
SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Monique Limón, Chair
2025 - 2026 Regular

Bill No:	AB 638	Hearing Date:	July 16, 2025
Author:	Celeste Rodriguez		
Version:	July 3, 2025 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Genevieve Wong		

Subject: Stormwater: uses: irrigation

SUMMARY

This bill would require the State Water Resources Control Board (State Water Board) to develop recommendations for stormwater capture and use for the irrigation of urban public lands, as defined by the bill.

BACKGROUND AND EXISTING LAW

The Stormwater Resource Planning Act.

The Stormwater Resources Planning Act (Act) defines “stormwater” as temporary surface water runoff and drainage generated by immediately preceding storms. The Act authorizes one or more public agencies to develop a Stormwater Resources Plan (Plan). A plan, among other things, is required to (1) be consistent with, and assist in, compliance with total maximum daily load (TMDL) implementation plans and applicable national pollutant discharge elimination system (NPDES) permits, and (2) be consistent with all applicable waste discharge permits.

The Act also required the State Water Board to establish guidance for implementing the Act, including, but not limited to, the following:

- Identifying types of local agencies and nongovernmental organizations that need to be consulted in developing a stormwater resource plan.
- Defining appropriate quantitative methods for identifying and prioritizing opportunities for stormwater and dry weather runoff capture projects.
- Defining the appropriate geographic scale of watersheds for stormwater resource planning.
- Other guidance the board deems appropriate to achieve the objectives of this part.

On December 15, 2015, the State Water Board adopted its “Storm Water Resource Plan Guidelines” (Guidelines). The Guidelines require, among other things, that stormwater resource plans address or provide formal reference addressing the following provisions:

- California Environmental Quality Act Compliance.
- Consistency with Water Quality Control Plans, Applicable Water Quality Control Policies, and Water Rights.

- Consistency with Applicable Permits.

Additionally, the Guidelines, recognizing the intent to encourage stormwater and dry weather runoff projects that provide multiple public water quality and supply benefits, provided that plans should prioritize individual projects and programs for implementation based on various factors to assure water quality, water supply, conservation, and community needs are addressed. One of the types of projects and programs that the Guidelines identified as appropriate for prioritization are “projects that augment local water supplies such as: (1) projects that use captured storm water and dry weather runoff to recharge groundwater; and (2) projects that store and use captured storm water and dry weather runoff for irrigation or other permitted uses.”

California’s Water Supply Strategy: Adapting to a Hotter Drier Climate. In August 2022, the Newsom Administration released *California’s Water Supply Strategy: Adapting to a Hotter Drier Climate* (Water Supply Strategy), a multi-agency strategy document to address a projected 10% decrease in water supply (6–9 million acre-feet (MAF) of water per year) by 2040 due to climate change. To address this potential decrease in water, the Water Supply Strategy targeted certain actions, including:

- Expanded water storage: 4 MAF of surface water and groundwater storage.
- New supply: 2.4 MAF to be achieved through increased water recycling (approximately 1.82 MAF), desalination (84,000 AF), and stormwater capture (500,000 AF)
- Demand reduction: 500,000 AF through increased water conservation.

Thus, the Water Supply Strategy identifies 2.9 MAF of “new” water (water recycling, desalination, stormwater capture, and increased supplies from conservation) and 4 MAF of increased storage capacity, for a total of about 7 MAF, to “close the evaporative gap.”

Existing law, pursuant to the Act:

- 1) Authorizes one or more public entities to develop a stormwater resource plan, as provided (Water Code (WAT) §10562).
- 2) Requires the State Water Board, by July 1, 2016, to establish guidance for the Act (WAT §10565).
- 3) Requires that a public entity that captures stormwater from urban areas, in accordance with a stormwater resource plan, is entitled to use the captured water before the water reaches a natural channel to the extent that the water augments existing water supplies (WAT §10561.7).

PROPOSED LAW

This bill would amend the Act to:

- 1) Require, on or before December 1, 2026, the State Water Board to develop recommendations for stormwater capture and use for the irrigation of urban public

lands for the purpose of providing guidance.

