



DELTA STEWARDSHIP COUNCIL: SEPTEMBER 2022 LEGISLATIVE REPORT

Bills of Interest

AB 1811 (FONG - D) LOCAL FLOOD PROTECTION: PLANNING: CLIMATE CHANGE.

Introduced: 2/7/2022

Last Amend: 6/9/2022

Status: 8/26/22 Approved by the Governor. Chaptered by Secretary of State - Chapter 176, Statutes of 2022.

Is Fiscal: N

Location: 8/26/22 A-CHAPTERED

Summary: Current law authorizes a local agency to prepare a local plan of flood protection and prescribes that a plan include, among other components, a strategy to meet the urban level of flood protection, including planning for residual flood risk and system resiliency. This bill would require this strategy, if a plan is prepared by a local agency, to also include planning for climate change and rainwater and stormwater management. The bill would require the plan to additionally include an update on the status of coordination with water suppliers on how the management of flood waters can bolster local water supplies.

AB 1845 (CALDERON - D) METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA: ALTERNATIVE PROJECT DELIVERY METHODS.

Introduced: 2/8/2022

Last Amend: 8/15/2022

Status: 9/13/22 Chaptered by Secretary of State- Chapter 275, Statutes of 2022

Is Fiscal: Y

Location: 9/13/22 A-CHAPTERED

Summary: Would authorize the Metropolitan Water District of Southern California to use the design-build procurement process for certain regional recycled water projects or other water infrastructure projects. The bill would define "design-build" to mean a project delivery process in which both the design and construction of a project are procured from a single entity. The bill would require the district to use a specified design-build procedure to assign contracts for the design and construction of a project, as defined.

AB 2108 (RIVAS - D) WATER POLICY: ENVIRONMENTAL JUSTICE: DISADVANTAGED AND TRIBAL COMMUNITIES.

Introduced: 2/14/2022

Last Amend: 8/25/2022

Status: 9/12/22 Enrolled and presented to the Governor at 4 p.m.

Is Fiscal: Y

Location: 9/12/22 A-ENROLLED

Summary: Current law requires the State Water Resources Control Board to formulate and adopt state policy for water quality control. Current law requires the regional boards to prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge, except discharges into a community sewer system, with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. Current law also authorizes the state board or a regional board to

waive these requirements as to a specific discharge or type of discharge if the state board or a regional board determines, after any necessary state board or regional board meeting, that the waiver is consistent with any applicable state or regional water quality control plan and is in the public interest. This bill would, among other things, specify that the state board and each regional board need to begin outreach to identify issues of environmental justice as early as possible in planning, policy, and permitting processes. The bill would require the state board and each regional board to engage in equitable, culturally relevant community outreach to promote meaningful civic engagement from potentially impacted communities of proposed discharges of waste that may have disproportionate impacts on water quality in disadvantaged communities or tribal communities and ensure that outreach and engagement shall continue throughout the waste discharge planning, policy, and permitting processes. The bill would require the state board and each regional board, contingent upon an appropriation, to hire environmental justice and tribal community coordinator positions for specified purposes.

AB 2895 (ARAMBULA - D) WATER: PERMITS AND LICENSES: TEMPORARY CHANGES: WATER OR WATER RIGHTS TRANSFERS.

Introduced: 2/18/2022

Last Amend: 8/22/2022

Status: 9/9/2022-Enrolled and presented to the Governor at 4 p.m.

Is Fiscal: Y

Location: 9/9/2022-A. ENROLLED

Summary: Under current law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Current law authorizes a permittee or licensee to temporarily change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if the transfer would only involve the amount of water that would have been consumptively used or stored by the permittee or licensee in the absence of the proposed temporary change, would not injure any legal user of the water, and would not unreasonably affect fish, wildlife, or other instream beneficial uses. This bill would revise and recast the provisions regulating temporary changes due to a transfer or exchange of water rights, including, among

other revisions, specifying that those provisions apply to a person who proposes a temporary change for purposes of preserving or enhancing wetlands habitat, fish and wildlife resources, or recreation. The bill would eliminate the requirement that a petitioner publish notice of a petition in a newspaper.

**SB 230 (PORTANTINO - D) STATE WATER RESOURCES CONTROL BOARD:
CONSTITUENTS OF EMERGING CONCERN IN DRINKING WATER PROGRAM.**

Introduced: 1/19/2021

Last Amend: 8/23/2022

Status: 9/6/22 Enrolled and presented to the Governor at 3:30 p.m.

Is Fiscal: Y

Location: 9/6/22 S-ENROLLED

Summary: Current law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. The state board's duties include, but are not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable and safe supply of drinking water, enforcing the federal Safe Drinking Water Act, and adopting and enforcing regulations. This bill would require the state board to build upon its existing work dealing with, and work to improve its knowledge of, constituents of emerging concern (CEC) in waters of the state and drinking water.

