

CAC LEGISLATIVE UPDATE

The following provides a brief update, covering the outcome of recent conservation and water related legislation and activities. If you have any questions or concerns about the bills, please contact Alexi at aschnell@sdcwa.org.

BAY-DELTA POLICY LEGISLATION

- On November 4, 2009, the Legislature passed a package of bills in the seventh special session on water to advance Bay-Delta policy, as well as statewide water conservation and enforcement of water rights.
- The bills include the following:
 - SBx7 1 (Simitian) Delta Governance
 - SBx7 2 (Cogdill) Water Bond
 - SBx7 6 (Steinberg) Groundwater
 - SBx7 7 (Steinberg) Water Conservation
 - SBx7 8 (Steinberg) Water Rights Enforcement

SBx7 1 (Simitian) Delta Governance

- SBx7 1 establishes as state policy the coequal goals of a reliable water supply and environmental restoration in the Delta.
- The bill establishes the Delta Stewardship Council (DSC), with seven members, of whom four are appointed by the Governor and three by the Legislature.
- The Delta Stewardship Council is required to draft a Delta Plan, which is required to incorporate the Bay-Delta Conservation Plan (BDCP), assuming the BDCP qualifies as a Natural Communities Conservation Plan (the BDCP is being prepared to qualify as such).
- State and local agencies operating in the Delta may self-certify their activities and plans as being consistent with the Delta Plan. The DSC may hear appeals to the self-certifications and may require agencies to revise their plans to be consistent with the Delta Plan.
- The bill also reconstitutes the Delta Protection Commission, which oversees land use in the Delta.
- The bill establishes the Delta Conservancy, which will be the entity that oversees environmental restoration in the Delta.
- Finally, the bill requires the State Water Resources Control Board to appoint a Delta Watermaster, with authority to enforce water rights in the Delta.

SBx7 2 (Cogdill) Water Bond

- SBx7 2 is a water bond. The total amount of the bond is \$1.14 billion. It must still be passed by the voters at the election next November.

CAC LEGISLATIVE UPDATE

- The bond provides funding for environmental restoration in the Delta.
- The bond also provides \$3 billion for the public benefits associated with the construction of one or two new reservoirs.
- The bond provides funding for drought relief, including \$100 million for the San Vicente dam raise or other water supply reliability projects in San Diego County.

SBx7 6 (Steinberg) Groundwater

- SBx7 6 provides for groundwater monitoring statewide. California does not currently have any requirement that groundwater levels be monitored, although it is a widespread practice in Southern California.

SBx7 7 (Steinberg) Water Conservation

- SBx7 7 is the same as what was known as AB 49. It sets a target of a 20 percent reduction in daily per capita water use statewide by 2020. The bill sets out procedures for agriculture and commercial, industrial, and institutional water users to reduce their water use, without setting any specific limits.

SBx7 8 (Steinberg) Water Rights Enforcement

- SBx7 8 appropriates \$546 million from existing bonds to pay for integrated regional water management planning, flood control, and disaster preparedness.
- The bill also stiffens penalties for illegal diversions of water, requires reporting of diversions of water from the Delta, and provides funding for an additional 25 positions for enforcement of water rights in the Delta.

ADDITIONAL LEGISLATION

The following bill was **sponsored** by the Water Authority and was **signed into law** by the governor:

AB 1465 (Hill) Urban Water Management Planning

- This is the Water Authority's sponsor bill that will update the Urban Water Management Planning Act to incorporate the latest set of BMPs (as adopted by the California Urban Water Conservation Council).

The following bills were **supported** by the Water Authority and were **signed into law** by the governor:

AB 1061 (Lieu) Common Interest Developments: Water Efficient Landscapes

- Under this bill, architectural guidelines would not only be void if they prohibit the use of low water using plants, but also if they have the effect of prohibiting or restricting compliance with local water-efficient landscape ordinances or water conservation ordinances.

AB 1366 (Feuer) Residential Self-Regenerating Water Softeners

- The bill promotes water recycling and regulates water softeners.
- It authorizes local water and sanitation agencies to restrict the use of water softeners, and will help remove obstacles to water recycling development in the state.

CAC LEGISLATIVE UPDATE

SB 407 (Padilla) Property Transfers: plumbing fixtures replacement

- This bill will authorize public water suppliers to enact ordinances requiring the retrofit of residential and commercial plumbing fixtures to more water efficient fixtures.
- Initial focus is on retrofit requirements as part of a building permit, where the applicant must replace non-compliant fixtures. This goes into effect on January 1, 2014. Then, by January 1, 2019, there is a disclosure requirement on sale of the property. Cities that have a retrofit-on-resale ordinance do not have to update the ordinance and will be automatically in compliance.

The following bills were **supported** by the Water Authority but were **vetoed** by the governor:

AB 804 (Hall) Quagga Mussels

- This bill would relieve a water supplier from liability if they have prepared a control or eradication plan for quagga mussels and are implementing the plan. *(The governor felt the bill took too much accountability/liability away from water suppliers).*

SB 555 (Kehoe) Eminent Domain: conservation easements

- This bill would establish procedures for informing conservation easement holders of condemnation proceedings, giving them an opportunity to object.

The following bill was **sponsored by MWD** and **signed into law** by the governor (the Water Authority did not take an official position on this bill):

AB 474 (Blumenfield) Water Efficiency Improvements

- This legislation will allow water agencies, including cities, counties and water districts, to fund water use efficiency and energy efficiency improvements for a portion or all of their service area. The cost of those improvements may be reimbursed through property assessment under a mutual agreement with the property owners. The improvements must be attached to real property.

COURT ACTION

The ninth circuit court of appeals overturned the Department of Energy's (DOE's) denial of a California waiver for water efficient clothes washer standards. The issue was remanded to DOE for further action consistent with the Court's determination.