this subdivision is intended to modify state law with regard to
19 groundwater rights.

20 (2) *Groundwater from a basin designated by the State Water*
21 *Resources Control Board as a probationary basin pursuant to*
22 *Chapter 11 (commencing with Section 10735) of Part 2.74 of*
23 *Division 6 of the Water Code is not considered as a water supply*
24 *for the purposes of this section.*

25 (i) This section shall not apply to any residential project
26 proposed for a site that is within an urbanized area and has been
27 previously developed for urban uses, or where the immediate
28 contiguous properties surrounding the residential project site are,
29 or previously have been, developed for urban uses, or housing
30 projects that are exclusively for very low and low-income
31 households.

32 (j) The determinations made pursuant to this section shall be
33 consistent with the obligation of a public water system to grant a
34 priority for the provision of available and future water resources
35 or services to proposed housing developments that help meet the
36 city's or county's share of the regional housing needs for lower
37 income households, pursuant to Section 65589.7.

38 (k) The County of San Diego shall be deemed to comply with
39 this section if the Office of Planning and Research determines that
40 all of the following conditions have been met:

(1) A regional growth management strategy that provides for a comprehensive regional strategy and a coordinated economic development and growth management program has been developed pursuant to Proposition C as approved by the voters of the County of San Diego in November 1988, which required the development of a regional growth management plan and directed the establishment of a regional planning and growth management review board.

(2) Each public water system, as defined in Section 10912 of the Water Code, within the County of San Diego has adopted an urban water management plan pursuant to Part 2.6 (commencing with Section 10610) of the Water Code.

(3) The approval or conditional approval of tentative maps for subdivisions, as defined in this section, by the County of San Diego and the cities within the county requires written communications to be made by the public water system to the city or county, in a format and with content that is substantially similar to the requirements contained in this section, with regard to the availability of a sufficient water supply, or the reliance on projected water supplies to provide a sufficient water supply, for a proposed subdivision.

(l) Nothing in this section shall preclude the legislative body of a city or county, or the designated advisory agency, at the request of the applicant, from making the determinations required in this section earlier than required pursuant to subdivision (b).

(m) Nothing in this section shall be construed to create a right or entitlement to water service or any specific level of water service.

(n) Nothing in this section is intended to change existing law concerning a public water system's obligation to provide water service to its existing customers or to any potential future customers.

(o) Any action challenging the sufficiency of the public water system's written verification of a sufficient water supply shall be governed by Section 66499.37.

SEC. 2. Section 10910 of the Water Code is amended to read:

10910. (a) Any city or county that determines that a project, as defined in Section 10912, is subject to the California Environmental Quality Act (Division 13 (commencing with Section

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

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

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

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

(3) If the projected water demand associated with the proposed project was not accounted for in the most recently adopted urban water management plan, or the public water system has no urban water management plan, *plan but the public water system is willing to supply water*, the water supply assessment for the project shall include a discussion with regard to whether the public water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed

1 project, in addition to the public water system's existing and
2 planned future uses, including agricultural and manufacturing uses.

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

12 *(d) (1) If a water system is not identified pursuant to subdivision*
13 *(b), or none of the water systems identified pursuant to subdivision*
14 *(b) are willing to supply the water, the city or county shall prepare*
15 *a technical report that includes all of the following:*

16 *(A) The name of each public water system that has a service*
17 *area boundary within five miles of any boundary of the applicant's*
18 *proposed service area.*

19 *(B) An analysis of the feasibility of a water system identified*
20 *pursuant to subdivision (b) annexing, connecting, or otherwise*
21 *supplying domestic water to the project.*

22 *(C) An analysis of the long-term feasibility of creating a new*
23 *water system to serve the project, including, but not limited to,*
24 *projecting the capacity of anticipated ratepayers to sustain a water*
25 *system if there is the potential that water treatment will be required*
26 *in the foreseeable future.*

27 *(D) A description of all actions taken by the city or county to*
28 *secure a supply of domestic water from an existing public water*
29 *system for the project.*

30 *(E) A description of all actions taken by the project proponent*
31 *to pursue a contract for managerial or operational oversight from*
32 *an existing public water system.*

33 *(2) If the city or county concludes, based on the technical report*
34 *prepared pursuant to paragraph (1), that it is feasible for a water*
35 *system identified pursuant to subdivision (b) to provide water to*
36 *the project, the city or county shall submit their technical report*
37 *to the local agency formation commission with jurisdiction over*
38 *the project.*

39 *(3) If the local agency formation commission declines to approve*
40 *an annexation or extension of service, the city or county shall*

develop a water supply assessment for the project that includes a discussion on whether the total projected water supplies, determined to be available by the city or county for the project during normal, single dry, or multiple dry water years during a 20-year projection, will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses.

