

AMENDED IN SENATE MAY 20, 2014
AMENDED IN ASSEMBLY JANUARY 6, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1249

Introduced by Assembly Member Salas

February 22, 2013

An act to amend Section 10541 of, and to add Section 10545 to, the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1249, as amended, Salas. Integrated regional water management plans: nitrate, *arsenic*, *perchlorate*, or *hexavalent chromium* contamination.

Existing law, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative bond act approved by the voters as Proposition 84 at the November 7, 2006, statewide general election, authorized the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing a safe drinking water, water quality and supply, flood control, and resource protection program. Existing law, with regard to those bond funds, makes available to the Department of Water Resources, \$1,000,000,000 for grants for projects that assist local public agencies to meet the long term water needs of the state including the delivery of safe drinking water and the protection of water quality and the environment. The act requires that eligible projects implement integrated regional water management plans that meet specified criteria and requires the department to give preference to certain proposals.

Existing law, the Integrated Regional Water Management Planning Act, authorizes a regional water management group, as defined, to prepare and adopt an integrated regional water management plan. The act requires the Department of Water Resources to develop and adopt guidelines for the preparation of integrated regional water management plans used to apply for the above-described Proposition 84 funds.

This bill would make the guidelines applicable to all funds that are or may become available for integrated regional water management plan implementation.

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The bill would require an integrated regional water management plan to include an explanation of how the plan addresses nitrate contamination, or an explanation of why the plan does not address nitrate contamination, if an area within the boundaries of the plan has been identified as a nitrate high-risk area by the State Water Resources Control Board.

The bill would require the department when selecting projects for the above-described funds to establish a preference for projects that implement integrated regional water management plans that address nitrate impacts in areas identified as nitrate high-risk areas.

The bill would impose these same requirements with respect to arsenic, perchlorate, or hexavalent chromium contamination, irrespective of whether an area within the boundaries of the plan has been identified as high risk for those contaminants.

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

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

1 SECTION 1. Section 10541 of the Water Code is amended to
2 read:
3 10541. (a) The department shall develop project solicitation
4 and evaluation guidelines for the application of funds made
5 available pursuant to Section 75026 of the Public Resources Code
6 *and all other funds that are or may become available for integrated*
7 *regional water management plan implementation, including a*
8 *future water bond*, to enable broad and diverse participation in
9 integrated regional water management plan development and
10 refinement.

1 (b) The department shall conduct two public meetings to
2 consider public comments prior to finalizing the guidelines. The
3 department shall publish the draft solicitation and evaluation
4 guidelines on its Internet Web site at least 30 days before the public
5 meetings. One meeting shall be conducted at a location in northern
6 California and one meeting shall be conducted at a location in
7 southern California. Upon adoption, the department shall transmit
8 copies of the guidelines to the fiscal committees and the appropriate
9 policy committees of the Legislature. To the extent feasible, each
10 state agency shall provide outreach to disadvantaged communities
11 to promote access to and participation in those meetings.

12 (c) The department shall consult with the board, the California
13 regional water quality control boards, the State Department of
14 Public Health, the Department of Fish and Wildlife, the California
15 Bay-Delta Authority or its successor, and other state agencies with
16 water management responsibility and authority in the development
17 of the guidelines.

18 (d) The department may periodically review and update the
19 guidelines to accommodate changes in funding sources, statutory
20 requirements, new commonly accepted management practices,
21 and changes in state water management policy. Any guideline
22 changes shall be made with appropriate consultation with other
23 state agencies and public review pursuant to subdivisions (b) and
24 (c).

25 (e) The guidelines shall require that integrated regional water
26 management plans include all of the following:

27 (1) Consideration of all of the resource management strategies
28 identified in the California Water Plan, as updated by department
29 Bulletin No. 160-2005 and future updates.

30 (2) Consideration of objectives in the appropriate basin plan or
31 plans and strategies to meet applicable water quality standards.

32 (3) Description of the major water-related objectives and
33 conflicts within a region.

34 (4) Measurable regional objectives and criteria for developing
35 regional project priorities.

36 (5) An integrated, collaborative, multibenefit approach to
37 selection and design of projects and programs.

38 (6) Identification and consideration of the water-related needs
39 of disadvantaged communities in the area within the boundaries
40 of the plan.

