

**ASSEMBLY BILL**

**No. 909**

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**Introduced by Assembly Member Wolk**

February 22, 2007

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An act to amend Section 75050 of the Public Resources Code, and to add Chapter 26 (commencing with Section 14990) to Division 7 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 909, as introduced, Wolk. Mercury monitoring and remediation.

(1) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing a safe drinking water, water quality and supply, flood control, and resource protection program. Of these bond funds, the act makes available \$928,000,000 for the protection and restoration of rivers, lakes and streams, their watersheds and associated land, water, and other natural resources. Of that amount, the act makes available \$90,000,000 to the State Water Resources Control Board for matching grants to local public agencies for the reduction and prevention of stormwater contamination of rivers, lakes, and streams. The act authorizes the Legislature to enact legislation to implement that stormwater grant provision.

This bill would authorize those grant funds to be used for grants to local public agencies for, among other purposes, monitoring and remediation activities related to mercury and methyl mercury contamination.

(2) Under the Porter-Cologne Water Quality Control Act, the state board and the California regional water quality control boards are the principal state agencies with regulatory authority over water quality. Under the federal Clean Water Act, each state is required to identify those waters for which prescribed effluent limitations are not stringent enough to implement applicable water quality standards and to establish, with regard to those waters, total maximum daily loads, subject to the approval of the United States Environmental Protection Agency, for certain pollutants at a level necessary to implement those water quality standards.

This bill would establish the Mercury Monitoring and Remediation Fund in the State Treasury to be administered by the state board. The money in the fund would be available, upon appropriation, for expenditure by the state board for grants for mercury characterization and control studies and projects and grants to local entities for mercury monitoring and remediation.

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 75050 of the Public Resources Code is  
 2 amended to read:  
 3 75050. The sum of nine hundred ~~twenty-eight~~ *twenty-eight*  
 4 million dollars (\$928,000,000) shall be available for the protection  
 5 and restoration of rivers, lakes and streams, their watersheds and  
 6 associated land, water, and other natural resources in accordance  
 7 with the following schedule:  
 8 (a) The sum of one hundred eighty million dollars  
 9 (\$180,000,000) shall be available to the Department of Fish and  
 10 Game, in consultation with the department, for Bay-Delta and  
 11 coastal fishery restoration projects. Of the funds provided in this  
 12 section, up to ~~\$20,000,000~~ *twenty million dollars (\$20,000,000)*  
 13 shall be available for the development of a natural community  
 14 conservation plan for the CALFED Bay-Delta Program and up to  
 15 ~~\$45,000,000~~ *forty-five million dollars (\$45,000,000)* shall be  
 16 available for coastal salmon and steelhead fishery restoration  
 17 projects that support the development and implementation of  
 18 species recovery plans and strategies for salmonid species listed  
 19 as threatened or endangered under state or federal law.

1 (b) The sum of ninety million dollars (\$90,000,000) shall be  
2 available for projects related to the Colorado River in accordance  
3 with the following schedule:

4 (1) Not more than ~~\$36,000,000~~ *the sum of thirty-six million*  
5 *dollars (\$36,000,000)* shall be available to the department for water  
6 conservation projects that implement the Allocation Agreement  
7 as defined in the Quantification Settlement Agreement.

8 (2) Not more than ~~\$7,000,000~~ *the sum of seven million dollars*  
9 *(\$7,000,000)* shall be available to the Department of Fish and  
10 Game for projects to implement the Lower Colorado River  
11 Multi-Species Habitat Conservation Plan.

12 (3) ~~\$47,000,000~~ *The sum of forty-seven million dollars*  
13 *(\$47,000,000)* shall be available for deposit into the Salton Sea  
14 Restoration Fund.

15 (c) The sum of ~~fifty-four~~ *fifty-four* million dollars (\$54,000,000)  
16 shall be available to the department for development, rehabilitation,  
17 acquisition, and restoration costs related to providing public access  
18 to recreation and fish and wildlife resources in connection with  
19 state water project obligations pursuant to ~~Water Code~~ Section  
20 11912 *of the Water Code*.

21 (d) The sum of ~~seventy-two~~ *seventy-two* million dollars  
22 (\$72,000,000) shall be available to the secretary for projects in  
23 accordance with the California River Parkways Act of 2004  
24 ~~Chapter~~ *(Chapter 3.8* (commencing with Section 5750) of Division  
25 ~~5: 5~~ *5*). Up to ~~\$10,000,000~~ *ten million dollars (\$10,000,000)* may  
26 be transferred to the Department of Conservation for the Watershed  
27 Coordinator Grant Program.

28 (e) The sum of eighteen million dollars (\$18,000,000) shall be  
29 available to the department for the Urban Streams Restoration  
30 Program pursuant to ~~Water Code~~ Section 7048 *of the Water Code*.

