

**2015 Legislative Session
State Water Resources Control Board
High Priority Bills –Signed and Vetoed
October 11, 2015**

HIGH PRIORITY BILLS—SIGNED INTO LAW

AB 1 (Brown) Drought: local governments: fines. Chapter 62

This bill prohibits a city, county, or city and county from imposing a fine for either failing to water a lawn or for having a brown lawn, during a period for which the Governor has issued a proclamation of a state of emergency based on drought conditions. This bill also applies to charter cities.

AB 91 (Committee on Budget) Budget Act of 2014. Chapter No.: 1

This bill amends the 2014-15 Budget Act to include new appropriations to address the state's urgent drought needs. Among its provisions, the bill: (1) accelerated funding to the State Water Board from Proposition 1 for recycled water, drinking water, and wastewater treatment, (2) accelerated the appropriation of funding for the State Water Board to continue enforcement of drought-related water rights and water curtailment actions and to provide grants for emergency drinking water projects and (3) appropriated \$4 million from the Cleanup and Abatement Account for the State Water Board to provide emergency safe drinking water to disadvantaged communities impacted by the drought.

AB 92 (Committee on Budget) Water. Chapter 2

This budget trailer bill made various statutory changes to implement provisions contained in AB 91 (Assembly Committee on Budget) and to enhance state government agencies' abilities to respond to the drought. Among its provisions, the bill: (1) establishes an Office of Sustainable Water Solutions within the State Water Board, (2) expands the types of projects funded from the Cleanup and Abatement Account to include drinking water projects and allow community water systems serving disadvantaged communities to apply for funding from the Account, (3) allows the Department of Fish and Wildlife to issue administrative civil liability complaints with the State Water Board for illegal water diversions in accordance with requirements of the Water Code, (4) authorizes the Department of Fish and Wildlife to assess civil penalties for obstructing fish passage with separate provisions for obstructions associated with marijuana cultivation and (5) suspends certain contract requirements for actions taken by state agencies to implement the Governor's Executive Order and Proclamations for the drought.

AB 243 (Wood) Medical marijuana. Chapter 688

This bill enacts a comprehensive regulatory program for medical cannabis cultivation sites. Among its provisions, the bill (1) makes permanent, and expands statewide, the existing pilot project administered by the State Water Board, Department of Fish and Wildlife (DFW), and a multiagency task force to address the environmental impacts of medical cannabis cultivation, and (2) requires each Regional Water Board to adopt a permit or issue a waiver to address discharges of waste related to medical cannabis cultivation. The bill also requires the

Department of Food and Agriculture, in consultation with the State Water Board, DFW and other agencies, to ensure that the effects of water diversion and discharge associated with cannabis cultivation do not adversely affect instream flows. This bill is double jointed with AB 266 and SB 643, which establish other aspects of a comprehensive medical cannabis regulatory program.

Governor's Message:

To the Members of the California State Assembly: Unregulated marijuana cultivation poses one of the greatest threats to our fish and wildlife in the state. AB 243 sets California on a new path for responsible marijuana cultivation, but the damage to our ecosystem is occurring today. I am directing the Natural Resources Agency to identify projects to begin the restoration of our most impacted areas in the state. Sincerely, Edmund G. Brown Jr.

AB 327 (Gordon) Public works: volunteers. Chapter 53

This bill extends, until January 1, 2024, provisions of current law that exempt volunteer work, as well as work performed by the California Conservation Corp or community conservation corps, from prevailing wage requirements that otherwise apply to public works projects

AB 349 (Gonzalez) Common interest developments: property use and maintenance. Chapter 266

This bill, an urgency measure, makes void and unenforceable any provision of a common interest development association's governing documents or landscaping or architectural guidelines which prohibits the use of artificial turf or any other synthetic surfaces that resemble grass. This bill also prohibits a common interest development association from requiring homeowners to remove or reverse water-efficient landscaping measures installed in response to a declaration of a state of emergency, after the conclusion of the state of emergency.

AB 401 (Dodd) Low-Income Water Rate Assistance Program. Chapter 662

This bill requires the State Water Board, in consultation with the Board of Equalization and relevant stakeholders, to develop a plan, by January 1, 2018, for the funding and implementation of the low-income water rate assistance program. The bill requires the State Water Board to submit a report to the Legislature by February 1, 2018, with recommendations based on the findings of the plan.

