

AMENDED IN SENATE AUGUST 1, 2016

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~~: *quality, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1749, as amended, Mathis. California Environmental Quality Act: exemption: 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, until January 1, 2021, would exempt from the act’s requirements a water treatment project determined by the City of Porterville as the best option based on a certain feasibility study, as provided.

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

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

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: no. State-mandated local program: 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
- 5 a feasibility study conducted by the city seeking long-term
- 6 solutions to the lack of water in East Porterville. The project may
- 7 be one of the following:
- 8 (1) The construction of a series of satellite water treatment
- 9 facilities located adjacent to existing water distribution line.
- 10 (2) The construction of an advanced water recycling treatment
- 11 facility located either adjacent to the city’s existing wastewater
- 12 treatment facility or at a preferred location, as determined by the
- 13 results of the city’s feasibility study.
- 14 (3) Upgrades to the city’s existing wastewater treatment facility
- 15 to allow for tertiary treatment of the city’s wastewater.

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2 and as of that date is repealed, unless a later enacted statute, that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

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

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*
16 *drought conditions for which the Governor has declared a state*
17 *of emergency, it is necessary for this measure to take effect*
18 *immediately.*