



**Mariposa County
Department of Public Works**

Airport – Cemeteries – Engineering – Facilities
Fleet Maintenance – Parks & Rec – Plant Operations
Roads – Solid Waste – Surveyor – Transportation

4639 Ben Hur Road
Mariposa, CA 95338
(209) 966-5356 office
(209) 966-2828 fax
www.mariposacounty.org

REVISED AGENDA

NOTICE OF MEETING AND AGENDA

MARIPOSA COUNTY WATER AGENCY ADVISORY BOARD

DATE: February 28, 2022

TIME: 3:00 p.m.

LOCATION: Board Hearing Room

5100 Bullion St. Mariposa, CA 95338

Call in:

United States: +1 (312) 757-3121

Access Code: 700-855-101

1. Call to Order and Introductions

2. Public Comment Persons wishing to speak on a matter not on the agenda, but within the jurisdiction of the committee. No action may be taken by the Committee. The public will also be given the opportunity to comment before or during the Committee's consideration of items that are on the agenda.

3. Approve minutes of September 9, 2021

4. Action Items:

a. Elect Chair

b. Elect Vice Chair

c. Review and approve the RFP for Engineering Services for Preparation of a Feasibility Study for New Water Resources Projects

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Public Works Department at (209) 966-5356.

- d. Recommend to the Board of Supervisors that an audit of the MID Settlement and annual payments be conducted

5. Discussion Items:

- a. Discuss the impact of Senate Bill 552 Chapter 245 (Hertzberg)

6. Set Next Meeting Date and Time

7. Adjourn



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MARIPOSA COUNTY WATER AGENCY ADVISORY BOARD

MINUTES

September 9, 2021

Members Present: Michael Martin, John McCamman, Robert Keller, Art Baggett

Members Absent: Brenda Ostrum, Daniel Hankemeier, Sonny Palmer

MPUD Ex Officio: Susan Wages

BOS Liaison Present: None

County Staff Present: Steve Dahlem, Jean Dordan, Dallin Kimble

Guests: Mike Henderson

1. **Call to order:** 3:05 pm.
2. **Public Comment:** None
3. **Approve minutes:** May 27, 2021 (M) Art Baggett (S) Mike Martin
6. **Discussion and Action Items:**

John McCamman talked about two members of the committee who have not attended a meeting since 2019. Brenda Ostrum from District IV and Daniel Hankemeier from District II are removed from the committee as stated in the resolutions establishing the Water Agency Advisory Board, which vacates a position if the incumbent misses three meetings. Vacancies will be posted.

At the August 10, 2022 Board of Supervisors meeting, it was voted to develop an RFP or RFQ to do a feasibility study of implementation of the MID Settlement. The overall budget for implementation is \$250,000, but it is not anticipated that the entire

amount will be spent on the feasibility portion of the project. The RFP language should involve Public Works, Planning, and the Water Agency Advisory Board to put together items that should be included in the process and start a subcommittee that Mike Martin will participate in.

Dallin Kimble agrees with an audit of MID Settlement funds, which are based on a portion of net power revenues from MID. Also, the amount contributed to the settlement escrow account is based on these calculations. As such, an evaluation of the proceeds of MID's power operations is in order, and will take specialized audit expertise.

Currently there is \$166,000 in the Water Agency fund available for projects within the context of the Water Agency's authority. MID Settlement funds are in the general fund, not the Water Agency fund.

Mike Martin and Susan Wages will work with Jean Dordan to add studies and other documents to the Water Agency portal page on the County website.

Continued discussion of the RFP/RFQ identified potential water demands and the beneficial use, and both practical and useful. A bottled water plant has been mentioned and whether it would be allowed distribution outside of the County. Mike Martin speaks of a conservation fish hatchery for Steelhead Trout which would be used to reintroduce them back in the Merced River. The project must be in Mariposa County. Discussion was of diversion of water out of McClure to sell that water. Water must be taken out of Lake McClure. A trout hatchery is not a money maker but would be beneficial to the County and there would be a byproduct of water that is not potable but could be used for other applications.

RFP should include language of what type of projects would benefit the County. Suggested projects included should be ones that would generate revenue. Conservation language should be included with irrigation, storage, and municipal use. Art Baggett suggested whether there any funding sources available for any projects. Research should include any grants or outside funds to utilize with it. Range of cost for projects to maximize the use of the water for future economic development.

John McCamman mentioned attending the ACWA (Association of California Water Agencies) conference this year and suggests that the Water Agency should see what other counties are doing. The ACWA Conference would be a good place to contact other counties.

