

DELTA STEWARDSHIP COUNCIL: OCTOBER 2022 LEGISLATIVE REPORT

Bills of Interest

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

Introduced: 2/14/2022

Last Amend: 8/25/2022

Status: 9/16/22 Approved by the Governor. Chaptered by Secretary of State - Chapter 347, Statutes of 2022.

Is Fiscal: Y

Location: 9/16/22 A-CHAPTERED

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: 9/28/22 Approved by the Governor. Chaptered by Secretary of State - Chapter 675, Statutes of 2022.

Is Fiscal: Y

Location: 9/28/22 A-CHAPTERED

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: 9/28/22 Approved by the Governor. Chaptered by Secretary of State.
Chapter 676, Statutes of 2022.

Is Fiscal: Y

Location: 9/28/22 S-CHAPTERED

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

Introduced: 2/1/2022

Last Amend: 8/15/2022

Status: 9/28/22 Approved by the Governor. Chaptered by Secretary of State.
Chapter 708, Statutes of 2022.

Is Fiscal: Y

Location: 9/28/22 S-CHAPTERED

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: 9/16/22 Approved by the Governor. Chaptered by Secretary of State. Chapter 359, Statutes of 2022.

Is Fiscal: Y

Location: 9/16/22 S-CHAPTERED

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: 9/28/22 Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

Is Fiscal: Y

Location: 9/28/22 S-VETOED

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.

Veto Message: I am returning Senate Bill 1065 without my signature. This bill would establish the California Abandoned and Derelict Commercial Vessel Program and a multi-agency task force to identify, prioritize, and fund the removal of abandoned and derelict commercial vessels across the state. While I support the author's attempt to create a statewide approach to address abandoned and derelict commercial vessels in California that pose significant public health, safety, and environmental risks, this program was not accounted for in the budget. Implementation across the relevant agencies is expected to cost about \$25 million in year 1 with ongoing general fund impacts. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to

remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs. The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process. For these reasons, I cannot sign this bill.