

ASSEMBLY BILL

No. 2501

**Introduced by Assembly Member Wolk
(Coauthor: Assembly Member DeSaulnier)**

February 21, 2008

An act to add Part 1.6 (commencing with Section 10100) to Division 6 of, and to add Division 33 (commencing with Section 83000) to, the Water Code, relating to water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2501, as introduced, Wolk. Water: planning.

(1) Under existing law, various state and local agencies engage in water resource planning.

This bill would enact the Climate Change and Water Resource Protection Act of 2008. The bill would require the Department of Water Resources, as part of its statewide water resource management responsibilities, to include an analysis of the potential effects of climate change, to the extent applicable, in reports or plans relating to water management or planning that the department is required to prepare. The bill would prohibit the department from approving a request for a specified grant, submitted after January 1, 2011, unless certain requirements are met. The department would be required, by July 1, 2009, to identify available peer-reviewed information, or the best available scientific information, regarding climate change and water resources for the state and each of the state's hydrologic regions for specified uses. The bill would require an urban water supplier and an agricultural water supplier that is required to prepare a water management plan to take certain action relating to specified climate change information, as provided.

The bill would require the department, in collaboration with other state agencies, to prepare a report that quantifies the energy savings and greenhouse gas emission reductions associated with water supply development. The department would be required to submit the report to the Governor and the Legislature, and to make it available to the public, on or before January 1, 2009. The bill would require the state board and each California regional water quality board to consider specified matters relating to climate change for the purpose of reviewing applicable water quality standards in accordance with the federal Clean Water Act.

(2) Under existing law, various bond acts have been approved by the voters to provide funds for water projects, facilities, and programs. The Disaster Preparedness and Flood Prevention Bond Act of 2006, a bond act approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$4,090,000,000 for the purposes of financing disaster preparedness and flood prevention projects. The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative bond act approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing a safe drinking water, water quality and supply, flood control, and resource protection program. The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, approved by the voters at the November 5, 2002, statewide general election, authorizes, for the purposes of financing a safe drinking water, water quality, and water reliability program, the issuance of bonds in the amount of \$3,440,000,000.

This bill, with regard to those bond funds, would appropriate \$610,890,000 as follows: of the funds made available pursuant to the Disaster Preparedness and Flood Prevention Bond Act of 2006, \$50,000,000 to the Department of Water Resources for essential emergency preparedness supplies and projects, and \$150,000,000 to the department for stormwater flood management project grants; of the funds made available pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, \$50,000,000 to the State Department of Public Health for grants for small community drinking water system infrastructure improvements and related actions, \$50,400,000 to the State Department of Public Health for grants for projects to prevent or reduce the contamination of groundwater that serves as a source of drinking water,

\$40,000,000 to the department for administrative costs, planning grants, and local groundwater assistance grants, \$50,000,000 to the department for projects that improve the quality of the drinking water supply from the Sacramento-San Joaquin Delta, \$60,000,000 to the department and the Central Valley flood Protection Board to increase the department's ability to respond to levee breaches and to reduce the potential for levee failure, \$100,000,000 to the department and the board for the acquisition, preservation, protection, and restoration of Sacramento-San Joaquin Delta resources, \$12,000,000 to the department to complete planning and feasibility studies associated with new surface storage under the California Bay-Delta Program, \$15,000,000 to the department for planning and feasibility studies to identify potential options for the reoperation of the state's flood protection and water supply systems, \$10,000,000 to the department for response to climate change, and \$10,000,000 to the department for planning and feasibility studies to implement the Delta Vision; and of the funds made available under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, \$3,490,000 to the department for planning and feasibility studies associated with surface storage under the California Bay-Delta Program.

The bill would provide that up to 5% of the funds appropriated by the bill may be expended to pay for the administrative costs of that program. The bill would provide that funds appropriated by the bill are available for encumbrance until June 30, 2010. On January 10, 2009, program recipients would be required to report to the fiscal committees of the Legislature with regard to the committed and anticipated expenditures of these funds.

(3) Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with authority over matters relating to water quality.