8. Set next meeting Date and Time: 11/18/21 at 1:00 pm (Every 3 months)

9. Adjourn: Meeting Adjourned at 4:18 PM

REQUEST FOR PROPOSAL

ENGINEERING SERVICES FOR THE PREPARATION OF A FEASIBILITY STUDY FOR NEW WATER RESOURCE PROJECTS AT LAKE McCLURE, MAXWELL CREEK, & BEAN CREEK COUNTY OF MARIPOSA, CALIFORNIA

Work Items to Include:

1. Determine beneficial uses that new project(s) at Lake McClure, Maxwell Creek and Bean Creek could provide to the County.
2. Prepare a Feasibility Report(s) that includes research of previous studies, similar agency example projects, concept designs, and supporting documentation for the future Preliminary Engineering / Final Engineering Phases.

DATE ISSUED: **DATE TBD, 2022**

PROPOSALS DUE: **DATE TBD, 2022 (2pm Thursday)**

SUBMIT TO: County Engineer
Mariposa County
4639 Ben Hur Road
Mariposa, CA 95338

REFER QUESTIONS TO: **Gary Brown, County Engineer**

MARIPOSA COUNTY REQUEST FOR PROPOSAL ENGINEERING SERVICES FOR PREPARATION OF A FEASIBILITY STUDY FOR POTENTIAL WATER RESOURCE PROJECTS

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MARIPOSA COUNTY REQUEST FOR PROPOSAL

ENGINEERING SERVICES FOR PREPARATION OF A FEASIBILITY STUDY FOR POTENTIAL WATER RESOURCE PROJECTS

SECTION I – GENERAL INFORMATION

I-1. Request for Proposals

The County of Mariposa is requesting proposals from qualified firms to provide Engineering Services for the Preparation of a Feasibility Study, for Potential Water Projects in the County of Mariposa.

The Work items consist of (1) Determine beneficial uses that new projects at Lake McClure, Maxwell Creek and Bean Creek could provide to the County. (2) Prepare a Feasibility Report that includes research of previous studies, similar agency example projects, concept designs, and supporting documentation for the future Preliminary Engineering/ Final Engineering Phases. The Report should include anticipated project costs (adjusted for inflation) and a schedule that meets the strict M.I.D. Settlement Requirements.

The selected firm will be expected to provide all described services - either through "In-House" or through the use of sub-consultants. In any case, the consultant under contract with the County will be expected to manage the project and be the sole point of contact on all items in the contract.

Proposals will be due by **2:00 P.M. on DATE TBD 2022**. To be considered, the submittal must be delivered to the Mariposa County Department of Public Works, 4639 Ben Hur Road, Mariposa, CA 95338. The County reserves the right to reject any or all Proposals submitted.

During the evaluation process Mariposa County reserves the right, where it may serve the County's best interest, to request additional information or clarification from proposers, or to allow corrections of errors or omissions. At the discretion of Mariposa County, firms submitting proposals may be requested to make oral presentations as part of the evaluation process.

The County reserves the right to retain all Proposals submitted and to use any idea(s) included in a proposal regardless of whether that proposal is selected unless proprietary.

It is anticipated the selection of the firm (based on merit alone) will be completed by **DATE TBD 2022**. Following the notification of the selected firm, their fixed fee schedule will be reviewed by Public Works and compared to the staff engineer's estimate for the expected consulted fees. Negotiation may result. Once pricing has been made acceptable to all parties the project will be awarded and the contract will be written. The County retains the right to waive any non-material irregularities or information in any proposal, and to accept or reject any items or combination of items. The proposals also become the property of Mariposa County.

MARIPOSA COUNTY REQUEST FOR PROPOSAL

ENGINEERING SERVICES FOR PREPARATION OF A FEASIBILITY STUDY FOR POTENTIAL WATER RESOURCE PROJECTS

I-2. Tentative Project Milestones

Schedule (TBD)

Research Prior Feasibility Studies, Similar Agency Projects, and the M.I.D. Settlement Agreements and related documents.

<http://www.mariposacounty.org/2551/Water-Agency-Advisory-Board>

Schedule (TBD)

Provide a list of Projects that would benefit the County, including comparisons to projects that have been competed by similar agencies.

Schedule (TBD)

Provide conceptual project design, cost estimates and implementation schedule for proposed new projects.

Schedule (TBD)

Provide a draft Feasibility Study for review by Mariposa County and The Mariposa Water Agency Advisory Board.

Schedule (TBD)

Provide a final Feasibility Study that incorporates Mariposa County and Mariposa Water Agency comments.