~~(d)~~

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

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

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

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

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

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

~~(e)~~

(f) If no water has been received in prior years by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision ~~(b)~~, (d), under the existing water supply entitlements, water rights, or water service contracts, the public water system, or the city or county if either is required to comply with this part pursuant to subdivision ~~(b)~~, (d), shall also include in its water supply assessment pursuant to subdivision (c), an identification of the other public water systems or water service contractholders that receive a water supply or have existing water

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

6 ~~(f)~~

7 (g) If a water supply for a proposed project includes
8 groundwater, the following additional information shall be included
9 in the water supply assessment:

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

13 (2) (A) A description of any groundwater basin or basins from
14 which the proposed project will be supplied. ~~For~~

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

31 (C) *For a basin that has not been adjudicated that is a basin*
32 *designated as high- or medium-priority pursuant to Section*
33 *10722.4, information regarding the following:*

34 (i) *Whether the department has identified the basin as being*
35 *subject to critical conditions of overdraft pursuant to Section*
36 *12924.*

37 (ii) *Whether the board has designated the basin as a*
38 *probationary basin pursuant to Chapter 11 (commencing with*
39 *Section 10735) of Part 2.74.*

1 (iii) *If a groundwater sustainability agency has adopted a*
2 *groundwater sustainability plan or submitted an alternative plan,*
3 *a copy of that plan.*

4 (D) *For a basin that has not been adjudicated that is a basin*
5 *designated as low- or very-low priority pursuant to Section*
6 *10722.4, information as to whether the department has identified*
7 *the basin or basins as overdrafted or has projected that the basin*
8 *will become overdrafted if present management conditions*
9 *continue, in the most current bulletin of the department that*
10 *characterizes the condition of the groundwater basin, and a*
11 *detailed description by the public water system, or the city or*
12 *county if either is required to comply with this part pursuant to*
13 *subdivision (d), of the efforts being undertaken in the basin or*
14 *basins to eliminate the long-term overdraft condition.*

15 (3) A detailed description and analysis of the amount and
16 location of groundwater pumped by the public water system, or
17 the city or county if either is required to comply with this part
18 pursuant to subdivision ~~(b)~~, (d), for the past five years from any
19 groundwater basin from which the proposed project will be
20 supplied. The description and analysis shall be based on
21 information that is reasonably available, including, but not limited
22 to, historic use records.

23 (4) A detailed description and analysis of the amount and
24 location of groundwater that is projected to be pumped by the
25 public water system, or the city or county if either is required to
26 comply with this part pursuant to subdivision ~~(b)~~, (d), from any
27 basin from which the proposed project will be supplied. The
28 description and analysis shall be based on information that is
29 reasonably available, including, but not limited to, historic use
30 records.

31 (5) An analysis of the sufficiency of the groundwater from the
32 basin or basins from which the proposed project will be supplied
33 to meet the projected water demand associated with the proposed
34 project. A water supply assessment shall not be required to include
35 the information required by this paragraph if the public water
36 system determines, as part of the review required by paragraph
37 (1), that the sufficiency of groundwater necessary to meet the initial
38 and projected water demand associated with the project was
39 addressed in the description and analysis required by paragraph
40 (4) of subdivision (b) of Section 10631.

1 ~~(g)~~

2 (h) (1) Subject to paragraph (2), the governing body of each
3 public water system shall submit the assessment to the city or
4 county not later than 90 days from the date on which the request
5 was received. The governing body of each public water system,
6 or the city or county if either is required to comply with this act
7 pursuant to subdivision-~~(b)~~; (d), shall approve the assessment
8 prepared pursuant to this section at a regular or special meeting.

9 (2) Prior to the expiration of the 90-day period, if the public
10 water system intends to request an extension of time to prepare
11 and adopt the assessment, the public water system shall meet with
12 the city or county to request an extension of time, which shall not
13 exceed 30 days, to prepare and adopt the assessment.