This bill would require the state board, in consultation with other agencies, to develop pilot projects in the Tulare Lake Basin and the Salinas Valley focused on nitrate contamination. The bill would require the state board to create an interagency task force, as needed, to oversee the pilot projects, and to submit a report to the Legislature on the scope and findings of the projects within 2 years of receiving funding. The state board would be required to implement recommendations for developing a groundwater cleanup program for the Central Valley Water Quality Control Region and the Central Coast Water Quality Control

Region based upon pilot project results within 2 years of submitting the report to the Legislature.

Vote: majority. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The Department of Water Resources issued a report in 2006
4 on climate change and California’s water resources, and concluded
5 that climate change is likely to have significant effects on
6 California’s water supply projects and the Sacramento-San Joaquin
7 Delta.

8 (b) The State Energy Resources Conservation and Development
9 Commission’s Integrated Energy Policy Report (CEC-IEPR)
10 produced in 2005 estimates that water-related energy use consumes
11 19 percent of the state’s electricity, 30 percent of its natural gas,
12 and 88 billion gallons of diesel fuel every year.

13 (c) The CEC-IEPR also found that water supply and conveyance
14 have both the highest energy magnitude and the greatest variability
15 in energy intensity in the water use cycle.

16 (d) The California Global Warming Solutions Act of 2006
17 requires the adoption of a statewide greenhouse gas emissions
18 limit equivalent to the statewide greenhouse gas emissions level
19 in 1990 to be achieved by 2020. Existing law requires all state
20 agencies to consider and implement strategies to reduce their
21 greenhouse gas emissions.

22 (e) The CEC-IEPR concluded that, in many areas of the state,
23 recycled water is the least energy-intensive source of new water
24 supply. Increased use of recycled water statewide will reduce
25 California’s energy consumption and help meet the state’s goal of
26 reducing greenhouse gas emissions, as required by the California
27 Global Warming Solutions Act of 2006.

28 (f) Increasing water conservation statewide will also reduce
29 California’s energy consumption and help meet the state’s goal of
30 reducing greenhouse gas emissions, as required by the California
31 Global Warming Solutions Act of 2006.

32 (g) California should improve its overall planning process to
33 ensure a safe, clean, and reliable water supply by giving more

1 consideration to the impacts of climate change on the state's water
2 resources, and by identifying water supply options that will help
3 the state meet the requirements of the California Global Warming
4 Solutions Act of 2006.

5 SEC. 2. Part 1.6 (commencing with Section 10100) is added
6 to Division 6 of the Water Code, to read:

7

8 PART 1.6. CLIMATE CHANGE AND WATER RESOURCES

9

10 10100. This part shall be known and may be cited as the
11 Climate Change and Water Resource Protection Act of 2008.

12 10101. (a) The department, as part of its statewide water
13 resource management responsibilities, shall include an analysis of
14 the potential effects of climate change, to the extent applicable, in
15 all reports or plans relating to water management or planning that
16 the department is required to prepare. These reports or plans include
17 all of the following:

18 (1) The biennial report on the overall delivery capability of the
19 State Water Project and the allocation of that capacity to each
20 contractor.

21 (2) The California Water Plan prepared pursuant to Part 1.5
22 (commencing with Section 10004).

23 (3) Reports related to the Sacramento-San Joaquin Delta.

24 (4) State Plan of Flood Control.

25 (5) Bulletin 118 and other bulletins issued by the department
26 concerning the statewide status of groundwater resources.

27 (b) On or before July 1, 2009, the department shall identify
28 available peer-reviewed information, or in its absence, the best
29 available scientific information, including information produced
30 in response to Executive Order S-3-05, regarding climate change
31 and water resources for the state and each of the state's hydrologic
32 regions for use by state and local agencies for the purposes
33 described in Sections 10103 and 10104. To the maximum extent
34 practicable, the department shall make the information available
35 on its Internet Web site or through other readily available means.
36 In conjunction with the preparation of the California Water Plan,
37 the department shall work with the California Environmental
38 Protection Agency and the scientific community to periodically
39 update the climate change information, as appropriate.