I-3. Official Contacts

Questions by phone or in writing regarding the scope of services or other RFP related questions must be directed to:

Gary Brown, County Engineer
(209) 966-5356, E-mail: gbrown@mariposacounty.org

I-4. Proposals Due Date

(4) four printed sets plus (1) one Disc/USB copy of the Proposals must be delivered to the Mariposa County Department of Public Works, 4639 Ben Hur Road, Mariposa, CA 95338 no later than **DATE TBD, 2022 at 2:00 P.M. local time. Facsimile or electronically transmitted proposals **will not** be accepted. Late proposals will be kept by the County, but not considered for award. The Proposals must each be sealed, with separately sealed Fee Schedule, and clearly addressed and marked with the RFP title.**

Any proposal may be withdrawn at any time before the "Proposals Due" date and time, by providing a written request for the withdrawal of the proposal to the County Engineer. A duly authorized representative of the firm shall execute the request. Withdrawal of a proposal will not prejudice the right of the qualifier to file a new proposal.

I-5. Addenda

The County may modify the RFP at any time prior to the RFP due date. It is recommended that proposers periodically check with the Department of Public Works at (209) 966-5356, via email

MARIPOSA COUNTY REQUEST FOR PROPOSAL

ENGINEERING SERVICES FOR PREPARATION OF A FEASIBILITY STUDY FOR POTENTIAL WATER RESOURCE PROJECTS

to County Engineer at gbrown@mariposacounty.org, & <http://www.mariposacounty.org/bids.aspx> for any posted addenda. Proposers who have submitted proposals prior to the due date will also be notified through their contact information provided with their proposal. Addenda will be numbered consecutively. Verbal modifications to the RFP specifications shall not be binding upon the County.

I-6. Irregularities

The County reserves the right to waive any non-material irregularities or information in the RFP or in any proposal.

I-7. Incurred Costs

The County is not liable for any costs incurred by a proposer in the preparation and/or presentation of a proposal.

I-8 Equal Opportunity Policy for Contractors

Mariposa County requires all proposers to comply with Federal, State and Local Law and Ordinances with regard to equal opportunity practices that all programs, services, employment opportunities, and volunteer positions and contracts are open to all persons without regard to race, religion, color, national origin, sex, age, marital status, disability, or political affiliation. Mariposa County does not require a business license.

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ENGINEERING SERVICES FOR PREPARATION OF A FEASIBILITY STUDY FOR POTENTIAL WATER RESOURCE PROJECTS

SECTION II – PROPOSAL FORM AND CONTENT

II-1 Proposal Submittal

Proposals shall be prepared simply and economically, providing a straightforward, concise description of the proposer's capabilities to satisfy the requirements of the RFP, and should be easily reproducible.

All pages of the proposal must be numbered consecutively. The proposal shall not be excessive but instead should be concise. The proposal must be organized in accordance with the list of proposal contents.

II-2 Proposal Form and Content

Proposals should minimally include the following items in their proposals.

- A. All proposals must include a cover letter addressed to County Engineer, 4639 Ben Hur Road, Mariposa, CA 95338 and signed by a duly constituted official legally authorized to bind the applicant to the proposal. The cover letter must include name, address, and telephone number of the proposer submitting the Proposal and the name, title, address, telephone number, FAX number and email address of the person, or persons to contact who are authorized to represent the proposer and to whom correspondence should be directed.

- B. Table of Contents

Include a clear identification of the item by section and by page number.

- C. Executive Summary

The proposer may use this section to introduce the proposal or to summarize the key provisions of the Proposal.

- D. Statement of Understanding

The proposer shall include a detailed statement of understanding of the project.

- E. Project Team and Proposals

This portion should include the name of the person who will be responsible for the management and administration of the Project for the County with a resume of that person's experience and proposals, the names and resumes of their assigned staff, relevant technical experience, and the availability of staff for the services. After selection of a firm by the County, no substitution of key staff or sub-contractors may occur without the written approval of the County. Sub-consultants should be listed similarly.

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ENGINEERING SERVICES FOR PREPARATION OF A FEASIBILITY STUDY FOR POTENTIAL WATER RESOURCE PROJECTS

F. Similar Project Examples and References

The proposal should include a listing of public sector assignments that can support the proposer's abilities to fulfill the services requested in this RFP. At a minimum, the listing should include project title, project location, jurisdiction, project manager contact information and range of project budget, and any other information that could be useful during the evaluation process.

1. A list of related, recent projects should be included with the name of the contact person and the telephone number for which the firm has recently or currently provides services under the scope of work.
2. Scope of Work: The firm shall describe the proposed work by task, including any tasks that had been performed by sub-contractors.

G. Additional Information

Any other information that the proposer feels applicable to the evaluation of the proposal or of their proposal for accomplishing the project should be included in this section. You may use this section to address those aspects of your services that distinguish your firm from other firms.