Governor's Message:

To the Members of the California State Assembly: I am signing Assembly Bill 401, which directs the State Water Resource Control Board and Board of Equalization to develop a plan for establishing and funding a low-income water rate assistance program. My administration and the Legislature have taken important steps to promote access to safe, clean, affordable drinking water. Yet, too many Californians still lack affordable, safe drinking water. While the plan called for in this bill will provide a path for modest, additional steps, we already know that proposition 218 serves as the biggest impediment to public water systems being able to establish low-income rate assistance programs. Proposition 218 similarly serves as an obstacle to thoughtful, sustainable water conservation pricing and necessary flood and storm water system improvements. My administration will work with the Legislature and stakeholders next year to address

these problems, while maintaining rate payer protections. Sincerely, Edmund G. Brown Jr.

AB 434 (Garcia, Eduardo) Drinking water: point-of-entry and point-of-use treatment. Chapter 663

This bill, an urgency bill, requires the State Water Board to adopt regulations governing the use of point-of-entry and point-of-use drinking water treatment systems by public water systems in lieu of centralized treatment systems, where it can be demonstrated that centralized treatment is not immediately economically feasible. The bill also requires the State Water Board to adopt emergency regulations governing the use of point-of-entry and point-of-use drinking water treatment systems, and specifies that the emergency regulations would remain in effect until January 1, 2018, or until the Board adopts the permanent regulations.

AB 496 (Rendon) Pupil nutrition: fresh drinking water: funding. Chapter 664

This bill authorizes the California Department of Education (Department of Education) to receive funds transferred from any available state and federal source to provide to school districts for drinking water quality related projects, such as water treatment, water filling stations and maintenance of water facilities. The bill requires the Department of Education to consult with the State Water Board, Department of Water Resources, and Department of Public Health to identify available sources of funding from each respective department, including on other state and federal sources. The bill also requires the Department of Education to post information on the sources of funding on its website.

AB 530 (Rendon) Lower Los Angeles River Working Group. Chapter 684

This bill requires the Secretary of the California Natural Resources Agency to appoint, in consultation with the Los Angeles County Board of Supervisors, the Lower Los Angeles River Working Group, to develop a revitalization plan for the Lower Los Angeles River watershed. The bill requires the working group to develop a watershed-based revitalization plan by March 1, 2017. The bill also requires the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy to provide staffing to assist the working group.

AB 606 (Levine) Water conservation. Chapter 665

This bill requires a state agency that builds on state property, purchases real property, or replaces or repairs landscaping or irrigation to reduce water consumption, where feasible, through a specified set of conservation measures. These measures include replacement of landscaping with drought tolerant plants, replacement of existing irrigation with drip irrigation, bubblers or low precipitation spray nozzles, implementation of recycled water irrigation, or rainwater capture irrigation, and installation of irrigation timers and sub-meters.

AB 617 (Perea) Groundwater. Chapter No.: 666

This bill makes various technical and clarifying changes to the Sustainable Groundwater Management Act. Among its provisions, this bill authorizes a groundwater management agency to file a notice with the State Water Board if it finds that a state agency is not working cooperatively regarding the implementation of a groundwater sustainability plan and requires the State Water Board to conduct an investigation upon receipt of such a notice. The bill authorizes the State Water Board to require the state agency to cooperate in the implementation of the plan, if it makes certain determinations.

AB 656 (Garcia, Cristina) Joint powers agreements: mutual water companies. Chapter 250

This bill allows a mutual water company and a public agency to form a joint powers agreement for the purpose of risk pooling and the provision of technical support, continuing education, safety engineering, operational and managerial advisory assistance to the members of that joint powers agency for risk liability reduction purposes. This bill also makes conforming changes related to insurance requirements for such joint powers agencies.

AB 786 (Levine) Common interest developments: property use and maintenance. Chapter 780

This bill, an urgency measure, clarifies provisions of existing law that prohibit common interest development associations, except associations that use recycled water, from fining homeowners that reduce watering of vegetation or lawns during a declared emergency due to drought. This bill clarifies that associations can assess a fine only in cases where a homeowner who is provided recycled water for landscape watering chooses to reduce or eliminate watering of vegetation. This bill is double-jointed with AB 349 (Gonzalez).