1 (c) The department shall not approve any request for a grant
2 pursuant to Section 75026 of the Public Resources Code, submitted
3 after January 1, 2011, unless the integrated regional water
4 management plan that is the basis of the grant application includes
5 consideration of the information regarding climate change made
6 available in accordance with subdivision (b) or other relevant
7 information if the applicant deems that information reasonably
8 reliable. If this information is not available, or does not apply to
9 a particular integrated regional water management planning area,
10 the grant applicant is not subject to the requirements of this section
11 and the body adopting the integrated regional water management
12 plan shall adopt a written statement that information pursuant to
13 subdivision (b) is not available, or does not apply to the integrated
14 regional water management in the planning area.

15 10102. (a) In order to assist local and state agencies in
16 implementing the California Global Warming Solutions Act of
17 2006 (Division 25.5 (commencing with Section 38500) of the
18 Health and Safety Code), the department, in collaboration with
19 the State Water Resources Control Board, the State Air Resources
20 Board, the State Energy Resources Conservation and Development
21 Commission, and the Public Utilities Commission, shall prepare
22 a report that quantifies the energy savings and greenhouse gas
23 emission reductions associated with water supply development,
24 including, but not limited to, increasing the use of recycled water
25 to offset the use of potable water for nonpotable uses in the state
26 and expanding reliance on water conservation. For the purposes
27 of this section, the State Water Resources Control Board has the
28 primary responsibility for the analysis of recycled water and the
29 department has primary responsibility for the analysis of all other
30 water supply development alternatives.

31 (b) In making the quantifications required by subdivision (a),
32 the agencies shall use the best scientific information available and
33 consult with all interested local agencies.

34 (c) The report shall quantify statewide energy savings and
35 greenhouse gas emission reductions by utilizing various scenarios
36 that assume the state will exceed its current use of recycled water
37 and will meet or exceed the state's goal for water recycling
38 established by Section 13577. The study shall consider energy
39 savings and greenhouse gas emission reductions in each region
40 identified in Section 13200 from all possible nonpotable uses of

1 recycled water including, but not limited to, the following
2 agricultural, industrial, environmental, groundwater recharge,
3 commercial, urban irrigation, and domestic uses:

- 4 (1) Flushing toilets and urinals.
- 5 (2) Priming drain traps.
- 6 (3) Industrial process water that may come into contact with
7 workers.
- 8 (4) Structural fire fighting.
- 9 (5) Decorative fountains.
- 10 (6) Commercial laundries.
- 11 (7) Consolidation of backfill around potable water pipelines.
- 12 (8) Artificial snow making for commercial outdoor use.
- 13 (9) Commercial car washes, including hand washes if the
14 recycled water is not heated, where the general public is excluded
15 from the washing process.
- 16 (10) Industrial boiler feed.
- 17 (11) Nonstructural fire fighting.
- 18 (12) Backfill consolidation around nonpotable piping.
- 19 (13) Soil compaction.
- 20 (14) Mixing concrete.
- 21 (15) Dust control on roads and streets.
- 22 (16) Cleaning roads, sidewalks, and outdoor work areas.
- 23 (17) Industrial process water that will not come into contact
24 with workers.

25 (d) In making the quantification related to water conservation,
26 the report shall quantify statewide energy savings and greenhouse
27 gas emission reductions assuming the potential water use efficiency
28 identified in the department's Bulletin 160-05. The report shall
29 include recommendations as to emission reduction measures that
30 provide state agencies a way to reduce greenhouse gas emissions
31 from water use.

32 (e) The department shall submit the report required by
33 subdivision (a) to the Governor and the Legislature, and make the
34 report available to the public, on or before January 1, 2009. The
35 report shall include specific policy recommendations and
36 administrative actions that will assist the state in meeting the
37 requirements of Section 38560.5 of the Health and Safety Code
38 to identify and implement specific greenhouse gas emission
39 reduction measures.

