

AGENDA  
IRVINE RANCH WATER DISTRICT  
WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE  
WEDNESDAY, SEPTEMBER 6, 2017

CALL TO ORDER 3:30 p.m. Committee Room, Second Floor, District Office  
15600 Sand Canyon Avenue, Irvine, California

ATTENDANCE Committee Chair: Mary Aileen Matheis \_\_\_\_\_  
Member: Steve LaMar \_\_\_\_\_

ALSO PRESENT

Paul Cook	_____	Cheryl Clary	_____
Beth Beeman	_____	Patrick Sheilds	_____
Mark Tettermer	_____	Christine Compton	_____
Fiona Sanchez	_____	Amy McNulty	_____
Paul Weghorst	_____	Kellie Welch	_____
Ray Bennett	_____	Jo Ann Corey	_____
_____	_____	_____	_____
_____	_____	_____	_____

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**COMMUNICATIONS**

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1. Notes: Sanchez
2. Public Comments
3. Determine the need to discuss and/or take action on item(s) introduced that came to the attention of the District subsequent to the agenda being posted.
4. Determine which items may be approved without discussion.

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**INFORMATION**

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5. 2017 LEGISLATIVE AND REGULATORY UPDATE

Recommendation: Receive and file.

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**OTHER BUSINESS**

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6. A. Directors' Comments
  
- B. Adjourn


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Availability of agenda materials: Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the above-named Committee in connection with a matter subject to discussion or consideration at an open meeting of the Committee are available for public inspection in the District's office, 15600 Sand Canyon Avenue, Irvine, California ("District Office"). If such writings are distributed to members of the Committee less than 72 hours prior to the meeting, they will be available from the District Secretary of the District Office at the same time as they are distributed to Committee Members, except that if such writings are distributed one hour prior to, or during, the meeting, they will be available at the entrance of the meeting room at the District Office.

The Irvine Ranch Water District Committee Room is wheelchair accessible. If you require any special disability-related accommodations (e.g., access to an amplified sound system, etc.), please contact the District Secretary at (949) 453-5300 during business hours at least seventy-two (72) hours prior to the scheduled meeting. This agenda can be obtained in an alternative format upon written request to the District Secretary at least seventy-two (72) hours prior to the scheduled meeting.

September 6, 2017

Prepared and

submitted by: C. Compton 

Approved by: Paul A. Cook 

## WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

### 2017 LEGISLATIVE AND REGULATORY UPDATE

#### SUMMARY:

This report provides an update on the 2017-2018 legislative session and IRWD priorities. As legislation and regulations develop, staff will provide updates and recommendations to the Water Resources Policy and Communications Committee and the Board, as appropriate.

Staff recommends that the Board receive and file this update.

#### BACKGROUND:

The California State Assembly and Senate returned from summer recess on August 21, 2017. Fiscal committees had until September 1 to meet and report bills to the floor. The Legislature has until September 15 to act on regular session bills this year and, upon adjournment that day, will begin the Interim Legislative Recess. The Governor has until October 15 to sign or veto legislation passed by the Legislature this session. The 2017-2018 Regular Legislative Session will resume on January 3, 2018.

A copy of the 2017 Legislative Matrix is attached as Exhibit "A". Exhibit "B" is the 2017 Legislative Update Report Links to Bill and Regulatory Texts, which contains links to the bills and regulations discussed below, unless a separate exhibit is noted.

#### State Budget Update:

##### *July Revenue Numbers:*

On August 10, 2017, State Controller Betty Yee released her monthly report on the State's finances. She announced that the State took in \$6.09 billion during the month of July. This was \$188.8 million, or 3.2 percent, higher than the estimates contained in the Fiscal Year 2017-2018 Budget Act. The Controller reported that:

"Personal income tax receipts of \$4.74 billion in July were \$77.3 million higher than 2017-18 Budget Act estimates. July corporation tax receipts of \$363.5 million were \$18.9 million more than anticipated in the budget, or 5.5 percent. Retail sales and use tax receipts of \$899.5 million for July surged \$84.6 million, or 10.4 percent, above budget estimates."

The State's General Fund outstanding loan balance was \$8.97 billion, or \$64.5 million, less than estimated in the budget.

2017 State Legislative Update:

*Long-Term Water-Use Efficiency Framework:*

Since the beginning of the year staff has continued to work with various stakeholders and the Association of California Water Agencies (ACWA) on long-term water use efficiency and drought planning legislation. As reported to the Board, the Senate Natural Resources and Water Committee heard the bills related to “Making Water Conservation a California Way of Life” on July 11, 2017. The Committee considered AB 1323 (Weber, D-San Diego), AB 1654 (Rubio, D-West Covina), AB 1667 (Friedman, D-Glendale) and AB 1668 (Friedman). As expected, the Committee passed AB 1323 without amendment, held AB 1667 in the Committee, and passed AB 1654 and AB 1668 with amendments that stripped the existing language from the bills and replaced it with a general statement of intent. Senator Bob Hertzberg (D-Van Nuys) and Senator Nancy Skinner (D-Oakland) amended SB 606 around the same time and inserted the same intent language into SB 606 as was included in AB 1654 and AB 1668.

On August 21, AB 1668 and SB 606 were amended with a proposal drafted by Senate Natural Resources and Water Committee Consultant Dennis O’Connor. Assemblywoman Blanca Rubio (D-West Covina) did not amend AB 1654 with the proposal because she was not comfortable with the policies it included. Given the late date at which AB 1668 and SB 606 were amended, each has had to seek a rule waiver to allow the bills to be heard after certain legislative deadlines have passed. SB 606 received a waiver from the fiscal committee deadline and is expected to be heard by the Assembly Appropriations Committee after Labor Day. As of the writing of this report on August 30, AB 1668 has yet to receive a rule waiver from the policy committee deadline. It is expected that the Senate will take up the rule waiver on August 31. If the rule waiver is granted, SB 606 will be heard in the Senate Natural Resources and Water Committee on August 31 and in the Senate Appropriations Committee on September 1.

On August 29, both AB 1668 and SB 606 were amended again. As amended, the bills would, among other things:

- Give the State Water Resources Control Board (State Board) one-time authority to set certain water use efficiency standards and implement water use objectives/target;
- Authorize the State Board to establish guidelines and methodologies to identify how urban water use objectives/targets are to be calculated and reported;
- Require urban retail water suppliers to annually calculate an urban water use objective and report on accomplishments;
- Establish indoor water use efficiency standard through statute at 55 gallons per person daily (GPCD) until 2025, when the standard is reduced to 50 GPCD;
- Authorize the State Board to establish outdoor water use efficiency standards for residential landscapes and commercial, industrial and institutional (CII) irrigation based on the relevant principles of the Model Water Efficient Landscape Ordinance;

- Authorize the State Board to establish performance measures for CII water use. Process water has been excluded from the performance measures;
- Grant permissive, not mandatory, authority to the State Board to establish variances to the efficiency standards;
- Provide a ten percent credit for recycled water use, which would decrease by one percent each year until 2031;
- Grant the State Board with new enforcement powers; and
- Modify the Urban Water Management Planning Act to require urban water suppliers to develop enhanced Urban Water Management Plans, enhanced Water Shortage Contingency Plans, Drought Risk Assessments, and an annual Water Supply and Demand Assessment.

As part of the District's effort on "Making Water Conservation a California Way of Life" legislation, IRWD has taken an "oppose unless amended" position on AB 1668 and SB 606 and has signed onto the water community's "oppose unless amended" letter for the two bills, which included amendments being sought by the coalition. A copy of the proposed amendments, which were drafted by the ACWA Long-term Water Use Efficiency Work Group and included in the coalition letter, is attached as Exhibit "C". A summary of the issues and the water community's position is attached as Exhibit "D".

Staff continues to be engaged in the discussions taking place in Sacramento related to "Making Water Conservation a California Way of Life." Staff will provide an update on the ongoing discussions taking place within the State Capitol regard the framework.

#### California Water Tax:

SB 623 (Monning, D-Santa Cruz) would establish the Safe and Affordable Drinking Water Fund in the State Treasury, and would provide that moneys in the fund are continuously appropriated to the State Water Resources Control Board for grants, loans, contracts, or services to assist those without access to safe and affordable drinking water consistent with a fund implementation plan to be adopted annually by the State Board. On August 21, the bill was amended to include a fee on fertilizer, a fee on milk and a water tax.

The bill would require public water agencies to collect a monthly tax for the State based on the largest potable meter size serving their property at the following rates:

- \$0.95 for meters less than or equal to 1";
- \$4.00 for meters less than or equal to 2";
- \$6.00 for meters less than or equal to 4";
- \$10.00 for meters greater than "4; and

- Customers without a meter would be taxed at the rate of \$0.95.

These rates would be in effect until July 1, 2022. After July 1, 2022, the State Board would have authority to set the tax rates each year. The bill also provides that a water agency would receive one percent of the tax it collects for administration of the tax. Staff has evaluated SB 623 and estimates that it would place an annual tax of \$1.5 million on IRWD customers and a \$10 million annual tax on Orange County.

As a result of SB 623 being amended to include a water tax, IRWD has moved to an “oppose” position on SB 623 since the bill is inconsistent with Board-adopted policy on a public goods charge/statewide user fee. Staff has been working with ACWA and the District’s other industry partners to oppose the proposed tax, and has signed onto the ACWA coalition letter opposing the bill. A copy of the coalition letter is attached as Exhibit “E”.

SB 623 is currently on the Assembly Appropriations Suspense File. The Assembly Appropriations Committee will consider the Suspense File before September 1. If the committee removes SB 623 from the Suspense File, it will move to the Assembly Floor.

Staff will provide an update on the ongoing discussions taking place within the State Capitol regard the water tax.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

RECOMMENDATION:

Receive and file.

LIST OF EXHIBITS:

- Exhibit “A” – IRWD Legislative Matrix
- Exhibit “B” – 2017 Legislative Update Report Links to Bill Texts
- Exhibit “C” – Water Community Comment Proposed Amendments to SB 606
- Exhibit “D” – Water Community Comment Issues of Concern with AB 1668 and SB 606.
- Exhibit “E” – SB 623 Coalition Letter

**EXHIBIT "A"**  
**IRWD 2017 LEGISLATIVE MATRIX**  
**Updated 08/30/2017**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b>AB 18</b> Garcia E (D)	Clean Water, Climate, and Coastal Protection Act		Enacts the California Clean Water, Climate, Coastal Protection and Outdoor Access For All Act, which would authorize the issuance of bonds to finance a clean water, climate, and coastal protection and outdoor access for all program. Provides for the submission of these provisions to the voters at the statewide direct primary election.	06/28/2017 - To SENATE Committees on NATURAL RESOURCES AND WATER and GOVERNANCE AND FINANCE.
<b>AB 22</b> Bonta (D)	Secretary Of State: Storing and Recording Media		Provides that a cloud computing storage service that provides administrative users with tools or controls to prevent stored records from being overwritten, deleted, or altered until the required retention period for the record has expired is considered a trusted system for the purposes of storing government documents. Requires a cloud computing storage service to comply with standards published by the International Organization for Standardization, or other applicable industry recognized standard.	07/17/2017 - In SENATE. Read second time and amended. To third reading.
<b>AB 52</b> Cooper (D)	Public Employee: Orientation And Informational Programs		Requires the public employers regulated by specified acts to provide all employees an orientation and to permit an exclusive representative to participate.	04/19/2017 - In ASSEMBLY Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY: Not heard.
<b>AB 151</b> Burke (D)	California Global Warming Solutions Act		Amends the Global Warming Solutions Act. Requires the Air Resources Board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan. Requires the state board to report to the Legislature on the need for increased education, career technical education, job training, and workforce development in ensuring that statewide greenhouse gas emissions are reduced by a specified level.	08/24/2017 - In ASSEMBLY. From third reading. To Inactive File.
<b>AB 161</b> Levine (D)	Department of Finance: Infrastructure Investment		Authorizes the Department of Finance to identify infrastructure projects in the state for which the department will guarantee a rate of return on investment for an investment made in that infrastructure project by the Public Employees' Retirement System.	08/21/2017 - In SENATE Committee on APPROPRIATIONS: Not heard.

**IRWD 2016 LEGISLATIVE MATRIX**  
**Updated 08/30/2017**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>AB 166</u></b> Salas (D)	Safe Drinking Water: Household Filtration Systems		Requires the State Water Resources Control Board to conduct a study on the feasibility and financial stability of a rebate program that would provide a household that is served by a water system that does not meet primary drinking water standards with a rebate for the purchase of a household water filtration system.	06/08/2017 - To SENATE Committee on RULES.
<b><u>AB 176</u></b> Salas (D)	Water Project: Friant-Kern Canal		Appropriates a specified sum from the General Fund for the Reverse Flow Pump-back Facilities on the Friant-Kern Canal Restoration Project. Makes legislative findings and declarations as to the necessity of a special statute for the Friant-Kern Canal.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 196</u></b> Bigelow (R)	Greenhouse Gas Reduction Fund: Water Supply		Amends the Global Warming Solutions Act, which creates the Greenhouse Gas Reduction Fund and authorizes specified investments, including water use and supply. Authorizes the use of the moneys in the fund for electric pump efficiency, water and wastewater systems, pump and pump motor efficiency improvements, and drinking water transmission and distribution systems' water loss if the investment furthers the regulatory purposes of the act and is consistent with law.	07/17/2017 - In SENATE Committee on APPROPRIATIONS: To Suspense File.
<b><u>AB 241</u></b> Dababneh (D)	Personal Information: Privacy: State and Local Breach		Relates to state and local breaches of privacy. Requires a state or local agency, if it was the source of a computer breach of information, to provide appropriate identity theft prevention and mitigation services at no cost to a person whose personal information, including social security number, driver license or identification card number.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 277</u></b> Mathis (R)	Water and Wastewater Loan and Grant Program		Authorize the State Water Resources Control Board to establish the Water and Wastewater Loan and Grant Program to provide funding to eligible applicants for specified purposes relating to drinking water and wastewater treatment. Authorizes a county or qualified nonprofit organization to apply to the board for a grant to award	07/10/2017 - In SENATE Committee on APPROPRIATIONS: To Suspense File.



**IRWD 2016 LEGISLATIVE MATRIX**  
**Updated 08/30/2017**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
			loans or grants, or both, to an eligible applicant. Authorizes the board to use a specified funding source.	
<b><u>AB 305</u></b> Arambula (D)	School Accountability Report Card: Drinking Water		Amends the Classroom Instructional Improvement and Accountability Act to require a specified school accountability report card to include an assessment of the drinking water access points at each school site. Requires the State Department of Education to compile the assessments and transmit them to the State Water Resources Control Board.	02/13/2017 - To ASSEMBLY Committees on EDUCATION and ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<b><u>AB 313</u></b> Gray (D)	Water		Establishes a Water Rights Division within the Office of Administrative Hearings. Provides for hearing requirements. Authorizes the State Water Resources Control Board to issue a complaint seeking an order requiring a person to cease and desist from diverting or using water.	08/21/2017 - In SENATE Committee on APPROPRIATIONS: Not heard.
<b><u>AB 321</u></b> Mathis (R)	Groundwater Sustainability Agencies		Includes farmers, ranchers, and dairy professionals in the agricultural users whose interests a groundwater sustainability agency is required to consider for sustainability plans.	07/17/2017 - Signed by GOVERNOR.;07/17/2017 - Chaptered by Secretary of State. Chapter No. 2017-67
<b><u>AB 408</u></b> Chen (R)	Eminent Domain: Final Offer of Compensation		Provides that if a court finds, that the offer of the plaintiff was a certain percentage of the compensation awarded in the eminent domain proceeding, then the court would be required to include the defendant's litigation costs in the costs allowed.	03/20/2017 - From ASSEMBLY Committee on JUDICIARY without further action pursuant to JR 62(a).
<b><u>AB 429</u></b> Grayson (D)	State Water Policy: Water Rights: Use/Transferability		Makes nonsubstantive changes to existing law concerning water policy, water use, rights and transferability of those rights.	02/13/2017 - INTRODUCED.
<b><u>AB 472</u></b> Frazier (D)	Water Transfers: Idled Agricultural Land: Wildlife		Requires the Department of Water Resources to allow nonirrigated cover crops or natural vegetation to remain on idled agricultural lands without penalty to the landowner, unless it is determined that it causes injury to another legal user of water. Requires the Wildlife Conservation Board to establish an incentive program for landowners who cultivate or retain cover crops or natural	08/22/2017 - In SENATE Committee on NATURAL RESOURCES AND WATER: Reconsideration granted.

**IRWD 2016 LEGISLATIVE MATRIX**  
**Updated 08/30/2017**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
			vegetation on idled agricultural lands to provide waterfowl, upland game bird, and other wildlife habitat.	
<b><u>AB 474</u></b> Garcia E (D)	Hazardous Waste: Spent Brine Solutions		Exempts spent brine solutions that are byproducts of the treatment of groundwater to meet California drinking water standards from Hazardous Waste Control Law requirements if certain conditions are met. Requests surface impoundments used for the treatment of spent brine solutions to maintain financial assurances consistent with requirements of the Hazardous Waste Control Law.	08/21/2017 - From SENATE Committee on APPROPRIATIONS with author's amendments.;08/21/2017 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
<b><u>AB 494</u></b> Bloom (D)	Land Use: Accessory Dwelling Units		Amends the Planning and Zoning Law to provide that an accessory dwelling unit may be rented separately from the primary residence. Requires that parking requirements for accessory dwelling units not exceed a certain number. Removes the prohibition on specified offstreet parking where that parking is not allowed anywhere else in the jurisdiction.	08/22/2017 - In SENATE. Read second time. To third reading.
<b><u>AB 524</u></b> Bigelow (R)	Public Utilities: Fines and Settlements		Appropriates moneys resulting from specified citations, relating to the 2015 Butte Fire, to the Department of Forestry and Fire Protection to be expended for the department's program known as the State Responsibility Area Fire Prevention Fund and Tree Mortality Grant Program.	08/29/2017 - From SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS: Do pass to Committee on APPROPRIATIONS.
<b><u>AB 530</u></b> Cooper (D)	Public Employment: Collective Bargaining: Officers		Expands the jurisdiction of the Public Employment Relations Board to include resolving disputes and statutory duties and rights of persons who are employed by public agencies and who are peace officers. Authorizes a peace officer to bring an action to seek injunctive relief. Excepts the employee relations commissions of the County of Los Angeles and the City of Los Angeles from the application of these provisions.	07/17/2017 - In SENATE Committee on APPROPRIATIONS: To Suspense File.
<b><u>AB 551</u></b> Levine (D)	Political Reform Act of 1974: Postemployment		Amends the Political Reform Act, which prohibits certain elected officials from acting as agents or attorneys for certain persons, and which excludes from that prohibition certain appearances and	08/21/2017 - In SENATE. Read third time. Passed SENATE. To enrollment.

## IRWD 2016 LEGISLATIVE MATRIX

Updated 08/30/2017

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			communications. Specifies that the one-year prohibition applies to independent contractors of a local government agency or a public agency who are appearing or communicating on behalf of that agency.	
<b>AB 554</b> Cunningham (R)	Desalination: Statewide Goal		Relates to desalination projects and opportunities for state assistance and funding. Establishes a goal to desalinate a specified acre-feet of drinking water per year.	06/20/2017 - In ASSEMBLY. Coauthors revised.
<b>AB 567</b> Quirk-Silva (D)	School Facilities: Drinking Water Fountains		Requires a school district to ensure that every drinking water fountain at each school under its jurisdiction is equipped with both a water fountain and a spigot, or a combination water fountain and spigot, for filling water bottles.	03/14/2017 - From ASSEMBLY Committee on EDUCATION with author's amendments.;03/14/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on EDUCATION.
<b>AB 574</b> Quirk (D)	Potable Reuse	SUPPORT	Specifies that direct potable reuse includes raw water augmentation and treated drinking water augmentation. Changes surface water augmentation to reservoir water augmentation and redefines the term. Requires the State Water Resources Control Board to adopt uniform water recycling criteria for direct potable reuse through raw water augmentation.	08/21/2017 - In SENATE Committee on APPROPRIATIONS: To Suspend File.
<b>AB 577</b> Caballero (D)	Disadvantaged Communities		Amends existing law which defines a disadvantaged community as a community with an annual median household income that is less than a certain percentage of the statewide annual median household income for various purposes, that include, but are not limited to, the Water Quality, Supply, and Infrastructure Improvement Act of 2014. Expands the definition of disadvantaged community.	03/09/2017 - From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS with author's amendments.;03/09/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<b>AB 589</b> Bigelow (R)	Water Diversion: Monitoring: University of California		Relates any water diverter who has completed an instructional course regarding the devices or measurement method administered by the University of California Cooperative Extension to be considered a qualified individual when installing and maintaining	08/21/2017 - In SENATE Committee on APPROPRIATIONS: To Suspend File.

**IRWD 2016 LEGISLATIVE MATRIX**  
**Updated 08/30/2017**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
			devices or methods of measurement for the diverter's diversion. Requires a diverter to recomplete the course every 6 years. Requires the University of California Cooperative Extension to consult with the board when developing the curriculum of the course.	
<b>AB 594</b> Irwin (D)	Water Supply Planning: Photovoltaic Energy Facility		Amends existing law which requires a city or county that determines that a project is subject to the California Environmental Quality Act to identify any public water system that may supply water for the project and to request those public water systems to prepare a specified water supply assessment.	02/27/2017 - To ASSEMBLY Committees on WATER, PARKS AND WILDLIFE and LOCAL GOVERNMENT.
<b>AB 664</b> Steinorth (R)	Political Reform Act: Campaign Expenditure		Prohibits the payment of financial or material compensation from campaign funds held by a controlled committee of an elected officer or candidate for elective office, in exchange for services rendered, to any vendor that is majority-owned or controlled by any spouse or domestic partner, parent, grandparent, sibling, child, or grandchild of that officer or candidate.	04/26/2017 - In ASSEMBLY Committee on ELECTIONS AND REDISTRICTING: Failed passage.;04/26/2017 - In ASSEMBLY Committee on ELECTIONS AND REDISTRICTING: Reconsideration granted.
<b>AB 672</b> Jones-Sawyer (D)	Utility Services		Relates to civil actions brought by an electrical, gas, or water utility against a person who commits the diversion of utility services. Authorizes a defendant that prevails upon judgment to recover reasonable attorney's fees and costs of the suit from the utility.	05/01/2017 - From ASSEMBLY Committee on JUDICIARY with author's amendments.;05/01/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on JUDICIARY.
<b>AB 732</b> Frazier (D)	Levee Maintenance		Extends indefinitely the operation of the authorization to advance funds to reimburse local agencies under a program for the maintenance or improvement of project or nonproject levees. Postpones the operation of certain related provisions.	07/10/2017 - In SENATE Committee on APPROPRIATIONS: To Suspense File.
<b>AB 791</b> Frazier (D)	Sacramento-San Joaquin Delta: Conveyance Facility	OPPOSE	Relates to the State Water Project and federal Central Valley Project. Require, before a water contractor enters into a contract to pay for these costs, that the lead agency provide the breakdown of costs for each water contractor entering into a contract and what	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

**IRWD 2016 LEGISLATIVE MATRIX**  
**Updated 08/30/2017**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
			benefits each contractor will receive based on the proportion it has financed of the proposed conveyance project.	
<b><u>AB 792</u></b> Frazier (D)	Sacramento-San Joaquin Delta Plan: Certification	OPPOSE	Prohibits the Delta Stewardship Council from granting a certification of consistency with the Sacramento-San Joaquin Delta Plan until the State Water Resources Control Board has completed its update of a specified water quality control plan.	03/28/2017 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;03/28/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.
<b><u>AB 793</u></b> Frazier (D)	Sacramento-San Joaquin Delta: Financing	OPPOSE	States that the maintenance and repair of the Sacramento-San Joaquin Delta are eligible for the same forms of financing as other water collection and treatment infrastructure and would specify the maintenance and repair activities that are eligible are limited to certain cleanup and abatement-related restoration and conservation activities.	03/27/2017 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;03/27/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.
<b><u>AB 869</u></b> Rubio (D)	Sustainable Water Use: Recycled Water		Requires long-term standards for urban water conservation and water use to include a credit for recycled water. Prohibits an urban retailer water supplier from being required to reduce the amount of recycled water it produces, sells, or distributes for beneficial potable or nonpotable uses during a period when water conservation measures are in effect.	08/24/2017 - From SENATE Committee on NATURAL RESOURCES AND WATER with author's amendments.;08/24/2017 - In SENATE. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES AND WATER.
<b><u>AB 851</u></b> Caballero (D)	Local Agency Contracts		Authorizes the Santa Clara Valley Water District to use the design build procurement process when contracting for the construction of a building, or buildings, and any directly related improvements. Authorizes the utilization of the design build procurement process by the Santa Clara Valley Water District for the purposes of flood protection improvements, habitat restorations or enhancements, and enhancement of surface water facilities.	08/30/2017 - In SENATE. Read second time. To third reading.

**IRWD 2016 LEGISLATIVE MATRIX**  
**Updated 08/30/2017**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b>AB 884</b> Levine (D)	Dams and Reservoirs: Inspections		Requires the Department of Water Resources to make annual physical inspections of dams and reservoirs at state expense for the purpose of determining their safety.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b>AB 891</b> Garcia E (D)	California Communities Environmental Health Screening		Require the State Air Resources Board to include data from certain local air monitoring studies, including certain data on ozone and diesel particulate matter, in a certain report. Requires funds to be allocated to the board and the office to support the continued collection of this data. Requires the board to add air monitoring stations at additional locations in the California-Mexico border region and to submit a report concerning cross-border pollution.	06/08/2017 - To SENATE Committee on ENVIRONMENTAL QUALITY.
<b>AB 898</b> Frazier (D)	Property Taxation: Revenue Allocations: Fire District		Requires the auditor of the County of Contra Costa to allocate certain ad valorem property tax revenues to the East Contra Costa Fire Protection District that would otherwise be allocated to the county's Education Revenue Augmentation Fund.	04/04/2017 - From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments.;04/04/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.
<b>AB 947</b> Gallagher (R)	Fish and Wildlife: Streambed Alteration Agreements		Relates to streambed alteration agreements of the Department of Fish and Wildlife. Defines river and stream for purposes of provisions requiring certain notification.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Not heard.
<b>AB 967</b> Gloria (D)	Human Remains Disposal: Alkaline Hydrolysis		Requires the Cemetery and Funeral Bureau to license and regulate hydrolysis facilities. Enacts requirements applicable to hydrolysis facilities substantially similar to those applicable to crematoria. Requires a local registrar of births or deaths to issue permits for the disposition of hydrolyzed remains. Requires an applicant for hydrolysis facility to present to the bureau any state or locally required permits for business operation and employ a certified hydrolysis chamber.	08/22/2017 - In SENATE. Read second time. To third reading.