H. Fee Schedule

The Cost Proposal should be written in the format of FIXED FEE that includes each of the required work items. The work items can be further detailed according to the firm's understanding of the necessary elements. The Fee Schedule must be provided in a separately sealed envelope.

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SECTION III – BACKGROUND, GENERAL CONDITIONS & SCOPE OF SERVICES

III-1. Background

The County of Mariposa entered into two agreements with the Merced Irrigation District “M.I.D.” in April 2017. The agreements are part of a lawsuit settlement, providing a unique opportunity for Mariposa County to develop (2) two new water resource “Diversion” projects at Lake McClure (Northside and Southside). The agreement includes as much as a total \$18 million plus accrued interest to build these projects – from feasibility through design and construction. The water supply volume for these projects will not exceed 8,000 acre-feet per year. These projects must be completed by May 2047 – in accordance with the referenced agreements.

A separate item in the agreement with M.I.D. includes the ability of the County to develop new water resource projects on both Maxwell Creek (up to 4,000 acre-feet per year), and Bean Creek (up to 1,200 acre-feet per year). These potential projects also must be completed by May 2047, but they would need to be financed by a separate funding mechanism. The following web link contains related background documents for this project.

<http://www.mariposacounty.org/2551/Water-Agency-Advisory-Board>

Genesis of Project

Merced Irrigation District and County of Mariposa Settle Water Rights Dispute

- After several years of litigation, the County of Mariposa (the “County”) and Merced Irrigation District (“MID”) settled a long-standing dispute regarding their respective rights under a 1960 water rights agreement, which related to MID’s construction of the New Exchequer Dam.
- MID originally filed the lawsuit in 2013, which primarily concerned whether MID was required to make additional payments to the County under the 1960 agreement after 2015.
- MID argued the payments were conditioned upon the County’s construction of a water resources project on the South Fork of the Merced River, and (i) the County had not developed a water resources project on the South Fork, and (ii) development of a water resources project on the South Fork was legally impossible because the South Fork had been designated “wild and scenic” under the federal Wild & Scenic Rivers Act (the “WSRA”).
- The County countered that (i) its receipt of the future payments was not conditioned upon its construction of a water resources project, and (ii) the WSRA did not render a future water resources project impossible.
- The parties reached a settlement to resolve the above disputes, which includes the following:

MARIPOSA COUNTY REQUEST FOR PROPOSAL

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- An initial one-time payment by MID to the County of \$1,500,000 that may be used for any purpose.
- Annual payments of 2% of MID's annual gross hydroelectric generation revenues (in an amount not to exceed \$300,000/year) that may be used for any purpose, for up to 30- years.
- Annual payments of 6% of MID's annual gross hydroelectric generation revenues, up to
- \$18,000,000 in total deposits, that the County may use to develop two water resources projects at Lake McClure (one on the east side, one on the west side). Any unused funds at the end of the 30-year period (or after the completion of the two projects if that occurs sooner) to be split 50/50 between MID and the County.
- A water supply for the water resources projects of up to 8,000 acre-feet per year ("AFY"), without charge, with the same level of priority as MID's Class 2 users.
- Preservation of 30,000 acre-feet per year of the County's water rights from the South Fork of the Merced River; and

For a 30-year period, the County's continued ability to develop water resources projects on Maxwell Creek (4,000 AFY) and Bean Creek (1,200 AFY). After any such project is developed, the right to use such water would extend in perpetuity

III-2. General Conditions

The County of Mariposa shall not be liable for any pre-contractual expenses incurred by the consultant, nor shall any firm include such expenses as part to the proposed cost. Pre-contractual expenses include any expense incurred by a proposal and negotiation of any terms with the County.

The County reserves the right to withdraw this RFP at any time without prior notice and to reject any and all proposals submitted without indicating any reasons. Any award of contract for services shall be made to the firms best qualified and responsive in the opinion of the County.

Proposals may, at the County's option, be rejected if they contain any alterations, additions, conditional or alternatives, are incomplete, or contain erasures or irregularities of any kind. The County reserves the right to reject all proposals. The County expressly reserves the right to postpone submittal opening for its convenience and to reject any and all submittals responding to this RFP.

The selected firm(s) must agree to indemnify, hold harmless and defend the county, its officers, agents and assigns from any liability or loss resulting from suits, claims, or actions brought against the County which result directly or indirectly from the wrongful or negligent actions of the consultant in the performance of the contract.

The selected firm will be required to comply with all existing State and Federal labor laws including those applicable to equal opportunity employment provisions.

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All responses to this RFP shall become the property of the County of Mariposa and will be retained or disposed of accordingly.

No amendments, additions or alternates shall be accepted after the submission date and time.