31 (f) The sum of ~~thirty-six~~ *thirty-six* million dollars (\$36,000,000)  
32 shall be available for river parkway projects to the San Joaquin  
33 River Conservancy.

34 (g) The sum of ~~seventy-two~~ *seventy-two* million dollars  
35 (\$72,000,000) shall be available for projects within the watersheds  
36 of the Los Angeles and San Gabriel Rivers according to the  
37 following schedule:

38 (1) ~~\$36,000,000~~ *The sum of thirty-six million dollars*  
39 *(\$36,000,000)* to the San Gabriel and Lower Los Angeles Rivers

1 and Mountains Conservancy pursuant to Division 22.8  
2 (commencing with Section 32600).

3 (2) ~~\$36,000,000~~—*The sum of thirty-six million dollars*  
4 *(\$36,000,000)* to the Santa Monica Mountains Conservancy for  
5 implementation of watershed protection activities throughout the  
6 watershed of the Upper Los Angeles River pursuant to Section  
7 79508 of the Water Code.

8 (h) The sum of ~~thirty-six~~ *thirty-six* million dollars (\$36,000,000)  
9 shall be available for the Coachella Valley Mountains Conservancy.

10 (i) The sum of ~~forty-five~~ *forty-five* million dollars (\$45,000,000)  
11 shall be available for projects to expand and improve the Santa  
12 Ana River Parkway. Project funding shall be appropriated to the  
13 State Coastal Conservancy for projects developed in consultation  
14 with local government agencies participating in the development  
15 of the Santa Ana River Parkway. Of the amount provided in this  
16 paragraph the sum of thirty million dollars (\$30,000,000) shall be  
17 equally divided between projects in Orange, San Bernardino, and  
18 Riverside Counties.

19 (j) The sum of ~~fifty-four~~ *fifty-four* million dollars (\$54,000,000)  
20 shall be available for the Sierra Nevada Conservancy.

21 (k) The sum of ~~thirty-six~~ *thirty-six* million dollars (\$36,000,000)  
22 shall be available for the California Tahoe Conservancy.

23 (l) The sum of ~~forty-five~~ *forty-five* million dollars (\$45,000,000)  
24 shall be available to the California Conservation Corps for resource  
25 conservation and restoration projects and for facilities acquisition,  
26 development, restoration, and rehabilitation and for grants and  
27 state administrative costs, in accordance with the following  
28 schedule:

29 (1) The sum of ~~twenty-five~~ *twenty-five* million dollars  
30 (\$25,000,000) shall be available for projects to improve public  
31 safety and improve and restore watersheds including regional and  
32 community fuel load reduction projects on public lands, and stream  
33 and river restoration projects. Not less than ~~50%~~ *50 percent* of  
34 these funds shall be in the form of grants to local conservation  
35 corps.

36 (2) The sum of twenty million dollars (\$20,000,000) shall be  
37 available for grants to local conservation corps for acquisition and  
38 development of facilities to support local conservation corps  
39 programs, and for local resource conservation activities.

1 (m) The sum of ninety million dollars (\$90,000,000) to the state  
2 board for matching grants to local public agencies for the reduction  
3 and prevention of stormwater contamination of rivers, lakes, and  
4 streams. The Legislature may enact legislation to implement this  
5 subdivision. *Funds made available pursuant to this subdivision*  
6 *may be used for grants to local public agencies for, among other*  
7 *purposes, monitoring and remediation activities related to mercury*  
8 *and methyl mercury contamination.*

9 (n) The sum of one hundred million dollars (\$100,000,000) shall  
10 be available to the secretary for the purpose of implementing a  
11 court settlement to restore flows and naturally-reproducing and  
12 self-sustaining populations of salmon to the San Joaquin River  
13 between Friant Dam and the Merced River. These funds shall be  
14 available for channel and structural improvements, and related  
15 research pursuant to the court settlement. The secretary is  
16 authorized to enter into a cost-sharing agreement with the United  
17 States Secretary of the Interior and other parties, as necessary, to  
18 implement this ~~provision~~ *subdivision.*

19 SEC. 2. Chapter 26 (commencing with Section 14990) is added  
20 to Division 7 of the Water Code, to read:

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22 CHAPTER 26. MERCURY MONITORING AND REMEDIATION

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24 14990. The Mercury Monitoring and Remediation Fund is  
25 hereby established in the State Treasury. The fund shall be  
26 administered by the state board. Money in the fund may be  
27 expended by the state board, upon appropriation by the Legislature,  
28 for both of the following purposes:

29 (a) Grants for mercury characterization and control studies and  
30 projects.

31 (b) Grants to local entities for mercury monitoring and  
32 remediation.

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