1 10103. For the purpose of the triennial review of applicable
2 water quality standards pursuant to Section 303(c)(1) of the Clean
3 Water Act (33 U.S.C. Sec. 1313 (c)(1)), the State Water Resources
4 Control Board and each California regional water quality control
5 board shall consider, to the extent practicable, the reasonably
6 foreseeable effects of climate change on the water quality of the
7 basin, based on the applicable information made available pursuant
8 to subdivision (b) of Section 10101 and other information that the
9 State Water Resources Control Board or the California regional
10 water quality control board deems relevant and reliable.

11 10104. (a) On and after July 1, 2009, an urban water supplier
12 that is required to prepare a plan pursuant to Part 2.6 (commencing
13 with Section 10610) shall do all of the following:

14 (1) Request or otherwise obtain from the department the
15 information regarding climate change and water supply made
16 available pursuant to subdivision (b) of Section 10101.

17 (2) Identify, to the extent practicable, the possible effects of
18 climate change on its water supply projections based on the
19 information made available pursuant to subdivision (b) of Section
20 10101 or other relevant information if the supplier deems that
21 information reasonably reliable.

22 (3) Consider the information regarding climate change and water
23 supply made available pursuant to subdivision (b) of Section 10101
24 or other information if the supplier deems that information
25 reasonably reliable in describing the reliability of its water supply
26 pursuant to subdivision (c) of Section 10631 and the reliability of
27 water service to its customers pursuant to Section 10635.

28 (b) On and after January 1, 2010, an agricultural water supplier
29 that is required to prepare a plan pursuant to Part 2.8 (commencing
30 with Section 10800) shall do all of the following:

31 (1) Request or otherwise obtain from the department the
32 information regarding climate change and water supply made
33 available pursuant to subdivision (b) of Section 10101.

34 (2) Consider the information regarding climate change and water
35 supply made available pursuant to subdivision (b) of Section 10101
36 or other relevant information if the supplier deems that information
37 reasonably reliable in describing the quantity and source of water
38 delivered to, and by, the supplier.

39 (c) If the information described in subdivision (b) of Section
40 10101 is not available or does not apply to a supplier described in

1 subdivision (a) or (b), the supplier is not subject to the requirements
2 of this section and the governing board of a supplier specified in
3 subdivision (a) or (b) shall adopt a written statement stating that
4 the information described in subdivision (b) of Section 10101 is
5 not available or does not apply to the supplier.

6 SEC. 3. Division 33 (commencing with Section 83000) is added
7 to the Water Code, to read:

8
9 DIVISION 33. INTEGRATED WATER SUPPLY AND
10 FLOOD PROTECTION PLANNING, DESIGN, AND
11 IMPLEMENTATION
12

13 83000. The Legislature hereby finds and declares all of the
14 following:

15 (a) Water is vital to the economy, environment, and overall
16 well-being of the state.

17 (b) California faces increasing challenges in managing its water
18 supply due to climate change, uncertainty regarding the availability
19 of water from the Sacramento-San Joaquin Delta and other sources,
20 an increasing state population, limitations on public funds, and
21 other factors.

22 (c) California must adopt a new, updated, and comprehensive
23 set of water planning, design, and implementation policies that
24 reflect these realities to protect its water supply future.

25 (d) In the past, state laws, funding schemes, and administrative
26 actions have treated the planning, construction, and operation of
27 water supply, groundwater, and flood control systems as separate
28 and distinct activities, thereby reducing efficiency and water supply
29 reliability.

30 (e) California has not taken full advantage of the cost savings,
31 the environmental benefits, or the expediency of more efficient
32 operations and usage of existing water supply, storage, and flood
33 protection facilities.

34 (f) It is the policy of the state to more effectively integrate its
35 flood protection systems with its water supply and conveyance
36 systems in order to conserve limited public dollars, increase the
37 available water supply, improve water quality, increase wildlife
38 and ecosystem protections, protect public health and safety, and
39 address the effects of climate change.

1 (g) The purpose of this division is to require the integration of
2 flood protection and water systems to achieve multiple public
3 benefits, including all of the following:

4 (1) Increasing water supply reliability in the least costly, most
5 efficient, and most reliable manner to meet current and future state
6 needs.

