

APPROVED
By the Board of Directors of
The Metropolitan Water District
of Southern California
at its meeting held

41356



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

APR 11 1995

[Signature]
EXECUTIVE SECRETARY

7-7

March 30, 1995

To: Board of Directors (Comm. on Legislation--Action)
(Water Problems Comm.--Action)

From: General Manager

Subject: SB 1304 (San Gabriel Basin Reclaimed Water)

Report

Senator Mountjoy (Arcadia) has introduced Senate Bill 1304, to amend the 1969 Water Reclamation Law and the 1977 Water Reuse Law as an urgency measure. It would establish a 10-year pilot project for the San Gabriel Valley Basin (Basin) that would require prior user approval for using reclaimed water for groundwater recharge or for serving groundwater containing reclaimed water. It also would require a two-thirds approval by water users, in order to impose a tax or fee for financing a reclaimed water program used for recharging the groundwater Basin.

More specifically, SB 1304 prohibits those uses of reclaimed water until local water users approve them in a County-conducted "all-mailed election". Local water suppliers would be required to provide information and mail out the ballots with the regular water bills. Water users would have one vote for each water service meter, and the election would be held "within a 10-mile radius of the discharge end of the pipeline of the San Gabriel Valley Basin" (§13557(c)).

The bill does not define that pipeline, but the reclaimed wastewater line proposed by the Upper San Gabriel Valley Municipal Water District for its San Gabriel Valley Water Reclamation Program (Program) is included in that general area. Metropolitan and several of its member agencies support the Program which is expected to provide between 16,000 and 25,000 acre-feet annually of additional local recharge water which would otherwise be provided by imported water deliveries¹. SB 1304 would significantly undermine the Program which would use

¹ Miller Brewing Company is challenging the Program in two cases pending in the Los Angeles County Superior Court, which were reported at the Board's January and February meetings.

reclaimed water to reduce the use of imported water to offset Basin overdrafting².

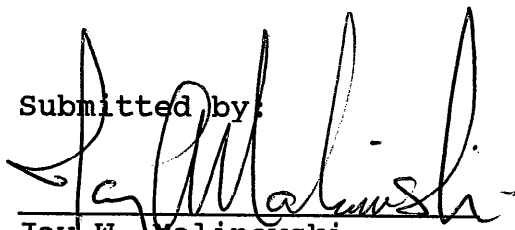
Enactment of the bill would set a negative precedent that could also impair valuable reuse programs statewide. Indeed, the bill represents an alarming departure from existing provisions of Water Reclamation and Reuse laws that have established an extensive regulatory process to assure the safety and reliability of water reuse programs. If incorporated into those laws, the bill would circumvent that process and substitute local political issues in place of scientific and professional analysis and regulation.

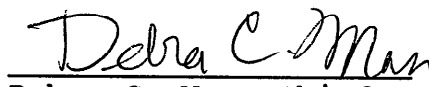
Recommendation

That the Board of Directors oppose SB 1304.

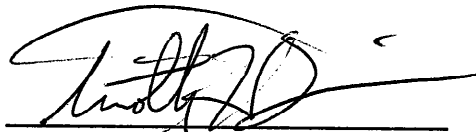
John R. Wodraska
General Manager

Submitted by:


Jay W. Malinowski
Director of Public Affairs


Debra C. Man, Chief
Planning and Resources

Concur:


for John R. Wodraska
General Manager

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Attach.

² Historically, Metropolitan has supplied up to 58,000 acre-feet of imported water annually to its member agencies in the Basin for replacing groundwater overdrafts.

SENATE BILL**No. 1304****Introduced by Senator Mountjoy**

February 24, 1995

An act to add and repeal Section 13557 of the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1304, as introduced, Mountjoy. Reclaimed water.

(1) Existing law authorizes specified water suppliers to acquire, store, provide, sell, and deliver, reclaimed water, as prescribed.

