

AMENDED IN ASSEMBLY JUNE 21, 2016

AMENDED IN SENATE APRIL 25, 2016

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1328**

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**Introduced by Senator Lara**

February 19, 2016

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An act to add Section 10566 to the Water Code, relating to stormwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 1328, as amended, Lara. Stormwater capture and treatment projects: funding.

The Stormwater Resource Planning Act authorizes one or more public agencies to develop a stormwater resource plan that meets specified standards to address the capture, treatment, and storage of stormwater, as defined, and dry weather runoff, as defined. The act requires the State Water Resources Control Board, by July 1, 2016, to establish guidance for these purposes.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act requires the state board to adopt a statewide greenhouse gas emissions limit and to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions, and authorizes the state board to implement a system of market-based compliance mechanisms to reduce greenhouse gas emissions in the state. Existing law requires that all moneys, except for fines and penalties, collected by the state board from the auction or

sale of allowances as part of a market-based compliance mechanism be deposited in the Greenhouse Gas Reduction Fund and be available, upon appropriation by the Legislature, for purposes relating to the reduction of greenhouse gas emissions.

This bill would authorize the State Water Resources Control Board to expend moneys from the fund, upon appropriation by the Legislature, to provide grants to public entities to implement stormwater and dry weather runoff collection and treatment projects that are intended to reduce greenhouse gas emissions by decreasing the demand for electricity needed to pump, transport, and deliver water from natural sources to serve water consumers, as prescribed.

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

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

1 SECTION 1. Section 10566 is added to the Water Code, to  
2 read:

3 10566. (a) Moneys in the Greenhouse Gas Reduction Fund,  
4 created pursuant to Section 16428.8 of the Government Code, may  
5 be used by the board, upon appropriation by the Legislature, to  
6 provide grants to public entities to implement stormwater and dry  
7 weather runoff collection and treatment projects that are intended  
8 to reduce greenhouse gas emissions by decreasing the demand for  
9 electricity needed to pump, transport, and deliver water from  
10 natural sources, including, but not limited to, through water  
11 conveyance projects, to serve water consumers.

12 (b) Eligible projects may include, but are not limited to, green  
13 infrastructure, rainwater, stormwater, and dry weather runoff  
14 capture projects, and stormwater treatment facilities. Grant funds  
15 may be used for all phases of planning, design, and project  
16 construction and implementation, including feasibility studies,  
17 design development and consultations, and related administrative  
18 costs.

19 (c) In accordance with subdivision (d), the board shall establish  
20 criteria for funding projects and determining which public entities  
21 shall receive a grant, based on both of the following:

22 (1) Demonstration that the project will reduce greenhouse gas  
23 emissions and the extent to which the project will yield a reduction  
24 in greenhouse gas emissions by reducing the need for electric

1 pumps and other equipment used to pump, transport, and deliver  
2 water to consumers from natural sources.

3 (2) Geographic conditions that facilitate stormwater and dry  
4 weather runoff collection.

5 (d) In awarding grants, the board shall give preference to  
6 ~~projects~~ *a project* proposed to be located in, and that will provide  
7 benefits to, ~~a disadvantaged—communities.~~ *community or a*  
8 *community within one-half mile of a channelized river.*

9 (e) The board shall provide technical assistance to grant  
10 applicants, including, but not limited to, calculations of the  
11 projected reductions of greenhouse gas emissions.

12 (f) In implementing this section, the board may use or adapt the  
13 guidelines the board developed to implement the Storm Water  
14 Grant Program, which is funded in accordance with the Water  
15 Quality, Supply, and Infrastructure Improvement Act of 2014  
16 (Division 26.7 (commencing with Section 79700)).

17 (g) For purposes of this section, a “disadvantaged community”  
18 means a community identified pursuant to Section 39711 of the  
19 Health and Safety Code.