14 (3) If the public water system fails to request an extension of
15 time, or fails to submit the assessment notwithstanding the
16 extension of time granted pursuant to paragraph (2), the city or
17 county may seek a writ of mandamus to compel the governing
18 body of the public water system to comply with the requirements
19 of this part relating to the submission of the water supply
20 assessment.

21 ~~(h)~~

22 (i) Notwithstanding any other provision of this part, if a project
23 has been the subject of a water supply assessment that complies
24 with the requirements of this part, no additional water supply
25 assessment shall be required for subsequent projects that were part
26 of a larger project for which a water supply assessment was
27 completed and that has complied with the requirements of this part
28 and for which the public water system, or the city or county if
29 either is required to comply with this part pursuant to subdivision
30 ~~(b)~~; (d), has concluded that its water supplies are sufficient to meet
31 the projected water demand associated with the proposed project,
32 in addition to the existing and planned future uses, including, but
33 not limited to, agricultural and industrial uses, unless one or more
34 of the following changes occurs:

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

37 (2) Changes in the circumstances or conditions substantially
38 affecting the ability of the public water system, or the city or county
39 if either is required to comply with this part pursuant to subdivision
40 ~~(b)~~; (d), to provide a sufficient supply of water for the project.

1 (3) Significant new information becomes available ~~which~~ *that*
2 was not known and could not have been known at the time when
3 the assessment was prepared.

4 (j) *For the purposes of this section, the following are not*
5 *considered as a source of water:*

6 (1) *Hauled water.*

7 (2) *Groundwater from a basin designated by the board as a*
8 *probationary basin pursuant to Chapter 11 (commencing with*
9 *Section 10735) of Part 2.74.*

10 (k) *If a water supply for a proposed project includes water of*
11 *a quality not sufficient to meet all primary and secondary drinking*
12 *water standards, the following additional information shall be*
13 *included in the water supply assessment:*

14 (1) *A detailed description of the concentration of contaminants.*

15 (2) *The proposed method for treating, blending, or otherwise*
16 *ensuring that the water will meet drinking water quality standards.*

17 (3) *The project cost to achieve drinking water quality.*

18 (4) *An analysis of the affordability of water for the project's*
19 *anticipated residents.*

20 SEC. 3. Section 10911 of the Water Code is amended to read:

21 10911. (a) If, as a result of its assessment, the public water
22 system concludes that its water supplies are, or will be, insufficient,
23 the public water system shall provide to the city or county its plans
24 for acquiring additional water supplies, setting forth the measures
25 that are being undertaken to acquire and develop those water
26 supplies. If the city or county, if either is required to comply with
27 this part pursuant to subdivision ~~(b)~~, (d) of Section 10910,
28 concludes as a result of its assessment, that water supplies are, or
29 will be, insufficient, the city or county shall include in its water
30 supply assessment its plans for acquiring additional water supplies,
31 setting forth the measures that are being undertaken to acquire and
32 develop those water supplies. Those plans may include, but are
33 not limited to, information concerning all of the following:

34 (1) The estimated total costs, and the proposed method of
35 financing the costs, associated with acquiring the additional water
36 supplies.

37 (2) All federal, state, and local permits, approvals, or
38 entitlements that are anticipated to be required in order to acquire
39 and develop the additional water supplies.

1 (3) Based on the considerations set forth in paragraphs (1) and
2 (2), the estimated timeframes within which the public water system,
3 or the city or county if either is required to comply with this part
4 pursuant to subdivision ~~(b)~~, *(d) of Section 10910*, expects to be
5 able to acquire additional water supplies.

6 (b) The city or county shall include the water supply assessment
7 provided pursuant to Section 10910, and any information provided
8 pursuant to subdivision (a), in any environmental document
9 prepared for the project pursuant to Division 13 (commencing with
10 Section 21000) of the Public Resources Code.

11 (c) The city or county may include in any environmental
12 document an evaluation of any information included in that
13 environmental document provided pursuant to subdivision (b).
14 The city or county shall determine, based on the entire record,
15 whether projected water supplies will be sufficient to satisfy the
16 demands of the project, in addition to existing and planned future
17 uses. If the city or county determines that water supplies will not
18 be sufficient, the city or county shall include that determination
19 in its findings for the project.

20 SEC. 4. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.