

AMENDED IN SENATE APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 118**

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**Introduced by Committee on Budget (Weber (Chair), Bloom, Bonta, Campos, Chiu, Cooper, Gordon, Jones-Sawyer, McCarty, Mullin, Nazarian, O'Donnell, Rodriguez, Thurmond, Ting, and Williams) Assembly Member Santiago**

**(Principal coauthors: Assembly Members Cristina Garcia, Gomez, and Rendon)**

*(Principal coauthors: Senators De León and Lara)*

January 9, 2015

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An act relating to the ~~Budget Act of 2015~~; *hazardous substances, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

AB 118, as amended, ~~Committee on Budget Santiago. Budget Act of 2015. Hazardous substances: cleanup: Exide Technologies facility.~~

*Existing law establishes the Toxic Substances Control Account in the General Fund and authorizes moneys in the account, upon appropriation, to be used for, among other purposes, the payment of all costs of removal and remedial action incurred by the state in response to a release or threatened release of a hazardous substance, as specified.*

*This bill would appropriate \$176,600,000 from the account to the Department of Toxic Substances Control for activities related to the cleanup and investigation of lead-contaminated properties in the communities surrounding the Exide Technologies facility in the City of Vernon, including job training activities, and actions taken to pursue*

*all available remedies against potentially responsible parties. The bill would require the department to engage the impacted community, as specified; develop a Job and Development Training Program, as specified; and post on its Internet Web site specified information.*

*This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.*

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2015.~~

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

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

1     *SECTION 1. In enacting this act, it is the intent of the*  
2     *Legislature to address the significant potential public health impact*  
3     *of lead contamination in the communities surrounding the Exide*  
4     *Technologies facility in the City of Vernon.*

5     *SEC. 2. The sum of one hundred seventy-six million six hundred*  
6     *thousand dollars (\$176,600,000) is hereby appropriated from the*  
7     *Toxic Substances Control Account to the Department of Toxic*  
8     *Substances Control and shall be available for expenditure through*  
9     *June 30, 2018. These moneys shall be available for any of the*  
10    *following:*

11    *(a) Activities related to the cleanup and investigation of*  
12    *properties contaminated with lead in the communities surrounding*  
13    *the Exide Technologies facility in the City of Vernon, California.*

14    *(b) Notwithstanding Section 25173.6 of the Health and Safety*  
15    *Code, job training activities related to the cleanup and*  
16    *investigation of the properties contaminated with lead in the*  
17    *communities surrounding the Exide Technologies facility in the*  
18    *City of Vernon, California.*

19    *(c) Actions taken to pursue all available remedies against*  
20    *potentially responsible parties, including, but not limited to, cost*  
21    *recovery actions against entities that are potentially responsible,*  
22    *for the costs related to the cleanup and investigation of properties*  
23    *contaminated with lead in the communities surrounding the Exide*  
24    *Technologies facility in the City of Vernon, California.*

25    *SEC. 3. (a) Prior to approval of a cleanup plan, the*  
26    *Department of Toxic Substances Control shall engage the impacted*  
27    *community and provide meaningful opportunities for the public*

1 to participate in the Department of Toxic Substances Control's  
2 cleanup plan preparation process, which shall include, at a  
3 minimum, a quarterly public meeting.

4 (b) As part of this process, the Department of Toxic Substances  
5 Control shall collaborate with the impacted community to prepare  
6 and make available a Public Participation Plan that specifies the  
7 Department of Toxic Substances Control's commitments to engage  
8 and involve the community in the cleanup plan preparation process.

9 (c) In addition, the Department of Toxic Substances Control  
10 shall meet all applicable public participation and notification  
11 requirements outlined in the Carpenter-Presley-Tanner Hazardous  
12 Substance Account Act (Chapter 6.8 (commencing with Section  
13 25300) of Division 20 of the Health and Safety Code).

14 SEC. 4. (a) In order to meet the demands and timelines for  
15 the residential cleanup, as well as promote public health and  
16 support the local economy, the Department of Toxic Substances  
17 Control shall develop a Job and Development Training Program  
18 with the goals of providing environmental skills, health and safety  
19 training, and support for job placement related to the cleanup for  
20 community members living near the Exide Technologies facility  
21 in the City of Vernon, California.

22 (b) In creating the program pursuant to subdivision (a), the  
23 Department of Toxic Substances Control shall consult existing  
24 programs, including, but not limited to, the United States  
25 Environmental Protection Agency's Brownfields Workforce  
26 Development and Job Training Program.

27 (c) The Department of Toxic Substances Control may partner  
28 with other experienced workforce development programs and  
29 training partners, and coordinate with local governments, nonprofit  
30 organizations, and community stakeholders.

31 SEC. 5. (a) (1) The Department of Toxic Substances Control  
32 shall post on its Internet Web site all of the following:

33 (A) The number of access agreements signed.

34 (B) The number properties sampled.

35 (C) The number of properties remediated or cleaned up.

36 (2) The Department of Toxic Substances Control shall update  
37 the numbers posted pursuant to paragraph (1) at least twice a  
38 month.

39 (b) At the Department of Toxic Substances Control's  
40 presentation of its proposed budget, the department shall provide

1 to the Senate Committee on Budget and Fiscal Review and the  
2 Assembly Committee on Budget a report that addresses all of the  
3 following:

4 (1) An update on the cleanup activities near the Exide  
5 Technologies facility in the City of Vernon, California, including  
6 a summary of the environmental review of the cleanup activities.

7 (2) The number of properties sampled and a summary of the  
8 findings, which can be broken down in the approximate number  
9 of residences in priority 1, 2, and 3.

10 (3) The number of properties that have been remediated or  
11 cleaned up.

12 (4) The number of access agreements signed.

13 SEC. 6. This act is a bill providing for appropriations related  
14 to the Budget Bill within the meaning of subdivision (e) of Section  
15 12 of Article IV of the California Constitution, has been identified  
16 as related to the budget in the Budget Bill, and shall take effect  
17 immediately.

18 SECTION 1. ~~It is the intent of the Legislature to enact statutory~~  
19 ~~changes relating to the Budget Act of 2015.~~