



2014 CALIFORNIA WATER-RELATED LEGISLATION

October 29, 2014

ENACTED ASSEMBLY BILLS

AB 803 (Gomez, D) Water Recycling Act of 2013.

Summary: Current law requires any person who, without regard to intent or negligence, causes or permits any sewage or other waste, or the effluent of treated sewage or other waste, to be discharged in or on any waters of the state, or where it probably will be discharged in or on any waters of the state, to immediately notify the local health officer or the director of environmental health of the discharge, as prescribed. This bill, the Water Recycling Act of 2013, would provide that this notification requirement does not apply to an unauthorized discharge of effluent of treated sewage defined as recycled water, as defined. This bill contains other related provisions and other existing laws.

AB 850 (Nazarian, D) Public capital facilities: water quality.

Summary: Would authorize specified joint powers authorities, upon the application of a local agency that owns and operates a publicly owned utility, as defined, to issue rate reduction bonds to finance a utility project, as defined, under specified circumstances. The bill would terminate the authority to issue rate reduction bonds pursuant to these provisions after December 31, 2020. The bill would provide that the rate reduction bonds are secured by utility project property, as defined. The bill would authorize the authority to impose on, and collect from, customers of the publicly owned utility a utility project charge, as a separate nonbypassable charge, to finance the rate reduction bond.

AB 1043 (Chau, D) Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006: groundwater contamination.

Summary: Current law requires the State Department of Public Health, in collaboration with the Department of Toxic Substances Control, and the State Water Resources Control Board, to develop and adopt regulations governing the repayment of costs that are subsequently recovered from parties responsible for the contamination of groundwater. This bill would eliminate the requirement to develop and adopt regulations and instead would require that costs subsequently recovered from a party responsible for the contamination, as defined, be repaid to the state board and deposited, and separately accounted for, in the Groundwater Contamination Cleanup Project Fund, which this bill would create in the State Treasury.



- AB 1471 (Rendon, D) Water Quality, Supply, and Infrastructure Improvement Act of 2014.**
 Summary: Under current law, the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, if approved by the voters, would authorize the issuance of bonds in the amount of \$11,140,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program. Current law provides for the submission of the bond act to the voters at the November 4, 2014, statewide general election. This bill would repeal these provisions. This bill contains other related provisions and other current laws.
- AB 1478 (Committee on Budget) Public resources.**
 Summary: Current law authorizes a governmental agency to solicit proposals and enter into agreements with private entities for the design, construction, or reconstruction of, and to lease to private entities, specified types of fee-producing infrastructure projects. This bill, until December 31, 2019, would specify that a state project, for these purposes, does not include a governmental agency project financed through the State Water Pollution Control Revolving Fund or the Safe Drinking Water State Revolving Fund. This bill contains other related provisions and other existing laws.
- AB 1739 (Dickinson, D) Groundwater management.**
 Summary: Would provide specific authority to a groundwater sustainability agency, as defined in SB 1168 of the 2013-14 Regular Session, to impose certain fees. The bill would authorize the Department of Water Resources or a groundwater sustainability agency to provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources. This bill would require the department, by January 1, 2017, to publish on its Internet Web site best management practices for the sustainable management of groundwater.
- AB 2067 (Weber, D) Urban water management plans.**
 Summary: Would require an urban retail water supplier and an urban wholesale water supplier to provide narratives describing the supplier's water demand management measures, as provided. The bill would require, for urban retail water suppliers, the narrative to address the nature and extent of each water demand management measure implemented over the past 5 years and describe the water demand management measures that the supplier plans to implement to achieve its water use targets.
- AB 2100 (Campos, D) Common interest developments: yard maintenance: fines: drought.**
 Summary: Would prohibit an association of a common interest development from imposing a fine or assessment against a member of a separate interest for reducing or eliminating watering of vegetation or lawns during any period for which the Governor has declared a state of emergency, or a local government has declared a local emergency, due to drought. This bill contains other related provisions.
- AB 2104 (Gonzalez, D) Common interest developments: water-efficient landscapes.**
 Summary: That Davis-Stirling Common Interest Development Act provides that a provision of any of the common interest development governing documents that governs the operation of a common interest development, is void and unenforceable if it prohibits, or includes conditions that have the effect of prohibiting, the use of low water-using plants as a group, or if it has the effect of prohibiting or restricting compliance with a local water-efficient landscape ordinance or water conservation measure. This bill would provide that a provision of the governing documents or of the architectural or landscaping guidelines or policies shall be void and unenforceable if it contains the above-described prohibitions or prohibits, or includes conditions that have the effect of prohibiting, low water-using plants as a replacement of existing turf.

