

Assembly Bill No. 153

Passed the Assembly August 31, 2010

Chief Clerk of the Assembly

Passed the Senate August 30, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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.

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

SECTION 1. Section 79770 of the Water Code, as added by Chapter 3 of the Seventh Extraordinary Session of the Statutes of 2009, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved _____, 2010

Governor