**IRWD 2016 LEGISLATIVE MATRIX**  
**Updated 08/30/2017**

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<b><u>AB 968</u></b> Rubio (D)	Retail Water Use: Water Efficiency	CO- SPONSOR & SUPPORT	Requires the Urban Stakeholder Committee to submit a report to the Legislature recommending for potential adjustments to water efficiency targets and commercial, industrial, and institutional performance measures. Requires the Department of Water Resources to recommend appropriate water efficiency measures for various segments of the commercial, industrial, and institutional water use sector. requires each urban retail water supplier to develop a water efficiency target. Revises definitions.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 975</u></b> Friedman (D)	Natural Resources: Wild and Scenic Rivers		Specifies that certain rivers that possess scenic, recreational, fishery, wildlife, historical, cultural, geological, or other similar values shall be preserved in their free-flowing state, together with their immediate environments, for the benefit and enjoyment of the people of the state.	06/05/2017 - In ASSEMBLY. To Inactive File.
<b><u>AB 1000</u></b> Friedman (D)	Water Conveyance: Unused Facility Capacity	WATCH	Prohibits a transferor of water from using a water conveyance facility that has unused capacity to transfer water from a groundwater basin underlying desert lands that is in the vicinity of specified federal lands or state lands to outside of the groundwater basin unless the State Lands Commission, in consultation with the Department of Fish and Wildlife, finds that the transfer of the water will not adversely affect the natural or cultural resources of those federal and state lands.	08/28/2017 - In SENATE Committee on APPROPRIATIONS: To Suspend File.
<b><u>AB 1008</u></b> McCarty (D)	Employment Discrimination: Prior Criminal History		Repeals the prohibition on a state or local agency from asking an applicant for employment to disclosure information regarding criminal conviction, provides that it is an unlawful employment practice under California Fair Employment and Housing for an employer to include on any application for employment any question that seeks the disclosure of an applicant's criminal history, to inquire into or consider the conviction history of an applicant until that applicant has received a conditional offer.	08/21/2017 - In SENATE Committee on APPROPRIATIONS: To Suspend File.

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<b><u>AB 1030</u></b> Ting (D)	Energy Storage Systems		Establishes energy policy goals of the state with respect to energy storage. Requires the Public Utility Commission to undertake specified actions with respect to customer- and load-sited energy storage systems in order to achieve those energy policy goals, including a rebate program dedicated to energy storage that carves out a portion of funding for low-income customers and disadvantaged communities.	05/24/2017 - From ASSEMBLY Committee on UTILITIES AND ENERGY without further action pursuant to JR 62(a).
<b><u>AB 1041</u></b> Levine (D)	Transportation Funding: Transportation Improvement Fee		Amends the Road Repair and Accountability Act of 2017 which imposes a transportation improvement fee on each vehicle. Requires that the revenues from fee be available for expenditure only on specified transportation purposes. Provides for provisions to be added by SB 1 to correct an erroneous cross-reference in these provisions.	04/24/2017 - Re-referred to ASSEMBLY Committee on TRANSPORTATION.
<b><u>AB 1050</u></b> Allen T (R)	Endangered Species Act: Delta Smelt		Requires the Fish and Game Commission to remove the Delta smelt from the endangered species list.	03/28/2017 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;03/28/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.
<b><u>AB 1066</u></b> Aguiar-Curry (D)	Public Works: Definition		Expands the meaning of the term public works to include specific types of tree removal work. Expands the scope of a crime.	08/22/2017 - In SENATE. Read second time. To third reading.
<b><u>AB 1089</u></b> Mullin (D)	Local Elective Offices: Contribution Limitations		Prohibits a person from making to a candidate for local elective office any a contribution totaling more than a certain amount. Authorizes a county, city, special district, or school district to impose a different limitation.	06/20/2017 - In ASSEMBLY. Coauthors revised.
<b><u>AB 1132</u></b> Garcia (D)	Nonvehicular Air Pollution: Order for Abatement		Authorizes an air pollution control officer, if they find that any person is causing an imminent and substantial endangerment to the public health or welfare, or the environment, by violating requirements related to the emission of air pollutants by stationary	08/07/2017 - Signed by GOVERNOR.;08/07/2017 - Chaptered by Secretary of State. Chapter No. 171



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			sources, to issue an interim order for abatement pending a hearing before the hearing board of the air district. Requires the air pollution control officer to notify the alleged violator and establishes procedure for a hearing.	
<b><u>AB 1133</u></b> Dahle (R)	California Endangered Species Act		Provides that the California Endangered Species Act (CESA) prohibits the taking of an endangered or threatened species. Provides that a person who obtains a federal enhancement of survival permit requires no further authorization to take that species as identified in the enhancement of survival permit. provide that it is the intent of the Legislature that the department should undertake appropriate public outreach before introducing species that is designated as an experimental population under FESA.	08/29/2017 - In SENATE. Read second time. To Consent Calendar.
<b><u>AB 1180</u></b> Holden (D)	Los Angeles County Flood Control District		Authorizes the Los Angeles County Flood Control District to levy a tax or impose a fee or charge to pay the costs and expenses of carrying out projects and programs to increase stormwater capture and reduce stormwater and urban runoff pollution in the district. Specifies that projects funded by the revenues may include projects that increase water supply and improve water quality.	08/21/2017 - In SENATE. Read second time and amended. To third reading.
<b><u>AB 1235</u></b> Daly (D)	Santa Ana River Conservancy Program		appropriates a specified sum from the General Fund to the conservancy to be expended for the purposes of the the Santa Ana River Conservancy Program.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 1271</u></b> Gallagher (R)	Dams and Reservoirs		Amends the existing law which requires the Department of Water Resources supervise the maintenance and operation of dams and reservoirs as necessary to safeguard life and property. Requires the department to order the owner to take action to remove the resultant danger to life and property. Provides for continuously appropriate the moneys in the fund to the department for the administration of the dam safety program.	03/21/2017 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;03/21/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.

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<u><b>AB 1323</b></u> Weber (D)	Sustainable Water Use and Demand Reduction		Requires the Department of Water Resources to convene a stakeholder workgroup. Requires the workgroup to develop, evaluate, and recommend proposals for establishing new water use targets for urban water suppliers and report to the Governor and the Legislature. Requires all expenses to be the responsibility of the nonstate agency stakeholders.	08/21/2017 - In SENATE Committee on APPROPRIATIONS: To Suspense File.
<u><b>AB 1333</b></u> Dababneh (D)	Political Reform Act: Local Government Agency Notices		Requires every local government agency to prominently post on its Internet Web site a notice of any upcoming election in which voters will vote on a tax measure or proposed bond issuance of the agency. Requires every local government agency that publishes an electronic newsletter to include the notice in the electronic newsletter.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u><b>AB 1342</b></u> Flora (R)	Greenhouse Gas Reduction Fund: Appropriations		Appropriates from the fund to the Department of Forestry and Fire Protection for healthy forest programs that reduce greenhouse gas emissions caused by uncontrolled wildfires. Appropriates from the fund to the Department Resources Recycling and Recovery for instate organic waste recycling projects that reduce greenhouse gas emissions.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u><b>AB 1369</b></u> Gray (D)	Water Quality and Storage		Requires the Department of Water Resources to increase statewide water storage capacity by a certain percent by a specified year. Provides for the appropriation of moneys from the Greenhouse Gas Reduction Fund. Requires all groundwater basins designated as high- or medium-priority basins by the department that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan.	03/27/2017 - To ASSEMBLY Committees on WATER, PARKS AND WILDLIFE and NATURAL RESOURCES.
<u><b>AB 1420</b></u> Aguiar-Curry (D)	Water Rights: Small Irrigation Use		Requires State Water Resources Control Board to give priority to adopting general conditions that permit a registrant to store water for small irrigation use during times of high streamflow in exchange for the registrant reducing diversions during periods of low streamflow. Exempts an entity from the requirement to enter	07/10/2017 - In SENATE Committee on APPROPRIATIONS: To Suspense File.

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			into a lake or streambed alteration agreement with the department under specified circumstances.	
<b><u>AB 1427</u></b> Eggman (D)	Water: Underground Storage		Revises the declaration to additionally provide that certain uses of storage water while underground constitute beneficial use. Provides that the forfeiture periods of a water right do not apply to water being beneficially used or being held in storage for later beneficial use.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS; Held in committee.
<b><u>AB 1438</u></b> Env Safety & Toxic Material Cmt	State Water Resource Control Board		Amends the Environmental Laboratory Accreditation Act. Updates obsolete references. Authorizes the state board to require an owner of a laboratory under these provisions to provide certain information or records to the state board. Amends the California Safe Drinking Water Act. Authorizes the state board to suspend or revoke a permit if the state board determines that the permittee is in violation of the act.	07/10/2017 - In SENATE Committee on APPROPRIATIONS; To Suspense File.
<b><u>AB 1479</u></b> Bonta (D)	Public Records: Supervisor of Records: Civil Penalties		Amends the Public Records Act. Requires public agencies to designate a person or office to act as the agency's custodian of records who is responsible for responding to any request made under the Act and any inquiry from the public about a decision by the agency to deny a request for records. Authorizes a court that finds by preponderance of the evidence that an agency failed to respond to a request for records or improperly withheld public records from a member of the public to assess a civil penalty.	08/21/2017 - In SENATE Committee on APPROPRIATIONS; To Suspense File.
<b><u>AB 1490</u></b> Gray (D)	State Water Resources Control Board: School Water		Requires the State Water Resources Control Board to prepare and submit to the Legislature a report evaluating potential adverse impacts resulting from the implementation of the Bay-Delta Water Quality Control Plan on the quality and supply of drinking water provided to schools in disadvantaged communities, in the state, including a summary describing any measures that may be implemented to address any adverse impacts identified in the report. Relates to school financial assistance.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS; Held in committee.

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<b><u>AB 1524</u></b> Brough (R)	Political Reform Act: Mass Mailing Prohibitions		Amends the Political Reform Act of 1974 which prohibits the sending of a mass mailing by either a candidate or an agency. States violation of the act's provisions is punishable as a misdemeanor.	03/16/2017 - To ASSEMBLY Committee on ELECTIONS AND REDISTRICTING.
<b><u>AB 1529</u></b> Thurmond (D)	Cross-Connection or Backflow Prevention Inspectors		Requires valid and current certifications for cross-connection inspection or backflow prevention device inspection, testing, and maintenance that meet specified requirements for competency to e accepted certification test until the state Water Resources Control Board promulgates specified regulations. Prohibits a water supplier from refusing to recognize certifications tests that meet standards set by regulations of the Board.	08/21/2017 - In SENATE Committee on APPROPRIATIONS: To Suspense File.
<b><u>AB 1548</u></b> Fong (R)	Occupational Safety and Health: Penalties		Expands the application of an existing law which authorizes certain entities to apply for a refund of civil penalties assessed against them if specified conditions are met and which requires moneys in a certain fund to be expended to assist schools in establishing effective occupational injury and illness prevention programs.	03/16/2017 - To ASSEMBLY Committee on LABOR AND EMPLOYMENT.
<b><u>AB 1605</u></b> Caballero (D)	Maximum Contaminant Levels: Replacement Water		Deems a person that causes or permits, or threatens to cause or permit, any waste to be discharged that contributes to the exceedance of the maximum contaminant level for nitrate in drinking water to not have caused pollution or a nuisance or to not be liable for negligence or trespass, if the person or entity takes certain actions relating to replacement water until the maximum contaminant level for nitrate is no longer exceeded.	04/27/2017 - From ASSEMBLY Committee on JUDICIARY with author's amendments.;04/27/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on JUDICIARY.
<b><u>AB 1654</u></b> Rubio (D)	Water Conservation	CO-SPONSOR & SUPPORT	States the intent of the Legislature to enact legislation necessary to help make water conservation a California way of life.	07/19/2017 - Re-referred to SENATE Committee on RULES.
<b><u>AB 1667</u></b> Friedman (D)	Water Management Planning	OPPOSE	Requires the State Water Resources Control Board to adopt long-term standards for urban water conservation and water use on or	07/11/2017 - In SENATE Committee on NATURAL RESOURCES AND

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			before the specified date. Requires the board to adopt performance measures for commercial, industrial, and institutional water use on or before that date. Require an urban water supplier to calculate a water use target beginning the calendar year after the board adopts long-term standards for urban water conservation and water use. Relates to submission of specified information.	WATER: Heard, remains in Committee.
<b><u>AB 1668</u></b> Friedman (D)	Water Management Planning	OPPOSE UNLESS AMENDED	Requires the State Water Resources Control Board to adopt long-term standards for the efficient use of water and performance measures for commercial, industrial, and institutional water use. Requires the department, in coordination with the board, to conduct necessary studies and investigations and make recommendations.establish an unspecified number of gallons as the initial standard for daily per capita indoor residential water use.	08/29/2017 - From SENATE Committee on RULES with author's amendments.;08/29/2017 - In SENATE. Read second time and amended. Re-referred to Committee on RULES.;08/29/2017 - Re-referred to SENATE Committee on NATURAL RESOURCES AND WATER.
<b><u>AB 1669</u></b> Friedman (D)	Urban Water Conservation Standards and Use Reporting		Requires the State Water Resources Control Board, in consultation with the Department of Water Resources, to adopt long-term standards for urban water conservation and water use by a specified date. Provides for the adoption of interim standards. Requires the board, before adopting an emergency regulation, to provide a certain number of days for the public to review and comment on the regulation and requires the board to hold a public hearing.	05/26/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 1671</u></b> Caballero (D)	Backflow Prevention Assemblies		Requires a public water system to implement a cross-connection control program that complies with applicable regulations and standards. Requires the State Water Resources Control Board to adopt standards for backflow protection and cross-connection control. Authorizes the Board to do so through the adoption of a policy handbook.	08/21/2017 - In SENATE Committee on APPROPRIATIONS: To Suspense File.
<b><u>AB 1673</u></b> Aguiar-Curry (D)	The California Water Plan		Makes technical, nonsubstantive changes to existing law which requires the Department of Water Resources to update every five years, the plan for the orderly and coordinated control,protection,	02/17/2017 - INTRODUCED.

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			conservation, development and use of the water resources of the state.	
<b>SB 5</b> de Leon (D)	California Drought, Water, Parks, Climate		Enacts the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, authorizes the issuance of bonds in an amount of a specified sum pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. Provides for appropriate sum for the purpose of paying costs associated with operating and maintaining certain parks projects funded by the program.	08/28/2017 - In ASSEMBLY. Joint Rule 62(a) suspended.
<b>SB 24</b> Portantino (D)	Political Reform Act of 1974: Economic Interest		Amends the Political Reform Act which requires certain disclosures to include a statement indicating the fair market value of investments or interests in real property and the aggregate value of income received from each reportable source. Revises the dollar amounts associated with these ranges.	08/28/2017 - In ASSEMBLY. From Consent Calendar. To third reading.
<b>SB 49</b> de Leon (D)	Environmental and Workers Defense Act of 2017		Relates to the California Environmental, Public Health, and Workers Defense Act of 2017. Relates to clean air, drinking water, discharge of pollutants into the atmosphere and waters and endangered species. Prohibits state or local agencies from amending or revising their rules and regulations implementing these state laws to be less stringent than the baseline federal standards. Prohibits a state agency from amending rules to be less stringent in protection of worker rights and worker safety.	08/23/2017 - In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.
<b>SB 62</b> Jackson (D)	Affordable Senior Housing Act		Establishes the Affordable Senior Housing Program for the purpose of guiding and serving as a catalyst for the development of affordable senior housing and supportive care campuses. Requires the director of GO-Biz to undertake various actions in implementing the program, including establishing and implementing a process for identifying and convening public and	08/23/2017 - In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

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			private stakeholders and assisting participants in identifying locations and funding sources, obtaining permits, and other matters.	
<b>SB 72</b> Mitchell (D)	Budget Act of 2017		Makes appropriations for the support of state government for the 2017-18 fiscal year.	05/26/2017 - From SENATE Committee on BUDGET AND FISCAL REVIEW with author's amendments.;05/26/2017 - In SENATE. Read second time and amended. Re-referred to Committee on BUDGET AND FISCAL REVIEW.
<b>SB 80</b> Wieckowski (D)	California Environmental Quality Act: Notices		Amends the California Environmental Quality Act. Requires a lead agency to post certain notices on the agency's Internet Web site and to offer to provide those notices by e-mail. Requires a county clerk to post notices regarding an environmental impact report or a negative declaration on the county's Internet Web site. Requires the filing of a notice in certain cases.	07/20/2017 - In ASSEMBLY. Read second time. To third reading.
<b>SB 146</b> Wilk (R)	Water Resources: Permit To Appropriate		Amends an existing law which prohibits the taking or possession of a fully protected fish, except as provided, and designates the unarmored threespine stickleback as a fully protected fish. Prohibits the issuance of a new permit to appropriate water from any river source or stream that has, or is reasonably suspected to have, a population of unarmored threespine stickleback.	04/25/2017 - In SENATE Committee on NATURAL RESOURCES AND WATER: Not heard.
<b>SB 205</b> Governance and Finance Cmt	Local Government Omnibus Act of 2017		Repeals the exclusion of a residential dwelling eligible for the property tax postponement program any residential dwelling subject to a PACE bond. Amends existing law to rename the Vallejo Sanitation and Flood Control District Act as the Vallejo Flood and Wastewater District Act and to rename the district as the Vallejo Flood and Wastewater District.	08/28/2017 - In ASSEMBLY. Read third time and amended. To third reading.
<b>SB 206</b>	Validations		Enacts the First Validating Act of 2017, which validates the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.	07/10/2017 - Signed by GOVERNOR.;07/10/2017 - Chaptered

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Governance and Finance Cmt				by Secretary of State. Chapter No. 2017-57
<b>SB 207</b> Governance and Finance Cmt	Validations		Enacts the Second Validating Act of 2017, which validates the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.	07/10/2017 - Signed by GOVERNOR.;07/10/2017 - Chaptered by Secretary of State. Chapter No. 2017-58
<b>SB 208</b> Governance and Finance Cmt	Validations		Enacts the Third Validating Act of 2017, which validates the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.	07/10/2017 - Signed by GOVERNOR.;07/10/2017 - Chaptered by Secretary of State. Chapter No. 2017-59
<b>SB 210</b> Leyva (D)	Heavy Duty Vehicle Inspection and Maintenance Program		Authorizes the State Air Resources Board to develop and implement a Heavy-Duty Vehicle Inspection and Maintenance Program for nongasoline heavy-duty on road motor vehicles. Authorizes the state board to assess a fee and penalty as part of the program. Creates the Truck Emission Check Fund and the Diesel Emission System Inspection and Smoke Test Account in the fund, with all the moneys deposited in each fund to be available upon appropriation.	08/28/2017 - In ASSEMBLY. Suspend Assembly Rule 96.;08/28/2017 - Re-referred to ASSEMBLY Committee on RULES.
<b>SB 224</b> Jackson (D)	Personal Rights: Sexual Harassment		Amends existing law which establishes liability for sexual harassment when the plaintiff proves specified elements and existing law which states that a relationship may exist between a plaintiff and certain persons. Includes an investor among those listed persons who may be liable to a plaintiff for sexual harassment.	08/21/2017 - From SENATE Committee on APPROPRIATIONS with author's amendments.;08/21/2017 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.;08/21/2017 - Withdrawn from SENATE Committee on APPROPRIATIONS.;08/21/2017 -
<b>SB 229</b> Wieckowski (D)	Accessory Dwelling Units		Authorizes an ordinance creating accessory dwelling units in single-family and multi-family residential zones to prohibit the sale or other conveyance of the unit separate from the primary residence. Extends the use of the maximum standards to a proposed accessory dwelling unit on a lot zoned for residential use, provision concerning the location of certain required replacement parking	08/24/2017 - In ASSEMBLY. Read second time. To third reading.



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			spaces, and the applicability of certain provisions concerning utility charges to special districts and water corporations.	
<b><u>SB 231</u></b> Hertzberg (D)	Local Government: Fees and Charges		Relates to a provision of the California Constitution that requires that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing. Defines the term sewer for these purposes. Makes findings and declarations relating to the definition of the term sewer for these purposes.	06/15/2017 - In ASSEMBLY. Read second time. To third reading.
<b><u>SB 252</u></b> Dodd (D)	Water Wells	WATCH	Requires a city or county overlying a critically overdrafted basin to request estimates of certain information from an applicant for a new well located within a critically overdrafted basin as part of an application for a well permit. Requires this information to be made available to both the public and to groundwater sustainability agencies and easily accessible.	08/30/2017 - From ASSEMBLY Committee on APPROPRIATIONS: Do pass as amended.
<b><u>SB 372</u></b> Cannella (R)	San Joaquin River Exchange Contractors Groundwater		Creates the San Joaquin River Exchange Contractors Groundwater Sustainability Agency as the exclusive groundwater sustainability agency and successor agency. Establishes the initial boundaries of the agency and authorizes the agency's boundaries to be changed.	08/30/2017 - From ASSEMBLY Committee on APPROPRIATIONS: Do pass.
<b><u>SB 423</u></b> Cannella (R)	Indemnity: Design Professionals		Amends an existing law which provides, with respect to certain contracts and amendments to contracts with a public agency for design professional services, that all provisions, clauses, covenants, and agreements contained in, collateral to, or affecting these contracts or amendments that purport to require the professional to defend the agency under an indemnity agreement are unenforceable, except for certain cases. Makes such provisions applicable to all design professional services.	03/29/2017 - Re-referred to SENATE Committee on JUDICIARY.
<b><u>SB 427</u></b> Leyva (D)	Community Water Systems: Lead User Service Lines		Requires a community water system to provide the timeline for replacement of known lead user service lines in use in its distribution system to the State Water Resources Board. Requires	08/25/2017 - Enrolled.

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			certain public water systems to provide related findings. Authorizes the application and enforcement of these provisions under the Safe Drinking Water Act.	
<b>SB 450</b> Hertzberg (D)	Public Bodies: Bonds; Public Notice		Requires the governing body of a public body to obtain and disclose specified information regarding the issuance of bonds in a meeting open to the public. Requires the information to be obtained as a good faith estimate from an underwriter, financial advisor, or private lender or from a third party borrower, as specified, if the public body issuing bonds is a conduit financing provider, as defined.	08/24/2017 - In ASSEMBLY. Read second time. To Consent Calendar.
<b>SB 454</b> Moorlach (R)	Public Employees' Health Benefits		Relates to the Public Employees' Medical and Hospital Care Act. Provides that, for state employees who are first employed and become members of the retirement system on or after a specified date, the employer contribution for annuitants shall be limited to a certain percent of the weighted average of the health benefit plan premiums for an active employee enrolled for self-alone. Makes other changes concerning employer contributions and prefunding of retiree health care.	04/24/2017 - In SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Failed passage.;04/24/2017 - In SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Reconsideration granted.
<b>SB 473</b> Hertzberg (D)	California Endangered Species Act		Amends the California Endangered Species Act which prohibits the taking of an endangered or threatened species. Provides that the accidental take of candidate, threatened, or endangered species resulting from acts that occur on a farm or a ranch in the course of otherwise lawful routine and ongoing agricultural activities is not prohibited by the act.	08/30/2017 - In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.
<b>SB 506</b> Nielsen (R)	Department of Fish and Wildlife: Lake or Streambed		Requires the Department of Fish and Wildlife to periodically upgrade the information on its Internet Web site regarding lake or streambed alteration agreements, to update its "Frequently Asked Questions" document and other appropriate sources of information regarding the lake and streambed alteration program, and to provide guidance on its Internet Web site to facilitate members of	07/21/2017 - Vetoed by GOVERNOR.

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			the public in obtaining individualized guidance regarding the lake and streambed alteration program.	
<b>SB 564</b> McGuire (D)	Water Bill Savings Act		Enacts the Water Bill Savings Act. Authorizes a joint powers authority to provide funding for a customer of a local agency in specified counties or its publicly owned utility to acquire, install, or repair a water efficiency improvement on the customer's property served by the local agency or its publicly owned utility. Requires the customer to repay the authority through an efficiency charge on the customer's water bill.	07/18/2017 - In ASSEMBLY. Read second time. To third reading.
<b>SB 580</b> Pan (D)	Water development projects: Sacramento-San Joaquin		Revises authorization for flood control projects along the American and Sacramento Rivers.	07/19/2017 - In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.
<b>SB 606</b> Skinner (D)	Water Management Planning	OPPOSE UNLESS AMENDED	Requires the State Water Resources Control Board, in coordination with the Department of Water Resources, to adopt long-term standards for the efficient use of water, as provided, and performance measures for commercial, industrial, and institutional water use.	08/29/2017 - From ASSEMBLY Committee on APPROPRIATIONS with author's amendments.;08/29/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
<b>SB 623</b> Monning (D)	Water Quality: Safe and Affordable Drinking Water Fund	OPPOSE	Establishes the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the state board. requires the state board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants with projects relating to safe and affordable drinking water.	08/23/2017 - In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.
<b>SB 634</b> Wilk (R)	Santa Clarita Valley Water District		Repeals the Castaic Lake Water Agency Law. Recognizes the Newhall County Water District and the Castaic Lake Water Agency into the Santa Clarita Valley Water District which prohibits the Castaic Lake Water Agency and the Newhall County Water District from operating as separate entities or exercising independent functions.	08/23/2017 - In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

**IRWD 2016 LEGISLATIVE MATRIX**  
**Updated 08/30/2017**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>SB 638</u></b> Leyva (D)	Heavy Duty Motor Vehicles		Requires the State Air Resource Board to adopt regulations that require owners or operators of heavy duty motor vehicles used for commercial purposes to perform regular inspections of their vehicles for compliance with emission standards of the State board. Requires a fleet of these vehicles to comply with the State boards emission standards in order for any vehicle of the fleet to be registered.	03/02/2017 - To SENATE Committees on TRANSPORTATION AND HOUSING and ENVIRONMENTAL QUALITY.
<b><u>SB 667</u></b> Atkins (D)	Riverine and Riparian Stewardship		Requires the Department of Water Resources to establish a program to implement watershed-based riverine and riparian stewardship improvements by providing technical and financial assistance in support of projects with certain benefits. Requires the program to support the purposes of and be coordinated with the Urban Stream Restoration Program, fish passage improvements, and other similar programs.	07/19/2017 - In ASSEMBLY Committee on APPROPRIATIONS: To Suspend File.
<b><u>SB 686</u></b> Wilk (R)	Public Contracts: Claims Resolution		Requires a public entity to conduct a meet and confer conference within a specific period for the settlement of disputes.	03/09/2017 - To SENATE Committee on JUDICIARY.
<b><u>SB 700</u></b> Wiener (D)	Energy Storage Initiative		Requires the Public Utilities Commission and the governing boards of local publicly owned electric utilities to establish an Energy Storage Initiative to provide rebates to customers of electrical corporations for the installation of energy storage systems consistent with certain requirements. Requires the PUC to ensure an orderly transition of the funding for energy storage systems from the self-generation incentive program to the Energy Storage Initiative to minimize disruption.	07/05/2017 - From ASSEMBLY Committee on UTILITIES AND ENERGY with author's amendments.;07/05/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on UTILITIES AND ENERGY.
<b><u>SB 740</u></b> Wiener (D)	Onsite Treated Water		Requires the State Water Resources Control Board to adopt regulations for a comprehensive risk-based standards for local jurisdictions permitting programs for onsite recycling of water in multifamily residential, commercial, and mixed-use buildings for nonpotable use. Requires the regulations to address specified issues	05/25/2017 - In SENATE Committee on APPROPRIATIONS: Held in committee.

