

AMENDED IN SENATE AUGUST 30, 2010

AMENDED IN SENATE AUGUST 12, 2010

AMENDED IN SENATE JUNE 21, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 153

Introduced by Assembly Members Hernandez and Eng
(Coauthor: Senator Huff)

January 23, 2009

An act to amend Section 79770 of the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 153, as amended, Hernandez. Safe, Clean, and Reliable Drinking Water Supply Act of 2012: groundwater contamination.

Existing law creates the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$11,140,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program.

The bond act, among other things, would make \$1,000,000,000 available, upon appropriation by the Legislature, for expenditures, grants, and loans for projects to prevent or reduce the contamination of groundwater that serves as a source of drinking water, and would require funds appropriated pursuant to that authority to be available to the State Department of Public Health for groundwater contamination projects. Of that amount, the bond act would require not less than \$100,000,000 to be available for projects that meet prescribed requirements and criteria, including addressing contamination at a site on a specified list

maintained by the Department of Toxic Substances Control or a site listed on the National Priorities List.

This bill would instead require not less than \$100,000,000 to be available for costs associated with projects, programs, or activities that meet those prescribed requirements and criteria.

The bill would require the Secretary of State to include the changes made by this bill when submitting the bond act to the voters at the November 6, 2012, statewide general election.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. 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 79770 of the Water Code, as added by
2 Chapter 3 of the Seventh Extraordinary Session of the Statutes of
3 2009, is amended to read:

4 79770. (a) The sum of one billion dollars (\$1,000,000,000)
5 shall be available, upon appropriation by the Legislature from the
6 fund, for expenditures, grants, and loans for projects to prevent or
7 reduce the contamination of groundwater that serves as a source
8 of drinking water. Projects shall be consistent with an adopted
9 integrated regional water management plan. Funds appropriated
10 pursuant to this section shall be available to the State Department
11 of Public Health for projects necessary to protect public health by
12 preventing or reducing the contamination of groundwater that
13 serves as a major source of drinking water for a community.

14 (b) Projects shall be prioritized based upon the following criteria:

15 (1) The threat posed by groundwater contamination to the
16 affected community’s overall drinking water supplies, including
17 the need for treatment of alternative supplies if groundwater is not
18 available due to contamination.

19 (2) The potential for groundwater contamination to spread and
20 reduce drinking water supply and water storage for nearby
21 population areas.

22 (3) The potential of the project, if fully implemented, to enhance
23 local water supply reliability.

24 (4) The potential of the project to increase opportunities for
25 groundwater recharge and optimization of groundwater supplies.

1 (c) The State Department of Public Health shall give additional
2 consideration to projects that meet any of the following criteria:

3 (1) The project is implemented pursuant to a comprehensive
4 basinwide groundwater quality management and remediation plan
5 or is necessary to develop a comprehensive groundwater plan.

6 (2) Affected groundwater provides a local supply that, if
7 contaminated and not remediated, will require import of additional
8 water from outside the region.

9 (3) The project will serve an economically disadvantaged
10 community or an economically distressed area.

11 (4) The project addresses contamination at a site where the
12 responsible parties have not been identified; or where the
13 responsible parties are unwilling or unable to pay for cleanup.

14 (d) Of the amount made available by this section, not less than
15 one hundred million dollars (\$100,000,000) shall be available for
16 costs associated with projects, programs, or activities that meet
17 the requirements of this section and both of the following criteria:

18 (1) The costs are part of a basinwide management and
19 remediation plan for which federal funds have been allocated.

20 (2) The costs address contamination at a site on the list
21 maintained by the Department of Toxic Substances Control
22 pursuant to Section 25356 of the Health and Safety Code or a site
23 listed on the National Priorities List pursuant to the Comprehensive
24 Environmental Response, Compensation, and Liability Act of 1980
25 (42 U.S.C. Sec. 9601 et seq.).

26 (e) Of the amount made available by this section, one hundred
27 million dollars (\$100,000,000) shall be available to the State
28 Department of Public Health for grants and direct expenditures to
29 finance emergency and urgent actions in accordance with this
30 section on behalf of disadvantaged communities and economically
31 distressed areas to ensure that safe drinking water supplies are
32 available to all Californians.

33 (f) The Legislature, by statute, shall establish both of the
34 following:

35 (1) Requirements for repayment of grant funds in the event of
36 cost recovery from parties responsible for the groundwater
37 contamination.

38 (2) Requirements for recipients of grants to make reasonable
39 efforts to recover costs from parties responsible for groundwater
40 contamination.

1 SEC. 2. The Secretary of State shall submit Section 79770 of
2 the Water Code, as amended by Section 1 of this act, in place of
3 Section 79770 of the Water Code, as added by Section 1 of Chapter
4 3 of the Seventh Extraordinary Session of the Statutes of 2009, in
5 order that it is voted upon as part of the Safe, Clean, and Reliable
6 Drinking Water Supply Act of 2012 at the November 6, 2012,
7 statewide general election.

8 SEC. 3. This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or safety within
10 the meaning of Article IV of the Constitution and shall go into
11 immediate effect. The facts constituting the necessity are:

12 In order to enable the Secretary of State to make the changes
13 required by this act at the earliest possible date, it is necessary that
14 this act take effect immediately.