- AB 2193 (Gordon, D) Habitat Restoration and Enhancement Act.**
 Summary: Would enact the Habitat Restoration and Enhancement Act and require the Director of Fish and Wildlife to approve a habitat restoration or enhancement project, as defined, if specified conditions are met as determined by the director. The act would create the Habitat Restoration and Enhancement Account within the Fish and Game Preservation Fund and authorize the department to enter into an agreement to accept funds to achieve the purposes of the Habitat Restoration and Enhancement Act and deposit those funds into that account.
- AB 2259 (Ridley-Thomas, D) Water replenishment: assessments.**
 Summary: The Water Replenishment District Act requires the governing board of each district to follow specified procedural processes when determining whether to assess, and the amount of, a replenishment assessment. This bill would require that a judicial action or proceeding to attack, review, set aside, void, or annul a resolution or motion made on or after January 1, 2015, levying a replenishment assessment pursuant to those provisions be commenced within 180 days of the adoption of the resolution or motion. The bill would also require that an action brought on or after January 1, 2015, regarding the replenishment assessment be brought pursuant to specified provisions regarding civil proceedings.
- AB 2434 (Gomez, D) Income taxes: exclusion.**
 Summary: Would, for taxable years beginning on or after January 1, 2014, and before January 1, 2019, under both the Personal Income Tax Law and the Corporation Tax Law, provide an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a local water agency or supplier for participation in a turf removal water conservation program. This bill contains other related provisions.
- AB 2443 (Rendon, D) Water Recycling Act of 1991: mutual water companies: duplication of service.**
 Summary: Would authorize a recycled water producer or wholesaler that has identified a potential use or customer within the service area or jurisdiction of the retail water supplier, to request, in writing, a retail water supplier to enter into an agreement to provide recycled water to the potential customer consistent with specified requirements of the Water Recycling Act of 1991. This bill contains other related provisions and other existing laws.
- AB 2636 (Gatto, D) CalConserve Water Use Efficiency Revolving Fund.**
 Summary: Would establish the CalConserve Water Use Efficiency Revolving Fund and provide that the moneys in the fund are available to the Department of Water Resources, upon appropriation by the Legislature, for the purpose of water use efficiency projects. This bill would require moneys in the fund to be used for purposes that include, but are not limited to, at or below market interest rate loans to local agencies, as defined, and would permit the department to enter into agreements with local agencies that provide water or recycled water service to provide loans. This bill contains other related provisions and other existing laws.

ENACTED SENATE BILLS

- SB 103 (Committee on Budget and Fiscal Review) Budget Act of 2013.**
 Summary: The Budget Act of 2013 made appropriations for the support of state government for the 2013-14 fiscal year. This bill would amend the Budget Act of 2013 by revising items of appropriation and making other changes for the purpose of addressing drought conditions in the state. This bill contains other related provisions.

