
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 1373 (Soria) - Water quality: state certification

Version: May 23, 2025

Urgency: No

Hearing Date: August 18, 2025

Policy Vote: E.Q. 8 - 0

Mandate: No

Consultant: Ashley Ames

Bill Summary: This bill would require the State Water Resources Control Board (State Water Board) to hold a public hearing before acting on an application for certification for a license to operate a hydroelectric facility

Fiscal Impact:

- The State Water Board estimates ongoing costs of between \$2.5 and \$5.5 million annually (Water Rights Fund) to prepare for and hold hearings for hydroelectric project water quality certifications. The State Water Board states it would need to be prepared to conduct approximately 7 to 15 potentially multi-day hearings for new, renewed, and amended hydroelectric facility licenses per year due to this bill's requirements. According to the State Water Board, due to ambiguity regarding the nature of the public hearings, it may be required to create a new program that is walled off from other certification program staff in order to conduct the hearings.

Background: There are approximately 40 hydroelectric facilities in the state. Hydroelectric facilities that have less than 30 megawatts (MW) of generation capacity are considered small. Utilities such as Southern California Edison, Pacific Gas and Electric, and the Sacramento Municipal Utility District operate small hydroelectric facilities. Large hydroelectric projects are facilities that have more than 30 MW of generation capacity. The United States Bureau of Reclamation and the state's Department of Water Resources operate large hydroelectric plants in California such as Folsom Dam, Oroville Dam, and Shasta Dam. In California, hydroelectric facilities include:

- Dams (or pondage) facilities raise the water level of a stream or river to an elevation necessary to create a sufficient elevation difference. Dams can be constructed of earth, concrete, steel, or a combination of such materials. Dams may create secondary benefits such as flood control, recreation opportunities, and water storage;
- Run-of-river, or water diversion, facilities divert water from a natural channel to a course with a turbine and usually return the water to the channel downstream of the turbine; and,
- Pumped storage facilities pump water during off-peak demand periods from a reservoir at a lower elevation for storage in a reservoir at a higher elevation. Electricity is generated during peak demand periods by releasing the pumped water from the higher reservoir so it flows downhill through the hydraulic

turbine(s) connected to generators. During the off-peak pumping cycle, the pumped storage facility consumes electricity.

Hydroelectric facilities present renewable energy and economic opportunities for communities proximal to natural environments that can support their operations. While existing hydroelectric facilities bring many benefits, there can be negative impacts to the surrounding communities if not addressed responsibly. These facilities can have biological and hydrological implications, as natural flow patterns and water levels may be disrupted, fish populations could decline, and the surrounding ecosystem could be impacted. This could also lead to impacts on community water supplies and the quality of drinking water, with fluctuating patterns in sediment transport. Certifications must also evolve with community needs, as some communities undergoing certification renewal with hydroelectric facilities have lost access to infrastructure.

This bill seeks to ensure that there is a mechanism for community engagement through public hearings and that there is consideration of these factors in the decisions for renewed certifications for hydroelectric facilities.

Proposed Law: This bill would:

1. Requires the State Water Board to hold a public hearing at least 21 days before acting on an application for certification for a license to operate a hydroelectric facility, if requested by the applicant within 14 days of the issuance of an initial draft certification.
2. Prohibits the authority to issue certification for a license to operate a hydroelectric facility from being delegated if a public hearing is requested.
3. Authorizes the State Water Board to include reasonable costs incurred in holding a public hearing or issuing certification in its fee schedule, if the authority to issue the certification could not be delegated.

Related Legislation:

AB 2605 (Villapudua, 2022) would have added requirements on the State Water Board when reviewing an application for water quality certification. This bill was held in the Assembly Environmental Safety and Toxic Materials Committee.

AB 1376 (Gray, 2021) would have prohibited the State Water Board from issuing a certificate or statement under federal water quality control laws until there is a 60-day public comment and review period for the certificate or statement; and, after that review period a majority of the members of the State Water Board vote on the certificate or statement. This bill was held in the Assembly Environmental Safety and Toxic Materials Committee.

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