

ASSEMBLY BILL

No. 1221

Introduced by Assembly Member Alejo

February 18, 2011

An act to amend Sections 13400 and 13442 of the Water Code, relating to water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1221, as introduced, Alejo. State Water Quality Control Fund: State Water Pollution Cleanup and Abatement Account.

Existing law, the Porter-Cologne Water Quality Control Act, authorizes the imposition and collection of civil and criminal penalties for specified violations of that act. The act requires certain moneys, including General Fund revenues of penalties, collected pursuant to these provisions to be deposited in the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund. The act continuously appropriates the money in the account to the State Water Resources Control Board for specified cleanup programs.

The act authorizes the state board, upon application by a public agency with authority to clean up or abate the effects of waste on waters of the state, to order moneys in the account to be paid to the agency to assist in cleaning up or abating the effects of the waste.

This bill would additionally authorize the state board to pay these moneys to tribes, as defined, and entities operating private, not-for-profit water systems that have authority to clean up or abate the effects of waste. By authorizing new expenditures from a continuously appropriated account, this bill would make an appropriation.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 13400 of the Water Code is amended to
2 read:

3 13400. As used in this chapter, unless otherwise apparent from
4 the context:

5 ~~(a) "Fund" means the State Water Quality Control Fund.~~

6 ~~(b) "Public agency" means any city, county, city and county,
7 district, or other political subdivision of the state.~~

8 ~~(e)~~

9 (a) "Facilities" means: ~~(1) facilities any of the following:~~

10 (1) *Facilities* for the collection, treatment, or export of waste
11 when necessary to prevent water pollution, ~~(2) facilities.~~

12 (2) *Facilities* to recycle wastewater and to convey recycled
13 water, ~~(3) facilities.~~

14 (3) *Facilities* or devices to conserve water, ~~or (4) any.~~

15 (4) Any combination of the ~~foregoing~~ *facilities described in*
16 *paragraph (1), (2), or (3).*

17 (b) "Fund" means the State Water Quality Control Fund.

18 (c) "Public agency" means any city, county, city and county,
19 district, or other political subdivision of the state.

20 (d) "Tribe" means a California Tribe that is listed on the Native
21 American Heritage Commission tribal list.

22 SEC. 2. Section 13442 of the Water Code is amended to read:

23 13442. (a) Upon application by a public agency, a tribe, or
24 an entity operating a private, not-for-profit water system with
25 authority to clean up a waste or abate the effects ~~thereof~~ of a waste,
26 the state board may order moneys to be paid from the account to
27 the agency, a tribe, or entity operating a private, not-for-profit
28 water system to assist it in cleaning up the waste or abating its
29 effects on waters of the state. ~~The~~

30 (b) The agency, a tribe, or entity operating a private,
31 not-for-profit water system shall not become liable to the state
32 board for repayment of those moneys paid under this section, but
33 this shall not be a defense to an action brought pursuant to
34 subdivision (c) of Section 13304 for the recovery of moneys paid
35 under this section.

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