**IRWD 2016 LEGISLATIVE MATRIX**  
**Updated 08/30/2017**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
			and practices relating to the management, monitoring, and treatment of recycled water for nonpotable use.	
<b>SB 748</b> Glazer (D)	Public Contracts		Amends an existing law which requires a state agency or department to follow specified rules regarding the negotiation of fees and execution of contracts for professional consulting services of a private architectural, engineering, land surveying, environmental, or construction project management firm. Requires certain negotiations to begin within a specified time period.	03/09/2017 - To SENATE Committee on GOVERNMENTAL ORGANIZATION.
<b>SB 771</b> de Leon (D)	California Environmental Quality Act		Relates to The California Environmental Quality Act. Establishes a continuing education requirement for employees of public agencies who have primary responsibility to administer the act.	08/23/2017 - In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.
<b>SB 778</b> Hertzberg (D)	Safe Drinking Water Fund		Requires the State Water Resources Control Board to track and publish on its Internet Web site an analysis of all voluntary and ordered consolidations of water systems that have occurred on or after a certain date. Requires the published information to include the resulting outcomes of the consolidations and whether the consolidations have succeeded or failed in providing an adequate supply of safe drinking water to the communities served by the consolidated water systems.	08/23/2017 - In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.
<b>SB 780</b> Wiener (D)	Water Conservation in Landscaping Act		Requires the Department of Water Resources to establish guidelines for designing landscapes consistent with the watershed approach to landscaping. Requires funding to provide preference for projects that comply with the guidelines. Requires the Department to promote this approach by providing education, and training for persons who plan, develop, or implement landscaping projects. Authorizes the promotion of application of compost to assist with projects that follow these guidelines.	05/25/2017 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<b>SCA 4</b> Hertzberg (D)	Water Conservation		Declares the intent of the Legislature to amend the California Constitution to provide a program that would ensure that affordable	02/16/2017 - To SENATE Committee on RULES.

**IRWD 2016 LEGISLATIVE MATRIX**  
**Updated 08/30/2017**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
			water is available to all Californians and to ensure that water conservation is given a permanent role in California's future.	
<b><u>HR 23</u></b> Valadao (R)	Gaining Responsibility on Water Act		Amends the Gaining Responsibility on Water Act of 2017, provides drought relief in the State of California.	07/18/2017 - In SENATE. Read second time.;07/18/2017 - To SENATE Committee on ENERGY AND NATURAL RESOURCES.
<b><u>HR 434</u></b> Denham (R)	Water Project Financing Program Pilot Project		Authorizes a pilot project for an innovative water project financing program.	02/07/2017 - In HOUSE Committee on NATURAL RESOURCES: Referred to Subcommittee on WATER, POWER AND OCEANS.
<b><u>HR 448</u></b> Huffman (D)	Conservation Subsidies Water Conservation Exclusion		Amends the Internal Revenue Code of 1986, expands the exclusion for certain conservation subsidies to include subsidies for water conservation or efficiency measures and storm water management measures.	01/11/2017 - INTRODUCED.;01/11/2017 - To HOUSE Committee on WAYS AND MEANS.

## Exhibit “B”

### 2017 Legislative Update Report: Links to Bill & Regulatory Texts (as of August 30, 2017)

Bill Number/Version Date	Link to Bill Text
AB 1323 (Weber), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1323">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1323</a>
AB 1654 (Rubio), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1654">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1654</a>
AB 1667 (Friedman) as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1667">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1667</a>
AB 1668 (Friedman) as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1668">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1668</a>
SB 606 (Hertzberg/Skinner), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB606">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB606</a>
SB 623 (Monning), as amended	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB623">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB623</a>

## EXHIBIT "C"

AMENDED IN ASSEMBLY AUGUST 21, 2017

AMENDED IN ASSEMBLY JULY 13, 2017

AMENDED IN ASSEMBLY JUNE 22, 2017

AMENDED IN SENATE APRIL 6, 2017

**SENATE BILL**

**No. 606**

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**Introduced by Senators Skinner and Hertzberg**

February 17, 2017

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~~An act relating to water.~~ *An act to amend Sections 350, 377, 531.10, 1058.5, 1120, 10608.12, 10608.20, 10608.48, 10610.2, 10610.4, 10620, 10621, 10630, 10631, 10631.2, 10635, 10640, 10641, 10642, 10644, 10645, 10650, 10651, 10653, 10654, 10656, 10801, 10802, 10814, 10817, 10820, 10825, 10826, 10843, 10845, and 10910 of, to amend, renumber, and add Section 10612 of, to add Sections 1846.5, 10608.35, 10617.5, 10618, 10630.5, 10632.1, 10632.2, 10632.3, 10632.4, 10657, and 10826.2 to, to add Chapter 9 (commencing with Section 10609) and Chapter 10 (commencing with Section 10609.40) to Part 2.55 of Division 6 of, to repeal Section 10631.7 of, and to repeal and add Section 10632 of, the Water Code, relating to water.*

legislative counsel's digest

SB 606, as amended, Skinner. ~~Water conservation.~~ *Water management planning.*

*(1) Existing law requires the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020. Existing law requires each urban retail water supplier to develop urban water use targets and an interim urban water use target, as specified.*

*This bill would require the State Water Resources Control Board, in coordination with the Department of Water Resources, to adopt*



*long-term standards for the efficient use of water, as provided, and performance measures for commercial, industrial, and institutional water use on or before June 30, 2021. The bill would require the department, in coordination with the board, to conduct necessary studies and investigations and make recommendations, no later than October 1, 2020, for purposes of these standards and performance measures. The bill would establish an unspecified number of gallons as the initial standard for daily per capita indoor residential water use, and would authorize the department, in coordination with the board, to conduct necessary studies and investigations to recommend to the Legislature a standard for indoor residential water use that more appropriately reflects best practices.*

*The bill would require an urban retail water supplier to calculate an urban water use objective no later than July 1, 2022, and by July 1 every year thereafter, and its actual urban water use by those same dates. The bill would require an urban retail water supplier to submit a report to the department for these purposes by those dates. The bill would authorize the board to issue information orders, written notices, and conservation orders to an urban retail water supplier that does not meet its urban water use objective, as specified.*

*The bill would impose civil liability for a violation of an order or regulation issued pursuant to these provisions, as specified. The bill would also authorize the board to issue a regulation or informational order requiring a distributor of a public water supply to provide a monthly report relating to water production, water use, or water conservation.*

*The bill would require the department to propose to the Governor and the Legislature, by January 1, 2019, recommendations and guidance relating to the development and implementation of countywide drought and water shortage contingency plans to address the planning needs of small water suppliers and rural communities, as provided.*

*(2) Existing law establishes procedures for reconsideration and amendment of specified decisions and orders of the board. Existing law authorizes any party aggrieved by a specified decision or order of the board to file, not later than 30 days from the date of final board action, a petition for writ of mandate for judicial review of the decision or order.*

*This bill would apply these procedures to decisions and orders of the board issued pursuant to the provisions described in paragraph (1), including existing provisions and those added by this bill.*

(3) Existing law, the Urban Water Management Planning Act, requires every public and private urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt an urban water management plan and to update its plan once every 5 years on or before December 31 in years ending in 5 and zero, except as specified. Existing law defines "urban water supplier" to mean a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually.

Existing law requires an urban water management plan, among other things, to describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for an average, single-dry, and multiple-dry water years. Existing law requires that an urban water management plan provide an urban water shortage contingency analysis that includes, among other things, an estimate of the minimum water supply available during each of the following 3 water years based on the driest 3-year historic sequence for the agency's water supply.

This bill would revise and recast these provisions. The bill would require an urban water management plan to be updated on or before July 1, in years ending in 6 and one, incorporating updated and new information from the 5 years preceding the plan update. The bill would require each plan to include a simple lay description of specified information to provide a general understanding of the agency's plan. The bill would require an urban water management plan to contain a drought risk assessment, as defined, that examines water shortage risks for a drought lasting the next 5 or more consecutive years.

The bill would require an urban water supplier to prepare, adopt, and periodically review a water shortage contingency plan, as prescribed, and as part of its urban water management plan. The bill would require a water shortage contingency plan to consist of certain elements, including, among other things, annual water supply and demand assessment procedures, standard water shortage levels, shortage response actions, and communication protocols and procedures. The bill would require an urban water supplier to make the water shortage contingency plan available to its customers and any city or county within which it provides water supplies no later than 30 days after adoption.

The bill would require an urban water supplier to conduct an annual water supply and demand assessment and submit an annual water

*shortage assessment report to the department with information for anticipated shortage, triggered shortage response actions, compliance and enforcement actions, and communication actions consistent with the supplier's water shortage contingency plan by June 1 of each year. The bill would require an urban water supplier to follow, where feasible and appropriate, the procedures and implement determined shortage response actions in its water shortage contingency plan. The bill would also authorize the department to update a certain guidebook, as specified.*

*(4) Existing law requires an urban water supplier to submit copies of its urban water management plan and copies of amendments or changes to the plan to certain entities, including the department, as prescribed. Existing law requires the department to prepare and submit to the Legislature, on or before December 31, in the years ending in 6 and one, a report summarizing the status of plans adopted pursuant to the act and to provide a copy of the report to each urban water supplier that has submitted its plan to the department.*

*This bill would require an urban water supplier, if it revises its water shortage contingency plan, to submit to the department a copy of its water shortage contingency plan no later than 30 days after adoption. The bill would require an urban water supplier regulated by the Public Utilities Commission to include its most recent urban water management plan and water shortage contingency plan as part of its general rate case filings.*

*The bill would require the department to prepare and submit the report about plans adopted pursuant to the act to the Legislature on or before July 1 in the years ending in 7 and 2. The bill would require the department to prepare and submit to the board, on or before June 1 of each year, a report summarizing the submitted water supply and demand assessment results along with appropriate reported water shortage conditions developed by the department and information regarding various shortage response actions implemented as a result of water supply and demand assessments, as prescribed.*

*(5) Existing law makes an urban water supplier that does not prepare, adopt, and submit its urban water management plan to the department as prescribed ineligible to receive certain water grant and loan funding. This bill would instead make an urban water supplier ineligible to receive any water grant or loan unless the urban water supplier complies with the requirements relating to*

*plans.*

(6) Existing law authorizes the governing body of a distributor of a public water supply to declare a water shortage emergency condition to prevail within the area served by the distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

This bill would instead require the governing body of a distributor of a public water supply to declare a water shortage emergency condition whenever it finds and determines the above-described circumstances. The bill would require an urban water supplier to coordinate with any city or county within which it provides water supply services for a possible proclamation of a local emergency.

(7) Existing law requires an agricultural water supplier to submit an annual report to the department that summarizes aggregated farm-gate delivery data using best professional practices.

This bill would require the annual report for the prior year to be submitted to the department by April 1 of each year, as provided, and to be organized by groundwater basin or subbasin within the service area of the agricultural water supplier, if applicable.

(8) Existing law requires an agricultural water supplier to prepare and adopt an agricultural water management plan with specified components on or before December 31, 2012, and to update those plans on or before December 31, 2015, and on or before December 31 every 5 years thereafter. Existing law requires the agricultural water supplier to submit copies of its plan to specified entities no later than 30 days after the adoption of the plan, and requires the department to prepare and submit to the Legislature, on or before December 31 in the years ending in 6 and one, a report summarizing the status of the plans.

This bill would revise the components of the plan and additionally require a plan to include an annual water budget based on the quantification of all inflow and outflow components for the service area of the agricultural water supplier and a drought plan describing the actions of the agricultural water supplier for drought preparedness and management of water supplies and allocations during drought conditions.

The bill would require an agricultural water supplier to update its agricultural water management plan on or before April 1, 2021, and thereafter on or before April 1 in the years ending in 6 and one. The bill would require an agricultural water supplier to submit its plan to

*the department no later than 30 days after the adoption of the plan. The bill would require the department to review an agricultural water management plan and notify an agricultural water supplier if the department determines that it is noncompliant, as provided. The bill would authorize the department, if it has not received a plan or determined that the plan submitted is noncompliant, to contract with certain entities to prepare or complete a plan on behalf of the agricultural water supplier.*

*The bill would require an agricultural water supplier to submit copies of its plan to specified entities no later than 30 days after the department's review of the plan. The bill would require the department to submit its report summarizing the status of the plans to the Legislature on or before April 30 in the years ending in 7 and 2.*

~~Existing law requires the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020. Existing law requires agricultural water suppliers to prepare and adopt agricultural water management plans with specified components on or before December 31, 2012, and to update those plans on or before December 31, 2015, and on or before December 31 every 5 years thereafter. Existing law sets forth various findings and declarations related to water conservation.~~

~~This bill would state the intent of the Legislature to enact legislation necessary to help make water conservation a California way of life.~~

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

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

- 1    SECTION 1. Section 350 of the Water Code is amended to  
2    read:  
3    350. The governing body of a distributor of a public water  
4    supply, whether publicly or privately owned and including a mutual  
5    water company, ~~may~~ shall declare a water shortage emergency  
6    condition to prevail within the area served by such distributor  
7    whenever it finds and determines that the ordinary demands and  
8    requirements of water consumers cannot be satisfied without  
9    depleting the water supply of the distributor to the extent that there  
10   would be insufficient water for human consumption, sanitation,  
11   and fire protection.  
12   SEC. 2. Section 377 of the Water Code is amended to read:

1 377. (a) From and after the publication or posting of any  
2 ordinance or resolution pursuant to Section 376, a violation of a  
3 requirement of a water conservation program adopted pursuant to  
4 Section 376 is a misdemeanor. A person convicted under this  
5 subdivision shall be punished by imprisonment in the county jail  
6 for not more than 30 days, or by a fine not exceeding one thousand  
7 dollars (\$1,000), or by both.

8 (b) A court or public entity may hold a person civilly liable in  
9 an amount not to exceed ten thousand dollars (\$10,000) for a  
10 violation of any of the following:

11 (1) An ordinance or resolution adopted pursuant to Section 376.

12 (2) ~~An emergency~~ A regulation adopted by the board under  
13 ~~Section 1058.5, 1058.5 or Chapter 9 (commencing with Section~~  
14 ~~10609) of Part 2.55 of Division 6~~, unless the board regulation  
15 provides that it cannot be enforced under this ~~section~~ *section* or  
16 *provides for a lesser applicable maximum penalty.*

17 (c) Commencing on the 31st day after the public entity notified  
18 a person of a violation described in subdivision (b), the person  
19 additionally may be civilly liable in an amount not to exceed ten  
20 thousand dollars (\$10,000) plus five hundred dollars (\$500) for  
21 each additional day on which the violation continues.

22 (d) Remedies prescribed in this section are cumulative and not  
23 alternative, except that no liability shall be recoverable under this  
24 section for any violation of paragraph (2) of subdivision (b) if the  
25 board has filed a complaint pursuant to Section 1846 alleging the  
26 same violation.

27 (e) A public entity may administratively impose the civil liability  
28 described in subdivisions (b) and (c) after providing notice and an  
29 opportunity for a hearing. The public entity shall initiate a  
30 proceeding under this subdivision by a complaint issued pursuant  
31 to Section 377.5. The public entity shall issue the complaint at  
32 least 30 days before the hearing on the complaint and the complaint  
33 shall state the basis for the proposed civil liability order.

34 (f) (1) In determining the amount of civil liability to assess, a  
35 court or public entity shall take into consideration all relevant  
36 circumstances, including, but not limited to, the nature and  
37 persistence of the violation, the extent of the harm caused by the  
38 violation, the length of time over which the violation occurs, and  
39 any corrective action taken by the violator.

- 1 (2) The civil liability calculated pursuant to paragraph (1) for  
 2 the first violation of subdivision (b) by a residential water user  
 3 shall not exceed one thousand dollars (\$1,000) except in  
 4 extraordinary situations where the court or public entity finds all  
 5 of the following:
- 6 (A) The residential user had actual notice of the requirement  
 7 found to be violated.
  - 8 (B) The conduct was intentional.
  - 9 (C) The amount of water involved was substantial.
- 10 (g) Civil liability imposed pursuant to this section shall be paid  
 11 to the public entity and expended solely for the purposes of this  
 12 chapter.
- 13 (h) An order setting administrative civil liability shall become  
 14 effective and final upon issuance of the order and payment shall  
 15 be made. Judicial review of any final order shall be pursuant to  
 16 Section 1094.5 of the Code of Civil Procedure.
- 17 (i) In addition to the remedies prescribed in this section, a public  
 18 entity may enforce water use limitations established by an  
 19 ordinance or resolution adopted pursuant to this chapter, or as  
 20 otherwise authorized by law, by a volumetric penalty in an amount  
 21 established by the public entity.

(j) No public entity shall be required to exercise its authority under this section.

- 22 *SEC. 3. Section 531.10 of the Water Code is amended to read:*  
 23 531.10. (a) (1) An agricultural water supplier shall submit an  
 24 annual report to the department that summarizes aggregated  
 25 farm-gate delivery data, on a monthly or bimonthly basis, using  
 26 best professional practices. *The annual report for the prior year*  
 27 *shall be submitted to the department by April 1 of each year. The*  
 28 *annual report shall be organized by basin, as defined in Section*  
 29 *10721, within the service area of the agricultural water supplier,*  
 30 *if applicable.*
- 31 (2) *The report, and any amendments to the report, submitted to*  
 32 *the department pursuant to this subdivision shall be submitted*  
 33 *electronically and shall include any standardized forms, tables,*  
 34 *or displays specified by the department.*
- 35 (3) *The department shall post all reports on its Internet Web*  
 36 *site in a manner that allows for comparisons across water*  
 37 *suppliers. The department shall make the reports available for*  
 38 *public viewing in a timely manner after it receives them.*

1 (b) Nothing in this article shall be construed to require the  
2 implementation of water measurement programs or practices that  
3 are not locally cost effective.

4 (c) It is the intent of the Legislature that the requirements of  
5 this section shall complement and not affect the scope of authority  
6 granted to the department or the board by provisions of law other  
7 than this article.

8 *SEC. 4. Section 1058.5 of the Water Code is amended to read:*

9 1058.5. (a) This section applies to any emergency regulation  
10 adopted by the board for which the board makes both of the  
11 following findings:

12 (1) The emergency regulation is adopted to prevent the waste,  
13 unreasonable use, unreasonable method of use, or unreasonable  
14 method of diversion, of water, to promote water recycling or water  
15 conservation, to require curtailment of diversions when water is  
16 not available under the diverter's priority of right, or in furtherance  
17 of any of the foregoing, to require reporting of diversion or use or  
18 the preparation of monitoring reports.

19 (2) The emergency regulation is adopted in response to  
20 conditions which exist, or are threatened, in a critically dry year  
21 immediately preceded by two or more consecutive below normal,  
22 dry, or critically dry years or during a period for which the  
23 Governor has issued a proclamation of a state of emergency under  
24 the California Emergency Services Act (Chapter 7 (commencing  
25 with Section 8550) of Division 1 of Title 2 of the Government  
26 Code) based on drought conditions.

27 (b) Notwithstanding Sections 11346.1 and 11349.6 of the  
28 Government Code, any findings of emergency adopted by the  
29 board, in connection with the adoption of an emergency regulation  
30 under this section, are not subject to review by the Office of  
31 Administrative Law.

32 (c) An emergency regulation adopted by the board under this  
33 section may remain in effect for up to ~~270 days, one year~~, as  
34 determined by the board, and is deemed repealed immediately  
35 upon a finding by the board that due to changed conditions it is  
36 no longer necessary for the regulation to remain in effect. An  
37 emergency regulation adopted by the board under this section may  
38 be renewed if the board determines that the conditions specified  
39 in paragraph (2) of subdivision (a) are still in effect.



1 (d) In addition to any other applicable civil or criminal penalties,  
 2 any person or entity who violates a regulation adopted by the board  
 3 pursuant to this section is guilty of an infraction punishable by a  
 4 fine of up to five hundred dollars (\$500) for each day in which the  
 5 violation occurs.

6 (e) (1) Notwithstanding subdivision (b) of Section 1551 or  
 7 subdivision (e) of Section 1848, a civil liability imposed under  
 8 Chapter 12 (commencing with Section 1825) of Part 2 of Division  
 9 2 by the board or a court for a violation of an emergency  
 10 conservation regulation adopted pursuant to this section shall be  
 11 deposited, and separately accounted for, in the Water Rights Fund.  
 12 Funds deposited in accordance with this subdivision shall be  
 13 available, upon appropriation, for water conservation activities  
 14 and programs.

15 (2) For purposes of this subdivision, an “emergency conservation  
 16 regulation” means an emergency regulation that requires an end  
 17 user of water, a water retailer, or a water wholesaler to conserve  
 18 water or report to the board on water conservation. Water  
 19 conservation includes restrictions or limitations on particular uses  
 20 of water or a reduction in the amount of water used or served, but  
 21 does not include curtailment of diversions when water is not  
 22 available under the diverter’s priority of right or reporting  
 23 requirements related to curtailments.

24 *SEC. 5. Section 1120 of the Water Code is amended to read:*

25 1120. This chapter applies to any decision or order issued under  
 26 this part or Section 275, Part 2 (commencing with Section 1200),  
 27 Part 2 (commencing with Section 10500) of Division 6, *Part 2.55*  
 28 *(commencing with Section 10608) of Division 6, or Chapter 11*  
 29 *(commencing with Section 10735) of Part 2.74 of Division 6,*  
 30 *Article 7 (commencing with Section 13550) of Chapter 7 of*  
 31 *Division 7, or the public trust doctrine.*

32 *SEC. 6. Section 1846.5 is added to the Water Code, to read:*

33 1846.5. (a) ~~A person or entity~~ An urban water supplier who commits any of the  
 34 violations identified in subdivision (b) may be liable in an amount  
 35 not to exceed the following, as applicable:

36 (1) *If the violation occurs in a critically dry year immediately*  
 37 *preceded by two or more consecutive ~~below-normal,~~ dry, or*  
 38 *critically dry years or during a period for which the Governor has*  
 39 *issued a proclamation of a state of emergency under the California*  
 40 *Emergency Services Act (Chapter 7 (commencing with Section*

1 8550) of Division 1 of Title 2 of the Government Code) based on  
2 drought conditions, ten thousand dollars (\$10,000) for each day  
3 in which the violation occurs.

4 (2) For all violations other than those described in paragraph  
5 (1), one thousand dollars (\$1,000) for each day in which the  
6 violation occurs.

7 (b) Liability pursuant to this section may be imposed for any of  
8 the following violations:

9 (1) Violation of an order issued under Section 10609.26 Chapter 9 (commencing  
10 with Section 10609) of Part 2.55 of Division 6.

11 ~~(2) Violation of a regulation issued under Chapter 9~~  
12 ~~(commencing with Section 10609) of Part 2.55 of Division 6, if~~  
13 ~~the violation occurs after July 1, 2026.~~

14 (c) Civil liability may be imposed by the superior court. The  
15 Attorney General, upon the request of the board, shall petition the  
16 superior court to impose, assess, and recover those sums.

17 (d) Civil liability may be imposed administratively by the board  
18 pursuant to Section 1055.

19 SEC. 7. Section 10608.12 of the Water Code is amended to  
20 read:

21 10608.12. Unless the context otherwise requires, the following  
22 definitions govern the construction of this part:

23 (a) "Agricultural water supplier" means a water supplier, either  
24 publicly or privately owned, providing water to 10,000 or more  
25 irrigated acres, excluding recycled water. "Agricultural water  
26 supplier" includes a supplier or contractor for water, regardless of  
27 the basis of right, that distributes or sells water for ultimate resale  
28 to customers. "Agricultural water supplier" does not include the  
29 department.

30 (b) "Base daily per capita water use" means any of the  
31 following:

32 (1) The urban retail water supplier's estimate of its average  
33 gross water use, reported in gallons per capita per day and  
34 calculated over a continuous 10-year period ending no earlier than  
35 December 31, 2004, and no later than December 31, 2010.

36 (2) For an urban retail water supplier that meets at least 10  
37 percent of its 2008 measured retail water demand through recycled  
38 water that is delivered within the service area of an urban retail  
39 water supplier or its urban wholesale water supplier, the urban  
40 retail water supplier may extend the calculation described in

1 paragraph (1) up to an additional five years to a maximum of a  
 2 continuous 15-year period ending no earlier than December 31,  
 3 2004, and no later than December 31, 2010.

4 (3) For the purposes of Section 10608.22, the urban retail water  
 5 supplier's estimate of its average gross water use, reported in  
 6 gallons per capita per day and calculated over a continuous  
 7 five-year period ending no earlier than December 31, 2007, and  
 8 no later than December 31, 2010.

9 (c) "Baseline commercial, industrial, and institutional water  
 10 use" means an urban retail water supplier's base daily per capita  
 11 water use for commercial, industrial, and institutional users.

12 (d) "*CII water use*" means water used by commercial water  
 13 users, industrial water users, institutional water users, and large  
 14 landscape water users.

15 ~~(d)~~

16 (e) "Commercial water user" means a water user that provides  
 17 or distributes a product or  
 18 service. ~~(e)~~

19 (f) "Compliance daily per capita water use" means the gross  
 20 water use during the final year of the reporting period, reported in  
 21 gallons per capita per  
 22 day. ~~(f)~~

23 (g) "Disadvantaged community" means a community with an  
 24 annual median household income that is less than 80 percent of  
 25 the statewide annual median household  
 26 income. ~~(g)~~

27 (h) "Gross water use" means the total volume of water, whether  
 28 treated or untreated, entering the distribution system of an urban  
 29 retail water supplier, excluding all of the following:

30 (1) Recycled water that is delivered within the service area of  
 31 an urban retail water supplier or its urban wholesale water supplier.

32 (2) The net volume of water that the urban retail water supplier  
 33 places into long-term storage.

34 (3) The volume of water the urban retail water supplier conveys  
 35 for use by another urban water supplier.

36 (4) The volume of water delivered for agricultural use, except  
 37 as otherwise provided in subdivision (f) of Section  
 10608.24. ~~(h)~~ 38

39 (i) "Industrial water user" means a water user that is primarily  
 40 a manufacturer or processor of materials as defined by the North

1 American Industry Classification System code sectors 31 to 33,  
2 inclusive, or an entity that is a water user primarily engaged in  
3 research and  
development. 4 (i)

5 (j) “Institutional water user” means a water user dedicated to  
6 public service. This type of user includes, among other users,  
7 higher education institutions, schools, courts, churches, hospitals,  
8 government facilities, and nonprofit research  
institutions. 9 (j)

10 (k) “Interim urban water use target” means the midpoint between  
11 the urban retail water supplier’s base daily per capita water use  
12 and the urban retail water supplier’s urban water use target for  
13 2020.

