

Date of Hearing: June 25, 2024

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

SB 1218 (Newman) – As Amended June 18, 2024

SENATE VOTE: 38-0

SUBJECT: Water: emergency water supplies

SUMMARY: Declares it is state policy to encourage the development of emergency water supplies to be used during times of drought or unplanned service or supply disruption.

Specifically, **this bill:**

- 1) Declares that it is state policy to encourage, but not mandate, the development of emergency water supplies to be used during times of drought or unplanned service or supply disruption.
- 2) Defines “emergency water supplies” as supplies identified in a water shortage contingency plan or drought plan that have been developed to increase a water supplier’s water supply reliability during a drought or unplanned service or supply disruption and that are in addition to baseline water supplies used by said water supplier during nonshortage times.
- 3) Includes a savings clause to clarify that this bill does not require a water supplier to add or modify any operation or demand management plan, or to interfere with any water right or contractual right.
- 4) Makes findings and declarations regarding California’s climate and the need to develop backup water supplies.

EXISTING LAW:

- 1) Establishes the five member State Water Board in the California Environmental Protection Agency to provide for the orderly and efficient administration of the state’s water resources (Water Code § 174, § 175).
- 2) Establishes multiple state policies with respect to the state’s water resources including: that the state’s water resources be put to beneficial use to the fullest extent possible (Water Code, § 100); all water in the state is the property of the people (Water Code, § 102); the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation (Water Code § 106); and every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes (Water Code § 106.3).
- 3) Requires, under the Urban Water Management Planning Act, every public and private urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt an urban water management plan (Water Code §§ 10610 *et seq.*).
- 4) Requires each urban water management plan to include a water shortage contingency plan that includes the identification of sources of water supply (Water Code § 10631).

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** According to the author, “the provisions of [this bill] will better enable water providers, and the communities they serve, to better withstand an increasingly volatile climate in California that oscillates between drought and flood, thereby ensuring safe, reliable, and affordable water supplies for residents, businesses, agriculture, and the environment.”
- 2) **Background.** California has experienced two severe droughts in the past decade. The 2020-22 drought began less than five years after California experienced its worst drought on record from 2012 through 2016. Climate modeling indicates that droughts will become more severe and frequent going forward. In addition, research published in February 2022 indicates that Southwestern North America is currently experiencing the worst “megadrought” in the last 1200 years. This research estimates (based on climate models) that climate change accounts for 42% of this megadrought’s severity and that the current megadrought would not be a ‘megadrought’ but for climate change (Williams, Cook, and Smerdon, 2022). In response to the 2020-22 drought and growing awareness of the ways in which climate change will further challenge water management in California, the Newsom administration released a strategy (“*California’s Water Supply Strategy, Adapting to a Hotter, Drier Future*”) in August 2022. The strategy aims to address a projected 10% decrease in water supply (6 million acre-feet to 9 million acre-feet of water) by 2040 due to climate change.
- 3) **Arguments in support.** The Irvine Ranch Water District (IRWD) is the sponsor of this bill arguing that “it is crucial to build greater water resilience into the state’s water resource management and planning” and that by recognizing emergency water supplies and encouraging their development, this bill will “help mitigate the impacts of climate change ecosystems, economies, and communities.” IRWD notes that it has developed such emergency water supplies through groundwater banking arrangements with other water agencies in Kern County. IRWD asserts that these agreements have benefitted both agricultural communities in Kern County as well as the communities in its service territory; however, IRWD indicates that access to these emergency supplies during recent droughts has been uncertain at times when the state has mandated cutbacks. IRWD contends this bill will help to make such supplies more reliable and provide an incentive for other agencies to develop their own emergency water supplies.
- 4) **Related legislation.** AB 754 (Papan) of 2023 would have required a water shortage contingency plan to include specified information regarding reservoir operations to determine when shortages may occur. AB 754 was held in the Senate Appropriations Committee on the suspense file.

SB 552 (Hertzberg), Chapter 245, Statutes of 2021, enacts many of the recommendations in the final “Small Water Systems and Rural Communities Drought and Water Shortage Contingency Planning and Risk Assessment” report.

SB 971 (Hertzberg) of 2020 would have required small water suppliers, as defined, to take certain measures related to water shortages, including contingency planning. SB 971 died in the Senate Natural Resources and Water Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Irvine Ranch Water District (sponsor)
Association of California Cities - Orange County
Association of California Water Agencies
California Municipal Utilities Association
California Special Districts Association
Cucamonga Valley Water District
East Orange County Water District
Eastern Municipal Water District
El Toro Water District
Elsinore Valley Municipal Water District
Garden Grove, City of
Greater Irvine Chamber of Commerce
Inland Empire Utilities Agency
Laguna Beach County Water District
Las Virgenes Municipal Water District
Municipal Water District of Orange County
Newport Beach Utilities Department, City of
Northern California Water Association
Olivenhain Municipal Water District
Orange County Business Council
Rancho Water
Regional Water Authority
Rosedale-Rio Bravo Water Storage District
Roseville, City of
Sacramento, City of
Santa Margarita Water District
South Coast Water District
South Orange County Economic Coalition
Southern California Water Coalition
Three Valleys Municipal Water District
Trabuco Canyon Water District
Turlock Irrigation District
Upper San Gabriel Valley Municipal Water District
Valley Water
Western Municipal Water District

Opposition

None on file

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