

REPORT OF THE
CHIEF LEGISLATIVE ANALYST

DATE: June 16, 2025

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst Council File No. 25-0002-S36
Assignment No: 25-05-0412

SUBJECT: Resolution to Support AB 638 (Rodriguez)

CLA RECOMMENDATION: Adopt Resolution (Yaroslavsky – Raman) to include in the City’s 2025-2026 State Legislative Programs, support for AB 638 (Rodriguez), which seeks to save water and protect public health by establishing state guidelines for stormwater reuse in urban public areas.

SUMMARY

The Resolution (Yaroslavsky – Raman), introduced April 22, 2025, states that Assembly Bill 638 (Rodriguez) would set clear, statewide guidelines for stormwater treatment and reuse to irrigate public urban areas, thereby conserving water and protecting public health. The Resolution highlights that addressing stormwater pollution is a key priority for Los Angeles voters and is necessary to meet clean water standards, referencing the importance of Proposition O, which authorized up to \$500 million for projects to prevent and remove pollutants from waterways and the ocean. It points out that current county-level regulatory uncertainty is undermining the effectiveness of stormwater reuse projects, such as those at Penmar Golf Course and Temescal Canyon Park; and argues that establishing state-issued standards for treatment and safe pollutant levels for stormwater reuse would provide needed clarity for planning infrastructure and maximizing the benefits of this resource for irrigation on public lands.

Therefore, the Resolution requests that the City support AB 638 (Rodriguez), which seeks to save water and protect public health by establishing state guidelines for stormwater reuse in urban public areas.

BACKGROUND

Stormwater runoff from streets, yards, and industrial sites collects pollutants such as trash, chemicals, oil, bacteria, and microplastics, which are then carried into local waterways and the ocean, degrading water quality and threatening the health of residents, especially those who swim or fish near storm drain outlets (such as the Santa Monica or San Pedro Bay). This pollution not only endangers public health by increasing risks of infections and other illnesses, but also damages natural ecosystems, impacts the tourism-driven economy, and lowers property values.

Additionally, current regulatory uncertainty and inconsistency complicate efforts to safely reuse stormwater for irrigation of public urban lands, undermining large-scale water conservation and infrastructure planning.

AB 638 (Rodriguez)

AB 638 requires the State Water Resources Control Board to develop, by December 1, 2026, recommendations for safely capturing and using stormwater to irrigate urban public lands such as parks, medians, and golf courses. Stormwater runoff in urban areas often contains pollutants and is a major source of waterway contamination, but could also serve as a potential resource for water conservation, especially as California faces increasing water scarcity.

Currently, there is no statewide guidance on how to safely use captured stormwater for irrigation in places where people gather, leading to regulatory uncertainty and hindering project development. The bill aims to support water supply diversification and public health protection by providing clear, science-based recommendations for stormwater reuse, with broad support from environmental organizations and no registered opposition.

DEPARTMENTS NOTIFIED

Department of Water and Power

Department of Public Works, Bureau of Sanitation

CD Fields

Christopher Fields
Analyst

Attachment: 1. Resolution (Yaroslavsky – Raman)
2. AB 638 (Rodriguez)

RESOLUTION

RULES, ELECTIONS, INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state, or federal government body or agency must have first been adopted in the form of a Resolution by the City Council;

WHEREAS, Assembly Bill 638 (Rodriguez) would establish clear guidelines for stormwater treatment and use to irrigate public urban areas, thereby saving water and protecting public health.