All documents, records, designs, and specifications developed by the selected firm in the course of providing services for Mariposa County shall be the property of the County. Anything considered to be proprietary should be so designated by the firm.

Acceptance by the County of any proposal submitted pursuant to this RFP shall not constitute any implied intent to enter a contract for services.

The County reserves the right to issue a written notice to all participating firms of any change in the proposal submission schedule should the County determine, in its sole discretion, that such changes are necessary.

MARIPOSA COUNTY REQUEST FOR PROPOSAL

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III-3. Scope of Services

To deliver Work Items: (1) Determine Beneficial uses that new projects at Lake McClure, Maxwell Creek and Bean Creek could provide to the County; (2) Prepare Final Feasibility Report for the construction of new projects at each proposed location.

Item #1 Determine Beneficial uses that a new project(s) at Lake McClure, Maxwell Creek and Bean Creek could provide to the County.

This item includes research of prior feasibility studies, similar agency projects, and the M.I.D. Settlement Agreement. There are several studies over the past fifty-plus years regarding water project(s) that the county has initiated. The McCreary-Koresky (1972), Mariposa Basin Study (1978) and Tudor (1988) studies have all begun to address issues related to feasible projects, though not with the constraints imposed by the settlement agreement. These (3) studies will be provided to the selected consultant. The consultant should identify other similar agency projects for review and comparison purposes.

The M.I.D. Settlement Agreement, dated April 2017, includes a detailed account of the funds available and timeline requirements for completion of project construction.

The firm shall provide several examples of water resource projects that are consistent with parameters in the County – including mountain terrain and large distances between communities. The review should consider all aspects of environmental impact and should identify the required environmental studies needed during the Preliminary Engineering & Final Engineering Phases of any selected future project(s).

There are many potential benefits in the accumulation of water from a renewable water source like the Merced River. Some potential benefits include Flood Protection, Wildland Fire Protection Water Storage, Watershed Protection, Public Recreation, Fish Hatchery and Agricultural Irrigation. However, the actual location available for projects may limit the practicable and feasible use of water volumes. Specifically, the distance of required pumping, storage and pipeline infrastructure required to access the water volume from the projects may be unrealistic.

The feasibility study/report will also need to consider and include in the draft and final reports documented limitations that are referenced in the Background Section (III-1 Background) and noted background web link of this document.

Deliverable #1: The consultant will be expected to provide a Draft Feasibility Study that includes a list of new projects that can be constructed at each of the noted locations, with a benefit cost analysis including conceptual project costs and schedules.

Item #2 Provide Final Feasibility Report for the construction of new projects at each proposed location.

The goal of the Feasibility Report is to determine how construction of new projects at each of the (3) referenced locations can benefit the County's water resource capabilities. The report shall include all appropriate designs, details, costs, and schedules so that a selection of projects can be made. Finally, the report shall include sufficient due diligence to support the separate and future Preliminary Engineering and Final Engineering Phases.

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Deliverable #2: The Feasibility Study shall include reviews of the Draft Feasibility Study by both the Mariposa County Public Works Department and the Mariposa Water Agency Board.

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ENGINEERING SERVICES FOR PREPARATION OF A FEASIBILITY STUDY FOR POTENTIAL WATER RESOURCE PROJECTS

III-4. Selection Procedure

The County intends to retain the selected firm evaluated to be the best qualified to perform the work for the County, cost and other factors considered. The County shall screen all applications and the top candidates may be selected for formal interviews. Proposals will be screened by a review panel of (5) five representatives of Mariposa County. The panel will determine the firms selected for interview if interviews are deemed necessary.

In reviewing the proposals, each member of the review panel will carefully score the following criteria, based on a maximum score 100 points, where each of the (4) Items are each scored 1 through 25. If formal interviews are invited, the review panel will rank the results of the interview in a succeeding order. The winner will be the firm at the top of the sequence.

- Does the Firm have relevant experience in the preparation of Feasibility Studies in the development of Water Resource Projects?
- Does the Firm include specific qualified staff that will perform the required work?
- Does the Firm provide samples of similar recent studies or projects that were completed successfully, within budget, and to the satisfaction of the reviewing agency?
- Does the Firm include a schedule for completion that meets the needs of the RFP?

The county will require the firm selected to maintain general liability, automobile, workers' compensations, and errors and omissions insurance. The contract will contain provisions requiring the selected firm to indemnify the County and provide that the Consultant is an independent contractor serving at the will of the County. Other required provisions include County Board of Supervisors right to terminate the agreement, at its sole discretion, upon the provision of notice.



SB-552 Drought planning: small water suppliers: nontransient noncommunity water systems. (2021-2022)

SHARE THIS:  

Date Published: 09/24/2021 02:00 PM

Senate Bill No. 552

CHAPTER 245

An act to add Part 2.56 (commencing with Section 10609.50) to Division 6 of the Water Code, relating to water.