14 (l) “Large landscape” means a nonresidential landscape as  
15 described in the performance measures for CII water use adopted  
16 pursuant to Section 10609.10.

17 (k)

18 (m) “Locally cost effective” means that the present value of the  
19 local benefits of implementing an agricultural efficiency water  
20 management practice is greater than or equal to the present value  
21 of the local cost of implementing that measure.

(n) “Performance measures” means best management practices designed to promote the efficient use of water within the commercial, industrial and institutional sectors that are feasible, practicable and have a cost-benefit ratio in excess of 1.0 when the individualized cost of implementing the best management practice for the end user is compared to the value of the volume of water saved by the end user. Performance measures shall not include process water.

22 (i)

23 (o) “Process water” means water used for producing a product  
24 or product content or water used for research and development,  
25 including, but not limited to, continuous manufacturing processes,  
26 water used for testing and maintaining equipment used in producing  
27 a product or product content, and water used in combined heat and  
28 power facilities used in producing a product or product content.  
29 Process water does not mean incidental water uses not related to  
30 the production of a product or product content, including, but not  
31 limited to, water used for restrooms, landscaping, air conditioning,  
32 heating, kitchens, and  
laundry. 33 (m)

34 (p) “Recycled water” means recycled water, as defined in  
35 subdivision (n) of Section 13050, that is used to offset potable  
36 demand, including recycled water supplied for direct use and  
37 indirect potable reuse, that meets the following requirements, where  
38 applicable: 13050, including recycled water used for the types of reuse and augmentation defined in Section 13561.

39 (1) For groundwater recharge, including recharge through  
40 spreading basins, water supplies that are all of the following:

1 (A) Metered.

2 ~~(B) Developed through planned investment by the urban water~~  
3 ~~supplier or a wastewater treatment agency.~~

4 ~~(C) Treated to a minimum tertiary level.~~

5 ~~(D) Delivered within the service area of an urban retail water~~  
6 ~~supplier or its urban wholesale water supplier that helps an urban~~  
7 ~~retail water supplier meet its urban water use target.~~

8 ~~(2) For reservoir augmentation, water supplies that meet the~~  
9 ~~criteria of paragraph (1) and are conveyed through a distribution~~  
10 ~~system constructed specifically for recycled~~  
11 ~~water.~~ (n)

12 (q) “Regional water resources management” means sources of  
13 supply resulting from watershed-based planning for sustainable  
14 local water reliability or any of the following alternative sources  
15 of water:

16 (1) The capture and reuse of stormwater or rainwater.

17 (2) The use of recycled water.

18 (3) The desalination of brackish groundwater.

19 (4) The conjunctive use of surface water and groundwater in a  
20 manner that is consistent with the safe yield of the groundwater  
21 basin.

22 (o)

23 (r) “Reporting period” means the years for which an urban retail  
24 water supplier reports compliance with the urban water use  
25 targets. (p)

26 (s) “Urban retail water supplier” means a water supplier, either  
27 publicly or privately owned, that directly provides potable  
28 municipal water to more than 3,000 end users or that supplies more  
29 than 3,000 acre-feet of potable water annually at retail for  
30 municipal purposes.

31 (t) “Urban water use objective” means an estimate of aggregate  
32 efficient water use for the previous year based on adopted water  
33 use efficiency standards and local service area characteristics for  
34 that year, as described in Section 10609.20.

35 (u)

36 (v) “Urban water use target” means the urban retail water  
37 supplier’s targeted future daily per capita water  
38 use. (r)

39 (w) “Urban wholesale water supplier,” means a water supplier,  
40 either publicly or privately owned, that provides more than 3,000

1 acre-feet of water annually at wholesale for potable municipal  
2 purposes.

3 *SEC. 8. Section 10608.20 of the Water Code is amended to*  
4 *read:*

5 10608.20. (a) (1) Each urban retail water supplier shall  
6 develop urban water use targets and an interim urban water use  
7 target by July 1, 2011. Urban retail water suppliers may elect to  
8 determine and report progress toward achieving these targets on  
9 an individual or regional basis, as provided in subdivision (a) of  
10 Section 10608.28, and may determine the targets on a fiscal year  
11 or calendar year basis.

12 (2) It is the intent of the Legislature that the urban water use  
13 targets described in paragraph (1) cumulatively result in a  
14 20-percent reduction from the baseline daily per capita water use  
15 by December 31, 2020.

16 (b) An urban retail water supplier shall adopt one of the  
17 following methods for determining its urban water use target  
18 pursuant to subdivision (a):

19 (1) Eighty percent of the urban retail water supplier's baseline  
20 per capita daily water use.

21 (2) The per capita daily water use that is estimated using the  
22 sum of the following performance standards:

23 (A) For indoor residential water use, 55 gallons per capita daily  
24 water use as a provisional standard. Upon completion of the  
25 department's 2016 report to the Legislature pursuant to Section  
26 10608.42, this standard may be adjusted by the Legislature by  
27 statute.

28 (B) For landscape irrigated through dedicated or residential  
29 meters or connections, water efficiency equivalent to the standards  
30 of the Model Water Efficient Landscape Ordinance set forth in  
31 Chapter 2.7 (commencing with Section 490) of Division 2 of Title  
32 23 of the California Code of Regulations, as in effect the later of  
33 the year of the landscape's installation or 1992. An urban retail  
34 water supplier using the approach specified in this subparagraph  
35 shall use satellite imagery, site visits, or other best available  
36 technology to develop an accurate estimate of landscaped areas.

37 (C) For commercial, industrial, and institutional uses, a  
38 10-percent reduction in water use from the baseline commercial,  
39 industrial, and institutional water use by 2020.

1 (3) Ninety-five percent of the applicable state hydrologic region  
2 target, as set forth in the state's draft 20x2020 Water Conservation  
3 Plan (dated April 30, 2009). If the service area of an urban water  
4 supplier includes more than one hydrologic region, the supplier  
5 shall apportion its service area to each region based on population  
6 or area.

7 (4) A method that shall be identified and developed by the  
8 department, through a public process, and reported to the  
9 Legislature no later than December 31, 2010. The method  
10 developed by the department shall identify per capita targets that  
11 cumulatively result in a statewide 20-percent reduction in urban  
12 daily per capita water use by December 31, 2020. In developing  
13 urban daily per capita water use targets, the department shall do  
14 all of the following:

15 (A) Consider climatic differences within the state.

16 (B) Consider population density differences within the state.

17 (C) Provide flexibility to communities and regions in meeting  
18 the targets.

19 (D) Consider different levels of per capita water use according  
20 to plant water needs in different regions.

21 (E) Consider different levels of commercial, industrial, and  
22 institutional water use in different regions of the state.

23 (F) Avoid placing an undue hardship on communities that have  
24 implemented conservation measures or taken actions to keep per  
25 capita water use low.

26 (c) If the department adopts a regulation pursuant to paragraph  
27 (4) of subdivision (b) that results in a requirement that an urban  
28 retail water supplier achieve a reduction in daily per capita water  
29 use that is greater than 20 percent by December 31, 2020, an urban  
30 retail water supplier that adopted the method described in paragraph  
31 (4) of subdivision (b) may limit its urban water use target to a  
32 reduction of not more than 20 percent by December 31, 2020, by  
33 adopting the method described in paragraph (1) of subdivision (b).

34 (d) The department shall update the method described in  
35 paragraph (4) of subdivision (b) and report to the Legislature by  
36 December 31, 2014. An urban retail water supplier that adopted  
37 the method described in paragraph (4) of subdivision (b) may adopt  
38 a new urban daily per capita water use target pursuant to this  
39 updated method.

1 (e) An urban retail water supplier shall include in its urban water  
2 management plan due in 2010 pursuant to Part 2.6 (commencing  
3 with Section 10610) the baseline daily per capita water use, urban  
4 water use target, interim urban water use target, and compliance  
5 daily per capita water use, along with the bases for determining  
6 those estimates, including references to supporting data.

7 (f) When calculating per capita values for the purposes of this  
8 chapter, an urban retail water supplier shall determine population  
9 using federal, state, and local population reports and projections.

10 (g) An urban retail water supplier may update its 2020 urban  
11 water use target in its 2015 urban water management plan required  
12 pursuant to Part 2.6 (commencing with Section 10610).

13 (h) (1) The department, through a public process and in  
14 consultation with the California Urban Water Conservation  
15 Council, shall develop technical methodologies and criteria for  
16 the consistent implementation of this part, including, but not limited  
17 to, both of the following:

18 (A) Methodologies for calculating base daily per capita water  
19 use, baseline commercial, industrial, and institutional water use,  
20 compliance daily per capita water use, gross water use, service  
21 area population, indoor residential water use, and landscaped area  
22 water use.

23 (B) Criteria for adjustments pursuant to subdivisions (d) and 24  
(e) of Section 10608.24.

25 (2) The department shall post the methodologies and criteria  
26 developed pursuant to this subdivision on its Internet Web site,  
27 and make written copies available, by October 1, 2010. An urban  
28 retail water supplier shall use the methods developed by the  
29 department in compliance with this part.

30 (i) (1) The department shall adopt regulations for  
31 implementation of the provisions relating to process water in  
32 accordance with ~~subdivision (f) of~~ Section 10608.12, subdivision  
33 (e) of Section 10608.24, and subdivision (d) of Section 10608.26.

34 (2) The initial adoption of a regulation authorized by this  
35 subdivision is deemed to address an emergency, for purposes of  
36 Sections 11346.1 and 11349.6 of the Government Code, and the  
37 department is hereby exempted for that purpose from the  
38 requirements of subdivision (b) of Section 11346.1 of the  
39 Government Code. After the initial adoption of an emergency  
40 regulation pursuant to this subdivision, the department shall not



1 request approval from the Office of Administrative Law to readopt  
2 the regulation as an emergency regulation pursuant to Section  
3 11346.1 of the Government Code.

4 (j) (1) An urban retail water supplier is granted an extension  
5 to July 1, 2011, for adoption of an urban water management plan  
6 pursuant to Part 2.6 (commencing with Section 10610) due in 2010  
7 to allow the use of technical methodologies developed by the  
8 department pursuant to paragraph (4) of subdivision (b) and  
9 subdivision (h). An urban retail water supplier that adopts an urban  
10 water management plan due in 2010 that does not use the  
11 methodologies developed by the department pursuant to  
12 subdivision (h) shall amend the plan by July 1, 2011, to comply  
13 with this part.

14 (2) An urban wholesale water supplier whose urban water  
15 management plan prepared pursuant to Part 2.6 (commencing with  
16 Section 10610) was due and not submitted in 2010 is granted an  
17 extension to July 1, 2011, to permit coordination between an urban  
18 wholesale water supplier and urban retail water suppliers.

19 *SEC. 9. Section 10608.35 is added to the Water Code, to read:*

20 *10608.35. (a) The department, in coordination with the board,*  
21 *shall conduct necessary studies and investigations and make a*  
22 *recommendation to the Legislature, by January 1, 2019, on the*  
23 *feasibility of developing and enacting water loss reporting*  
24 *requirements for urban wholesale water suppliers.*

25 *(b) The studies and investigations shall include an evaluation*  
26 *of the suitability of applying the processes and requirements of*  
27 *Section 10608.34 to urban wholesale water suppliers.*

28 *(c) In conducting necessary studies and investigations and*  
29 *developing its recommendation, the department shall solicit broad*  
30 *public participation from stakeholders and other interested*  
31 *persons.*

32 *SEC. 10. Section 10608.48 of the Water Code is amended to*  
33 *read:*

34 10608.48. (a) On or before July 31, 2012, an agricultural water  
35 supplier shall implement efficient water management practices  
36 pursuant to subdivisions (b) and (c).

37 (b) Agricultural water suppliers shall implement ~~all~~ both of the  
38 following critical efficient management practices:

- 1 (1) Measure the volume of water delivered to customers with  
2 sufficient accuracy to comply with subdivision (a) of Section  
3 531.10 and to implement paragraph (2).
- 4 (2) Adopt a pricing structure for water customers based at least  
5 in part on quantity delivered.
- 6 (c) Agricultural water suppliers shall implement additional  
7 efficient management practices, including, but not limited to,  
8 practices to accomplish all of the following, if the measures are  
9 locally cost effective and technically feasible:
  - 10 (1) Facilitate alternative land use for lands with exceptionally  
11 high water duties or whose irrigation contributes to significant  
12 problems, including drainage.
  - 13 (2) Facilitate use of available recycled water that otherwise  
14 would not be used beneficially, meets all health and safety criteria,  
15 and does not harm crops or soils.
  - 16 (3) Facilitate the financing of capital improvements for on-farm  
17 irrigation systems.
  - 18 (4) Implement an incentive pricing structure that promotes one  
19 or more of the following goals:
    - 20 (A) More efficient water use at the farm level.
    - 21 (B) Conjunctive use of groundwater.
    - 22 (C) Appropriate increase of groundwater recharge.
    - 23 (D) Reduction in problem drainage.
    - 24 (E) Improved management of environmental resources.
    - 25 (F) Effective management of all water sources throughout the  
26 year by adjusting seasonal pricing structures based on current  
27 conditions.
  - 28 (5) Expand line or pipe distribution systems, and construct  
29 regulatory reservoirs to increase distribution system flexibility and  
30 capacity, decrease maintenance, and reduce seepage.
  - 31 (6) Increase flexibility in water ordering by, and delivery to,  
32 water customers within operational limits.
  - 33 (7) Construct and operate supplier spill and tailwater recovery  
34 systems.
  - 35 (8) Increase planned conjunctive use of surface water and  
36 groundwater within the supplier service area.
  - 37 (9) Automate canal control structures.
  - 38 (10) Facilitate or promote customer pump testing and evaluation.

- 1 (11) Designate a water conservation coordinator who will  
2 develop and implement the water management plan and prepare  
3 progress reports.
- 4 (12) Provide for the availability of water management services  
5 to water users. These services may include, but are not limited to,  
6 all of the following:
- 7 (A) On-farm irrigation and drainage system evaluations.
- 8 (B) Normal year and real-time irrigation scheduling and crop  
9 evapotranspiration information.
- 10 (C) Surface water, groundwater, and drainage water quantity  
11 and quality data.
- 12 (D) Agricultural water management educational programs and  
13 materials for farmers, staff, and the public.
- 14 (13) Evaluate the policies of agencies that provide the supplier  
15 with water to identify the potential for institutional changes to  
16 allow more flexible water deliveries and storage.
- 17 (14) Evaluate and improve the efficiencies of the supplier's  
18 pumps.
- 19 (d) Agricultural water suppliers shall include in the agricultural  
20 water management plans required pursuant to Part 2.8  
21 (commencing with Section 10800) a report on which efficient  
22 water management practices have been implemented and are  
23 planned to be implemented, an estimate of the water use efficiency  
24 improvements that have occurred since the last report, and an  
25 estimate of the water use efficiency improvements estimated to  
26 occur five and 10 years in the future. If an agricultural water  
27 supplier determines that an efficient water management practice  
28 is not locally cost effective or technically feasible, the supplier  
29 shall submit information documenting that determination.
- 30 (e) ~~The data shall~~ *department shall require information about*  
31 *the implementation of efficient water management practices to be*  
32 reported using a standardized form developed pursuant to  
33 Section 10608.52.
- 34 (f) An agricultural water supplier may meet the requirements  
35 of subdivisions (d) and (e) by submitting to the department a water  
36 conservation plan submitted to the United States Bureau of  
37 Reclamation that meets the requirements described in Section  
38 10828.
- 39 (g) On or before December 31, 2013, December 31, 2016, and  
40 December 31, 2021, the department, in consultation with the board,

1 shall submit to the Legislature a report on the agricultural efficient  
2 water management practices that have been implemented and are  
3 planned to be implemented and an assessment of the manner in  
4 which the implementation of those efficient water management  
5 practices has affected and will affect agricultural operations,  
6 including estimated water use efficiency improvements, if any.

7 (h) The department may update the efficient water management  
8 practices required pursuant to subdivision (c), in consultation with  
9 the Agricultural Water Management Council, the United States  
10 Bureau of Reclamation, and the board. All efficient water  
11 management practices for agricultural water use pursuant to this  
12 chapter shall be adopted or revised by the department only after  
13 the department conducts public hearings to allow participation of  
14 the diverse geographical areas and interests of the state.

15 (i) (1) The department shall adopt regulations that provide for  
16 a range of options that agricultural water suppliers may use or  
17 implement to comply with the measurement requirement in  
18 paragraph (1) of subdivision (b).

19 (2) The initial adoption of a regulation authorized by this  
20 subdivision is deemed to address an emergency, for purposes of  
21 Sections 11346.1 and 11349.6 of the Government Code, and the  
22 department is hereby exempted for that purpose from the  
23 requirements of subdivision (b) of Section 11346.1 of the  
24 Government Code. After the initial adoption of an emergency  
25 regulation pursuant to this subdivision, the department shall not  
26 request approval from the Office of Administrative Law to readopt  
27 the regulation as an emergency regulation pursuant to Section  
28 11346.1 of the Government Code.

29 *SEC. 11. Chapter 9 (commencing with Section 10609) is added*  
30 *to Part 2.55 of Division 6 of the Water Code, to read:*

31  
32 *Chapter 9. Urban Water Use Objectives and Water Use*  
33 *Reporting*

34  
35 *10609. (a) The Legislature finds and declares that this chapter*  
36 *establishes a method to estimate the aggregate amount of water*  
37 *that would have been delivered the previous year by an urban*  
38 *retail water supplier for certain uses if all that water had been used consistent with*  
*established water use efficiency standards efficiently.*

39 *This estimated aggregate water use is the urban retail water*  
40 *supplier's urban water use objective. The method is based on water*

1 use efficiency standards and local service area characteristics for  
2 that year. By comparing the amount of water actually used for certain uses in the  
3 previous year with the urban water use objective, local urban  
4 water suppliers will be in a better position to help eliminate  
5 ~~unnecessary- inefficient~~ use of water; ~~that is, water used in excess of that~~  
6 ~~needed to accomplish the intended beneficial use.~~

7 (b) The Legislature further finds and declares all of the  
8 following:

9 (1) This chapter establishes standards and practices for the  
10 following water uses:

11 (A) Indoor residential use.

12 (B) Outdoor residential use.

13 (C) CII water use.

14 ~~(D) Water losses.~~

15 ~~(E D)~~ Other unique local uses and situations that can have a  
16 material effect on an urban water supplier's total water use.

17 (2) This chapter further does all of the following:

18 (A) Establishes a method to calculate each urban water use  
19 objective.

20 (B) Considers recycled water quality in establishing efficient  
21 irrigation standards.

22 (C) Requires the department to provide or otherwise identify  
23 data regarding the unique local conditions to support the  
24 calculation of an urban water use objective.

25 (D) Provides for the use of alternative sources of data if  
26 alternative sources are shown to be as accurate as, or more  
27 accurate than, the data provided by the department.

28 (E) Requires annual reporting of the previous year's water use  
29 with the urban water use objective.

30 (F) Provides a credit for ~~a portion of~~ the amount of potable  
31 recycled water used the previous year when comparing the  
32 previous year's water use with the urban water use objective.

33 (3) This chapter requires the department and the board to solicit  
34 broad public participation from stakeholders and other interested  
35 persons in the development of the standards and the adoption of  
36 regulations pursuant to this chapter.

37 (4) This chapter preserves the Legislature's authority over  
38 long-term water use efficiency target setting and ensures  
39 appropriate legislative oversight of the implementation of this  
40 chapter by doing all of the following:

1 (A) Requiring the Legislative Analyst to conduct a review of the  
2 implementation of this act, including compliance with the adopted  
3 standards and regulations, accuracy of the data, use of alternate  
4 data, impacts on water affordability, significant effects on the environment and other issues  
the Legislative Analyst deems appropriate.

5 (B) Stating legislative intent that the director of the department  
6 and the chairperson of the board appear before the appropriate  
7 Senate and Assembly policy committees to report on progress in  
8 implementing this chapter.

9 (C) Providing one-time-only authority to the department and  
10 board to adopt water use efficiency standards, except as explicitly  
11 provided in this chapter. Authorization to update the standards  
12 shall require separate legislation.

13 (c) It is the intent of the Legislature that the following principles  
14 apply to the development and implementation of long-term  
15 standards and urban water use objectives:

16 (1) Local urban water suppliers should have primary  
17 responsibility for meeting standards-based water-use targets urban water use objectives by  
November 1, 2026, and

18 they shall retain the flexibility to develop their water supply  
19 portfolios, design and implement water conservation strategies,  
20 educate their customers, and enforce their rules.

21 (2) Long-term water-use efficiency standards and urban water use objectives should  
22 advance the state's goals as outlined in the California Water Action Plan, which consider  
actions needed to mitigate and adapt to climate change.

23 (3) Long-term water-use efficiency standards and urban water use objectives should  
24 acknowledge the shade, air quality, and heat-island reduction  
25 benefits provided to communities by trees and other landscapes through the support of  
26 water-efficient irrigation practices that keep trees and other landscape healthy.

27 (4) The state should identify opportunities for streamlined  
28 reporting, eliminate redundant data submissions, and incentivize  
29 open access to data collected by urban and agricultural water  
30 suppliers while protecting customer privacy.

(5) Long-term water-use efficiency standards and urban water use objectives should  
recognize differences in climate, lot size, age of housing stock, industrial mix, and other  
external factors affecting rates of water use in the setting of reasonable efficiency standards  
and in allowing local agencies flexibility in how to meet targets.

(6) Long-term water-use efficiency standards and urban water use objectives should be  
developed with the advice of, and in consideration of, input from all affected parties and  
interest groups.

(7) Long-term water-use efficiency standards and urban water use objectives should be  
based on the best available data and science.

(8) Long-term water-use efficiency standards and urban water use objectives should be  
based on sound technical analysis of data to be developed by the department in  
collaboration with stakeholders.

(9) With the technical report, the department and the board, with the department as lead  
agency, should prepare an environmental document concerning the effects of the proposed  
long-term water-use efficiency standards and urban water use objectives, and any related  
regulations, prior to the adoption of the board's adoption of the standard

- 31 10609.2. (a) *The board, in coordination with the department,*  
32 *shall adopt long-term standards for the efficient use of water*  
33 *pursuant to this chapter on or before June 30, 2021.*  
34 (b) *Standards shall be adopted for all of the following:*  
35 (1) *Outdoor residential water use.*  
36 (2) *Outdoor irrigation of landscape areas with dedicated*  
37 *irrigation meters in connection with CII water use.*  
38 (3) ~~*A volume for water loss.*~~

1 (c) The long-term standards shall be set at a level designed to  
2 meet the statewide conservation targets required pursuant to  
3 Chapter 3 (commencing with Section 10608.16).

4 (d) The board, in coordination with the department, ~~may~~ shall adopt  
5 by regulation variances recommended by the department pursuant  
6 to Section 10609.14 and guidelines and methodologies pertaining  
7 to the calculation of an urban water supplier's urban water use  
8 objective recommended by the department pursuant to Section  
9 10609.16.

10 10609.4. (a) The standard for indoor residential water use  
11 shall be ~~\_\_\_\_\_~~ 55 gallons per capita daily.

12 (b) (1) The department, in coordination with the board, may conduct  
13 necessary studies and investigations to recommend to the  
14 Legislature a standard for indoor residential water use that more  
15 appropriately reflects ~~best practices for efficient~~ indoor residential water  
16 use than the standard described in subdivision (a). A  
17 recommendation pursuant to this subdivision, if there is one, shall  
18 be made to the chairpersons of the relevant policy committees of  
19 each house of the Legislature by January 1, 2020, and shall include  
20 information necessary to support the recommended standard including advancements in  
technology that justify a change in the indoor efficiency standard. Authorization to update  
the standard shall require separate legislation.

(2) Prior to recommending an indoor residential water use efficiency standard of less  
than 55 gallons per capita daily, the board and the department shall evaluate and  
report to the legislature on the anticipated impacts that a reduction in the indoor  
residential standard, when combined with other anticipated reductions in urban water  
use, would have on existing wastewater and recycling/reuse supplies, infrastructure  
and operations.

(3) In developing any recommendation under, the department shall do all of the  
following:

(i) Complete and rely upon a statistically valid study of indoor water use  
throughout the state with a sample size sufficient to depict statewide variations  
in such water use;

(ii) Take into consideration plumbing standards for different aged housing  
stock and population per household; and

(ii) Identify variances that consider unique circumstances including, but not  
limited to, use of evaporative coolers and fluctuations in seasonal populations.

21 10609.6. (a) (1) The department, in coordination with the  
22 board, shall conduct necessary studies and investigations and  
23 recommend, no later than October 1, 2020, standards for outdoor  
24 residential use for adoption by the board in accordance with this  
25 chapter.

26 (2) (A) The standards shall incorporate the relevant principles of and be set to provide at  
least an equivalent level of water use as the evapotranspiration adjustment factors  
provided in

27 ~~of~~ the model water efficient landscape ordinance ~~adopted~~ by the



28 department pursuant to the Water Conservation in Landscaping  
29 Act (Article 10.8 (commencing with Section 65591) of Chapter 3  
30 of Division 1 of Title 7 of the Government Code) in 2015.

31 (B) The standards shall apply to irrigable lands.

32 (C) The standards shall include provisions for swimming pools,  
33 spas, and other water features.

(D) The standards shall provide at least the equivalent level of water use as an evapotranspiration adjustment factor of  $1.0 \times E_{to}$  for irrigable lands served with recycled water, except that the allowance shall include a variance to the standard that allows recycled water to be applied at an agronomic rate that is a rate of application of recycled water that is necessary to satisfy the watering and nutritional requirements of the plants and is in compliance with any applicable salt and nutrient management plan.

34 (b) The department shall, by January 1, 2020, provide each  
35 urban retail water supplier with data regarding the area of  
36 residential irrigable lands in a manner that can reasonably be  
37 applied to the standards adopted pursuant to this section.

38 (c) The department shall not recommend standards pursuant  
39 to this section until it has conducted pilot projects or studies, or  
40 some combination of the two, to ensure that the data provided to

1 local agencies are reasonably accurate for the data's intended  
 2 uses taking into consideration California's diverse landscapes and community  
 characteristic.

(d) (1) The department, in coordination with the board, may conduct necessary studies and  
 investigations to recommend to the Legislature a standard for outdoor residential water use  
 that more appropriately reflects efficient outdoor residential water use than the standard  
 described in subdivision (a). A recommendation pursuant to this subdivision, if there is one,  
 shall be made to the chairpersons of the relevant policy committees of each house of the  
 Legislature by January 1, 2020, and shall include information necessary to support the  
 recommended standard including the technical changes or scientific basis that justify a change  
 in the outdoor residential efficiency standard. Any recommendation shall reflect existing levels  
 of water use representative of efficient water use for all communities throughout the state, but  
 shall not be lower than an evapotranspiration adjustment factor of 0.55 x E<sub>to</sub> for irrigable  
 lands and shall provide a level of water use not less than 10 percent of the level of water use  
 require under subsection (a). Authorization to update the standard shall require separate  
 legislation.