- 1 (7) Performance measures and monitoring to demonstrate
2 progress toward meeting regional objectives.
- 3 (8) A plan for implementation and financing of identified
4 projects and programs.
- 5 (9) Consideration of greenhouse gas emissions of identified
6 programs and projects.
- 7 (10) Evaluation of the adaptability to climate change of water
8 management systems in the region.
- 9 (11) Documentation of data and technical analyses used in the
10 development of the plan.
- 11 (12) A process to disseminate data and information related to
12 the development and implementation of the plan.
- 13 (13) A process to coordinate water management projects and
14 activities of participating local agencies and local stakeholders to
15 avoid conflicts and take advantage of efficiencies.
- 16 (14) If an area within the boundaries of the plan has been
17 identified as a nitrate high-risk area by the state board, the plan
18 shall include an explanation of how the plan addresses the nitrate
19 contamination or, if the plan does not address the nitrate
20 contamination, an explanation of why the plan does not address
21 the nitrate contamination. *The plan shall include an explanation*
22 *of how the plan addresses arsenic, perchlorate, or hexavalent*
23 *chromium contamination, or if the plan does not address those*
24 *contaminants, an explanation of why the plan does not address*
25 *that contamination.*
- 26 (15) Any other matters identified by the department.
- 27 (f) The guidelines shall include standards for identifying a region
28 for the purpose of developing or modifying an integrated regional
29 water management plan. At a minimum, a region shall be a
30 contiguous geographic area encompassing the service areas of
31 multiple local agencies, and shall be defined to maximize
32 opportunities for integration of water management activities. The
33 department shall develop a process to approve the composition of
34 a region for the purposes of Sections 75026, 75027, and 75028 of
35 the Public Resources Code.
- 36 (g) The guidelines shall require that the development and
37 implementation of an integrated regional water management plan
38 include a public process that provides outreach and an opportunity
39 to participate in plan development and implementation to

- 1 appropriate local agencies and stakeholders, as applicable to the
2 region, including all of the following:
- 3 (1) Wholesale and retail water purveyors, including a local
4 agency, mutual water company, or a water corporation as defined
5 in Section 241 of the Public Utilities Code.
 - 6 (2) Wastewater agencies.
 - 7 (3) Flood control agencies.
 - 8 (4) Municipal and county governments and special districts.
 - 9 (5) Electrical corporations, as defined in Section 218 of the
10 Public Utilities Code.
 - 11 (6) Native American tribes that have lands within the region.
 - 12 (7) Self-supplied water users, including agricultural, industrial,
13 residential, park districts, school districts, colleges and universities,
14 and others.
 - 15 (8) Environmental stewardship organizations, including
16 watershed groups, fishing groups, land conservancies, and
17 environmental groups.
 - 18 (9) Community organizations, including landowner
19 organizations, taxpayer groups, and recreational interests.
 - 20 (10) Industry organizations representing agriculture, developers,
21 and other industries appropriate to the region.
 - 22 (11) State, federal, and regional agencies or universities, with
23 specific responsibilities or knowledge within the region.
 - 24 (12) Disadvantaged community members and representatives,
25 including environmental justice organizations, neighborhood
26 councils, and social justice organizations.
 - 27 (13) Any other interested groups appropriate to the region.
- 28 (h) The guidelines shall require integrated regional water
29 management plans to be developed through a collaborative process
30 that makes public both of the following:
- 31 (1) The process by which decisions are made in consultation
32 with the persons or entities identified in subdivision (g).
 - 33 (2) The manner in which a balance of interested persons or
34 entities representing different sectors and interests listed in
35 subdivision (g) have been or will be engaged in the process
36 described in this subdivision, regardless of their ability to contribute
37 financially to the plan.
 - 38 (i) The guidelines shall provide for a process for the
39 development, periodic review, updating, and amending of
40 integrated regional water management plans. The department shall

1 establish eligibility requirements for the project funding, that
2 provide sufficient time for the updating of plans as necessary to
3 reflect changes in the guidelines.

4 SEC. 2. Section 10545 is added to the Water Code, to read:

5 10545. When selecting projects pursuant to Section 75026 of
6 the Public Resources Code *or for other funds that are or may*
7 *become available for integrated regional water management plan*
8 *implementation for*, the department shall provide a preference for
9 projects that implement integrated regional water management
10 plans that address ~~nitrate~~ *either of the following:*

11 (a) *Nitrate* impacts in areas that have been identified by the
12 state board as nitrate high-risk areas, including projects that provide
13 safe drinking water to small disadvantaged communities.

14 (b) *Arsenic, perchlorate, or hexavalent chromium* impacts,
15 *including projects that provide safe drinking water to small*
16 *disadvantaged communities.*