7 (2) Increasing use of water use efficiency and water conservation
8 measures to increase and extend existing water supplies.

9 (3) Reducing energy consumption associated with water
10 transport, thereby reducing state greenhouse gas emissions.

11 (4) Improving water management to protect and restore
12 ecosystems and wildlife habitat.

13 83001. In order to provide the least costly, most efficient, and
14 reliable water supply to a growing state, it is the intent of the
15 Legislature that the department accomplish the following
16 objectives:

17 (a) Integrate state flood protection and water supply systems.

18 (b) Promote conjunctive use of groundwater storage capacity
19 to improve overall water supply and flood system operation.

20 (c) Promote increased water use efficiency through expanded
21 use of water conservation, water recycling, and improvements in
22 technology.

23 83002. The sum of six hundred ten million eight hundred ninety
24 thousand dollars (\$610,890,000) is hereby appropriated as follows:

25 (a) Of the funds made available pursuant to Chapter 1.699
26 (commencing with Section 5096.800) of Division 5 of the Public
27 Resources Code, the sum of two hundred million dollars
28 (\$200,000,000) is hereby appropriated as follows:

29 (1) Pursuant to subdivision (c) of Section 5096.821 of the Public
30 Resources Code, the sum of fifty million dollars (\$50,000,000) to
31 the department for the acquisition, design, and construction of
32 essential emergency preparedness supplies and projects in
33 accordance with that subdivision. Prior to the design or construction
34 of any project funded pursuant to this paragraph, the California
35 Bay-Delta Authority, or its successor, shall approve the specific
36 project or program.

37 (2) Pursuant to Section 5096.827 of the Public Resources Code,
38 the sum of one hundred fifty million dollars (\$150,000,000) to the
39 department for grants for stormwater flood management projects
40 that reduce the risk of flood damage and provide other benefits,

1 including groundwater recharge, water quality improvement, and
2 ecosystem restoration. Not less than one hundred million dollars
3 (\$100,000,000) of this amount shall be available for projects that
4 address immediate public health and safety needs, strengthen
5 existing flood control facilities to address seismic safety issues,
6 meet immediate water quality needs related to combined municipal
7 sewer and stormwater systems to prevent sewage discharges into
8 state waters, or for stormwater flood protection projects protecting
9 public safety and property from flood events.

10 (b) Of the funds made available pursuant to Division 43
11 (commencing with Section 75001) of the Public Resources Code,
12 the sum of three hundred ninety-seven million four hundred
13 thousand dollars (\$397,400,000) is hereby appropriated as follows:

14 (1) Pursuant to Section 75022 of the Public Resources Code,
15 the sum of fifty million dollars (\$50,000,000) to the State
16 Department of Public Health for grants for small community
17 drinking water system infrastructure improvements and related
18 actions to meet safe drinking water standards. First priority for
19 these funds shall be given to disadvantaged or severely
20 disadvantaged communities lacking resources to provide safe
21 drinking water to residents. Small community drinking water
22 systems that are dependent on surface water and are under orders
23 from the State Department of Public Health to boil water from
24 existing treatment systems for parasites, viruses, or giardia shall
25 be eligible for grants for drinking water system infrastructure
26 improvements.

27 (2) Pursuant to Section 75025 of the Public Resources Code,
28 the sum of fifty million four hundred thousand dollars
29 (\$50,400,000) to the State Department of Public Health for grants
30 for projects to prevent or reduce the contamination of groundwater
31 that serves as a source of drinking water. Funds appropriated by
32 this paragraph shall be available for projects immediately needed
33 to protect public health by preventing or reducing the
34 contamination of groundwater that serves as a major source of
35 drinking water for a community.

36 (A) The State Department of Public Health shall prioritize
37 project funding based on the following criteria:

38 (i) The threat posed by groundwater contamination to the
39 affected community's overall drinking water supplies, including

1 the need for the treatment or construction of alternative supplies
2 if groundwater is not available due to contamination.

3 (ii) The potential for groundwater contamination to spread and
4 reduce drinking water supply and water storage capacity for major
5 population areas.

