

AMENDED IN SENATE JUNE 15, 2016

AMENDED IN ASSEMBLY APRIL 27, 2016

AMENDED IN ASSEMBLY APRIL 20, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1749

Introduced by Assembly Member Mathis
(Coauthors: Assembly Members Harper and Olsen)
(Coauthor: Senator Cannella)

February 2, 2016

An act to add and repeal Section 21080.06 of the Public Resources Code, relating to environmental ~~quality, and declaring the urgency thereof, to take effect immediately:~~ *quality*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1749, as amended, Mathis. California Environmental Quality Act: exemption: ~~recycled water pipeline~~. *City of Porterville*.

Existing law, the California Environmental Quality Act, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. The act also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the

environment. The act exempts from its requirements projects consisting of the construction or expansion of recycled water pipeline and directly related infrastructure within existing rights of way, and directly related groundwater replenishment, if the project does not affect wetlands or sensitive habitat, and where the construction impacts are fully mitigated, and undertaken for the purpose of mitigating drought conditions for which a state of emergency was proclaimed by the Governor on a certain date. The act provides that this exemption remains operative until the state of emergency has expired or until January 1, 2017, whichever occurs first.

~~This bill~~ *bill, until January 1, 2021*, would exempt from the act's requirements ~~projects for the construction of recycled water treatment facilities and directly related pipelines approved or carried out by a public agency prior to July 1, 2017, for the purpose of mitigating drought conditions that meet certain requirements. The bill would provide that this exemption remains operative until the state of emergency is terminated or until January 1, 2018, whichever occurs first.~~ *a water treatment project determined by the City of Porterville as the best option based on a certain feasibility study, as provided.*

~~Because a lead agency would have the duty to determine the applicability of this exemption, this bill would impose a state-mandated local program:~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason:~~

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

~~This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Porterville.~~

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

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

- 1 *SECTION 1. Section 21080.06 is added to the Public Resources*
- 2 *Code, to read:*
- 3 *21080.06. (a) This division does not apply to a project that is*
- 4 *determined by the City of Porterville as the best option based on*

1 *a feasibility study conducted by the city seeking long-term solutions*
2 *to the lack of water in East Porterville. The project may be one of*
3 *the following:*

4 *(1) The construction of a series of satellite water treatment*
5 *facilities located adjacent to existing water distribution line.*

6 *(2) The construction of an advanced water recycling treatment*
7 *facility located either adjacent to the city's existing wastewater*
8 *treatment facility or at a preferred location, as determined by the*
9 *results of the city's feasibility study.*

10 *(3) Upgrades to the city's existing wastewater treatment facility*
11 *to allow for tertiary treatment of the city's wastewater.*

12 *(b) This section shall remain in effect only until January 1, 2021,*
13 *and as of that date is repealed, unless a later enacted statute, that*
14 *is enacted before January 1, 2021, deletes or extends that date.*

15 *SEC. 2. The Legislature finds and declares that a special law*
16 *is necessary and that a general law cannot be made applicable*
17 *within the meaning of Section 16 of Article IV of the California*
18 *Constitution because of the unprecedented drought conditions*
19 *have resulted in more than 600 homes in the City of Porterville*
20 *without a functioning domestic water well.*

21 ~~SECTION 1. Section 21080.06 is added to the Public Resources~~
22 ~~Code, to read:~~

23 ~~21080.06. (a) This division does not apply to a project that~~
24 ~~satisfies both of the following:~~

25 ~~(1) The project is approved or carried out by a public agency~~
26 ~~prior to July 1, 2017, for the purpose of mitigating drought~~
27 ~~conditions for which a state of emergency was proclaimed by the~~
28 ~~Governor on January 17, 2014, pursuant to Chapter 7 (commencing~~
29 ~~with Section 8550) of Division 1 of Title 2 of the Government~~
30 ~~Code.~~

31 ~~(2) The project consists of construction of a recycled water~~
32 ~~treatment facility located on city-owned property and directly~~
33 ~~related pipelines that are less than a mile in length and located~~
34 ~~within existing developed rights-of-way, the project does not affect~~
35 ~~wetlands or sensitive habitat, and where the construction impacts~~
36 ~~are fully mitigated consistent with applicable law.~~

37 ~~(b) This section shall remain operative until the state of~~
38 ~~emergency due to drought conditions declared by the Governor in~~
39 ~~the proclamation issued on January 17, 2014, is terminated or until~~
40 ~~January 1, 2018, whichever occurs first, and, as of January 1, 2108,~~

1 is repealed, unless a later enacted statute, that becomes operative
2 on or before January 1, 2018, deletes or extends the dates on which
3 it becomes inoperative and is repealed.

4 SEC. 2. ~~No reimbursement is required by this act pursuant to~~
5 ~~Section 6 of Article XIII B of the California Constitution because~~
6 ~~a local agency or school district has the authority to levy service~~
7 ~~charges, fees, or assessments sufficient to pay for the program or~~
8 ~~level of service mandated by this act, within the meaning of Section~~
9 ~~17556 of the Government Code.~~

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

14 ~~To ensure the expeditious construction of recycled water~~
15 ~~treatment facilities and directly related pipelines to mitigate drought~~
16 ~~conditions for which the Governor has declared a state of~~
17 ~~emergency, it is necessary for this measure to take effect~~
18 ~~immediately.~~