- SB 104 (Committee on Budget and Fiscal Review) Drought relief.**
Summary: Would provide that a person or entity in violation of a term or condition of a permit, license, certificate, or registration issued or an order adopted by the State Water Resources Control Board or an emergency regulation described in paragraph (6), is liable in an amount not to exceed \$500 for each day in which the violation occurs. These funds would be deposited in the Water Rights Fund. This bill contains other related provisions and other existing laws.
- SB 246 (Fuller, R) Bighorn-Desert View Water Agency.**
Summary: Current law, the Desert View Water District-Bighorn Mountains Water Agency Consolidation Law, authorized a consolidation between the Desert View Water District and the Bighorn Mountains Water Agency and required a county water district consolidated with the Bighorn Mountains Water Agency to separately account for and use all funds derived from the operation of the former district system exclusively for the purposes of maintenance, operation, betterments, and bond debt service of the acquired system until all debt of the former system has been paid in full or until a majority vote of the electorate, as prescribed, authorizes other expenditures. This bill would make conforming changes related to the consolidated district and would repeal the provisions under which the consolidation was completed. This bill contains other existing laws.
- SB 322 (Hueso, D) Water recycling.**
Summary: Would require the State Department of Public Health, in consultation with the State Water Resources Control Board, to investigate the feasibility of developing uniform water recycling criteria for direct potable reuse and to provide a final report on that investigation to the Legislature on or before December 31, 2016. This bill would also require the department to complete the public review draft of its report by September 1, 2016. This bill contains other related provisions and other existing laws.
- SB 620 (Wright, D) Water replenishment districts.**
Summary: Would declare the intent of the Legislature to provide the Water Replenishment District of Southern California with the ability to determine the appropriate use of moneys held in its annual reserve fund, and that public records shall help the Legislature determine whether the flexibility provided by the Water Replenishment District Act should be permanently extended beyond the 2019-20 fiscal year. This bill contains other related provisions and other existing laws.
- SB 852 (Leno, D) Budget Act of 2014.**
Summary: This bill would make appropriations for the support of state government for the 2014-15 fiscal year. This bill contains other related provisions.
- SB 861 (Committee on Budget and Fiscal Review) Public resources: trailer bill.**
Summary: Current law imposes an assessment on a person who purchases from a retailer a lumber product or an engineered wood product for the storage, use, or other consumption in this state. Current regulations, adopted by the State Board of Equalization at its September 10, 2013, meeting, provide that a retailer may retain no more than a total of \$735 per location as reimbursement for startup costs associated with the collection of the assessment. This bill would codify the above regulations adopted at the September 10, 2013, state board meeting. The bill would delete the emergency regulatory authority granted to the state board, for purposes of determining the reimbursement amount.

- SB 985 (Pavley, D) Stormwater resource planning.**
Summary: Would authorize one or more public agencies to develop a stormwater resource plan. The bill would expand the standards to include dry weather runoff. This bill would require a stormwater resource plan to be submitted to any applicable regional water management group, to identify and prioritize stormwater and dry weather runoff capture projects for implementation in a prescribed quantitative manner, and to prioritize the use of lands or easements in public ownership for stormwater and dry weather runoff projects. This bill would eliminate the requirement that a stormwater resource plan be consistent with any applicable integrated regional water management plan.
- SB 992 (Nielsen, R) Common interest developments: property use and maintenance.**
Summary: Current law makes void and unenforceable any provision of the governing documents of a common interest development or association that prohibits use of low water-using plants, or prohibits or restricts compliance with water-efficient landscape ordinances or regulations on the use of water, as specified. This bill would exempt from these prohibitions against imposing a fine or assessment an association that uses recycled water for landscape irrigation. This bill contains other related provisions and other existing laws.
- SB 1168 (Pavley, D) Groundwater management.**
Summary: Would state the policy of the state that groundwater resources be managed sustainably for long-term reliability and multiple economic, social, and environmental benefits for current and future beneficial uses. This bill would state that sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science. This bill contains other related provisions and other existing laws.
- SB 1281 (Pavley, D) Oil and gas production: water use: reporting.**
Summary: Current law requires the owner of any well to file with the State Oil and Gas Supervisor a monthly statement that provides certain information relating to the well, including what disposition was made of the water produced from each field. Current law provides that a person who fails to comply with specific laws relating to the regulation of oil or gas operations, including failing to furnish a report or record, is guilty of a misdemeanor. This bill would require the statement to the supervisor to include the source and volume of any water reported, including water used to generate or make up the composition of any injected fluid or gas, as provided, and would require that information to be reported on a quarterly basis.
- SB 1319 (Pavley, D) Groundwater.**
Summary: Would authorize the state board to designate certain high- and medium-priority basins as a probationary basin if, after January 31, 2025, prescribed criteria are met, including that the state board determines that the basin is in a condition where groundwater extractions result in significant depletions of interconnected surface waters. This bill would add to the prescribed determinations that would prevent the state board from designating the basin as a probationary basin for a specified time period.
- SB 1420 (Wolk, D) Water management: urban water management plans.**
Summary: Would require an urban water management plan to quantify and report on distribution system water loss. The bill would authorize water use projections to display and account for the water savings estimated to result from adopted codes, standards, ordinances, or transportation and land use plans, when that information is available and applicable to an urban water supplier. The bill would require the plan, or amendments to the plan, to be submitted electronically to the Department of Water Resources and include any standardized forms, tables, or displays specified by the department.