6 (iii) The potential of the project, if fully implemented, to enhance
7 local water supply reliability.

8 (iv) The potential of the project to increase opportunities for
9 groundwater recharge and optimization of groundwater supplies.

10 (B) The State Department of Public Health shall give additional
11 consideration to projects that meet any of the following criteria:

12 (i) The project is implemented pursuant to a comprehensive
13 basinwide groundwater quality management and remediation plan
14 or is necessary to develop a comprehensive groundwater plan.

15 (ii) Affected groundwater provides a local supply that, if
16 contaminated, will require the importation of additional water from
17 the Sacramento-San Joaquin Delta or the Colorado River.

18 (iii) The project will serve an economically disadvantaged
19 community.

20 (iv) Multiple contaminants affect more than one-third of the
21 well capacity of a local water system.

22 (C) Of the amount made available by this section, up to ten
23 million dollars (\$10,000,000) shall be available for projects that
24 meet the criteria of this section and both of the following criteria:

25 (i) The potential to leverage funds.

26 (ii) The project addresses contamination at a site on the list
27 maintained by the Department of Toxic Substances Control
28 pursuant to Section 25356 of the Health and Safety Code or a site
29 listed on the National Priorities List pursuant to the Comprehensive
30 Environmental Response, Compensation, and Liability Act of 1980
31 (42 U.S.C. Sec. 9601 et seq.).

32 (D) Of the funds appropriated by this paragraph, two million
33 dollars (\$2,000,000) shall be allocated to the State Department of
34 Public Health to contract with the State Water Resources Control
35 Board for the purposes of Section 83003.

36 (3) Pursuant to Section 75026 of the Public Resources Code,
37 the sum of forty million dollars (\$40,000,000) to the department
38 for planning grants and local groundwater assistance grants.

39 (4) Pursuant to subdivision (d) of Section 75029 of the Public
40 Resources Code, the sum of fifty million dollars (\$50,000,000) to

1 the department for projects that improve the quality of the drinking
2 water supply from the Sacramento-San Joaquin Delta in accordance
3 with that subdivision.

4 (5) Pursuant to Section 75033 of the Public Resources Code,
5 the sum of one hundred sixty million dollars (\$160,000,000) to
6 the department and the Central Valley Flood Protection Board, as
7 follows:

8 (A) Sixty million dollars (\$60,000,000) to increase the
9 department's ability to respond to levee breaches and to reduce
10 the potential for levee failure, including, but not limited to, the
11 following:

12 (i) Acquisition and positioning of emergency construction
13 materials and equipment.

14 (ii) Emergency projects to prevent levee failure or repair levees
15 or other flood control facilities to restore conveyance and flood
16 protection.

17 (iii) Preparation for, and implementation of, a delta emergency
18 operations plan.

19 (iv) Emergency contracts for activities relating to a flood fight
20 or levee failure to prevent or mitigate loss of, or damage to, life,
21 health, property, or essential public services.

22 (B) One hundred million dollars (\$100,000,000) for the
23 acquisition, preservation, protection, and restoration of
24 Sacramento-San Joaquin Delta resources in accordance with
25 Section 75033. The department shall expend these funds pursuant
26 to priorities that reflect the value of the resources and land uses
27 protected by the levees to the state as a whole, consistent with the
28 Delta Vision. Projects shall be selected to improve the stability of
29 the delta levee system, reduce subsidence, and assist in restoring
30 the ecosystem of the delta. Priority shall be given to projects that
31 improve conditions for delta smelt and other native fish without
32 regard to long-term decisions as to the management and
33 conveyance of water south of the Delta, including, but not limited
34 to, all of the following projects:

35 (i) Restoration of floodplain habitat and fish migration through
36 the Yolo Bypass.

37 (ii) Restoration of tidal marsh in Suisun Marsh.

38 (iii) Expedited implementation of Dutch Slough tidal marsh
39 restoration project.

40 (iv) Acquisition and restoration of Decker Island.

1 (v) Restoration and enhancement of the Cache Slough region.
2 (vi) Implementation of the McCormack Williamson Tract flood
3 control and ecosystem restoration project.