[Approved by Governor September 23, 2021. Filed with Secretary of State September 23, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 552, Hertzberg. Drought planning: small water suppliers: nontransient noncommunity water systems.

Existing law declares that small water suppliers and rural communities are often not covered by established water shortage requirements, and that the state should provide guidance to improve drought planning for small water suppliers and rural communities. Existing law required the Department of Water Resources, in consultation with the State Water Resources Control Board and other relevant state and local agencies and stakeholders, to use available data to identify, no later than January 1, 2020, small water suppliers and rural communities that may be at risk of drought and water shortage vulnerability. To implement this directive, the department formed a stakeholder advisory group, the County Drought Advisory Group. Existing law required the department, in consultation with the state board, to propose to the Governor and the Legislature, by January 1, 2020, recommendations and guidance relating to the development and implementation of countywide drought and water shortage contingency plans to address the planning needs of small water suppliers and rural communities, as provided.

This bill would require small water suppliers, as defined, serving 1,000 to 2,999 service connections, inclusive, and nontransient noncommunity water systems that are schools, no later than July 1, 2023, to develop and maintain an abridged Water Shortage Contingency Plan that includes specified drought-planning elements. The bill would require a small water supplier serving fewer than 1,000 service connections to add drought planning elements to its emergency notification or response plan and submit the plan to the state board. The bill would require these water systems to report annually specified water supply condition information to the state board through the state board's Electronic Annual Reporting System or other reporting tool, as directed by the state board. The bill would require small water suppliers and nontransient noncommunity water systems that are schools to implement, subject to funding availability, specified drought resiliency measures, including, among others, having at least one backup source of water supply and metering each service connection. The bill would exempt from these provisions small water suppliers, or small water suppliers integrated into larger water systems, that voluntarily choose to instead comply with specified existing law relating to urban water management plans.

This bill would require a county to establish a standing county drought and water shortage task force to facilitate drought and water shortage preparedness for state small water systems and domestic wells within the county's jurisdiction, as provided. The bill would authorize a county, in lieu of establishing a standing task force, to establish an alternative process that facilitates drought and water shortage preparedness for state small water

systems and domestic wells within the county's jurisdiction, as provided. The bill would provide that a county that establishes a drought task force on or before January 1, 2022, shall be deemed in compliance with these requirements as long as the task force continues to exist. The bill would require a county to develop a plan that includes potential drought and water shortage risk and proposed interim and long-term solutions, as provided. Because the bill would impose additional duties on counties, the bill would impose a state-mandated local program.

This bill would require the department to take specified actions to support implementation of the recommendations from the County Drought Advisory Group. The bill would require the department to establish a standing interagency drought and water shortage task force to, among other things, facilitate proactive planning and coordination, both for predrought planning and postdrought emergency response, which shall consist of various representatives, including representatives from local governments. Because the bill would impose additional duties on local governments, the bill would impose a state-mandated local program.

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.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Part 2.56 (commencing with Section 10609.50) is added to Division 6 of the Water Code, to read:

PART 2.56. Drought Planning for Small Water Suppliers, State Small Water Systems, and Domestic Well Communities

CHAPTER 1. General Provisions

10609.50. The Legislature finds and declares all of the following:

(a) Droughts are predicted to become more frequent, longer, and more severe as climate change progresses, putting drinking water supplies at risk of running dry or becoming contaminated.

(b) As demonstrated by the most recent drought from 2012 to 2016, inclusive, (2012–16 drought) drought conditions disproportionately impact low-income, small, and rural communities, as demonstrated by all of the following:

(1) (A) Rural communities are more likely to rely solely on groundwater from small water suppliers or domestic wells.

(B) Domestic wells tend to be shallower and are susceptible to running dry when groundwater is overpumped.

(2) (A) The 2012–16 drought negatively impacted over 480,000 people relying on drought-impacted public water systems.

(B) Seventy-six percent of impacted public water systems were small, serving 1,000 service connections or fewer and concentrated in the southern San Joaquin Valley.

(c) There are currently varying levels of water contingency planning and coverage across counties for small water suppliers and self-supplied communities, leaving hundreds of thousands of people at risk of going without water to meet their basic household and drinking water needs during the next drought.

(d) If another drought occurs that is as severe as the 2012–16 drought, more than 4,500 domestic wells in the San Joaquin Valley may be impacted. The cost to mitigate this damage could be more than one hundred fifteen million dollars (\$115,000,000).

(e) No one should go without running water during a drought. California can take basic steps to implement more proactive drought planning that would benefit the communities most at risk, and by doing so help prevent catastrophic impacts on drinking water for the communities most vulnerable to the impacts of climate change.