WHEREAS, addressing stormwater pollution is a priority to Los Angeles voters and a priority in order to meet clean water standards;

WHEREAS, Proposition O authorized the City of Los Angeles to fund up to \$500 million in projects designed to prevent and remove pollutants from our regional waterways and ocean, consequently protecting public safety while meeting Federal Clean Water Act regulations;

WHEREAS, Los Angeles voters overwhelmingly passed Proposition O in 2004 which set aside a share of funds to support projects related to stormwater reuse;

WHEREAS, the City has a rigorous process to vet projects and uses its resources wisely to maximize pollution reduction;

WHEREAS, two Proposition O funded stormwater management projects, located at the Penmar Golf Course and at the Temescal Canyon Park, worth approximately \$50 million, are not realizing their intended purpose of on-site water reuse due to changes in regulation at the county-level;

WHEREAS, the current regulatory framework that relies upon county public health departments to establish urban runoff reuse water standards establishes a level of uncertainty that jeopardizes stormwater reuse infrastructure planning and diminishes successful stormwater reuse;

WHEREAS, establishing state-issued, standardized guidance for treatment levels and safe pollutant concentrations in storm water used for irrigating public golf courses, parks, nonfunctional institutional turf, and median strips would provide needed clarity and technical information to counties and municipalities interested in utilizing urban runoff to offset potable water demand;

WHEREAS, AB 638 would direct the State Water Resources Control Board to publish statewide guidelines so existing stormwater infrastructure and future projects can provide vital non-potable water for irrigation of public spaces, providing the certainty needed to plan stormwater reuse infrastructure projects;

NOW, THEREFORE, BE IT RESOLVED, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2025-2026 State Legislative Program support for AB

638, which seeks to save water and protect public health by establishing state guidelines for stormwater reuse in urban public areas.

Introduced by 
Katy Yaroslavsky
Councilwoman, 5th District

Seconded by 

ORIGINAL

APR 22 2025

AMENDED IN ASSEMBLY MAY 23, 2025

AMENDED IN ASSEMBLY MARCH 19, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 638

Introduced by Assembly Member Celeste Rodriguez
(Coauthors: Assembly Members Bauer-Kahan and McKinnor)
(Coauthor: Senator Allen)

February 13, 2025

An act to add Section 10566 to the Water Code, relating to stormwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 638, as amended, Celeste Rodriguez. Stormwater: uses: irrigation.

Existing law, the Stormwater Resource Planning Act, authorizes one or more public agencies to develop a stormwater resource plan that meets certain standards to address the capture of stormwater, as defined, and dry weather runoff, as defined. The act requires the State Water Resources Control Board, by July 1, 2016, to establish guidance for purposes of the act.

This bill would require the board, by ~~June~~ *December* 1, 2026, to ~~establish guidance~~ *develop recommendations* for stormwater capture and use for the irrigation of urban public lands, as defined. The bill would require the ~~guidance recommendations~~ *to include, address*, but not be limited to, *opportunities* for the use of captured stormwater for irrigation to offset the use of potable water, as specified, and ~~criteria recommendations~~ for, among other things, pathogens and pathogen indicators and total suspended solids.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. Section 10566 is added to the Water Code,
- 2 immediately following Section 10565, to read:
- 3 10566. (a) On or before ~~June~~ *December* 1, 2026, the board
- 4 shall ~~establish guidance~~ *develop recommendations* for stormwater
- 5 capture and use for the irrigation of urban public ~~lands~~. *lands for*
- 6 *the purpose of providing guidance*. The ~~guidance~~ *recommendations*
- 7 shall ~~include~~, *address*, but not be limited to, both of the following:
- 8 (1) ~~Use~~ *Opportunities for use* of captured stormwater for
- 9 irrigation to offset potable water demand in a manner that poses
- 10 minimal to no public health risks.
- 11 (2) ~~Criteria~~ *Recommendations* for pathogens and pathogen
- 12 indicators, total suspended solids, toxics, and structural and
- 13 nonstructural best management practices to reduce potential health
- 14 ~~risks to exposed populations~~. *risks*.
- 15 (b) “Urban public lands” as used in this section means land in
- 16 an urban area that is owned by the state, a city, or a county, or land
- 17 that has been dedicated for public access, including, but not limited
- 18 to, parks, street medians and parkways, and golf courses.