4 (6) Pursuant to Chapter 4 (commencing with Section 75041) of
5 Division 43 of the Public Resources Code, the sum of forty-seven
6 million dollars (\$47,000,000) to the department as follows:

7 (A) (i) Twelve million dollars (\$12,000,000) to complete the
8 planning and feasibility studies associated with new surface storage
9 under the California Bay-Delta Program.

10 (ii) The planning and feasibility studies shall include the
11 following information:

12 (I) The identification of specific construction and operation
13 conditions proposed for each surface storage facility, including
14 consideration of climate change, an estimated schedule for the
15 construction and completion of each project funded under Section
16 75041, and the total costs of constructing each project.

17 (II) A description of the estimated total costs to construct each
18 project and an allocation of the costs to public and private
19 beneficiaries.

20 (iii) Any feasibility study conducted or funded by the state for
21 new surface storage under the California Bay-Delta Program shall
22 evaluate funded projects consistent with all statutory and other
23 legally established requirements for the protection of environmental
24 and natural resources, including protections for the McCloud River
25 pursuant to Section 5093.542 of the Public Resources Code.

26 (iv) The planning and feasibility studies shall be prepared and
27 submitted to the Governor and the Legislature no later than
28 December 31, 2008.

29 (B) (i) Fifteen million dollars (\$15,000,000) for planning and
30 feasibility studies to identify potential options for the reoperation
31 of the state's flood protection and water supply systems that will
32 optimize the use of existing facilities and groundwater storage
33 capacity.

34 (ii) The studies shall incorporate appropriate climate change
35 scenarios and be designed to determine the potential to achieve
36 the following objectives:

37 (I) Integration of flood protection and water supply systems to
38 increase water supply reliability and flood protection, improve
39 water quality, and provide for ecosystem protection and restoration.

1 (II) Reoperation of existing reservoirs, flood facilities, and other
2 water facilities in conjunction with groundwater storage to improve
3 water supply reliability, flood control, and ecosystem protection
4 and to reduce groundwater overdraft.

5 (III) Promotion of more effective groundwater management and
6 protection and greater integration of groundwater and surface water
7 resource uses.

8 (IV) Improvement of existing water conveyance systems to
9 increase water supply reliability, improve water quality, expand
10 flood protection, and protect and restore ecosystems.

11 (C) Ten million dollars (\$10,000,000) and authorization for up
12 to 10 personnel to begin addressing how the state water system
13 should respond to climate change, pursuant to the Climate Change
14 and Water Resource Protection Act of 2008 (Part 1.6 (commencing
15 with Section 10100) of Division 6). Consistent with that act, such
16 funding shall be used to evaluate climate change impacts, develop
17 strategies to adapt to climate change impacts, and identify strategies
18 to reduce greenhouse gas emissions related to the storage,
19 conveyance, and distribution of water. Of the amount made
20 available by this subparagraph, the department shall make available
21 two million dollars (\$2,000,000) to the State Water Resources
22 Control Board for its participation in these efforts. The department
23 may transfer funds to other state agencies and may provide local
24 assistance to local water agencies for participation in these efforts.

25 (D) Ten million dollars (\$10,000,000) for planning and
26 feasibility studies to implement the Delta Vision.

27 (c) Of the funds made available pursuant to subdivision (a) of
28 Section 79550, the sum of three million four hundred ninety
29 thousand dollars (\$3,490,000) is hereby appropriated to the
30 department for planning and feasibility studies associated with
31 surface storage under the California Bay-Delta Program.