- a) Defines “urban public lands” to mean land in an urban area that is owned by the state, a city, or a county, or land that has been dedicated for public assess, including, but not limited to, parks, street medians and parkways, and golf courses.
- 2) Require the recommendations address at least both of the following:
 - a) Opportunities for use of captured stormwater for irrigation to offset potable water demand in a manner that poses minimal to no public health risks.
 - b) Recommendations for pathogens and pathogen indicators, total suspended solids, toxics, and structural and nonstructural best management practices to reduce potential health risks.
 - 3) Require the State Water Board to solicit and receive written public comment on the proposed recommendations.
 - 4) Require the State Water Board to approval the final recommendations following the completion of a public hearing.

ARGUMENTS IN SUPPORT

According to the author, “Due to climate change, drought patterns will cause a decrease in water supply, increasing the need for water capture and use. The construction and use of stormwater capture projects are one approach to conserve potable water. These projects have seen local, state, and federal level investments; however, frameworks and guidance are needed to help drive these projects in our communities.

“With Assembly Bill 638, the State Water Board Resources Control Board will develop recommendations for stormwater capture and use for the irrigation of urban public lands, such as community parks. In doing so, this bill will ensure beneficial stormwater use projects can be implemented throughout our state.”

ARGUMENTS IN OPPOSITION

None received

COMMENTS

This bill is double referred. This bill has been referred to both the Senate Environmental Quality Committee and this Committee for hearing. This Committee is the second Committee of referral. This bill was heard in the Senate Environmental Quality Committee on July 2, 2025, and passed out with a vote of 8 - 0. Elements of this bill under the jurisdiction of the Senate Environmental Quality Committee are included here for completeness and context only.

Stormwater can be a resource. AB 638 can help reduce demand for potable water by offsetting potable water with stormwater. Similarly, reducing demand for potable water can help reduce pressure to import water from other watersheds. However, because stormwater can carry with it pollutants, it is important that its use is done in a safe manner that does not cause unnecessary risk to human health or safety. Requiring the

State Water Board to establish recommendations for its capture and use for irrigation will help achieve this.

Related legislation

SB 31 (McNerney) of the current legislative session would encourage the use of recycled water by changing the requirements for the use of recycled water in specified scenarios. This bill is pending before the Assembly Appropriations Committee.

SB 867 (Allen, Chapter 83, Statutes of 2024) enacted the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024, which, once approved by voters (via Prop 4), authorized the issuance of bonds in the amount of \$10 billion, including \$110 million for grants for multi-benefit urban storm water management projects.

AB 2106 (R. Rivas, 2022) required the State Water Board to modernize its stormwater tracking system, on or before December 31, 2025, and to establish a statewide commercial, industrial, and institutional NPDES order. This bill was vetoed by the Governor.

AB 2594 (Gordon, Chapter 526, Statutes of 2016) specifies that a public entity that captures stormwater in an urban area before the water reaches a natural channel, in accordance with a stormwater resources plan, is entitled to use the captured water.

AB 1471 (Rendon, Chapter 188, Statutes of 2014) enacted the Water Quality, Supply, and Infrastructure Improvement Act of 2014, which, once approved by voters (via Prop 1), authorized the issuance of bonds to finance a water quality, supply, and infrastructure improvement program.

SB 985 (Pavley, Chapter 555, Statutes of 2014) made changes to the state's Stormwater Resource Planning Act, required that the plans identify and prioritize storm water and dry weather runoff capture projects for implementation, and required the State Water Board to establish, by July 1, 2016, guidance for implementation of the Stormwater Resource Planning Act.

SUPPORT

Natural Resources Defense Council (sponsor)
A Voice for Choice Advocacy
Actives San Gabriel Valley
American Society of Civil Engineers-Region 9
California Coastkeeper Alliance
Center for Environmental Health
Clean Water Action
Cleaneearth4kids.org
Climate Reality Project, Bay Area Chapter
Climate Reality Project, San Diego
Climate Reality Project, San Fernando Valley Chapter
Climate Reality Project, Los Angeles Chapter
Climate Reality Project, Orange County
Defenders of Wildlife
Friends of the River

Green Science Policy Institute
Heal the Bay
LA Waterkeeper
Las Virgenes Municipal Water District
Mono Lake Committee
San Francisco Baykeeper
Sierra Club of California
Surfrider Foundation

OPPOSITION

None Received

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