AB 888 (Bloom) Waste management: plastic microbeads. Chapter 594

This bill enacts the Plastic Microbeads Nuisance Prevention Law, which (1) bans the sale of personal care products containing plastic microbeads that are used to exfoliate or cleanse in a rinse off product, including toothpaste, beginning January 1, 2020; (2) makes numerous legislative findings regarding the environmental hazards posed by plastic microbeads; and (3) authorizes civil penalties of up to \$2,500 per day per violation.

AB 1045 (Irwin) Organic waste: composting. Chapter 596

This bill directs the California Environmental Protection Agency (CalEPA), in coordination with the Department of Resources, Recycling, and Recovery (CalRecycle), the State Water Board and other agencies, to develop and implement policies to aid in diverting organic waste from landfills by promoting its use as a feedstock for compost, and by promoting the appropriate use of that compost throughout the State. This bill also requires CalRecycle, in coordination with the State Water Board, and the State Air Resources Board to develop a policy that promotes the coordinated permitting and regulation of composting facilities while protecting the environment. The bill will sunset on January 1, 2021.

AB 1071 (Atkins) Supplemental environmental projects. Chapter 585

This bill requires each department, board, or office within the California Environmental Protection Agency (CalEPA) to establish and implement a supplemental environmental project policy that benefits environmental justice communities. This policy would be required to include (1) a public process to solicit potential supplemental environmental projects from environmental justice communities, (2) provisions to allow the total amount of a supplemental environmental project to cover up to 50 percent of the related enforcement action, and (3) an annual list of supplemental environmental projects that may be selected to settle a portion of an enforcement action. This bill would also require the CalEPA secretary to consolidate supplemental environmental projects into one list and post it on the agency's web site.

AB 1077 (Holden) Mutual water companies: open meetings. Chapter 669

This bill expands the provisions of the Mutual Water Company Open Meeting Act to require the board of directors of mutual water companies to: (1) allow eligible persons (including shareholders or members of the mutual water company, tenants of shareholders, elected officials of a city or county who represent customers of the mutual water company, and other persons eligible to participate according to the mutual water companies provisions) to attend, either in person, if the eligible person provides sufficient notice, or by teleconference, a meeting of that company's board, and (2) provide an eligible person attending a meeting of the board with all of the materials to be discussed at the meeting in advance of the meeting. This bill also prohibits the board of directors of mutual water companies from meeting solely in executive session.

AB 1164 (Gatto) Water conservation: drought tolerant landscaping. Chapter 671

This bill, an urgency measure, prohibits cities and counties from enacting or enforcing any ordinance or regulation that would prohibit the installation of drought tolerant landscaping, synthetic grass or artificial turf on residential property. This bill allows local governments to impose restrictions on these types of as long as they don't have the effect of prohibiting or significantly impeding the use of these materials.

AB 1390 (Alejo) Groundwater: comprehensive adjudication. Chapter 672

This bill, in conjunction with SB 226 (Pavley, 2015), reforms the groundwater adjudication process to establish a more efficient and cost-effective process that is consistent with the Sustainable Groundwater Management Act (SGMA). Among its provisions, this bill: (1) establishes a process for plaintiffs who file for a groundwater adjudication to provide notice and service of the complaint to affected parties in a comprehensive adjudication, (2) requires parties to serve initial disclosures within six months of appearing in a comprehensive adjudication, (3) authorizes the court to issue a preliminary injunction to limit pumping during litigation of a basin in overdraft, and (4) authorizes the court to stay a comprehensive adjudication for a period of up to one year, subject to the court's discretion upon a showing of good cause, in order to facilitate settlement. This bill only becomes effective if SB 226 is also enacted and becomes effective.

AB 1531 (Committee on Environmental Safety and Toxic Materials) State Water Resources Control Board. Chapter 673

The bill is a code cleanup bill that makes a variety of technical changes to provisions in the Water Code and Health and Safety Code, including eliminating outdated provisions of law, correcting erroneous cross references, and providing statutory and regulatory authority to conform state drinking water and water quality requirements to federal requirements. This bill also makes several statutory changes to improve the efficiency and effectiveness of the Safe Drinking Water Regulatory Program, as follow up to the transfer of the program from the Department of Public Health to the State Water Board. This bill contains many of the State Water Board's proposals for code cleanup proposals included in California Environmental Protection Agency (CEPA) 15-16 and CEPA 15-19.