(2) Prior to recommending an outdoor residential water use efficiency standard, the board and  
 the department shall complete, and rely upon when developing the recommendation, a  
 statistically valid study of outdoor residential water use throughout the state with a sample size  
 sufficient to depict statewide variations in such water use. The study also shall consider the  
 quantity of irrigation necessary to maintain the health of the existing landscapes of all types.

3 10609.8. (a) The department, in coordination with the board,  
 4 shall conduct necessary studies and investigations and recommend,  
 5 no later than October 1, 2020, standards for outdoor irrigation  
 6 of landscape areas with dedicated irrigation meters in connection  
 7 with CII water use for adoption by the board in accordance with  
 8 this chapter.

9 (b) The standards shall incorporate the relevant principles of and be set to provide at least  
an equivalent use of water as the evapotranspiration adjustment factors provided in  
 10 the model water efficient landscape ordinance adopted by the  
 11 department pursuant to the Water Conservation in Landscaping  
 12 Act (Article 10.8 (commencing with Section 65591) of Chapter 3  
 13 of Division 1 of Title 7 of the Government Code) in 2015.

(c) The standards shall include provisions for swimming pools, spas and other water  
 features.

14 (d e) The standards shall include an exclusion for water for  
 15 commercial agricultural use meeting the definition of subdivision  
 16 (b) of Section 51201 of the Government Code.

(e) The standards shall provide at least the equivalent level of water use as an  
 evapotranspiration adjustment factor of 1.0 x E<sub>to</sub> for irrigable lands served with recycled  
 water, except that the allowance shall include a variance to the standard that allows  
 recycled water to be applied at an agronomic rate that is a rate of application of recycled  
 water that is necessary to satisfy the watering and nutritional requirements of the plants  
 and is in compliance with any applicable salt and nutrient management plan. Authorization  
 to update the standard shall require separate legislation.

(f) (1) The department, in coordination with the board, may conduct necessary studies and  
 investigations to recommend to the Legislature a standard for outdoor irrigation of

landscapes areas with dedicated irrigation meters in connection with CII water use that more appropriately reflects efficient water use than the standard described in subdivision (a). A recommendation pursuant to this subdivision, if there is one, shall be made to the chairpersons of the relevant policy committees of each house of the Legislature by January 1, 2020, and shall include information necessary to support the recommended standard including the technical changes or scientific basis that justify a change in the outdoor efficiency standard. Any recommendation shall reflect existing levels of water use representative of efficient water use for all communities throughout the state, but shall not be lower than an evapotranspiration adjustment factor of 0.45 x Eto for irrigable lands and shall provide a level of water use not less than 10 percent of the level of water use require under subsection (a).

(2) Prior to recommending an outdoor residential water use efficiency standard, the board and the department shall complete, and rely upon when developing the recommendation, a statistically valid study of outdoor irrigation of landscape areas with dedicated irrigation meters in connection with CII water use throughout the state with a sample size sufficient to depict statewide variations in such water use. The study also shall consider the quantity of irrigation necessary to maintain the health of the existing landscapes of all types

17 10609.10. (a) The department, in coordination with the board,  
18 shall conduct necessary studies and investigations and recommend,  
19 no later than October 1, 2020, performance measures for CII water  
20 use for adoption by the board in accordance with this chapter.

21 (b) Prior to recommending performance measures for CII water  
22 use, the department shall solicit broad public participation from  
23 stakeholders and other interested persons relating to performance measures that would  
24 accomplish all of the  
25 following:

26 (1) Recommendations for a CII water use classification system  
27 for California that address significant uses of water and are consistent with, or easily cross-  
28 referenced with, the classifications and standards developed by the North American  
29 Industry Classification System published by the United States Office of Management and  
30 Budget.

31 (2) Recommendations for setting minimum size thresholds and other factors for  
32 converting separating mixed CII meters to provide dedicated irrigation meters, where  
33 feasible and cost effective. and  
34 evaluation of, and recommendations for, technologies that could  
35 be used in lieu of requiring dedicated irrigation meters.

36 (3) Recommendations for appropriate thresholds by which urban retail water suppliers  
37 could require CII water users to participate in CII water use best management  
38 practices, including, but not limited to, water audits and water  
39 management plans for those CII customers that exceed a  
40 recommended size, volume of water use, or other threshold.

(c) Recommendations of appropriate performance measures  
for CII water use shall to the greatest extent possible, be based on the recommendations  
made in consider the October 21, 2013, report to  
the Legislature by the Commercial, Industrial, and Institutional  
Task Force entitled "Water Use Best Management Practices,"  
and shall support the economic productivity of California's  
commercial, industrial, and institutional sectors.

1 (d) (1) By no later than December 31, 2020, the board shall publish the proposed text of  
2 the performance measure requirements and shall schedule public workshops to invite  
3 stakeholder input by March 15, 2021. The board, in coordination with the department,  
4 shall

5 adopt performance measures for CII water use on or before June  
6 30, 2021.

7 (2) Each urban retail water supplier shall implement the  
8 performance measures adopted by the board pursuant to paragraph  
9 (1) that are feasible and cost-effective for its service area.

10 ~~10609.12. The standards for water loss for urban retail water~~  
11 ~~suppliers shall be the standards adopted by the board pursuant to~~  
12 ~~subdivision (i) of Section 10608.34.~~

13 10609.14. (a) The department, in coordination with the board,  
14 shall conduct necessary studies and investigations and, no later  
15 than October 1, 2020, recommend for adoption by the board in  
16 accordance with this chapter appropriate variances for unique  
17 uses that can have a material effect on an urban retail water  
18 supplier's urban water use objective. By no later than December 31, 2020, the board shall  
19 publish the proposed text of each proposed variance and shall schedule public workshops to  
20 invite stakeholder input by March 15, 2021. By no later than June 30, 2021, the board  
21 shall adopt variances and associated variance processes.

22 (b) Appropriate variances ~~may~~ shall include, but are not limited to,  
23 allowances for the following:

24 (1) Significant use of evaporative coolers.

25 (2) Significant populations of horses and other livestock.

26 (3) Significant fluctuations in seasonal populations.

27 (4) Significant landscaped areas irrigated with recycled water  
28 having high levels of total dissolved solids.

29 (5) Significant use of water for soil compaction and dust control

30 (6) Supplemental ponds and lakes to sustain wildlife

31 (7) Significant use of water to irrigate vegetation for fire protection

32 (8) Significant use of water for commercial or non-commercial agricultural use

33 (9) Other supplier-specific factors, which result in water use, specific to a urban retail  
34 water supplier's service area

35 10609.16. The department, in coordination with the board,  
36 shall conduct necessary studies and investigations and recommend,  
37 no later than October 1, 2020, guidelines and methodologies for  
38 the board to adopt that identify how an urban retail water supplier  
39 calculates its urban water use objective. The guidelines and  
40 methodologies shall address, as necessary, all of the following:

41 (a) Determining the irrigable lands within the urban retail water  
42 supplier's service area.

43 (b) Updating and revising methodologies described pursuant  
44 to subparagraph (A) of paragraph (1) of subdivision (h) of Section  
45 10608.20, as appropriate, including methodologies for calculating  
46 the population in an urban retail water supplier's service area.

47 (c) Using landscape area data provided by the department or  
48 alternative data.

49 (d) Incorporating ~~precipitation data and climate data~~ evapotranspiration rates into  
50 estimates of a urban retail water supplier's outdoor irrigation  
51 budget for its urban water use objective.

1 (e) Estimating changes in outdoor landscape area and  
 2 population, and calculating the urban water use objective, for  
 3 years when updated landscape imagery is not available from the  
 4 department or alternative data sources.

5 (f) Determining acceptable levels of accuracy for the supporting  
 6 data and the urban water use objective.

(g) Alternative methods for calculating urban water use objectives for urban retail water supplies with unique conditions that make calculating a urban retail water use objective based on the long-term efficiency standards technically, economically, or administratively infeasible.

7 10609.18. The department and the board shall solicit broad  
 8 public participation from stakeholders and other interested persons  
 9 in the development of the standards and the adoption of regulations  
 10 pursuant to this chapter.

11 10609.20. (a) Each urban retail water supplier shall calculate  
 12 its urban water use objective no later than ~~July~~ November 1, 2022, and by  
 13 July 1 every year thereafter.

14 (b) The calculation shall be based on the urban retail water  
 15 supplier's water use conditions for the previous calendar year or fiscal year, whichever is  
used by the urban retail water supplier for calculating water use under section 10609.22.

16 (c) Each urban water supplier's urban water use objective shall  
 17 be composed of the sum of the following:

18 (1) Aggregate estimated efficient indoor residential water use.

19 (2) Aggregate estimated efficient outdoor residential water use.

20 (3) Aggregate estimated efficient outdoor irrigation of landscape  
 21 areas with dedicated irrigation meters in connection with CII  
 22 water use.

23 ~~(4) Aggregate estimated efficient water losses.~~

24 ~~(5) Aggregate estimated water use in accordance with variances,~~  
 25 as appropriate.

26 (d) (1) The calculation of the urban water use objective shall  
 27 be made using landscape area and other data provided by the  
 28 department and pursuant to the standards, guidelines, and  
 29 methodologies adopted by the board. The department shall provide urban retail water  
suppliers annually the data they need to calculate the urban water use objective each year.

30 (2) Notwithstanding paragraph (1), an urban retail water  
 31 supplier may use alternative data in calculating the urban water  
 32 use objective if the supplier demonstrates that the alternative data  
 33 are equivalent, or superior, in quality and accuracy to the data  
 34 provided by the department. The department may provide technical  
 35 assistance to an urban retail water supplier in evaluating whether  
 36 the alternative data are appropriate for use in calculating the  
 37 supplier's urban water use objective.

38 10609.22. (a) An urban retail water supplier shall calculate  
 39 its actual urban water use no later than ~~July~~ November 1, 2022, and by July  
 40 1 every year thereafter.

1 (b) The calculation shall be based on the urban retail water  
2 supplier's water use for the previous calendar year or fiscal year.

3 (c) Each urban water supplier's urban water use shall be  
4 composed of the sum of the following:

5 (1) Aggregate residential water use, as measured by the total amount of water served  
6 through residential meters.

7 (2) Aggregate outdoor irrigation of landscape areas with  
8 dedicated irrigation meters in connection with CII water use, as measured by the total  
9 amount of water served through dedicated irrigation meters.

10 ~~(3) Aggregate water losses.~~

11 (d) Urban retail water suppliers that deliver potable reuse water  
12 may reduce the calculation of their actual urban water use by a  
13 credit calculated pursuant to this subdivision.

14 (1) The water use credit shall be the amount of delivered potable  
15 reuse water, on an acre-foot basis, to meet its urban water use objective multiplied by a  
16 credit factor.

17 ~~(2) The water use credit factor for 2021 shall be 10 percent.~~

18 ~~(3) The water use credit factor for each subsequent year shall  
19 be one percentage point less than the credit factor for the previous  
20 year, until January 1, 2031, after which no credit factor shall  
21 apply.~~

(e) Water use or loss caused by conditions of disaster or extreme peril to the safety of persons and  
property, including, but not limited to, conditions, whether natural or human caused, of fire,  
flood, storm, drought, epidemic, riot, earthquake, or other condition, shall be excluded from the  
calculation of the urban retail water supplier's water use.

19 10609.24. (a) An urban retail water supplier shall submit a  
20 report to the department no later than ~~July-November-1~~, 2022, and by ~~July-November 1~~  
21 every year thereafter. The report shall include all of the following:

22 (1) The urban water use objective calculated pursuant to Section  
23 10609.20 along with relevant supporting data.

24 (2) The actual urban water use calculated pursuant to Section  
25 10609.22 along with relevant supporting data.

26 ~~(3) Documentation- A report summarizing the urban retail water supplier's efforts to of~~  
27 ~~the implementation of- implement~~ the performance  
28 measures for CII water use.

29 (4) A description of the progress made towards meeting the  
30 urban water use objective.

31 (b) The department shall post the reports and information on  
32 its Internet Web site.

33 (c) The board may issue an information order or conservation  
34 order consistent with Section 10609.26 to, ~~or impose civil liability on, an entity or individual~~  
35 an urban retail water supplier for  
36 failure to submit a report required by this section.

37 10609.26. (a) (1) On and after ~~July-November 1, 2022~~ 2023, the board may  
38 issue informational orders pertaining to water production, water  
39 use, and ~~water conservation-~~ water use efficiency to an urban retail water supplier that if  
40 there is significant evidence that the urban retail water supplier is not making progress  
41 toward meeting its urban water use objective or if the urban retail water supplier

42 does not meet its urban water use objective required by this  
43 chapter. Informational orders are intended to obtain information

44 on supplier activities, water production, and ~~conservation-~~ water use efficiency efforts

1 in order to identify technical assistance needs and assist urban  
2 water suppliers in meeting their urban water use objectives.

3 (2) In determining whether to issue an informational order, the  
4 board shall consider the degree to which the urban retail water  
5 supplier is not meeting its urban water use objective, information  
6 provided in the report required by Section 10609.24, and actions  
7 the urban retail water supplier has implemented or will implement  
8 in order to help meet the urban water use objective.

9 (3) The board shall share information received pursuant to this  
10 subdivision with the department.

11 (4) An urban water supplier may request technical assistance  
12 from the department. The technical assistance may, to the extent  
13 available, include guidance documents, tools, and data.

14 (b) (1) On and after ~~July~~ November 1, 2023 2026, the board may issue a written  
15 notice to an urban retail water supplier that does not meet its  
16 urban water use objective required by this chapter. The written  
17 notice may warn the urban retail water supplier that it is not  
18 meeting its urban water use objective described in Section  
19 10609.20 and is not making adequate progress in meeting the  
20 urban water use objective, and may request that the urban retail  
21 water supplier address areas of concern in its next annual report  
22 required by Section 10609.24. In deciding whether to issue a  
23 written notice, the board may consider whether the urban retail  
24 water supplier has received an informational order, the degree to  
25 which the urban retail water supplier is not meeting its urban  
26 water use objective, information provided in the report required  
27 by Section 10609.24, and actions the urban retail water supplier  
28 has implemented or will implement in order to help meet its urban  
29 water use objective.

(2) Within 90 days of receiving a notice of noncompliance, an urban retail water supplier shall work with the board and department to identify additional actions that should be taken to encourage users to increase water-use efficiency. The urban retail water supplier shall submit to the board a comprehensive remedial plan detailing the additional steps it will take to make progress toward achieving its overall target. The board shall review the remedial plan, work collaboratively with the urban retail water supplier to address any deficiencies identified in the plan, and shall approve the plan if it finds that plan implementation is likely to enable the urban retail water supplier to make progress toward achieving its overall target or if the plan contains the appropriate and reasonable actions the urban retail water supplier should take next. If the board does not issue a decision on a supplier's plan within 45 days of its submission to the board, the board will be deemed to have approved the plan.

(3) The board shall consider an urban retail water supplier's prior effort to meet the its urban water use objective, characteristics of the urban retail water supplier's service area, and the cost-benefit and economic feasibility when considering what additional actions should be taken to encourage users to increase water-use efficiency and when considering approval of an urban retail water supplier's plan. The board may waive the requirement to develop a remedial plan if it finds that an urban retail water supplier has taken reasonable and appropriate actions in an attempt to meet its objective prior to having been issued a notice of noncompliance, or if it finds that additional actions would place an undue financial burden on the urban retail water supplier or the community it serves.

(4) Following remedial plan approval by the board, the urban retail water supplier shall report to the board, on a schedule to be determined by the board, regarding plan implementation.

- 30 (c) (1) On and after ~~July~~ November 1, 2024 2026, the board may issue a  
31 conservation order to an urban retail water supplier that does not  
32 meet its urban water use objective and has failed to implement the plan required under  
subsection (b)(3) or failed to report to the board as required by subsection(b)(4). A  
conservation order may  
33 consist of, but is not limited to, referral to the department for  
34 technical assistance, requirements for education and outreach,  
35 requirements for local enforcement, and other efforts to assist  
36 urban retail water suppliers in meeting their urban water use  
37 objective.  
38 (2) In issuing a conservation order, the board shall identify  
39 specific deficiencies in an urban retail water supplier's progress



1 towards meeting its urban water use objective, and identify specific  
2 actions to address the deficiencies.

3 (3) The board may request that the department provide an urban  
4 retail water supplier with technical assistance to support the urban  
5 retail water supplier's actions to remedy the deficiencies.

(4) A conservation order issued in accordance with this chapter shall not curtail or otherwise limit the exercise of water rights.

6 ~~10609.28. The board may issue a regulation or informational~~  
7 ~~order requiring a distributor of a public water supply, as that term~~  
8 ~~is used in Section 350, to provide a monthly report relating to~~  
9 ~~water production, water use, or water conservation.~~

(d) Because an urban retail water supplier is not required to meet its water efficiency target until November 1, 2026, pursuant to Section 10609(c)(1) an urban retail water supplier's failure to meet that target shall not establish a violation of law for purposes of any state administrative or judicial proceeding before November 1, 2026. Nothing in this paragraph limits the use of data reported to the department or the board in litigation or an administrative proceeding.

10 10609.30. On or before January 10, 2023, the Legislative  
11 Analyst shall provide to the appropriate policy committees of both  
12 houses of the Legislature and the public a report evaluating the  
13 implementation of urban water ~~conservation standards~~ use objectives and water  
14 use reporting pursuant to this chapter. The board and the  
15 department shall provide the Legislative Analyst with the available  
16 data to complete this report.

17 (a) The report shall describe all of the following:

18 (1) The rate at which urban retail water ~~users~~ suppliers are complying  
19 with the ~~standards~~ objectives, and factors that might facilitate or impede  
20 their compliance, including the impact on water affordability.

21 (2) The accuracy of the data and estimates being used to  
22 calculate urban water use objectives.

23 (3) Indications of the economic impacts, if any, of the  
24 implementation of this chapter on urban water users, including  
25 CII water users.

26 (4) The early indications of how implementing this chapter  
27 might impact the efficiency of statewide urban water use.

28 (5) Recommendations, if any, for improving statewide urban  
29 water use efficiency and the standards and practices described in  
30 this chapter.

31 (6) Any other issues the Legislative Analyst deems appropriate, including, but not limited  
32 to, identification of significant impacts, if any, to the environment.

33 10609.32. It is the intent of the Legislature that the chairperson  
34 of the board and the director of the department appear before the  
35 appropriate policy committees of both houses of the Legislature  
36 on or around January 1, 2025, and report on the implementation  
37 of urban water ~~conservation standards~~ use objectives and water use reporting  
38 pursuant to this chapter. It is the intent of the Legislature that the  
topics to be covered include all of the following:

1 (a) The rate at which urban retail water ~~users-~~suppliers are complying  
2 with the ~~standards~~ objectives, and factors that might facilitate or impede  
3 their compliance.

4 (b) What enforcement actions have been taken, if any.

5 (c) The accuracy of the data and estimates being used to  
6 calculate urban water use objectives.

7 (d) Indications of the economic impacts, if any, of the  
8 implementation of this chapter on urban water users, including  
9 CII water users.

10 (e) An assessment of how implementing this chapter is affecting  
11 the efficiency of statewide urban water use.

12 ~~10609.34. Notwithstanding Section 15300.2 of Title 14 of the  
13 California Code of Regulations, an action of the board taken under  
14 this chapter shall be deemed to be a Class 8 action, within the  
15 meaning of Section 15308 of Title 14 of the California Code of  
16 Regulations, provided that the action does not involve relaxation  
17 of existing water conservation or water use standards.~~

18 10609.36. (a) Nothing in this chapter shall be construed to  
19 determine or alter water rights. Sections 1010 and 1011 apply to  
20 water conserved through implementation of this chapter.

21 (b) Nothing in this chapter shall be construed to authorize the  
22 board to update or revise water use efficiency standards authorized  
23 by this chapter except as explicitly provided in this chapter.  
24 Authorization to update the standards beyond that explicitly  
25 provided in this chapter shall require separate legislation.

26 SEC. 12. Chapter 10 (commencing with Section 10609.40) is  
27 added to Part 2.55 of Division 6 of the Water Code, to read:

28  
29 Chapter 10. Countywide Drought and Water Shortage  
30 Contingency Plans

31  
32 10609.40. The Legislature finds and declares both of the  
33 following:

34 (a) Small water suppliers and rural communities are not covered  
35 by established water shortage planning requirements. Currently,  
36 most counties do not address water shortages or do so minimally  
37 in their general plan or the local hazard mitigation plan.

38 (b) The state should provide guidance to improve drought  
39 planning for small water suppliers and rural communities.

1 10609.42. (a) The department shall, by January 1, 2019,  
 2 propose to the Governor and the Legislature recommendations  
 3 and guidance relating to the development and implementation of  
 4 countywide drought and water shortage contingency plans to  
 5 address the planning needs of small water suppliers and rural  
 6 communities. The department shall recommend how these plans  
 7 can be included in county local hazard mitigation plans or  
 8 otherwise integrated with complementary existing planning  
 9 processes. The guidance from the department shall outline goals  
 10 of the countywide drought and water shortage contingency plans  
 11 and recommend components including, but not limited to, all of  
 12 the following:

- 13 (1) Assessment of drought vulnerability.
- 14 (2) Actions to reduce drought vulnerability.
- 15 (3) Response, financing, and local communication and outreach  
 16 planning efforts that may be implemented in times of drought.
- 17 (4) Data needs and reporting.
- 18 (5) Roles and responsibilities of interested parties and  
 19 coordination with other relevant water management planning  
 20 efforts.

21 (b) In formulating the proposal, the department shall utilize a  
 22 public process involving state agencies, cities, counties, small  
 23 communities, small water suppliers, and other stakeholders.

24 SEC. 13. Section 10610.2 of the Water Code is amended to  
 25 read:

26 10610.2. (a) The Legislature finds and declares all of the  
 27 following:

- 28 (1) The waters of the state are a limited and renewable resource  
 29 subject to ever-increasing demands.
- 30 (2) The conservation and efficient use of urban water supplies  
 31 are of statewide concern; however, the planning for that use and  
 32 the implementation of those plans can best be accomplished at the  
 33 local level.
- 34 (3) A long-term, reliable supply of water is essential to protect  
 35 the productivity of California's businesses and economic ~~climate.~~  
 36 ~~climate, and increasing long-term water conservation among~~  
 37 ~~Californians~~, improving water use efficiency within the state's  
 38 communities and agricultural production, and strengthening local  
 39 and regional drought planning are critical to California's  
 40 resilience to drought and climate change.

1 (4) As part of its long-range planning activities, every urban  
2 water supplier should make every effort to ensure the appropriate  
3 level of reliability in its water service sufficient to meet the needs  
4 of its various categories of customers during normal, dry, and  
5 multiple dry water years—~~years now and~~ over a 20 year period into the foreseeable future,  
6 and every urban water supplier should actively engage local  
7 land-use authorities to ~~ensure~~ provide information on current land-use planning that  
8 urban water suppliers shall consider in developing water demand forecasts are  
9 consistent with current land-use planning.

10 (5) Public health issues have been raised over a number of  
11 contaminants that have been identified in certain local and imported  
12 water supplies.

13 (6) Implementing effective water management strategies,  
14 including groundwater storage projects and recycled water projects,  
15 may require specific water quality and salinity targets for meeting  
16 groundwater basins water quality objectives and promoting  
17 beneficial use of recycled water.

18 (7) Water quality regulations are becoming an increasingly  
19 important factor in water agencies' selection of raw water sources,  
20 treatment alternatives, and modifications to existing treatment  
21 facilities.

22 (8) Changes in drinking water quality standards may also impact  
23 the usefulness of water supplies and may ultimately impact supply  
24 reliability.

25 (9) The quality of source supplies can have a significant impact  
26 on water management strategies and supply reliability.

27 (b) This part is intended to provide assistance to water agencies  
28 in carrying out their long-term resource planning responsibilities  
29 to ensure adequate water supplies to meet existing and future  
30 demands for water.

31 *SEC. 14. Section 10610.4 of the Water Code is amended to*  
32 *read:*

33 10610.4. The Legislature finds and declares that it is the policy  
34 of the state as follows:

35 (a) The management of urban water demands and efficient use  
36 of water shall be actively pursued to protect both the people of the  
37 state and their water resources.

38 (b) The management of urban water demands and efficient use  
39 of urban water supplies shall be a guiding criterion in public  
40 decisions.

1 (c) Urban water suppliers shall be required to develop water  
 2 management plans to actively pursue ~~achieve~~ based on the efficient use of  
 3 available supplies. ~~supplies and~~ to strengthen local drought planning.

4 SEC. 15. Section 10612 of the Water Code is amended and  
 5 renumbered to read:

6 ~~10612.~~

7 10611.3. "Customer" means a purchaser of water from a water  
 8 supplier who uses the water for municipal purposes, including  
 9 residential, commercial, governmental, and industrial uses.

10 SEC. 16. Section 10612 is added to the Water Code, to read:

11 10612. "Drought risk assessment" means a method that  
 12 examines water shortage risks based on the driest five-year historic  
 13 sequence for the agency's water supply, as described in subdivision  
 14 (b) of Section 10635.

15 SEC. 17. Section 10617.5 is added to the Water Code, to read:

16 10617.5. "Water shortage contingency plan" means a  
 17 document that incorporates the provisions detailed in subdivision  
 18 (a) of Section 10632 and is subsequently adopted by an urban  
 19 water supplier pursuant to this article.

20 SEC. 18. Section 10618 is added to the Water Code, to read:

21 10618. "Water supply and demand assessment" means a  
 22 method that looks at current year and one ~~or more~~ dry year  
 23 supplies, including all available supplies and possible supplies accessible through supply  
 24 augmentation measures, and demands for determining water shortage risks, as  
 25 described in Section 10632.1.

26 SEC. 19. Section 10620 of the Water Code is amended to read:

27 10620. (a) Every urban water supplier shall prepare and adopt  
 28 an urban water management plan in the manner set forth in Article  
 29 3 (commencing with Section 10640).

30 (b) Every person that becomes an urban water supplier shall  
 31 adopt an urban water management plan within one year after it  
 32 has become an urban water supplier.

33 (c) An urban water supplier indirectly providing water shall not  
 34 include planning elements in its water management plan as  
 35 provided in Article 2 (commencing with Section 10630) that would  
 36 be applicable to urban water suppliers or public agencies directly  
 37 providing water, or to their customers, without the consent of those  
 38 suppliers or public agencies.

