



Action Item: Update on Office of Administrative Law Decision on Agricultural Water Measurement Regulation and Consideration of DWR Proposal for Revision to Regulation

SBX7-7, enacted in November of 2009, includes provisions on water conservation, measurement, and reporting activities for agricultural water suppliers. One part of this law requires the Department of Water Resources to adopt regulations that provide for a range of options that agricultural water suppliers may use to comply with a new requirement to measure the volume of water delivered to customers.

For the past year, DWR has coordinated with the Agricultural Water Management Council and a stakeholder committee to develop regulations on a range of agricultural water measurement options that water suppliers may use to measure water delivered to customers.

Background

At the May 18 and June 15 meetings of the California Water Commission, and the May 11 and June 7 meetings of the Commission's Rules and Regulation Committee, the Commission heard public comment regarding DWR's proposed Agricultural Water Measurement Regulation. On June 15, the Commission approved language for the emergency and permanent regulations by an 8-1 vote.

In June 2011, DWR submitted the emergency regulation to the Office of Administrative Law (OAL). The emergency regulation was approved by OAL on July 5 and is in effect for 180 days. DWR also submitted the permanent regulation to the OAL to begin the permanent rulemaking process which included a 45-day public comment period beginning July 22 and two public hearings. The hearings were held on August 24 in Sacramento and September 8 in Fresno.

In September 2011, DWR staff reported back to the Commission on the results of the public comment period. They recommended two changes as well as some clarifying edits. The Commission voted 6-2 to approve the staff edits, which triggered an additional 15-day public comment period.

In October 2011, the Commission approved additional changes which triggered a second 15-day comment period. At the November meeting, the Commission gave final approval to the language as previously approved at their October meeting. DWR sent the adopted language to the OAL for final approval.

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On February 2, 2012, the OAL disapproved the regulation. DWR will brief the Commission on the reasons for the disapproval. DWR will also present draft changes to the regulation for Commission consideration and public comment.

Any additional information, from OAL or the public, will be submitted to the Commission for review as it is received.

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