SB 13 (Pavley) Groundwater. Chapter 255

This bill makes various technical, clarifying changes to the Sustainable Groundwater Management Act. Among its provisions, this bill clarifies (1) requirements for groundwater sustainability agency formation, (2) the process for State Water Board intervention if no responsible agency is specified for a basin, (3) guidelines for high- and medium-priority basins, and (4) participation of mutual water companies in a groundwater sustainability agency.

SB 83 (Committee on Budget and Fiscal Review) Public Resources. Chapter 24

This bill, the Resources Budget Trailer Bill, makes various changes to existing law pertaining to natural resources and environmental protection that are necessary to implement the 2015-16 Budget Act. Among its provisions, this bill: (1) modifies the structure for assessing and collecting fees to support the Safe Drinking Water Program; (2) makes well logs available to the public; (3) codifies the roles of the Division of Oil, Gas, and Geothermal Resources (DOGGR), the State Water Board and the Regional Water Boards in the aquifer exemption process, and add new notification and public hearing requirements to exempt an aquifer from the Safe Drinking Water Act; and (4) establishes various reporting requirements related to Underground Injection Control program activities and regulation of oilfield produced water ponds.

SB 88 (Committee on Budget and Fiscal Review) Water. Chapter 27

This bill, the Drought Budget Trailer Bill, makes various changes to existing law pertaining to mitigation of drought impacts that are necessary to implement the 2015-16 Budget Act. Among its provisions, the bill: (1) allows the State Water Board to require a certain public water systems that consistently fail to provide safe drinking water to consolidate with, or receive an extension of service from, another public water system, (2) requires water users diverting more than 10 acre-feet annually to install monitoring equipment and to report diversion data to the State Water Board, (3) authorizes the State Water Board to impose penalties for violations of water rights regulations, (4) expands local enforcement authority for violations of emergency conservation regulations to include penalties of up to \$10,000 per day, and (5) provides a California Environmental Quality Act (CEQA) exemption for the development and approval of building standards adopted by state agencies for recycled water systems, as well as the adoption of local ordinances prohibiting the drilling of new groundwater wells.

SB 101 (Committee on Budget and Fiscal Review) Budget Act of 2015. Chapter 321

This bill, an urgency measure, makes various adjustments to the 2015 Budget Act. Among its provisions, the bill: (1) adds language to the Budget Act authorizing the State Water Board to increase the fees that support the Environmental Laboratory Accreditation Program by up to 57.84 percent in order to generate sufficient revenue to pay for the Budget Act appropriation for that program, and (2) reduces \$50 million from the State Water Board's appropriation for water recycling projects from the Water Quality, Supply, and Infrastructure Improvement Fund of 2014 (Proposition 1).

SB 162 (Galgiani) Treated wood waste. Chapter 351

This bill extends from June 1, 2017, to December 31, 2020, the sunset date for the provisions of current law that govern the management and disposal of treated wood waste. The bill also requires the Department of Toxic Substances Control to develop a report, by January 1, 2018, evaluating the effectiveness of the existing regulatory program for management and disposal

of treated wood wastes and providing recommendations for changes in the program to further protect public health and the environment.

SB 226 (Pavley) Sustainable Groundwater Management Act: groundwater adjudication. Chapter 676

This bill, in conjunction with AB 1390 (Alejo, 2015), reforms the groundwater adjudication process to establish a more efficient and cost-effective process that is consistent with the Sustainable Groundwater Management Act (SGMA). Among its provisions, this bill: (1) clarifies that the state may intervene in a comprehensive adjudication conducted in accordance with the provisions of AB 1390, (2) direct the court, in a basin subject to SGMA, to manage the adjudication proceedings in a manner that minimizes interference with timely completion and implementation of a groundwater sustainability plan, and that avoids redundancy and unnecessary cost in the development of technical information and a physical solution, and (3) prohibits the court from adopting a judgment that would obstruct a groundwater sustainability agency from complying with SGMA. This bill only becomes effective if AB 1390 is also enacted and becomes effective.

