

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF DECEMBER 7, 2016

REGULAR MEETING

TO: Ken Humphreys, Chairman, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

PREPARED BY: Erica Sanchez, Policy Analyst

AGENDA ITEM #9A: OTHER BUSINESS – LEGISLATION

RECOMMENDATION

Staff recommends that the Commission receive the following updates of chaptered legislation from the 2015-2016 Legislative Session. No Commission action is requested.

REASON FOR RECOMMENDED ACTION AND BACKGROUND

The State Legislature will reconvene in January to begin the first year of the 2017-2018 legislative cycle. The following bills were recently chaptered at the tail end of the 2015-2016 legislative cycle. For a complete list of bills of interest signed into law in 2016, please refer to the September 28, 2016 meeting packet.

SB 1262 (Pavley) – Water Supply Planning *Signed by the Governor September 24, 2016.*

The Sustainable Groundwater Management Act authorizes the State Water Resources Control Board (state board) to designate a basin as a probationary basin if the state board makes a certain determination and to develop an interim plan for the probationary basin. This bill would require a city or county that determines a project is subject to the California Environmental Quality Act to identify any water system whose service area includes the project site and any water system adjacent to the project site. This bill would provide that hauled water is not a source of water for the purposes of a water supply assessment, as specified.

SB 1262 is a complicated bill which makes a number of changes to Government Code §66473.7 and §10910 of the Water Code. In §66473.7, the bill adds definitions pertaining to the use of groundwater by a proposed subdivision as the source of water. It adds an adopted groundwater sustainability plan as optional substantial evidence that the water system has sufficient water supply to meet the demands of the subdivision project. The bill adds that a groundwater basin identified by the state board as a probationary basin is not considered a viable water supply.

**SB 1263 (Wieckowski) – Public Water System Permits
*Signed by the Governor September 29, 2016.***

SB 1263 would require a person submitting an application for a permit for a proposed new public water system to first submit a preliminary technical report to the State Water Resources Control Board (state board) at least 6 months before initiating construction of any water-related improvement, as defined.

The bill would allow the state board to direct the applicant to undertake additional discussion and negotiation with certain existing public water systems to provide an adequate and reliable supply of domestic water to the service area of the proposed new public water system and would require an applicant to comply before submitting an application for a permit to operate a system. The bill would prohibit the application from being deemed complete unless the applicant has complied. The bill would authorize the SWRCB to deny the permit if the state board determines that the service area of the public water system can be served by one or more currently permitted public water systems. The bill also prohibits a local primacy agency from issuing a permit to operate a public water system without the concurrence of the state board. The bill prohibits water hauling as a viable source of water supply.

** SB 1262 and SB 1263 are sibling pieces of legislation.*