39 (d) (1) An urban water supplier may satisfy the requirements  
 40 of this part by participation in areawide, regional, watershed, or  
 basinwide urban water management planning where those plans

1 will reduce preparation costs and contribute to the achievement of  
2 ~~conservation and conservation~~, efficient water ~~use—use~~, and  
3 *improved local drought resilience.*

4 *(2) Notwithstanding paragraph (1), each urban water supplier*  
5 *shall develop its own water shortage contingency plan, but an*  
6 *urban water supplier may incorporate, collaborate, and otherwise*  
7 *share information with other urban water suppliers or other*  
8 *governing entities participating in an area-wide, regional,*  
9 *watershed, or basin-wide urban water management plan, an*  
10 *agricultural management plan, or groundwater sustainability plan*  
11 *development.*

12 ~~(2)~~

13 (3) Each urban water supplier shall coordinate the preparation  
14 of its plan with other appropriate agencies in the area, including  
15 other water suppliers that share a common source, water  
16 management agencies, and relevant public agencies, to the extent  
17 practicable.

18 (e) The urban water supplier may prepare the plan with its own  
19 staff, by contract, or in cooperation with other governmental  
20 agencies.

21 (f) An urban water supplier shall describe in the plan water  
22 management tools and options used by that entity that will  
23 maximize resources and minimize the need to import water from  
24 other regions.

25 *SEC. 20. Section 10621 of the Water Code is amended to read:*

26 10621. (a) Each urban water supplier shall update its plan at  
27 least once every five years on or before ~~December 31, July 1~~, in  
28 years ending in ~~five and zero~~, ~~except as provided in subdivisions~~  
29 ~~(d) and (e)~~ *six and one, incorporating updated and new*  
30 *information from the five years preceding each update.*

31 (b) Every urban water supplier required to prepare a plan  
32 pursuant to this part shall, at least 60 days before the public hearing  
33 on the plan required by Section 10642, notify any city or county  
34 within which the supplier provides water supplies that the urban  
35 water supplier will be reviewing the plan and considering  
36 amendments or changes to the plan. The urban water supplier may  
37 consult with, and obtain comments from, any city or county that  
38 receives notice pursuant to this subdivision.

1 (c) An urban water supplier regulated by the Public Utilities  
 2 Commission shall include its most recent plan and water shortage  
 3 contingency plan as part of the supplier's general rate case filings.

4 ~~(e)~~

5 (d) The amendments to, or changes in, the plan shall be adopted  
 6 and filed in the manner set forth in Article 3 (commencing with  
 7 Section 10640).

8 ~~(d)~~

9 (e) Each urban water supplier shall update and submit its 2015  
 10 plan to the department by July 1, 2016.

11 ~~(e)~~

12 (f) (1) Each urban water supplier shall update and submit its  
 13 2020 plan to the department by July 1, 2021.

14 (2) By January 1, 2023, each urban water supplier shall adopt  
 15 and submit to the department a supplement to the adopted 2020  
 16 plan that includes information required pursuant to subparagraph  
 17 (B) of paragraph (1) of subdivision (e) of Section 10631.

18 SEC. 21. Section 10630 of the Water Code is amended to read:

19 10630. It is the intention of the Legislature, in enacting this  
 20 part, to permit levels of water management planning commensurate  
 21 with the numbers of customers served and the volume of water  
 22 ~~supplied.~~ supplied, while accounting for impacts from climate  
 23 change.

24 SEC. 22. Section 10630.5 is added to the Water Code, to read:

25 10630.5. Each plan shall include a simple lay description of  
 26 how much water the agency has on a reliable basis, how much ~~it~~ water it needs to meet  
projected demands over the next 20 years

27 needs for the foreseeable future, what the agency's strategy is for  
 28 meeting its water needs, the challenges facing the agency, and any  
 29 other information necessary to provide a general understanding  
 30 of the agency's plan.

31 SEC. 23. Section 10631 of the Water Code is amended to read:

32 10631. A plan shall be adopted in accordance with this chapter  
 33 that shall do all of the following:

34 (a) Describe the service area of the supplier, including current  
 35 and projected population, climate, and other ~~social~~, economic, and  
 36 demographic factors affecting the supplier's water management  
 37 planning. The projected population estimates shall be based upon  
 38 data from the state, regional, or local service agency population  
 39 projections within the service area of the urban water supplier and  
 40 shall be in five-year increments to 20 years or as far as data is

1 available. *The description shall include the current and projected*  
2 *land uses within the existing or anticipated service area affecting*  
3 *the supplier's water management planning. Urban water suppliers*  
4 *shall coordinate with local or regional land use authorities to*  
5 *determine the best source of land use information, including, where*  
6 *appropriate, land use information obtained from local or regional*  
7 *land use authorities, as developed pursuant to Article 5*  
8 *(commencing with Section 65300) of Chapter 3 of Division 1 of*  
9 *Title 7 of the Government Code.*

10 (b) Identify and quantify, to the extent practicable, the existing  
11 and planned sources of water available to the supplier over the  
12 same five-year increments described in subdivision (a).—If  
13 groundwater is identified as an existing or planned source of water  
14 available to the supplier, all of the following information shall be  
15 included in the plan: (a), providing supporting and related  
16 information, including all of the following:

17 (1) ~~A copy of~~

18 (1) *A detailed discussion of anticipated supply availability under*  
19 *a normal water year, single dry year, and droughts lasting at least*  
20 *five years, ~~as well as more frequent and severe periods of drought,~~*  
21 *as described in the drought risk assessment. ~~For each source of~~*  
22 *water supply, consider. The supplier shall consider any information pertinent to the*  
*reliability*

23 *analysis conducted pursuant to Section 10635, including changes*  
24 *in supply due to climate change.*

25 (2) ~~When multiple sources of water supply are identified, — A~~  
26 *description of the management of each supply ~~in correlation with~~*  
27 *~~the other identified supplies.~~*

28 (3) *For any planned sources of water supply, a description of*  
29 *the measures that are being undertaken to acquire and develop*  
30 *those water supplies.*

31 (4) *If groundwater is identified as an existing or planned source*  
32 *of water available to the supplier, all of the following information:*

33 (A) *The current version of any groundwater sustainability plan*  
34 *or alternative adopted pursuant to Part 2.74 (commencing with*  
35 *Section 10720), any groundwater management plan adopted by*  
36 *the urban water supplier, including plans adopted pursuant to Part*  
37 *2.75 (commencing with Section 10750), or any other specific*  
38 *authorization for groundwater ~~management.~~ management for basins*  
39 *underlying the urban water supplier's service area.*

40 (2)



1 (B) A description of any groundwater basin or basins from which  
 2 the urban water supplier pumps groundwater. For basins that a  
 3 court or the board has adjudicated the rights to pump groundwater,  
 4 a copy of the order or decree adopted by the court or the board and  
 5 a description of the amount of groundwater the urban water supplier  
 6 has the legal right to pump under the order or decree. For basins  
 7 ~~that have a basin that has~~ not been adjudicated, information as to  
 8 whether the department has identified the basin ~~or basins as~~  
 9 ~~overdrafted or has projected that the basin will become overdrafted~~  
 10 ~~if present management conditions continue, as a high- or~~  
 11 ~~medium-priority basin~~ in the most current official departmental  
 12 bulletin that characterizes the condition of the groundwater basin,  
 13 and a detailed description of the efforts being undertaken by the  
 14 urban water supplier to ~~eliminate the long-term overdraft condition.~~  
 15 *coordinate with groundwater sustainability agencies or*  
 16 *groundwater management agencies listed in subdivision (c) of*  
 17 *Section 10723 to maintain or achieve sustainable groundwater*  
 18 *conditions in accordance with a groundwater sustainability plan*  
 19 *or alternative adopted pursuant to Part 2.74 (commencing with*  
 20 *Section 10720).*

21 (3)

22 (C) A detailed description and analysis of the location, amount,  
 23 and sufficiency of groundwater pumped by the urban water supplier  
 24 for the past five years. The description and analysis shall be based  
 25 on information that is reasonably available, including, but not  
 26 limited to, historic use records.

27 (4)

28 (D) A detailed description and analysis of the amount and  
 29 location of groundwater that is projected to be pumped by the  
 30 urban water supplier. The description and analysis shall be based  
 31 on information that is reasonably available, including, but not  
 32 limited to, historic use records.

33 ~~(e) (1) Describe the reliability of the water supply and~~  
 34 ~~vulnerability to seasonal or climatic shortage, to the extent~~  
 35 ~~practicable, and provide data for each of the following:~~

36 ~~(A) An average water year.~~

37 ~~(B) A single dry water year.~~

38 ~~(C) Multiple dry water years.~~

39 ~~(2) For any water source that may not be available at a consistent~~  
 40 ~~level of use, given specific legal, environmental, water quality, or~~

1 climatic factors, describe plans to supplement or replace that source  
2 with alternative sources or water demand management measures,  
3 to the extent practicable.

4 ~~(d)~~

5 (c) Describe the opportunities for exchanges or transfers of  
6 water on a short-term or long-term basis.

7 ~~(e)~~

8 (d) (1) ~~Quantify.~~ *For an urban retail water supplier, quantify,*  
9 *to the extent records are available, past and current water use, over*  
10 *the same five-year increments described in subdivision (a), and*  
11 *projected water use, based upon information developed*  
12 *pursuant to subdivision (a), identifying the uses among water use*  
13 *sectors, including, but not necessarily limited to, all of the*  
14 *following uses: following:*

15 (A) Single-family residential.

16 (B) Multifamily.

17 (C) Commercial.

18 (D) Industrial.

19 (E) Institutional and governmental.

20 (F) Landscape.

21 (G) Sales to other agencies.

22 (H) Saline water intrusion barriers, groundwater recharge, or  
23 conjunctive use, or any combination thereof.

24 (I) Agricultural.

25 (J) Distribution system water loss.

26 (2) The water use projections shall be in the same five-year  
27 increments described in subdivision (a).

28 (3) (A) ~~For the 2015 urban water management plan update, the~~  
29 ~~distribution system water loss shall be quantified for the most~~  
30 ~~recent 12-month period available. For all subsequent updates, the~~  
31 *The distribution system water loss shall be quantified for each of*  
32 *the five years preceding the plan update. update, in accordance*  
33 *with rules adopted pursuant to Section 10608.34.*

34 (B) The distribution system water loss quantification shall be  
35 reported in accordance with a worksheet approved or developed  
36 by the department through a public process. The water loss  
37 quantification worksheet shall be based on the water system  
38 balance methodology developed by the American Water Works  
39 Association.

1 (C) In the plan due July 1, 2021, and in each update thereafter,  
 2 data shall be included to show whether the urban retail water  
 3 supplier met the distribution loss standards enacted by the board  
 4 pursuant to Section 10608.34.

5 ~~(4) (A) If available and applicable to an urban water supplier,~~  
 6 ~~water use projections may~~ Water use projections, where available,  
 7 shall display and account for the water savings estimated to result  
 8 from adopted codes, standards, ordinances, or transportation and  
 9 land use plans identified by the urban water supplier, as applicable  
 10 to the service area.

11 (B) To the extent that an urban water supplier reports the  
 12 information described in subparagraph (A), an urban water supplier  
 13 shall do both of the following:

14 (i) Provide citations of the various codes, standards, ordinances,  
 15 or transportation and land use plans utilized in making the  
 16 projections.

17 (ii) Indicate the extent that the water use projections consider  
 18 savings from codes, standards, ordinances, or transportation and  
 19 land use plans. Water use projections that do not account for these  
 20 water savings shall be noted of that

fact. 21 ~~(f)~~

22 (e) Provide a description of the supplier's water demand  
 23 management measures. This description shall include all of the  
 24 following:

25 (1) (A) For an urban retail water supplier, as defined in Section  
 26 10608.12, a narrative description that addresses the nature and  
 27 extent of each water demand management measure implemented  
 28 over the past five years. The narrative shall describe the water  
 29 demand management measures that the supplier plans to implement  
 30 to achieve its water use targets pursuant to Section 10608.20.

31 (B) For the supplement required by paragraph (2) of subdivision  
 32 (f) of Section 10621, a narrative that describes the water demand  
 33 management measures that the supplier plans to implement to  
 34 achieve its urban water use objective pursuant to Chapter 9  
 35 (commencing with Section 10609) of Part 2.55.

36 ~~(B)~~

37 (C) The narrative pursuant to this paragraph shall include  
 38 descriptions of the following water demand management measures:

39 (i) Water waste prevention ordinances.

40 (ii) Metering.

- 1 (iii) Conservation pricing.
- 2 (iv) Public education and outreach.
- 3 (v) Programs to assess and manage distribution system real loss.
- 4 (vi) Water conservation program coordination and staffing
- 5 support.
- 6 (vii) Other demand management measures that have a significant
- 7 impact on water use as measured in gallons per capita per day,
- 8 including innovative measures, if implemented.

9 (2) For an urban wholesale water supplier, as defined in Section  
 10 10608.12, a narrative description of the items in clauses (ii), (iv),  
 11 (vi), and (vii) of subparagraph ~~(B)~~(C) of paragraph (1), and a  
 12 narrative description of its distribution system asset management  
 13 and wholesale supplier assistance programs.

14 ~~(g)~~  
 15 (f) Include a description of all water supply projects and water  
 16 supply programs that may be undertaken by the urban water  
 17 supplier to meet the total projected water use, as established  
 18 pursuant to subdivision (a) of Section 10635. The urban water  
 19 supplier shall include a detailed description of expected future  
 20 projects and programs that the urban water supplier may implement  
 21 to increase the amount of the water supply available to the urban  
 22 water supplier in average, single-dry, and multiple-dry water years.  
 23 *normal and single-dry water years and for a period of drought*  
 24 *lasting five ~~or more~~ consecutive water years consisting of a repeat of the five consecutive*  
*historic driest years that the urban water supplier has experienced, unless the urban water*  
*supplier finds that a shorter multiple-year dry period would more severely impact its water*  
*supplies, in which case the urban water supplier shall use that shorter period.* The  
 description shall

25 identify specific projects and include a description of the increase  
 26 in water supply that is expected to be available from each project.  
 27 The description shall include an estimate with regard to the  
 28 implementation timeline for each project or program.

29 ~~(h)~~  
 30 (g) Describe the opportunities for development of desalinated  
 31 water, including, but not limited to, ocean water, brackish water,  
 32 and groundwater, as a long-term supply.

33 ~~(i) For purposes of this part, urban water suppliers that are~~  
 34 ~~members of the California Urban Water Conservation Council~~  
 35 ~~shall be deemed in compliance with the requirements of subdivision~~  
 36 ~~(f) by complying with all the provisions of the "Memorandum of~~  
 37 ~~Understanding Regarding Urban Water Conservation in~~  
 38 ~~California," dated December 10, 2008, as it may be amended, and~~  
 39 ~~by submitting the annual reports required by Section 6.2 of that~~  
 40 ~~memorandum.~~

1     ⊕

2     (h) An urban water supplier that relies upon a wholesale agency  
3 for a source of water shall provide the wholesale agency with water  
4 use projections from that agency for that source of water in  
5 five-year increments to 20 years or as far as data is available. The  
6 wholesale agency shall provide information to the urban water  
7 supplier for inclusion in the urban water supplier's plan that  
8 identifies and quantifies, to the extent practicable, the existing and  
9 planned sources of water as required by subdivision (b), available  
10 from the wholesale agency to the urban water supplier over the  
11 same five-year increments, and during various water-year types  
12 in accordance with subdivision ~~(e)-(f)~~. An urban water supplier  
13 may rely upon water supply information provided by the wholesale  
14 agency in fulfilling the plan informational requirements of  
15 subdivisions (b) and ~~(e)-(f)~~.

16     SEC. 24. Section 10631.2 of the Water Code is amended to  
17 read:

18     10631.2. (a) In addition to the requirements of Section 10631,  
19 an urban water management plan ~~may, but is not required to,~~ shall may, but is not required  
to,

20 include any of the following ~~information:~~ *information that the*  
21 *urban water supplier can readily obtain:*

22     (1) An estimate of the amount of energy used to extract or divert  
23 water supplies.

24     (2) An estimate of the amount of energy used to convey water  
25 supplies to the water treatment plants or distribution systems.

26     (3) An estimate of the amount of energy used to treat water  
27 supplies.

28     (4) An estimate of the amount of energy used to distribute water  
29 supplies through its distribution systems.

30     (5) An estimate of the amount of energy used for treated water  
31 supplies in comparison to the amount used for nontreated water  
32 supplies.

33     (6) An estimate of the amount of energy used to place water  
34 into or withdraw from storage.

35     (7) Any other energy-related information the urban water  
36 supplier deems appropriate.

37     (b) The department shall include in its guidance for the  
38 preparation of urban water management plans a methodology for  
39 the voluntary calculation or estimation of the energy intensity of  
40 urban water systems. The department may consider studies and

1 calculations conducted by the Public Utilities Commission in  
2 developing the methodology.

3 (c) *The Legislature finds and declares that energy use is only*  
4 *one factor in water supply planning and shall not be considered*  
5 *independently of other factors.*

6 *SEC. 25. Section 10631.7 of the Water Code is repealed.*

7 ~~10631.7. The department, in consultation with the California~~  
8 ~~Urban Water Conservation Council, shall convene an independent~~  
9 ~~technical panel to provide information and recommendations to~~  
10 ~~the department and the Legislature on new demand management~~  
11 ~~measures, technologies, and approaches. The panel shall consist~~  
12 ~~of no more than seven members, who shall be selected by the~~  
13 ~~department to reflect a balanced representation of experts. The~~  
14 ~~panel shall have at least one, but no more than two, representatives~~  
15 ~~from each of the following: retail water suppliers, environmental~~  
16 ~~organizations, the business community, wholesale water suppliers,~~  
17 ~~and academia. The panel shall be convened by January 1, 2009,~~  
18 ~~and shall report to the Legislature no later than January 1, 2010,~~  
19 ~~and every five years thereafter. The department shall review the~~  
20 ~~panel report and include in the final report to the Legislature the~~  
21 ~~department's recommendations and comments regarding the panel~~  
22 ~~process and the panel's recommendations.~~

23 *SEC. 26. Section 10632 of the Water Code is repealed.*

24 ~~10632. (a) The plan shall provide an urban water shortage~~  
25 ~~contingency analysis that includes each of the following elements~~  
26 ~~that are within the authority of the urban water supplier:~~

27 (1) ~~Stages of action to be undertaken by the urban water supplier~~  
28 ~~in response to water supply shortages, including up to a 50 percent~~  
29 ~~reduction in water supply, and an outline of specific water supply~~  
30 ~~conditions that are applicable to each stage.~~

31 (2) ~~An estimate of the minimum water supply available during~~  
32 ~~each of the next three water years based on the driest three-year~~  
33 ~~historic sequence for the agency's water supply.~~

34 (3) ~~Actions to be undertaken by the urban water supplier to~~  
35 ~~prepare for, and implement during, a catastrophic interruption of~~  
36 ~~water supplies including, but not limited to, a regional power~~  
37 ~~outage, an earthquake, or other disaster.~~

38 (4) ~~Additional, mandatory prohibitions against specific water~~  
39 ~~use practices during water shortages, including, but not limited to,~~  
40 ~~prohibiting the use of potable water for street cleaning.~~

1 (5) Consumption reduction methods in the most restrictive  
 2 stages. Each urban water supplier may use any type of consumption  
 3 reduction methods in its water shortage contingency analysis that  
 4 would reduce water use, are appropriate for its area, and have the  
 5 ability to achieve a water use reduction consistent with up to a 50  
 6 percent reduction in water supply.

7 (6) Penalties or charges for excessive use, where applicable.

8 (7) An analysis of the impacts of each of the actions and  
 9 conditions described in paragraphs (1) to (6), inclusive, on the  
 10 revenues and expenditures of the urban water supplier, and  
 11 proposed measures to overcome those impacts, such as the  
 12 development of reserves and rate adjustments.

13 (8) A draft water shortage contingency resolution or ordinance.

14 (9) A mechanism for determining actual reductions in water use  
 15 pursuant to the urban water shortage contingency analysis.

16 (b) Commencing with the urban water management plan update  
 17 due July 1, 2016, for purposes of developing the water shortage  
 18 contingency analysis pursuant to subdivision (a), the urban water  
 19 supplier shall analyze and define water features that are artificially  
 20 supplied with water, including ponds, lakes, waterfalls, and  
 21 fountains, separately from swimming pools and spas, as defined  
 22 in subdivision (a) of Section 115921 of the Health and Safety Code.

23 SEC. 27. Section 10632 is added to the Water Code, to read:

24 10632. (a) Every urban water supplier shall prepare and adopt  
 25 a water shortage contingency plan, which is to be included in ~~as part of~~ its urban water  
 26 management plan that consists of each of the following elements:

27 (1) The analysis of water supply reliability conducted pursuant  
 28 to Section 10635.

29 (2) The procedures used in conducting an annual water supply  
 30 and demand assessment that include, at a minimum, both of the  
 31 following:

32 (A) The written decisionmaking process that an urban water  
 33 supplier will use each year to determine its water supply reliability.

34 (B) The key data inputs and assessment methodology used to  
 35 evaluate the urban water supplier's water supply reliability for  
 36 the current year and one ~~or more dry years~~ additional dry year, including all of the  
 37 following:

38 (i) ~~Current year unconstrained~~ Normal customer demand, considering weather,  
 39 growth, and other influencing factors, such as policies to manage

- 1 current demands and supplies in order to balance supplies and ~~to meet~~ demand objectives in  
2 future years, as  
3 applicable.  
4 (ii) Current year available supply, considering hydrological  
5 and regulatory conditions in the current year and one ~~or more~~ additional dry  
6 years.  
7 (iii) Existing infrastructure capabilities and plausible  
8 constraints.  
9 (iv) A defined set of locally applicable evaluation criteria that  
10 are consistently relied upon for each annual water supply and  
11 demand assessment.  
12 (v) A description and quantification of each source of water  
13 supply.  
14 (3) (A) Six standard water shortage levels corresponding to  
15 progressive ranges of up to 10, 20, 30, 40, and 50 percent  
16 shortages and greater than 50 percent shortage. Urban water  
17 suppliers shall define these shortage levels based on the suppliers'  
18 water supply conditions, including percentage reductions in water  
19 supply. Urban water suppliers may also define shortage levels based on changes in  
20 groundwater levels, changes in surface elevation  
21 or level of subsidence, or other changes in hydrological or other  
22 local conditions indicative of the water supply available for use, as applicable.  
23 Shortage levels shall also apply to catastrophic interruption of  
24 water supplies, including, but not limited to, a regional power  
25 outage, an earthquake, and other potential emergency events.  
26 (B) An urban water supplier with an existing water shortage  
27 contingency plan that uses different water shortage levels may  
28 comply with the requirement in subparagraph (A) by developing  
29 and including a cross-reference relating its existing categories to  
30 the six standard water shortage levels.  
31 (4) Anticipated shortage ~~Shortage~~ response actions that align with the defined  
32 shortage levels and include, at a minimum, all of the following:  
33 (A) Locally appropriate supply augmentation actions.  
34 (B) Locally appropriate demand reduction actions to adequately  
35 respond to shortages.  
36 (C) Use of emergency supplies.  
37 ~~(C D)~~ Locally appropriate operational changes.  
38 ~~(D E)~~ Additional, mandatory prohibitions against specific water  
39 use practices that are in addition to state-mandated prohibitions  
40 and appropriate to the local conditions.  
41 ~~(E) For each action, an estimate of the extent to which the gap  
42 between supplies and demand will be reduced by implementation  
43 of the action.~~



- 1 (5) Communication protocols and procedures to inform  
 2 customers, the public, interested parties, and local, regional, and  
 3 state governments, regarding, at a minimum, all of the following:
- 4 (A) Any current or predicted shortages as determined by the  
 5 annual water supply and demand assessment described pursuant  
 6 to Section 10632.1.
- 7 (B) Any shortage response actions triggered or anticipated to  
 8 be triggered by the annual water supply and demand assessment  
 9 described pursuant to Section 10632.1.
- 10 (C) Any other relevant communications.
- 11 (6) For an urban retail water supplier, customer compliance,  
 12 enforcement, appeal, and exemption procedures for triggered  
 13 shortage response actions as determined pursuant to Section  
 14 10632.2.
- 15 (7) (A) A description of the legal authorities that empower the  
 16 urban water supplier to implement and enforce its shortage  
 17 response actions specified in paragraph (4) that may include, but  
 18 are not limited to, statutory authorities, ordinances, resolutions,  
 19 and contract provisions.
- 20 (B) An urban water supplier shall declare a water shortage  
 21 emergency in accordance with Chapter 3 (commencing with  
 22 Section 350) of Division 1.
- 23 (C) ~~An~~ A description of how and when the urban water supplier ~~shall~~ will coordinate  
 24 with any city or  
 25 county within which it provides water supply services for the  
 26 possible proclamation of a local emergency, as defined in Section  
 27 8558 of the Government Code.
- 28 (8) A description of the potential financial consequences to the urban water supplier of,  
 29 and responses  
 30 for, drought conditions, including, but not limited to, all of the  
 31 following:
- 32 (A) A description of potential revenue impacts associated with a shortage response,  
 33 including, if appropriate, forecasted reductions in revenues and forecasted expense  
 34 increases associated with activated shortage response actions  
 35 described in paragraph (4).
- 36 (B) A description of ~~mitigation~~ actions needed to address the potential revenues  
 37 impacts, if any,  
 38 ~~revenue reductions and expense increases~~ associated with activated  
 39 shortage response actions described in paragraph (4).
- 40 (C) A description of ~~the cost of compliance~~ any additional costs associated with  
 41 complying with Chapter 3.3  
 42 (commencing with Section 365) of Division 1.
- 43 (9) For an urban retail water supplier, monitoring and reporting  
 44 requirements and procedures that ensure appropriate data is

1 collected, tracked, and analyzed for purposes of monitoring  
2 customer compliance and to meet state reporting requirements.

3 (10) Reevaluation and improvement procedures for  
4 systematically monitoring and evaluating the functionality of the  
5 water shortage contingency plan in order to ensure ~~shortage-risk~~  
6 ~~tolerance is adequate and~~ appropriate water shortage mitigation response  
7 strategies are implemented as needed.

8 (b) For purposes of developing the water shortage contingency  
9 plan pursuant to subdivision (a), an urban water supplier shall  
10 analyze and define water features that are artificially supplied  
11 with water, including ponds, lakes, waterfalls, and fountains,  
12 separately from swimming pools and spas, as defined in subdivision  
13 (a) of Section 115921 of the Health and Safety Code.

14 (c) The urban water supplier shall make available the water  
15 shortage contingency plan prepared pursuant to this article to its  
16 customers and any city or county within which it provides water  
17 supplies no later than 30 days after adoption of the water shortage  
18 contingency plan.

19 SEC. 28. Section 10632.1 is added to the Water Code, to read:

20 10632.1. An urban water supplier shall conduct an annual  
21 water supply and demand assessment pursuant to subdivision (a)  
22 of Section 10632 and, on or before June 1 of each year, submit an  
23 annual water shortage assessment report to the department with  
24 information for anticipated shortage, triggered shortage response  
25 actions, compliance and enforcement actions, and communication  
26 actions consistent with the supplier's water shortage contingency  
27 plan. An urban water supplier that relies on imported water from  
28 the State Water Project or the Bureau of Reclamation shall submit  
29 its annual water supply and demand assessment within 14 days of  
30 receiving its final allocations, or by June 1 of each year, whichever  
31 is later.