SB 385 (Hueso) Primary drinking water standards: hexavalent chromium: compliance plan. Chapter 272

This bill, an urgency measure, authorizes the State Water Board to grant public water systems a period of time to come into compliance with the recently adopted drinking water standard for Chromium 6 (hexavalent chromium), upon the Board's review and approval of a compliance plan submitted by a public water system. The bill specifies the contents of the compliance plans and the processes for water systems to report on their progress in meeting the drinking water standard, and for updating the compliance plans. The bill requires that the plans be designed for the systems to come into compliance by the earliest feasible date and specifies that the "earliest feasible date" may not extend beyond January 1, 2020. Public water systems with approved compliance plans are deemed to not be out-of-compliance with the Chromium 6 drinking water standard until the date specified in the plan.

SB 485 (Hernandez) County of Los Angeles: sanitation districts. Chapter 678

This bill authorizes specific sanitation districts in Los Angeles County to acquire, construct and manage facilities for the diversion, treatment, discharge, and beneficial use of stormwater and dry weather runoff within their service areas. This bill also requires those districts, prior to initiating a stormwater project under these provisions, to consult with: (1) the watermasters of any applicable adjudicated groundwater basins, if a project is within the boundaries of an adjudicated groundwater basin, (2) water replenishment districts, if a project is within the service area of a replenishment district, and (3) the Los Angeles County Flood Control District to avoid potential conflicts with flood control and water conservation activities.

SB 555 (Wolk) Urban retail water suppliers: water loss management. Chapter 679

This bill requires urban retail water suppliers, beginning on October 1, 2017, to annually submit validated water loss audit reports to the Department of Water Resources (DWR). The bill requires DWR to develop rules for conducting and validating the water loss audits; provide technical assistance; and post the audit reports on its internet site. The bill also requires the State Water Board to (1) contribute up to \$400,000 towards procuring water loss audit

validation assistance for urban retail water suppliers, and (2) adopt rules requiring urban water suppliers to meet performance standards for the volume of water losses.

SB 637 (Allen) Suction dredge mining: permits. Chapter 680

This bill prohibits the Department of Fish and Wildlife from issuing a permit for the use of suction dredge equipment in a river, stream or lake in California, until the permit applicant provides a copy of a water quality permit issued by the State Water Board or a Regional Water Board, or a letter from the State Water Board or a Regional Water Board indicating that no permit is required. This bill also explicitly authorizes the Water Boards to (1) issue water quality permits for suction dredge mining, (2) specify regions where suction dredge mining is prohibited, and/or (3) prohibit the use of certain suction dredge mining equipment.

SB 798 (Committee on Natural Resources and Water) Natural resources. Chapter 683

This omnibus code cleanup bill makes various technical changes to statutes related to natural resources and water. Among its provisions, this bill makes clarifying, technical changes to provisions of the Water Code pertaining to water rights; deletes obsolete statutory provisions, and; corrects outdated references. This code cleanup bill includes some provisions that were submitted by the State Water Board to the Governor's Office as a CEPA 15-19.

HIGH PRIORITY BILLS –VETOED

SB 334 (Leyva) Pupil health: drinking water.

This bill would have prohibited schools from providing drinking water that exceeds the United States Environmental Protection Agency's (US EPA) action level for lead. The bill would have required schools with lead plumbing to flush all drinking water sources at the beginning of the school day in accordance with US EPA protocols. The bill also would have required school districts whose drinking water sources exceed the US EPA drinking water standards for lead or any other contaminants to: 1) immediately close access to the drinking water sources upon receipt of test results or notification from their public water system, 2) provide alternative source of drinking water at affected school sites, and 3) notify parents and other parties that the drinking water exceeds the US EPA standards.

Governor's Message:

I am returning Senate Bill 334 without my signature. This bill requires a school district that has a drinking water source that does not meet the Environmental Protection Agency's drinking water standards to provide alternative drinking water to their students. I agree that all California students should have access to safe drinking water but this bill creates a state mandate of uncertain but possibly very large magnitude. As our first order of business, local schools should understand the nature of their water quality problem, if there is one. Accordingly, I am directing the State Water Resources Control Board to work with school districts and local public water systems to incorporate water quality testing in schools as part of their lead and copper rule. School districts should utilize this information to ensure all students are provided safe water. Sincerely,
Edmund G. Brown Jr.