32 83003. To improve understanding of the causes of groundwater
33 contamination, identify potential solutions and funding sources to
34 clean up or treat groundwater, and ensure the provision of safe
35 drinking water to all communities, the State Water Resources
36 Control Board, in consultation with other agencies as specified in
37 this section, shall develop pilot projects in the Tulare Lake Basin
38 and the Salinas Valley that focus on nitrate contamination and do
39 all of the following:

- 1 (a) (1) In collaboration with relevant agencies and utilizing
2 existing data, including groundwater ambient monitoring and
3 assessment results along with the collection of new information
4 as needed, do all of the following:
- 5 (A) Identify sources, by category of discharger, of groundwater
6 contamination due to nitrates in the pilot project basins.
- 7 (B) Estimate proportionate contributions to groundwater
8 contamination by source and category of discharger.
- 9 (C) Identify and analyze options within the board's current
10 authority to reduce current nitrate levels and prevent continuing
11 nitrate contamination of these basins and estimate the costs
12 associated with exercising existing authority.
- 13 (2) In collaboration with the State Department of Public Health,
14 do all of the following:
- 15 (A) Identify methods and costs associated with the treatment
16 of nitrate contaminated groundwater for use as drinking water.
- 17 (B) Identify methods and costs to provide an alternative water
18 supply to groundwater reliant communities in each pilot project
19 basin.
- 20 (3) Identify all potential funding sources to provide resources
21 for the cleanup of nitrates, groundwater treatment for nitrates, and
22 the provision of alternative drinking water supply, including, but
23 not limited to, state bond funding, federal funds, water rates, and
24 fees or fines on polluters.
- 25 (4) Develop recommendations for developing a groundwater
26 cleanup program for the Central Valley Water Quality Control
27 Region and the Central Coast Water Quality Control Region based
28 upon pilot project results.
- 29 (b) Create an interagency task force, as needed, to oversee the
30 pilot projects and develop recommendations for the Legislature.
31 The interagency task force may include the board, the State
32 Department of Public Health, the Department of Toxic Substances
33 Control, the California Environmental Protection Agency, the
34 department, local public health officials, the Department of Food
35 and Agriculture, and the Department of Pesticide Regulation.
- 36 (c) Submit a report to the Legislature on the scope and findings
37 of the pilot projects, including recommendations, within two years
38 of receiving funding.
- 39 (d) Implement recommendations in the Central Coast Water
40 Quality Control Region and the Central Valley Water Quality

1 Control Region pursuant to paragraph (4) of subdivision (a) within
2 two years of submitting the report described in subdivision (c) to
3 the Legislature.

4 83004. Up to 5 percent of the funds appropriated by this
5 division may be expended to pay the costs incurred in the
6 administration of that program.

7 83005. Funds appropriated by this division shall only be
8 available for encumbrance until June 30, 2010. On January 10,
9 2009, any program that is the recipient of an appropriation made
10 by this division shall report to the fiscal committees of the
11 Legislature on the details of all committed and anticipated
12 expenditures of these funds. The report shall include all of the
13 following information:

14 (a) Fiscal detail of state operations support and local assistance
15 costs.

16 (b) A general description of the project and the project funding
17 made available by an appropriation in the annual Budget Act for
18 the 2009–10 fiscal year or proposed to be made available in the
19 annual Budget Act for the 2009–10 fiscal year.

20 (c) A description of the manner in which funds have been
21 expended and a plan for the future expenditure of funds.

22 (d) An anticipated timeframe for the full expenditure of the
23 appropriation.

24 (e) An anticipated timeframe for the full completion of the
25 designated project.

26 (f) The amount of total matching project funding that is being
27 provided by an entity other than the state.

28 83006. The Legislature further finds and declares the following:

29 (a) At the November 7, 2006, statewide general election, the
30 voters approved nine billion five hundred thousand dollars
31 (\$9,000,500,000) in general obligation bonding authority to
32 improve flood protection, water supply reliability, water quality,
33 fish and wildlife, parks and open space, and other natural resources.
34 This is in addition to the eleven billion one hundred thousand
35 dollars (\$11,000,100,000) previously authorized by the voters
36 since 1996 for similar uses.

37 (b) The Legislative Analyst reports that at the end of the
38 2006–07 fiscal year, more than one billion two hundred thousand
39 dollars (\$1,000,200,000) of the previously authorized eleven billion

1 one hundred thousand dollars (\$11,000,100,000) had not been
2 appropriated or otherwise committed for voter-approved uses.
3 (c) The proceeds of bonds approved by the voters of the state
4 for water and natural resources should be appropriated and
5 expended for those uses, as directed by the voters.

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