32 SEC. 29. Section 10632.2 is added to the Water Code, to read:

33 10632.2. An urban water supplier shall follow, where feasible  
34 and appropriate, the prescribed procedures and implement  
35 ~~determined~~ the anticipated shortage response actions in its water shortage  
36 contingency plan, as identified in subdivision (a) of Section 10632,  
37 or reasonable alternative actions, provided that descriptions of  
38 the alternative actions are submitted with the subsequent annual water  
39 shortage supply and demand assessment report pursuant to Section 10632.1. Nothing  
40 in this section prohibits an urban water supplier from taking

1 actions not specified in its water shortage contingency plan, if  
 2 needed, without having to formally amend its urban water  
 3 management plan or water shortage contingency plan.  
 4 SEC. 30. Section 10632.3 is added to the Water Code, to read:  
 5 10632.3. ~~(a) It is the intent of the Legislature that, upon~~ Upon  
 6 proclamation by the Governor of a state of emergency under the  
 7 California Emergency Services Act (Chapter 7 (commencing with  
 8 Section 8550) of Division 1 of Title 2 of the Government Code)  
 9 based on drought conditions, the board shall defer to implementation  
 10 of locally adopted water shortage contingency plans to the extent  
practicable, and shall allow urban water suppliers to implement locally appropriate drought  
response actions consistent with those identified in the urban water supplier's water shortage  
contingency plan and annual water supply and demand assessment based on the level of shortage  
it is experiencing locally.

(b) During a declared drought emergency, recycled water supplies, emergency supplies and  
other drought resilient supplies identified in a urban water supplier's water shortage  
contingency plan shall not be restricted but instead used efficiently for beneficial uses.

11 SEC. 31. Section 10632.4 is added to the Water Code, to read:  
 12 10632.4. The department may update the Urban Water  
 13 Management Guidebook to include and further clarify, where  
 14 necessary, the requirements contained in subdivision (a) of Section  
 16 10632.

17 SEC. 32. Section 10635 of the Water Code is amended to read:  
 18 10635. (a) Every urban water supplier shall include, as part  
 19 of its urban water management plan, an assessment of the reliability  
 20 of its water service to its customers during normal, dry, and  
 21 multiple dry water years. This water supply and demand assessment  
 22 shall compare the total water supply sources available to the water  
 23 supplier with the long-term total projected water use over the next  
 24 20 years, in five-year increments, for a normal water year, a single  
 25 dry water year, and ~~multiple dry water years.~~ a drought lasting  
 26 five ~~or more~~ consecutive water years consisting of a repeat of the five consecutive historic  
driest years that the urban water supplier has experienced, unless the urban water supplier  
finds that a shorter multiple-year dry period would more severely impact its water supplies,  
in which case the urban water supplier shall use that shorter period. The water service  
 reliability

27 assessment shall be based upon the information compiled pursuant  
 28 to Section 10631, including available data from state, regional, or  
 29 local agency population projections within the service area of the  
 30 urban water supplier.

31 (b) Every urban water supplier shall include, as part of its urban  
 32 water management plan, a drought risk assessment for its water  
 33 service to its customers as part of information considered in  
 34 developing the demand management measures and water supply  
 35 projects and programs to be included in the urban water  
 36 management plan. The urban water supplier may conduct an  
 37 interim update or updates to this drought risk assessment within  
 38 the five-year cycle of its urban water management plan update.  
 39 The drought risk assessment shall include each of the following:

1 (1) A description of the data, methodology, and basis for one  
 2 or more supply shortage conditions that are necessary to conduct  
 3 a drought risk assessment for a drought period that lasts five ~~or~~  
 4 ~~more~~ consecutive water years, starting from the year following  
 5 when the assessment is conducted consisting of a repeat of the five consecutive historic  
driest years that the urban water supplier has experienced, unless the urban water supplier  
finds that a shorter multiple-year dry period would more severely impact its water supplies,  
in which case the urban water supplier shall use that shorter period.

6 (2) A determination of the reliability of each source of supply  
 7 under a variety of water shortage conditions. This may include a  
 8 determination that a particular source of water supply is fully  
 9 reliable under most, if not all, conditions.

10 (3) A comparison of the total water supply sources available to  
 11 the water supplier with the total projected water use for the drought  
 12 period.

13 (4) Considerations of the historical drought hydrology, plausible  
 14 changes on projected supplies and demands ~~under climate change~~  
 15 ~~conditions~~, anticipated regulatory changes, and other locally  
 16 applicable criteria.

17 ~~(b)~~  
 18 (c) The urban water supplier shall provide that portion of its  
 19 urban water management plan prepared pursuant to this article to  
 20 any city or county within which it provides water supplies no later  
 21 than 60 days after the submission of its urban water management  
 22 plan.

23 ~~(e)~~  
 24 (d) Nothing in this article is intended to create a right or  
 25 entitlement to water service or any specific level of water  
 26 service. ~~(d)~~

27 (e) Nothing in this article is intended to change existing law  
 28 concerning an urban water supplier's obligation to provide water  
 29 service to its existing customers or to any potential future  
 30 customers.

31 SEC. 33. Section 10640 of the Water Code is amended to read:

32 10640. (a) Every urban water supplier required to prepare a  
 33 plan pursuant to this part shall prepare its plan pursuant to Article  
 34 2 (commencing with Section 10630). The supplier shall likewise  
 35 periodically review the plan as required by Section 10621, and  
 36 any amendments or changes required as a result of that review  
 37 shall be adopted pursuant to this article.

38 ~~The supplier shall likewise periodically review the plan as~~  
 39 ~~required by Section 10621, and any amendments or changes~~

1 required as a result of that review shall be adopted pursuant to this  
2 article.

3 (b) Every urban water supplier required to prepare a water  
4 shortage contingency plan shall prepare a water shortage  
5 contingency plan pursuant to Section 10632. The supplier shall  
6 likewise periodically review the water shortage contingency plan  
7 as required by paragraph (10) of subdivision (a) of Section 10632  
8 and any amendments or changes required as a result of that review  
9 shall be adopted pursuant to this article.

10 SEC. 34. Section 10641 of the Water Code is amended to read:

11 10641. An urban water supplier required to prepare a plan or  
12 a water shortage contingency plan may consult with, and obtain  
13 comments from, any public agency or state agency or any person  
14 who has special expertise with respect to water demand  
15 management methods and techniques.

16 SEC. 35. Section 10642 of the Water Code is amended to read:

17 10642. Each urban water supplier shall encourage the active  
18 involvement of diverse social, cultural, and economic elements of  
19 the population within the service area prior to and during the  
20 preparation of ~~the plan~~ both the plan and the water shortage  
21 contingency plan. Prior to adopting a plan, either, the urban water  
22 supplier shall make ~~the plan~~ both the plan and the water shortage  
23 contingency plan available for public inspection and shall hold a  
24 public hearing or hearings thereon. Prior to ~~the hearing~~, any of  
25 these hearings, notice of the time and place of the hearing shall  
26 be published within the jurisdiction of the publicly owned water  
27 supplier pursuant to Section 6066 of the Government Code. The  
28 urban water supplier shall provide notice of the time and place of  
29 a hearing to any city or county within which the supplier provides  
30 water supplies. Notices by a local public agency pursuant to this  
31 section shall be provided pursuant to Chapter 17.5 (commencing  
32 with Section 7290) of Division 7 of Title 1 of the Government Code.  
33 A privately owned water supplier shall provide an equivalent notice  
34 within its service area. After the hearing, ~~the hearing or hearings~~,  
35 the plan or water shortage contingency plan shall be adopted as  
36 prepared or as modified after the hearing, ~~hearing or hearings~~.

37 SEC. 36. Section 10644 of the Water Code is amended to read:

38 10644. (a) (1) An urban water supplier shall submit to the  
39 department, the California State Library, and any city or county  
40 within which the supplier provides water supplies a copy of its

1 plan no later than 30 days after adoption. Copies of amendments  
2 or changes to the plans shall be submitted to the department, the  
3 California State Library, and any city or county within which the  
4 supplier provides water supplies within 30 days after adoption.

5 (2) The plan, or amendments to the plan, submitted to the  
6 department pursuant to paragraph (1) shall be submitted  
7 electronically and shall include any standardized forms, tables, or  
8 displays specified by the department.

9 (b) *If an urban water supplier revises its water shortage  
10 contingency plan, the supplier shall submit to the department a  
11 copy of its water shortage contingency plan prepared pursuant to  
12 subdivision (a) of Section 10632 no later than 30 days after  
13 adoption, in accordance with protocols for submission and using  
14 electronic reporting tools developed by the department.*

15 (~~b~~)

16 (c) (1) (A) Notwithstanding Section 10231.5 of the Government  
17 Code, ~~and except as provided in subparagraph (B),~~ the department  
18 shall prepare and submit to the Legislature, on or before ~~December~~  
19 ~~31, July 1,~~ in the years ending in ~~six and one, seven and two,~~ a  
20 report summarizing the status of the plans *and water shortage*  
21 *contingency plans* adopted pursuant to this part. The report  
22 prepared by the department shall identify the exemplary elements  
23 of the individual *plans and water shortage contingency plans*. The  
24 department shall provide a copy of the report to each urban water  
25 supplier that has submitted its plan *and water shortage contingency*  
26 *plan* to the department. The department shall also prepare reports  
27 and provide data for any legislative hearings designed to consider  
28 the effectiveness of plans *and water shortage contingency plans*  
29 submitted pursuant to this part.

30 (B) *The department shall prepare and submit to the board, on*  
31 *or before September 30 of each year, a report summarizing the*  
32 *submitted water supply and demand assessment results along with*  
33 *appropriate reported water shortage conditions and the regional*  
34 *and statewide analysis of water supply conditions developed by*  
35 *the department. As part of the report, the department shall provide*  
36 *a summary and, as appropriate, urban water supplier specific*  
37 *information regarding various shortage response actions*  
38 *implemented as a result of annual supplier-specific water supply*  
39 *and demand assessments performed pursuant to Section 10632.1.*

40 (~~B~~)

1 (C) The department shall submit the report to the Legislature  
 2 for the 2015 plans by July 1, 2017, and the report to the Legislature  
 3 for the 2020 plans *and water shortage contingency plans* by July  
 4 1, 2022.

5 (2) A report to be submitted pursuant to *subparagraph (A) of*  
 6 paragraph (1) shall be submitted in compliance with Section 9795  
 7 of the Government Code.

8 ~~(e) (1) For the purpose of identifying the exemplary elements~~  
 9 ~~of the individual plans, the department shall identify in the report~~  
 10 ~~water demand management measures adopted and implemented~~  
 11 ~~by specific urban water suppliers, and identified pursuant to Section~~  
 12 ~~10631, that achieve water savings significantly above the levels~~  
 13 ~~established by the department to meet the requirements of~~  
 Section 14 ~~10631.5.~~

15 ~~(2) The department shall distribute to the panel convened~~  
 16 ~~pursuant to Section 10631.7 the results achieved by the~~  
 17 ~~implementation of those water demand management measures~~  
 18 ~~described in paragraph (1).~~

19 ~~(3)~~  
 20 (d) The department shall make available to the public the  
 21 standard the department will use to identify exemplary water  
 22 demand management measures.

23 *SEC. 37. Section 10645 of the Water Code is amended to read:*

24 10645. (a) Not later than 30 days after filing a copy of its plan  
 25 with the department, the urban water supplier and the department  
 26 shall make the plan available for public review during normal  
 27 business hours.

28 (b) *Not later than 30 days after filing a copy of its water*  
 29 *shortage contingency plan with the department, the urban water*  
 30 *supplier and the department shall make the plan available for*  
 31 *public review during normal business hours.*

32 *SEC. 38. Section 10650 of the Water Code is amended to read:*

33 10650. Any actions or ~~proceedings~~ ~~proceedings, other than~~  
 34 ~~actions by the board~~, to attack, review, set aside, void, or annul  
 35 the acts or decisions of an urban water supplier on the grounds of  
 36 noncompliance with this part shall be commenced as follows:

37 (a) An action or proceeding alleging failure to adopt a plan *or*  
 38 *a water shortage contingency plan* shall be commenced within 18  
 39 months after that adoption is required by this part.

1 (b) Any action or proceeding alleging that a *plan or water*  
2 *shortage contingency* plan, or action taken pursuant to ~~the plan,~~  
3 *either*, does not comply with this part shall be commenced within  
4 90 days after filing of the *plan or water shortage contingency* plan  
5 or ~~amendment thereto~~ *an amendment to either* pursuant to Section  
6 10644 or the taking of that action.

7 *SEC. 39. Section 10651 of the Water Code is amended to read:*

8 10651. In any action or proceeding to attack, review, set aside,  
9 void, or annul a *plan or a water shortage contingency* plan, or an  
10 action taken pursuant to ~~the plan~~ *either* by an urban water supplier  
11 on the grounds of noncompliance with this part, the inquiry shall  
12 extend only to whether there was a prejudicial abuse of discretion.  
13 Abuse of discretion is established if the supplier has not proceeded  
14 in a manner required by law or if the action by the water supplier  
15 is not supported by substantial evidence.

16 *SEC. 40. Section 10653 of the Water Code is amended to read:*

17 10653. The adoption of a plan shall satisfy any requirements  
18 of state law, regulation, or order, including those of the ~~State Water~~  
19 ~~Resources Control Board board~~ and the Public Utilities  
20 Commission, for the preparation of water management ~~plans~~ *plans,*  
21 *water shortage contingency plans,* or conservation plans; provided,  
22 that if the ~~State Water Resources Control Board board~~ or the Public  
23 Utilities Commission requires additional information concerning  
24 ~~water conservation~~ *conservation, drought response measures, or*  
25 ~~financial conditions~~ to implement its existing authority, nothing  
26 in this part shall be deemed to limit the board or the commission  
27 in obtaining that information. The requirements of this part shall  
28 be satisfied by any urban water demand management plan ~~prepared~~  
29 ~~to meet that complies with analogous~~ federal laws or regulations  
30 after the effective date of this part, and which substantially meets  
31 the requirements of this part, or by any existing urban water  
32 management plan which includes the contents of a plan required  
33 under this part.

34 *SEC. 41. Section 10654 of the Water Code is amended to read:*

35 10654. An urban water supplier may recover in its rates the  
36 costs incurred in preparing its ~~plan~~ *urban water management plan, its drought risk*  
37 *assessment*  
38 *and its water shortage contingency plan and its water supply and demand assessment* and  
39 implementing the associated  
40 reasonable water conservation measures ~~included in~~ the plan. Any  
best water management practice that is included in the plan that  
is identified in the “Memorandum of Understanding Regarding



1 Urban Water Conservation in California” is deemed to be  
2 reasonable for the purposes of this section. ~~either.~~

3 *SEC. 42. Section 10656 of the Water Code is amended to read:*

4 10656. An urban water supplier that does not prepare, adopt,  
5 and submit its urban water management plan to the department in  
6 accordance with this part, is ineligible to receive funding pursuant  
7 to Division 24 (commencing with Section 78500) or Division 26  
8 (commencing with Section 79000), or receive drought assistance  
9 from the state until the urban water management plan is submitted  
10 pursuant to this article. ~~is not eligible for a water grant or loan~~  
11 ~~awarded or administered by the state unless the urban water~~  
12 ~~supplier complies, prepares, adopts and submits plans and assessments required by with~~  
~~this part.~~

13 *SEC. 43. Section 10657 is added to the Water Code, to read:*

14 *10657. The department may adopt regulations regarding the*  
15 *definitions of water, water use, and reporting periods, and may*  
16 *adopt any other regulations deemed necessary or desirable to*  
17 *implement this part. In developing regulations pursuant to this*  
18 *section, the department shall solicit broad public participation*  
19 *from stakeholders and other interested persons.*

20 *SEC. 44. Section 10801 of the Water Code is amended to read:*

21 10801. The Legislature finds and declares all of the following:

22 (a) The waters of the state are a limited and renewable resource.

23 (b) The California Constitution requires that water in the state  
24 be used in a reasonable and beneficial manner.

25 ~~(c) Urban water districts are required to adopt water management~~  
26 ~~plans.~~

27 ~~(d)~~

28 ~~(c) The conservation-efficient use of agricultural water supplies~~  
29 ~~is of great statewide~~

concern. 30 ~~(e)~~

31 ~~(d) There is a great amount of reuse of delivered water, both~~  
32 ~~inside and outside the water service areas—areas of agricultural~~  
33 ~~water suppliers.~~

34 ~~(f)~~

35 ~~(e) Significant noncrop beneficial uses are associated with~~  
36 ~~agricultural water use, including streamflows and wildlife habitat.~~  
37 ~~the preservation and enhancement of fish and wildlife resources.~~

38 ~~(g)~~

1 (f) Significant opportunities exist in some areas, through  
2 improved irrigation water management, to conserve water or to  
3 reduce the quantity of highly saline or toxic drainage  
water. 4 (h)

5 (g) Changes in water management practices should be carefully  
6 planned and implemented to minimize adverse effects on other  
7 beneficial uses currently being  
served. 8 (i)

9 (h) Agricultural water suppliers that receive water from the  
10 federal Central Valley Project are required by federal law to prepare  
11 and implement water conservation  
plans. 12 (j)

13 (i) Agricultural water users applying for a permit to appropriate  
14 water from the board are required to prepare and implement water  
15 conservation plans.

16 *SEC. 45. Section 10802 of the Water Code is amended to read:*

17 10802. The Legislature finds and declares that all of the  
18 following are the policies of the state:

19 (a) The ~~conservation-efficient use~~ of water shall be pursued  
20 actively to protect both the people of the state and the state's water  
21 resources.

22 (b) The ~~conservation-efficient use~~ of agricultural water supplies  
23 shall be an important criterion in public decisions with regard to  
24 water.

25 (c) Agricultural water suppliers shall be required to prepare  
26 water management plans to achieve ~~conservation-greater efficiency~~  
27 *in the use* of water.

28 *SEC. 46. Section 10814 of the Water Code is amended to read:*

29 10814. "Person" ~~means any individual, firm, association,~~  
30 ~~organization, partnership, business, trust, corporation, company,~~  
31 ~~public agency, or any agency of that entity.~~ *has the same meaning*  
32 *as defined in Section 10614.*

33 *SEC. 47. Section 10817 of the Water Code is amended to read:*

34 10817. ~~"Water conservation"~~ "Water use efficiency" means  
35 the efficient management of water resources for beneficial uses,  
36 preventing waste, or accomplishing additional benefits with the  
37 same amount of water.

38 *SEC. 48. Section 10820 of the Water Code is amended to read:*

39 10820. (a) ~~An~~ (1) *Except as provided in paragraph (2), an*  
40 *agricultural water supplier shall prepare and adopt an agricultural*

1 water management plan in the manner set forth in this chapter on  
2 or before December 31, 2012, and shall update that plan on  
3 December 31, 2015, and on or before December 31 every five  
4 years thereafter. 2015.

5 (2) (A) *The agricultural water management plan shall be*  
6 *updated on or before April 1, 2021, and thereafter on or before*  
7 *April 1 in the years ending in six and one. The plan shall satisfy*  
8 *the requirements of Section 10826.*

9 (B) *An agricultural water supplier shall submit its plan to the*  
10 *department no later than 30 days after the adoption of the plan.*  
11 *The plan shall be submitted electronically and shall include any*  
12 *standardized forms, tables, or displays specified by the department.*

13 (b) (1) *The department shall review each plan that is due*  
14 *pursuant to paragraph (2) of subdivision (a). The department may*  
15 *coordinate its review with the Department of Food and Agriculture*  
16 *and the board.*

17 (2) *The department shall notify an agricultural water supplier*  
18 *that it is not in compliance with this part if the department*  
19 *determines that actions are required to comply with the*  
20 *requirements of this part or if a supplier fails to update a plan as*  
21 *provided in paragraph (2) of subdivision (a). The department shall*  
22 *identify the specific deficiencies and the supplier shall have 120*  
23 *days to remedy an identified deficiency. The department may*  
24 *provide additional time to remedy a deficiency if it finds that a*  
25 *supplier is making substantial progress toward remedying the*  
26 *deficiency. An agricultural water supplier that fails to submit*  
27 *corrective actions or a completed plan shall not be in compliance*  
28 *with this part.*

29 (3) *If the department has not received a plan or the department*  
30 *has determined that the plan submitted does not comply with the*  
31 *requirements of this part, and a revised plan has not been*  
32 *submitted, the department may undertake the following actions:*

33 (A) *Contract with a state academic institution or qualified entity*  
34 *to prepare or complete an agricultural water management plan*  
35 *on behalf of the supplier. The costs and expenses related to*  
36 *preparation or completion of a plan, including the costs of the*  
37 *contract and contract administration, shall be recoverable by the*  
38 *department from the supplier.*

39 (B) *If a supplier does not provide data necessary for the*  
40 *preparation or completion of a plan to the department or the*

1 contracting entity as determined by the department in accordance  
2 with subparagraph (A), the department may assess a fine of one  
3 thousand dollars (\$1,000) per day, not to exceed twenty-five  
4 thousand dollars (\$25,000), until data is made available.

5 (4) (A) A plan prepared or completed pursuant to paragraph  
6 (3) shall be deemed the adopted plan for the supplier.

7 (B) Any action to challenge or invalidate the adequacy of the  
8 plan prepared or completed pursuant to paragraph (3) shall be  
9 brought against the supplier for whom the plan was prepared.

10 ~~(b)~~

11 (c) Every supplier that becomes an agricultural water supplier  
12 after December 31, 2012, shall prepare and adopt an agricultural  
13 water management plan within one year after the date it has become  
14 an agricultural water

supplier. 15 ~~(e)~~

16 (d) A water supplier that indirectly provides water to customers  
17 for agricultural purposes shall not prepare a plan pursuant to this  
18 part without the consent of each agricultural water supplier that  
19 directly provides that water to its customers.

20 *SEC. 49. Section 10825 of the Water Code is amended to read:*

21 10825. (a) It is the intent of the Legislature in enacting this  
22 part to allow levels of water management planning commensurate  
23 with the numbers of customers served and the volume of water  
24 supplied.

25 (b) This part does not require the implementation of water  
26 ~~conservation-use efficiency~~ programs or practices that are not  
27 locally cost effective.

28 *SEC. 50. Section 10826 of the Water Code is amended to read:*

29 10826. An agricultural water management plan shall be adopted  
30 in accordance with this chapter. The plan shall do all of the  
31 following:

32 (a) Describe the agricultural water supplier and the service area,  
33 including all of the following:

34 (1) Size of the service area.

35 (2) Location of the service area and its water management  
36 facilities.

37 (3) Terrain and soils.

38 (4) Climate.

39 (5) Operating rules and regulations.

40 (6) Water delivery measurements or calculations.

- 1 (7) Water rate schedules and billing.  
 2 (8) Water shortage allocation policies.  
 3 (b) Describe the quantity and quality of water resources of the  
 4 agricultural water supplier, including all of the following:  
 5 (1) Surface water supply.  
 6 (2) Groundwater supply.  
 7 (3) Other water ~~supplies~~ *supplies, including recycled water.*  
 8 (4) Source water quality monitoring practices.  
 9 (5) Water uses within the agricultural water supplier's service  
 10 area, including all of the following:  
 11 (A) Agricultural.  
 12 (B) Environmental.  
 13 (C) Recreational.  
 14 (D) Municipal and industrial.  
 15 (E) Groundwater ~~recharge~~ *recharge, including estimated flows*  
 16 *from deep percolation from irrigation and seepage.*  
 17 ~~(F) Transfers and exchanges.~~  
 18 ~~(G) Other water uses.~~  
 19 ~~(6) Drainage from the water supplier's service area.~~  
 20 ~~(7) Water accounting, including all of the following:~~  
 21 ~~(A) Quantifying the water supplier's water supplies.~~  
 22 ~~(B) Tabulating water uses.~~  
 23 ~~(C) Overall water budget.~~  
 24 ~~(8) Water supply reliability.~~  
 25 *(c) Include an annual water budget based on the quantification*  
 26 *of all inflow and outflow components for the service area of the*  
 27 *agricultural water supplier. Components of inflow shall include*  
 28 *surface inflow, groundwater pumping in the service area, and*  
 29 *effective precipitation. Components of outflow shall include surface*  
 30 *outflow, deep percolation, and evapotranspiration. An agricultural*  
 31 *water supplier shall report the annual water budget on a*  
 32 *water-year basis. The department shall provide tools and resources*  
 33 *to assist agricultural water suppliers in developing and quantifying*  
 34 *components necessary to develop a water budget.*  
 35 ~~(e)~~  
 36 *(d) Include an analysis, based on available information, of the*  
 37 *effect of climate change on future water*  
 38 *supplies. (d)*  
 39 *(e) Describe previous water management activities.*

1 (f) Identify water management objectives based on the water  
2 budget to improve water system efficiency or to meet other water  
3 management objectives. The agricultural water supplier shall  
4 identify, prioritize, and implement actions to reduce water loss,  
5 improve water system management, and meet other water  
6 management objectives identified in the plan.

7 ~~(e)~~

8 (g) Include in the plan ~~the water use efficiency~~ information  
9 regarding efficient water management practices required pursuant  
10 to Section 10608.48.

11 (h) Quantify the efficiency of agricultural water use within the  
12 service area of the agricultural water supplier using the  
13 appropriate method or methods from among the four water use  
14 efficiency quantification methods developed by the department in  
15 the May 8, 2012, report to the Legislature entitled "A Proposed  
16 Methodology for Quantifying the Efficiency of Agricultural Water  
17 Use." The agricultural water supplier shall account for all water  
18 uses, including crop water use, agronomic water use,  
19 environmental water use, and recoverable surface flows.

20 SEC. 51. Section 10826.2 is added to the Water Code, to read:

21 10826.2. As part of its agricultural water management plan,  
22 each agricultural water supplier shall develop a drought plan for  
23 periods of limited water supply describing the actions of the  
24 agricultural water supplier for drought preparedness and  
25 management of water supplies and allocations during drought  
26 conditions. The drought plan shall contain both of the following:

27 (a) Resilience planning, including all of the following:

28 (1) Data, indicators, and information needed to determine the  
29 water supply availability and levels of drought severity.

30 (2) Analyses and identification of potential vulnerability to  
31 drought.

32 (3) A description of the opportunities and constraints for  
33 improving drought resilience planning, including all of the  
34 following:

35 (A) The availability of new technology or information.

36 (B) The ability of the agricultural water supplier to obtain or  
37 use additional water supplies during drought conditions.

38 (C) A description of other actions planned for implementation  
39 to improve drought resilience.

40 (b) Drought response planning, including all of the following:

1 (1) Policies and a process for declaring a water shortage and  
 2 for implementing water shortage allocations and related response  
 3 actions.

4 (2) Methods and procedures for the enforcement or appeal of,  
 5 or exemption from, triggered shortage response actions.

6 (3) Methods and procedures for monitoring and evaluation of  
 7 the effectiveness of the drought plan.