10609.51. For purposes of this part, the following definitions apply:

- (a) "Community water system" has the same meaning as defined in Section 116275 of the Health and Safety Code.
- (b) "County Drought Advisory Group" means the group created by the department to implement Chapter 10 (commencing with Section 10609.40) of Part 2.55.
- (c) "Department" means the Department of Water Resources.
- (d) "Domestic well" has the same meaning as defined in Section 116681 of the Health and Safety Code.
- (e) "Fund expenditure plan" means the fund expenditure plan established in Section 116768 of the Health and Safety Code.
- (f) "Groundwater sustainability agency" has the same meaning as defined in Section 10721.
- (g) "Nontransient noncommunity water system" has the same meaning as defined in Section 116275 of the Health and Safety Code.
- (h) "Public water system" has the same meaning as defined in Section 116275 of the Health and Safety Code.
- (i) "Risk vulnerability tool" means the tool created by the department to implement Chapter 10 (commencing with Section 10609.40) of Part 2.55.
- (j) "Rural community" means a community with fewer than 15 service connections, or regularly serving less than 25 individuals daily at least 60 days out of the year.
- (k) "Small water supplier" means a community water system serving 15 to 2,999 service connections, inclusive, and that provides less than 3,000 acre-feet of water annually.
- (l) "State board" means the State Water Resources Control Board.
- (m) "State small water system" has the same meaning as defined in Section 116275 of the Health and Safety Code.

CHAPTER 2. Small Water Suppliers and Nontransient Noncommunity Water Systems

10609.60. (a) No later than July 1, 2023, and updated every five years thereafter, a small water supplier serving 1,000 to 2,999 service connections, inclusive, and a nontransient noncommunity water system that is a school shall each develop and maintain, onsite, an abridged Water Shortage Contingency Plan (WSCP) that includes, at a minimum, all of the following drought-planning elements:

(1) Drought-planning contacts, including all of the following:

(A) At least one contact at the water system for water shortage planning and response and the development of the plan.

(B) Contacts for local public safety partners and potential vendors that can provide repairs or alternative water sources, including, but not limited to, local community-based organizations that work with the population in and around areas served by the water system, contractors for drilling wells, vended water suppliers, and emergency shower vendors.

(C) State and local agency contacts who should be informed when a drought or water shortage emergency is emerging or has occurred.

(D) Regional water planning groups or mutual aid networks, to the extent they exist.

(2) Triggering mechanisms and levels for action, including both of the following:

(A) Standard water shortage levels corresponding to progressive ranges based on the water supply conditions. Water shortage levels shall also apply to catastrophic interruption of water supplies, including, but not limited to, a regional power outage, an earthquake, a fire, and other potential emergency events.

(B) Water shortage mitigation, response, customer communications, enforcement, and relief actions that align with the water shortage levels required by subparagraph (A).

(b) A small water supplier serving 1,000 to 2,999 service connections, inclusive, and a nontransient noncommunity water system that is a school shall each make the abridged Water Shortage Contingency Plan

available on their individual internet websites, if any. A small water supplier serving 1,000 to 2,999 service connections, inclusive, or a nontransient noncommunity water system that is a school that does not have an internet website shall make the abridged Water Shortage Contingency Plan available to persons upon request. The abridged Water Shortage Contingency Plan shall be provided to the state board's Division of Drinking Water for inspection upon demand.

(c) A small water supplier serving fewer than 1,000 service connections shall add drought planning elements, including, but not limited to, those listed in paragraph (1) of subdivision (a) and subparagraph (A) of paragraph (2) of subdivision (a), to its emergency notification or response plan and submit the plan to the state board. The plan shall be updated every five years, or when significant changes occur.

(d) No later than December 31, 2022, the department and the state board shall create an abridged Water Shortage Contingency Plan template for small water suppliers serving 1,000 to 2,999 service connections, inclusive, and nontransient noncommunity water systems that are schools to facilitate implementation of this section.

(e) To the extent that funding is made available, the state board shall offer technical assistance to small water suppliers serving fewer than 1,000 service connections and nontransient noncommunity water systems that are schools to improve drought and water shortage resiliency, including requirements related to the emergency notification or response plan.

10609.61. A small water supplier and a nontransient noncommunity water system that is a school shall each report annually water supply condition information to the state board through the state board's Electronic Annual Reporting (eAR) System or other reporting tool, as directed by the state board. Water supply condition information includes, but is not limited to, both of the following:

(a) An inventory and assessment of each water supply source, including its available status and if any further investments or treatment are required for its utilization, any lead time required for its utilization, and its delivery parameters such as flow rate and total volume available.