This bill would prohibit, until January 1, 2005, a local entity that discharges reclaimed water into the aquifer of the San Gabriel Valley Basin or provides retail metered water service, from the groundwater of the basin, within a 10-mile radius of the discharge end of the pipeline of the basin, from discharging reclaimed water into the aquifer or providing any of its water users with water containing reclaimed water added by means of groundwater recharge unless the users agree, by a majority vote, to allow the discharge or provision of reclaimed water, as specified. The bill would require the County Clerk of the County of Los Angeles to conduct an all-mailed election regarding the discharge or provision of reclaimed water, as prescribed, thereby imposing a state-mandated local program. No tax or fee related to the provision of reclaimed water could be imposed unless approved by a $2/3$ vote of the users.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs

mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$1,000,000, shall be made from the State Mandates Claims Fund.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares
2 that the expanding uses of reclaimed water are a growing
3 concern for many water users. Water users who receive
4 retail metered water service should have a choice as to
5 whether any part of the water they receive is reclaimed.
6 (b) The Legislature further finds and declares that,
7 because of the number of water users, and the volume of
8 water provided to those users, in the San Gabriel Valley
9 Basin, that area should be the site of a pilot project to offer
10 such a choice to water users.

11 SEC. 2. Section 13557 is added to the Water Code, to
12 read:

13 13557. (a) For purposes of this section "user" means
14 the person who, on behalf of a household or business,
15 contracts with a local entity, including a public agency,
16 city, county, or private water company, for retail metered
17 water service.

18 (b) A local entity shall not discharge reclaimed water
19 into the aquifer of the San Gabriel Valley Basin or provide
20 any of its water users with water containing reclaimed
21 water added by means of groundwater recharge unless

1 the users agree, pursuant to subdivision (c), to allow the
2 discharge or provision of that water.

3 (c) (1) (A) Notwithstanding any other provision of
4 law, the County Clerk of the County of Los Angeles shall
5 conduct, on _____, in the territory within a 10-mile
6 radius of the discharge end of the pipeline of the San
7 Gabriel Valley Basin, an all-mailed election pursuant to
8 this section and tally the vote.

9 (B) Each user shall have one vote for each meter
10 metering the water service for which the user contracts.

11 (2) Local entities described in subdivision (e) shall
12 provide any necessary information to the registrar of
13 voters, and shall mail the prepared ballots to users with
14 the regular bill for metered water service. The completed
15 ballots shall be returned to the county clerk for the
16 tallying of the vote.

17 (3) Both of the following questions shall appear on the
18 ballot:

19 (A) "Shall a local entity, including a public agency,
20 city, county, or private water company, that provides
21 retail metered water service, from groundwater of the
22 San Gabriel Valley Basin, within a 10-mile radius of the
23 discharge end of the pipeline of that basin, provide
24 groundwater that contains any reclaimed water added by
25 groundwater recharge methods to the groundwater of
26 the San Gabriel Valley Basin?"

27 (B) "Shall a local entity, including a public agency,
28 city, county, or private water company, that discharges
29 reclaimed water into the aquifer of the San Gabriel Valley
30 Basin be permitted to continue to do so?"

31 (d) If the users of a retail metered water service agree
32 to allow the provision of reclaimed water pursuant to
33 subdivision (c), no tax or fee related to the provision of
34 reclaimed water shall be imposed by a local entity
35 providing that water unless the fee or tax is approved by
36 a two-thirds vote of the users.

37 (e) This section applies only to local entities that either
38 discharge reclaimed water into the aquifer or provide
39 retail metered water service from the groundwater of the

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1 San Gabriel Valley Basin within a 10-mile radius of the
2 discharge end of the pipeline of that basin.

3 (f) This section shall remain in effect only until
4 January 1, 2005, and as of that date is repealed, unless a
5 later enacted statute, which is enacted before January 1,
6 2005, deletes or extends that date.

7 SEC. 3. Notwithstanding Section 17610 of the
8 Government Code, if the Commission on State Mandates
9 determines that this act contains costs mandated by the
10 state, reimbursement to local agencies and school
11 districts for those costs shall be made pursuant to Part 7
12 (commencing with Section 17500) of Division 4 of Title
13 2 of the Government Code. If the statewide cost of the
14 claim for reimbursement does not exceed one million
15 dollars (\$1,000,000), reimbursement shall be made from
16 the State Mandates Claims Fund. Notwithstanding
17 Section 17580 of the Government Code, unless otherwise
18 specified in this act, the provisions of this act shall become
19 operative on the same date that the act takes effect
20 pursuant to the California Constitution.

21 SEC. 4. This act is an urgency statute necessary for the
22 immediate preservation of the public peace, health, or
23 safety within the meaning of Article IV of the
24 Constitution and shall go into immediate effect. The facts
25 constituting the necessity are:

26 In order to address the public health concerns of the
27 people using the groundwater of the San Gabriel Valley
28 Basin, and allow them to vote whether to receive, as part
29 of that groundwater, reclaimed water, it is necessary that
30 this act take effect immediately.