8 (4) Communication protocols and procedures to inform and  
 9 coordinate customers, the public, interested parties, and local,  
 10 regional, and state government.

11 (5) A description of the potential impacts on the revenues,  
 12 financial condition, and planned expenditures of the agricultural  
 13 water supplier during drought conditions that reduce water  
 14 allocations, and proposed measures to overcome those impacts,  
 15 including reserve-level policies.

16 SEC. 52. Section 10843 of the Water Code is amended to read:

17 10843. (a) An agricultural water supplier shall submit to the  
 18 entities identified in subdivision (b) a copy of its plan no later than  
 19 30 days after the adoption of the plan. ~~Copies of amendments or~~  
 20 ~~changes to the plans shall be submitted to the entities identified in~~  
 21 ~~subdivision (b) within 30 days after the adoption of the~~  
 22 ~~amendments or changes.~~ review of the plan pursuant to subdivision  
 23 (b) of Section 10820.

24 (b) An agricultural water supplier shall submit a copy of its plan  
 25 and amendments or changes to the plan to each of the following  
 26 entities:

27 (1) The department.

28 (2) Any city, county, or city and county within which the  
 29 agricultural water supplier provides water supplies.

30 (3) Any groundwater management entity within which  
 31 jurisdiction the agricultural water supplier extracts or provides  
 32 water supplies.

33 ~~(4) Any urban water supplier within which jurisdiction the~~  
 34 ~~agricultural water supplier provides water supplies.~~

35 ~~(5) Any city or county library within which jurisdiction the~~  
 36 ~~agricultural water supplier provides water~~

supplies. ~~(6)~~

38 (4) The California State Library.

1 ~~(7) Any local agency formation commission serving a county~~  
2 ~~within which the agricultural water supplier provides water~~  
3 ~~supplies.~~

4 *SEC. 53. Section 10845 of the Water Code is amended to read:*

5 10845. (a) The department shall prepare and submit to the  
6 Legislature, on or before ~~December 31, 2013,~~ *April 30, 2022*, and  
7 thereafter in the years ending in ~~six-seven~~ and years ending in ~~one,~~  
8 *two*, a report summarizing the status of the plans adopted pursuant  
9 to this part.

10 (b) The report prepared by the department shall identify the  
11 outstanding elements of any plan adopted pursuant to this part.  
12 The report shall include an evaluation of the effectiveness of this  
13 part in promoting efficient agricultural water management practices  
14 and recommendations relating to proposed changes to this part, as  
15 appropriate.

16 (c) The department shall provide a copy of the report to each  
17 agricultural water supplier that has submitted its plan to the  
18 department. The department shall also prepare reports and provide  
19 data for any legislative hearing designed to consider the  
20 effectiveness of plans submitted pursuant to this part.

21 (d) This section does not authorize the department, in preparing  
22 the report, to approve, disapprove, or critique individual plans  
23 submitted pursuant to this part.

24 *SEC. 54. Section 10910 of the Water Code is amended to read:*

25 10910. (a) Any city or county that determines that a project,  
26 as defined in Section 10912, is subject to the California  
27 Environmental Quality Act (Division 13 (commencing with Section  
28 21000) of the Public Resources Code) under Section 21080 of the  
29 Public Resources Code shall comply with this part.

30 (b) The city or county, at the time that it determines whether an  
31 environmental impact report, a negative declaration, or a mitigated  
32 negative declaration is required for any project subject to the  
33 California Environmental Quality Act pursuant to Section 21080.1  
34 of the Public Resources Code, shall identify any water system  
35 whose service area includes the project site and any water system  
36 adjacent to the project site that is, or may become as a result of  
37 supplying water to the project identified pursuant to this  
38 subdivision, a public water system, as defined in Section 10912,  
39 that may supply water for the project. If the city or county is not  
40 able to identify any public water system that may supply water for



1 the project, the city or county shall prepare the water assessment  
2 required by this part after consulting with any entity serving  
3 domestic water supplies whose service area includes the project  
4 site, the local agency formation commission, and any public water  
5 system adjacent to the project site.

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

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

19 (3) If the projected water demand associated with the proposed  
20 project was not accounted for in the most recently adopted urban  
21 water management plan, or the public water system has no urban  
22 water management plan, the water supply assessment for the project  
23 shall include a discussion with regard to whether the public water  
24 system's total projected water supplies available during normal,  
25 single dry, and multiple dry water years during a 20-year projection  
26 will meet the projected water demand associated with the proposed  
27 project, in addition to the public water system's existing and  
28 planned future uses, including agricultural and manufacturing uses.

29 (4) If the city or county is required to comply with this part  
30 pursuant to subdivision (b), the water supply assessment for the  
31 project shall include a discussion with regard to whether the total  
32 projected water supplies, determined to be available by the city or  
33 county for the project during normal, single dry, and multiple dry  
34 water years during a 20-year projection, will meet the projected  
35 water demand associated with the proposed project, in addition to  
36 existing and planned future uses, including agricultural and  
37 manufacturing uses.

38 (d) (1) The assessment required by this section shall include  
39 an identification of any existing water supply entitlements, water  
40 rights, or water service contracts relevant to the identified water

1 supply for the proposed project, and a description of the quantities  
2 of water received in prior years by the public water system, or the  
3 city or county if either is required to comply with this part pursuant  
4 to subdivision (b), under the existing water supply entitlements,  
5 water rights, or water service contracts.

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

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

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

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

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

19 (e) If no water has been received in prior years by the public  
20 water system, or the city or county if either is required to comply  
21 with this part pursuant to subdivision (b), under the existing water  
22 supply entitlements, water rights, or water service contracts, the  
23 public water system, or the city or county if either is required to  
24 comply with this part pursuant to subdivision (b), shall also include  
25 in its water supply assessment pursuant to subdivision (c), an  
26 identification of the other public water systems or water service  
27 contractholders that receive a water supply or have existing water  
28 supply entitlements, water rights, or water service contracts, to the  
29 same source of water as the public water system, or the city or  
30 county if either is required to comply with this part pursuant to  
31 subdivision (b), has identified as a source of water supply within  
32 its water supply assessments.

33 (f) If a water supply for a proposed project includes  
34 groundwater, the following additional information shall be included  
35 in the water supply assessment:

36 (1) A review of any information contained in the urban water  
37 management plan relevant to the identified water supply for the  
38 proposed project.

39 (2) (A) A description of any groundwater basin or basins from  
40 which the proposed project will be supplied.

1 (B) For those basins for which a court or the board has  
2 adjudicated the rights to pump groundwater, a copy of the order  
3 or decree adopted by the court or the board and a description of  
4 the amount of groundwater the public water system, or the city or  
5 county if either is required to comply with this part pursuant to  
6 subdivision (b), has the legal right to pump under the order or  
7 decree.

8 (C) For a basin that has not been adjudicated that is a basin  
9 designated as high- or medium-priority pursuant to Section  
10 10722.4, information regarding the following:

11 (i) Whether the department has identified the basin as being  
12 subject to critical conditions of overdraft pursuant to Section 12924.

13 (ii) If a groundwater sustainability agency has adopted a  
14 groundwater sustainability plan or has an approved alternative, a  
15 copy of that alternative or plan.

16 (D) For a basin that has not been adjudicated that is a basin  
17 designated as low- or very low priority pursuant to Section 10722.4,  
18 information as to whether the department has identified the basin  
19 or basins as overdrafted or has projected that the basin will become  
20 overdrafted if present management conditions continue, in the  
21 most current bulletin of the department that characterizes the  
22 condition of the groundwater basin, and a detailed description by  
23 the public water system, or the city or county if either is required  
24 to comply with this part pursuant to subdivision (b), of the efforts  
25 being undertaken in the basin or basins to eliminate the long-term  
26 overdraft condition.

27 (3) A detailed description and analysis of the amount and  
28 location of groundwater pumped by the public water system, or  
29 the city or county if either is required to comply with this part  
30 pursuant to subdivision (b), for the past five years from any  
31 groundwater basin from which the proposed project will be  
32 supplied. The description and analysis shall be based on  
33 information that is reasonably available, including, but not limited  
34 to, historic use records.

35 (4) A detailed description and analysis of the amount and  
36 location of groundwater that is projected to be pumped by the  
37 public water system, or the city or county if either is required to  
38 comply with this part pursuant to subdivision (b), from any basin  
39 from which the proposed project will be supplied. The description

1 and analysis shall be based on information that is reasonably  
2 available, including, but not limited to, historic use records.

3 (5) An analysis of the sufficiency of the groundwater from the  
4 basin or basins from which the proposed project will be supplied  
5 to meet the projected water demand associated with the proposed  
6 project. A water supply assessment shall not be required to include  
7 the information required by this paragraph if the public water  
8 system determines, as part of the review required by paragraph  
9 (1), that the sufficiency of groundwater necessary to meet the initial  
10 and projected water demand associated with the project was  
11 addressed in the description and analysis required by *subparagraph*  
12 *(D)* of paragraph (4) of subdivision (b) of Section 10631.

13 (g) (1) Subject to paragraph (2), the governing body of each  
14 public water system shall submit the assessment to the city or  
15 county not later than 90 days from the date on which the request  
16 was received. The governing body of each public water system,  
17 or the city or county if either is required to comply with this act  
18 pursuant to subdivision (b), shall approve the assessment prepared  
19 pursuant to this section at a regular or special meeting.

20 (2) Prior to the expiration of the 90-day period, if the public  
21 water system intends to request an extension of time to prepare  
22 and adopt the assessment, the public water system shall meet with  
23 the city or county to request an extension of time, which shall not  
24 exceed 30 days, to prepare and adopt the assessment.

25 (3) If the public water system fails to request an extension of  
26 time, or fails to submit the assessment notwithstanding the  
27 extension of time granted pursuant to paragraph (2), the city or  
28 county may seek a writ of mandamus to compel the governing  
29 body of the public water system to comply with the requirements  
30 of this part relating to the submission of the water supply  
31 assessment.

32 (h) Notwithstanding any other provision of this part, if a project  
33 has been the subject of a water supply assessment that complies  
34 with the requirements of this part, no additional water supply  
35 assessment shall be required for subsequent projects that were part  
36 of a larger project for which a water supply assessment was  
37 completed and that has complied with the requirements of this part  
38 and for which the public water system, or the city or county if  
39 either is required to comply with this part pursuant to subdivision  
40 (b), has concluded that its water supplies are sufficient to meet the

1 projected water demand associated with the proposed project, in  
2 addition to the existing and planned future uses, including, but not  
3 limited to, agricultural and industrial uses, unless one or more of  
4 the following changes occurs:

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

7 (2) Changes in the circumstances or conditions substantially  
8 affecting the ability of the public water system, or the city or county  
9 if either is required to comply with this part pursuant to subdivision  
10 (b), to provide a sufficient supply of water for the project.

11 (3) Significant new information becomes available that was not  
12 known and could not have been known at the time when the  
13 assessment was prepared.

14 (i) For the purposes of this section, hauled water is not  
15 considered as a source of water.

16 ~~SECTION 1. It is the intent of the Legislature to enact~~  
17 ~~legislation necessary to help make water conservation a California~~  
18 ~~way of life.~~

EXHIBIT "D"  
**“Making Water Conservation a California Way of Life”**

	<b>AB 1668/SB606</b>	<b>Water Community Position</b>
<b>Legislature’s Role</b>	<p>AB 1668/SB 606 proposes the following roles for the Legislature, SWRCB, and urban water suppliers:</p> <ul style="list-style-type: none"> <li>• Legislature gives the SWRCB one-time authority to set certain water use efficiency standards and implement water use objectives/target.</li> <li>• SWRCB establishes guidelines and methodologies to identify how urban water use objectives/targets are to be calculated and reported.</li> <li>• Urban retail water suppliers annually calculate an urban water use objective and report on accomplishments.</li> <li>• Legislature to retain sole authority over future standards revisions.</li> </ul>	<p>Conceptually, the statutory model outlined in AB 1668/SB 606 for the one-time and up-front water use efficiency standard setting is acceptable in terms of structure, <b><u>but the bills need substantial modifications to ensure appropriate sideboards over state agency discretionary actions are embedded.</u></b></p> <p>The urban retail water suppliers’ obligation to annually calculate its urban water use objective must be clearly informed by accurate, comprehensive, and timely data provided by state agencies.</p>
<b>Standard Setting</b>		
<b>Indoor Residential Standard</b>	<p>Legislature establishes indoor water use efficiency standard through statute at 55 gallons per person daily (GPCD) until 2025, when the standard is reduced to 50 GPCD.</p>	<p>Water agencies agree that the Legislature should set this standard in statute, <b><u>but standard must be set at 55 gpcd, consistent with the Administration’s framework for Making Conservation a California Way of Life.</u></b></p> <p>The unintended consequences of changing the standard on wastewater systems, recycled water supplies, and potable reuse supplies should be studied and understood before it is reduced.</p>

<p><b>Outdoor Residential and CII Irrigation Standard</b></p>	<p>SWRCB establishes outdoor water use efficiency standard for residential landscapes and CII irrigation based on the relevant principles of MWELO.</p>	<p>MWELO provides water use criteria for efficient outdoor water use based on property age. <b><u>Outdoor irrigation standards must be set consistent with providing an equivalent level of water use as provided for in the MWELO, not just incorporate the “relevant principles” of MWELO.</u></b></p>
<p><b>Water Loss Standards</b></p>	<p>SWRCB establishes water use efficiency standard for water losses.</p>	<p>Water loss compliance is already being addressed through a statutory and regulatory process. There is no need to further complicate a process that is already well underway. <b><u>Water loss standards should be met through the ongoing process and should not be included in the urban water use objective.</u></b></p>
<p><b>CII Performance Measures</b></p>	<p>SWRCB establishes performance measures for CII use.</p>	<p><b><u>Implementation of performance measures for the CII sector by urban retail water agencies should be undertaken in consideration of feasibility and cost-effectiveness of the measure.</u></b> The bills do not require that established performance measures look at these factors.</p>
<p><b>Variances</b></p>	<p>SWRCB may establish variances to address anomalous situations.</p>	<p><b><u>The SWRCB should be clearly required to adopt variances and variance processes</u></b> for a variety of anomalous situations, including irrigation with recycled water in areas having high levels of total dissolved solids, seasonal populations, environmental uses, etc. The SWRCB must be required to allow suppliers to apply the approved variances when requests are in compliance with the guidance established by the SWRCB.</p>

<b>Treatment of Recycled Water &amp; Potable Reuse</b>		
<b>Recycled Water and Potable Reuse</b>	<p>AB 1668/SB 606 propose the following approach for crediting recycled water within the context of the long-term water use efficiency statutes:</p> <ul style="list-style-type: none"> <li>• SWRCB may establish a variance to allow for significant landscaped areas irrigated with recycled water having high levels of total dissolved solids.</li> <li>• The measure would provide a recycled water credit factor of 10% for 2021, and would decrease that credit factor by 1% each year until it reaches zero in 2031, after which no credit factor would be applied.</li> </ul>	<p>Water use efficiency legislation should recognize that recycled water and potable reuse is an important component of water use efficiency and the state's effort to be more resilient to drought.</p> <ul style="list-style-type: none"> <li>• The standard for recycled water irrigation should be at 1.0 ET and should provide a variance for irrigation with recycled water in areas having high levels of total dissolved solids.</li> <li>• The legislation should provide a potable reuse credit in the actual amount of delivered potable reuse water, on an acre-foot basis, for the urban water supplier to meet its urban water use objective</li> <li>• The legislation should provide that, during a declared drought emergency, recycled water supplies (including potable reuse), emergency supplies, desalination, and other drought resilient supplies identified in an urban water supplier's water shortage contingency plan, should not be restricted but instead used efficiently for beneficial uses</li> </ul>
<b>Water Efficiency for CII Water Users</b>		
<b>Commercial, Industrial, and Institutional Customers (CII)</b>	<p>AB 1668/SB 606 proposes the following approach for addressing CII water use within the context of the long-term water use efficiency statutes:</p>	<p>There remains a substantial implementation component for urban retail water suppliers for the CII performance measures, and much of the business community compromise was intended to address concerns for the industrial sector and not</p>



	<ul style="list-style-type: none"> <li>• SWRCB establishes outdoor water use efficiency standard for CII dedicated irrigation meters</li> <li>• SWRCB establishes CII performance standards</li> <li>• Business interests have largely resolved their concerns and issues with AB 1668/SB 606 in amendments that will soon go into the bills by excluding process water.</li> </ul>	<p>issues within the institutional and commercial sectors.</p> <ul style="list-style-type: none"> <li>• <b><u>Feasibility, practicality, and cost-benefit must be key factors considered in the development of performance measures that urban water suppliers will be asked to implement for the CII sector.</u></b></li> </ul>
<b>Calculating Water Use Objectives</b>		
<b>Calculation of Urban Water Use Objectives</b>	<p>AB 1668/SB 606 proposes the following approach for requiring urban water suppliers to calculate urban water use objectives within the context of the long-term water use efficiency statutes:</p> <ul style="list-style-type: none"> <li>• The legislation outlines a one-size-fits-all approach where every urban retail water supplier must utilize a budget-based approach to calculate urban water use objectives</li> </ul>	<p>To ensure that any water use efficiency target setting approach is flexible to account for the diversity among California’s communities and the urban retail water suppliers that serve them, the legislative language must include at least one alternative pathway or functional equivalent to compliance, variances, and criteria for the data to be collected.</p>
<b>Enforcement</b>		
<b>Enforcement</b>	<p>The legislation would grant state agencies with new enforcement powers, including the ability to require water suppliers to take punitive enforcement actions on their customers, and the authority to deny state grant and loan funds for a water supplier’s failure to meet an undefined standard of “compliance.”</p>	<p>The legislation should be amended to shift the enforcement emphasis away from granting punitive enforcement authorities to state agencies and toward technical assistance and information-sharing, along with appropriate authorities to ensure that reporting, planning, and other requirements are satisfied.</p>

## EXHIBIT "E"

Updated: August 22, 2017 / Originally Sent: August 18, 2017

The Honorable Lorena Gonzalez Fletcher  
Chair, Assembly Appropriations Committee  
California State Assembly  
State Capitol, Room 2114  
Sacramento, CA 95814

**Re: SB 623 (Monning): Safe Drinking Water Funding/TAX ON WATER**  
**Position: OPPOSE UNLESS AMENDED (As Amended August 21, 2017)**

Alameda County Water District  
Amador Water Agency  
American Water Works  
Association, California-Nevada  
Section  
Antelope Valley – East Kern Water  
Agency  
Association of California Water  
Agencies  
Bella Vista Water District  
Brooktrails Township Community  
Services District  
Browns Valley Irrigation District  
Calaveras County Water District  
CalDesal  
Calleguas Municipal Water District  
California Municipal Utilities  
Association  
Camrosa Water District  
Casitas Municipal Water District  
City of Fairfield  
City of Oceanside  
City of Redding  
City of Roseville  
Coachella Valley Water District  
Cucamonga Valley Water District  
Del Paso Manor Water District  
Desert Water Agency  
Dublin San Ramon Services District  
East Orange County Water District  
East Valley Water District  
Eastern Municipal Water District  
El Dorado Irrigation District  
El Toro Water District  
Elsinore Valley Municipal Water  
District  
Fair Oaks Water District  
Fallbrook Public Utility District  
Foothill Municipal Water District

Georgetown Divide Public Utility  
District  
Helix Water District  
Humboldt Bay Municipal Water  
District  
Humboldt Community Services  
District  
Indian Wells Valley Water District  
Indio Water Authority  
Irvine Ranch Water District  
Kern County Water Agency  
Kinneloa Irrigation District  
Lake Hemet Municipal Water  
District  
Las Virgenes Municipal Water  
District  
Malaga County Water District  
Mammoth Community Water  
District  
Merced Irrigation District  
Mesa Water District  
Mid-Peninsula Water District  
Mojave Water Agency  
Monte Vista Water District  
Municipal Water District of Orange  
County  
Olivenhain Municipal Water  
District  
Orange County Water District  
Padre Dam Municipal Water  
District  
Palm Ranch Irrigation District  
Palmdale Water District  
Pico Water District  
Quartz Hill Water District  
Rainbow Municipal Water District  
Rancho California Water District  
Regional Water Authority  
Richvale Irrigation District

Rincon del Diablo Municipal Water  
District  
Rio Alto Water District  
Rio Linda Elverta Community  
Water District  
Rowland Water District  
Sacramento Suburban Water  
District  
San Diego County Water Authority  
San Gabriel Valley Municipal  
Water District  
San Juan Water District  
Santa Fe Irrigation District  
Santa Margarita Water District  
Scotts Valley Water District  
South Coast Water District  
South Tahoe Public Utility District  
Southern California Water  
Committee  
Stockton East Water District  
Tahoe City Public Utility District  
Three Valleys Municipal Water  
District  
United Water Conservation  
District  
Upper San Gabriel Valley  
Municipal Water District  
Vallecitos Water District  
Valley Center Municipal Water  
District  
Valley of the Moon Water District  
Walnut Valley Water District  
Western Canal Water District  
Western Municipal Water District  
Wheeler Ridge-Maricopa Water  
Storage District  
Yolo County Flood Control Water  
Conservation District  
Yorba Linda Water District  
Yuba County Water Agency

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Dear Chair Gonzalez Fletcher:

The above-listed organizations are OPPOSED UNLESS AMENDED to SB 623 (Monning) and **OPPOSE**  
**THE TAX ON WATER BEING ADDED TO SB 623.**

This bill would establish a fund to be administered by the State Water Resources Control Board (SWRCB) to assist those who do not have access to safe drinking water. The organizations listed on this letter agree with the intent of the bill. The lack of access to safe drinking water in certain disadvantaged communities is a public health issue and a social issue that the State needs to address.

As the Legislature departed Sacramento for Summer Recess, the intended funding sources for SB 623 had yet to be identified in the bill. The Author is adding the funding sources just prior to the Assembly Appropriations Committee voting on the measure. Senator Monning is adding two types of funding: 1) fees related to fertilizer and dairies to address nitrate contamination; and 2) a state-mandated tax on water that the bill would require local water agencies to assess on their local ratepayers and send to Sacramento. The above-listed organizations oppose the proposal for a tax on water.

**PROBLEMS WITH A TAX ON WATER:** Following are examples of problems with a tax on water:

- 1) **Requiring local water agencies and cities across the state to impose a tax on water for the State of California is highly problematic and is not the appropriate response to the problem;**
- 2) **State law sets forth a policy of a human right to water for human consumption that is safe, clean, affordable and accessible. It is not sound policy to tax something that is a human right;**
- 3) **Adding a tax on water works against keeping water affordable for all Californians; and**
- 4) **It is inefficient for local water agencies across the state to collect the tax and send it to Sacramento.**

**Instead of turning local water agencies into taxation agencies for the state, the above-listed organizations suggest the following funding solution:**

**FUNDING SOLUTION:**

- 1) **Safe Drinking Water State Revolving Fund (SRF)** – this federal funding can be used to fund capital costs;
- 2) **General Obligation (G.O.) Bonds** – SB 5 (de León) proposes \$175 million for safe drinking water and two new bond initiatives have been filed with the Attorney General which both propose \$500 million for safe drinking water. All of these bonds propose to prioritize the drinking water funding to disadvantaged communities (DACs);
- 3) **Ag Funding** – the nitrate-related fee(s) that is expected to be added to the bill can be used for replacement water, including point-of-use and point-of-entry treatment, for nitrate contamination; and
- 4) **General Fund** – General Fund funding can fund the non-nitrate operation and maintenance (O&M) costs needs at public water systems in certain DACs.

Everyone in California should have access to safe drinking water. The fact that a small percentage of Californians do not makes this issue a public health and social issue for which the General Fund is an appropriate source of funding as part of the above-suggested funding package.

**AMENDMENTS:** In addition to including the General Fund as a funding source instead of a tax on water, the organizations listed above are suggesting the amendments shown on the attachment to address various concerns regarding this funding measure.

The above-listed organizations urge your “No” vote on SB 623 unless the bill does not include a tax on water and these concerns are addressed.

If you have questions, please contact Cindy Tuck, Deputy Executive Director for Government Relations, Association of California Water Agencies at (916) 441-4545 or at [cindy@acwa.com](mailto:cindy@acwa.com).

cc: The Honorable William W. Monning  
Honorable Members, Assembly Appropriations Committee  
Ms. Kathy Smith, Senior Legislative Consultant, Office of Senator William W. Monning  
Ms. Jennifer Galehouse, Deputy Chief Consultant, Assembly Appropriations Committee  
Mr. Jared Yoshiki, Consultant, Assembly Republican Caucus

## Attachment

### SB 623 (MONNING) AMENDMENTS SUGGESTED BY WATER AGENCIES AND WATER ORGANIZATIONS LISTED ON THIS LETTER

**1) Do NOT include a tax on water (i.e., the proposed drinking water “fee.”) Instead, the bill should propose General Fund funding as the non-nitrate funding source in the bill.**

**2) Exclude capital costs as an eligible funding category and focus on funding operation and maintenance (O&M) costs, which are difficult to fund through G.O. bonds and cannot be funded with Safe Drinking Water State Revolving Fund (SRF) dollars. (G.O. bonds and the SRF are effective in funding capital costs.)**

**3) Limit the funding to disadvantaged communities (DACs) and low income individual domestic well users that do not have access to safe drinking water, consistent with 4) below.**

**4) Exclude individual domestic wells and “state small water systems” (with 5 to 14 connections) as eligible funding categories (with one exception for nitrate). Data is lacking to support a credible needs assessment. For example, the state does not require owners of private wells to sample their wells, and consequently a comprehensive database for these groundwater sources does not exist. The bill should explicitly exclude these two categories from funding with the exception that funding could be made available for replacement water for individual domestic wells or state small water systems in rural areas of the state for which the local health officer has certified that data documents that the wells for which funding is being sought in that area are contaminated with nitrate. The proposed definition of “replacement water” should be narrowed to make this exception workable. (Bottled water, point-of-use treatment and point-of-entry treatment are reasonable parts of this proposed definition.)**

**5) Make sure the funding goes to address situations where the water is not safe. The proposed language in Section 116769 references: A) “systems and populations potentially in need of assistance”; and B) systems that “may be at risk of failing.” Funding for safe drinking water should go to where there are real problems as opposed to going to where there is a chance of a problem.**

**6) Focus on safe drinking water and recognize that affordability issues are being discussed in the SWRCB’s AB 401 implementation process. The language should be deleted from Section 116769 which would include in the needs assessment all community water systems in DACs that charge fees that exceed the affordability threshold in the Clean Water State Revolving Fund Intended Use Plan (i.e., fees that equal or exceed 1.5 percent of the median household income). The SWRCB is currently developing a plan for a low-income water rate assistance program pursuant to AB 401 (Dodd, 2015), and there many questions being raised about how affordability thresholds should be determined.**

**7) Clarify what is intended by the proposed authority for the SWRCB to take incidental action as may be appropriate for adequate administration and operation of the fund. Instead of simply including this rather vague provision, the bill should be specific as to what this proposed authority is intended to cover.**