(b) The reporting year's total water demand volume for each month, and average and peak flowrate demand for each month and annually.

10609.62. Small water suppliers and nontransient noncommunity water systems that are schools shall implement, subject to funding availability, all of the following drought resiliency measures:

(a) No later than January 1, 2023, implement monitoring systems sufficient to detect production well groundwater levels.

(b) Beginning no later than January 1, 2023, maintain membership in the California Water/Wastewater Agency Response Network (CalWARN) or similar mutual aid organization.

(c) No later than January 1, 2024, to ensure continuous operations during power failures, provide adequate backup electrical supply.

(d) No later than January 1, 2027, have at least one backup source of water supply, or a water system intertie, that meets current water quality requirements and is sufficient to meet average daily demand.

(e) No later than January 1, 2032, meter each service connection and monitor for water loss due to leakages.

(f) No later than January 1, 2032, have source system capacity, treatment system capacity if necessary, and distribution system capacity to meet fire flow requirements.

10609.63. This chapter does not apply to small water suppliers, or small water suppliers integrated into larger water systems, that voluntarily choose to instead comply with Chapter 3 (commencing with Section 10620) of Part 2.6.

CHAPTER 3. State Small Water Systems Serving 5 to 14 Service Connections, Inclusive, and Domestic Wells

10609.70. (a) (1) A county shall establish a standing county drought and water shortage task force to facilitate drought and water shortage preparedness for state small water systems and domestic wells within the county's jurisdiction, and shall invite representatives from the state and other local governments, including groundwater sustainability agencies, and community-based organizations, local water suppliers, and local residents, to participate in the task force.

(2) In lieu of the task force required by paragraph (1), a county may establish an alternative process that facilitates drought and water shortage preparedness for state small water systems and domestic wells within the county's jurisdiction. The alternative process shall provide opportunities for coordinating and communicating with the state and other local governments, community-based organizations, local water suppliers, and local residents on a regular basis and during drought or water shortage emergencies.

(3) A county that establishes a drought task force on or before January 1, 2022, shall be deemed in compliance with this subdivision as long as the task force continues to exist.

(b) A county shall develop a plan that includes potential drought and water shortage risk and proposed interim and long-term solutions for state small water systems and domestic wells within the county's jurisdiction. The plan may be a stand-alone document or may be included as an element in an existing county plan, such as a local hazard mitigation plan, emergency operations plan, climate action plan, or general plan. A county shall consult with its drought task force or alternative coordinating process as established by this section in developing its plan. A county shall consider, at a minimum, all of the following in its plan:

- (1) Consolidations for existing water systems and domestic wells.
- (2) Domestic well drinking water mitigation programs.
- (3) Provision of emergency and interim drinking water solutions.
- (4) An analysis of the steps necessary to implement the plan.
- (5) An analysis of local, state, and federal funding sources available to implement the plan.

(c) The state board shall work with counties, groundwater sustainability agencies, technical assistance providers, nonprofit organizations, community-based organizations, and the public to address state small water system and domestic well community drought and emergency water shortage resiliency needs, including both of the following:

- (1) Proactive communication to domestic well communities before a drought occurs, such as information on local bottled water and water tank providers.
- (2) Funding for installation of basic drought and emergency water shortage resiliency infrastructure, such as well monitoring devices.

CHAPTER 4. State Agency Implementation

10609.80. (a) The department shall take both of the following actions to support implementation of the recommendations of its County Drought Advisory Group:

(1) Maintain, in partnership with the state board and other relevant state agencies, the risk vulnerability tool developed as part of the County Drought Advisory Group process and continue to refine existing data and gather new data for the tool, including, but not limited to, data on all of the following:

- (A) Small water suppliers and nontransient noncommunity water systems serving a school.
- (B) State small water systems and rural communities.
- (C) Domestic wells and other self-supplied residents.

(2) Update the risk vulnerability tool for small water suppliers and rural communities periodically, by doing all of the following:

- (A) Revise the indicators and construction of the scoring as more data becomes readily available.
- (B) Make existing and new data publicly available on the California Open Data internet web portal.
- (C) In consultation with other relevant state agencies, identify deficits in data quality and availability and develop recommendations to address these gaps.

(b) (1) The department, in collaboration with the state board and relevant state agencies, shall establish a standing interagency drought and water shortage task force to facilitate proactive state planning and coordination, both for predrought planning and postdrought emergency response, to develop strategies to enhance collaboration between various fields, and to consider all types of water users.

(2) The interagency drought and water shortage task force shall include representatives from local governments, community-based organizations, nonprofit technical assistance providers, the public, and experts in land use planning, water resiliency, and water infrastructure.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.