SB 880 (PAN - D) WATER DIVERSION: MONITORING AND REPORTING: UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION.

Introduced: 1/26/2022

Status: 8/29/22 Approved by the Governor. Chaptered by Secretary of State. Chapter 221, Statutes of 2022.

Is Fiscal: Y

Location: 8/29/22 S-CHAPTERED

Summary: Current law requires a person who diverts 10 acre-feet of water or more per year under a permit or license to install and maintain a device or employ a method capable of measuring the rate of direct diversion, rate of collection to storage, and rate of withdrawal or release from storage, as specified and with certain exceptions. Current law requires the measurements to be made using the best available technologies and best professional practices using a device or methods satisfactory to the State Water Resources Control Board. Current law authorizes the board to adopt regulations requiring measurement and reporting of water diversion and use by persons including, but not limited to, those authorized to appropriate water under a permit, license, or registration for small irrigation use or livestock stockpond use, or a certification for livestock stockpond use. Current law, until January 1, 2023, requires any diverter, who has completed an instructional course regarding the devices or measurement method administered by the University of California Cooperative Extension, including passage of a proficiency test before the completion of the course, to be considered a qualified individual when installing and maintaining devices or implementing methods of measurement that were taught in the course for the diverter's diversion. Current law also requires the University of California Cooperative Extension and the board to develop the curriculum of the course and the proficiency test. This bill would indefinitely extend the above-described provisions.

SB 901 (PAN - D) FLOOD PROTECTION: CITY OF WEST SACRAMENTO FLOOD RISK REDUCTION PROJECT.

Introduced: 2/1/2022

Last Amend: 8/15/2022

Status: 9/6/22 Enrolled and presented to the Governor at 3:30 p.m.

Is Fiscal: Y

Location: 9/6/22 S-ENROLLED

Summary: Unless a city or county within the Sacramento-San Joaquin Valley makes certain findings after the effective date of specified amendments to its general plan, the Planning and Zoning Law prohibits a city or county from entering into a development agreement for property located in a flood hazard zone; approving a discretionary permit, ministerial permit, or other discretionary entitlement for a project that is located within a flood hazard zone, as specified; or approving a tentative map, or a parcel map for which a tentative map was not required, for a subdivision that is located within a flood hazard zone. Those findings include, among others, that the local flood management agency has made adequate progress on the construction of a flood protection system that will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas. Current law further requires urban and urbanizing areas protected by any levee that is part of the facilities of the State Plan of Flood Control to achieve the urban level of flood protection by 2025. This bill would instead require the City of West Sacramento, as defined, to achieve the urban level of flood protection by 2030.

SB 905 (CABALLERO - D) CARBON SEQUESTRATION: CARBON CAPTURE, REMOVAL, UTILIZATION, AND STORAGE PROGRAM.

Introduced: 2/2/2022

Last Amend: 8/28/2022

Status: 9/2/2022-Enrolled and presented to the Governor at 1 p.m.

Is Fiscal: Y

Location: 9/2/2022-S. ENROLLED

Summary: Would require the State Air Resources Board to establish a Carbon Capture, Removal, Utilization, and Storage Program, as provided, to evaluate the efficacy, safety, and viability of carbon capture, utilization, or storage (CCUS) technologies and carbon dioxide removal (CDR) technologies and facilitate the capture and sequestration of carbon dioxide from those technologies, where appropriate. The bill would require the program to ensure that carbon dioxide capture, removal, and sequestration projects include specified components including, among others, certain monitoring activities. In carrying out the program's objectives, the bill would require the state board to prioritize, among other priorities, reducing the emissions of greenhouses gases and reducing fossil fuel production in the state. The bill would require the state board to adopt regulations to implement the program and, in developing the program, to consult with the Geologic Carbon Sequestration Group as specified.

SB 1065 (EGGMAN - D) CALIFORNIA ABANDONED AND DERELICT COMMERCIAL VESSEL PROGRAM.

Introduced: 2/15/2022

Last Amend: 8/23/2022

Status: 9/6/22 Enrolled and presented to the Governor at 3:30 p.m.

Is Fiscal: Y

Location: 9/6/22 S-ENROLLED

Summary: Would establish the California Abandoned and Derelict Commercial Vessel Program within the Natural Resources Agency, to be administered by the commission, upon appropriation by the Legislature, to bring federal, state, and local agencies together to identify, prioritize, and fund the removal and proper disposal of abandoned and derelict commercial vessels and other debris from commercially navigable waters, as defined. The bill would require the commission, upon appropriation by the Legislature, on or before July 1, 2024, to create, and regularly update and maintain thereafter, an inventory of abandoned and derelict commercial vessels on or in commercially navigable waters, as provided, and, on or before July 1, 2025, to develop a plan to prevent or reduce abandoned and derelict commercial vessels on or in commercially navigable waters, as provided.