

AMENDED IN ASSEMBLY AUGUST 18, 2016

AMENDED IN ASSEMBLY JUNE 21, 2016

AMENDED IN SENATE APRIL 25, 2016

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1328

Introduced by Senator Lara

February 19, 2016

An act to add Section 10566 to the Water Code, relating to ~~stormwater~~: *water*.

LEGISLATIVE COUNSEL'S DIGEST

SB 1328, as amended, Lara. ~~Stormwater capture and treatment~~ *Water delivery projects: reduction of greenhouse gas emissions: 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~~ *agencies, nonprofit organizations, public utilities, and mutual water companies* to implement stormwater and dry weather runoff collection and ~~treatment~~ *treatment, wastewater, water recycling, and drinking water* projects that are intended to reduce greenhouse gas emissions by decreasing the demand for ~~electricity~~ *fossil fuels* 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~~ *agencies, nonprofit organizations*
- 7 *organized under paragraph (3) of subsection (c) of Section 501 of*
- 8 *Title 26 of the United States Code, public utilities, and mutual*
- 9 *water companies* to implement stormwater and dry weather runoff
- 10 collection and ~~treatment~~ *treatment, wastewater, water recycling,*
- 11 *and drinking water* projects that are intended to reduce greenhouse
- 12 gas emissions by decreasing the demand for ~~electricity~~ *fossil fuels*
- 13 needed to pump, transport, and deliver water ~~from natural sources,~~
- 14 *water, including, but not limited to, through water conveyance*
- 15 *projects, to serve water consumers.*
- 16 (b) Eligible projects may include, but are not limited to, green
- 17 infrastructure, rainwater, stormwater, and dry weather runoff
- 18 capture projects, and stormwater treatment ~~facilities.~~ *facilities*
- 19 *identified as part of a stormwater resource plan.* Grant funds may
- 20 be used for all phases of planning, design, and project construction
- 21 and implementation, including feasibility studies, design

1 development and consultations, *updating a stormwater resource*
2 *plan*, and related administrative costs. *To be eligible, a project*
3 *shall be expected to result in a new decrease of greenhouse gas*
4 *emissions.*

5 (c) *Except as specified in subdivision (f), a grant recipient shall*
6 *provide or obtain a 50-percent match for funds received pursuant*
7 *to this section. The board may waive this requirement for a project*
8 *proposed to be located in, and that will provide benefits to, a*
9 *disadvantaged community.*

10 ~~(e)~~

11 (d) In accordance with subdivision ~~(d)~~, (e), the board shall
12 establish criteria for funding projects and determining which ~~public~~
13 entities shall receive a grant, based on both of the following:

14 (1) Demonstration that the project will reduce greenhouse gas
15 emissions and the extent to which the project will yield a reduction
16 in greenhouse gas emissions by reducing the need for electric
17 pumps and other equipment used to pump, transport, and deliver
18 water to ~~consumers from natural sources~~: *consumers.*

19 (2) Geographic conditions that facilitate stormwater and dry
20 weather runoff ~~collection~~: *collection for those projects.*

21 ~~(e)~~

22 (e) In awarding grants, the board shall give preference to a
23 project proposed to be located in, and that will provide benefits
24 to, a disadvantaged community or a community within one-half
25 mile of a channelized river.

26 ~~(e)~~

27 (f) (1) The board shall provide technical assistance to grant
28 applicants, including, but not limited to, calculations of the
29 projected reductions of greenhouse gas emissions.

30 (2) *The board may use up to 10 percent of the funds*
31 *appropriated for the purposes of this section to provide technical*
32 *assistance pursuant to this subdivision, including, but not limited*
33 *to, awarding technical assistance grants to grant recipients. A*
34 *technical assistance grant recipient is exempted from the match*
35 *requirement described in subdivision (c) for the technical*
36 *assistance grant.*

37 ~~(f)~~

38 (g) In implementing this section, the board may use or adapt
39 the guidelines the board developed to implement the Storm Water
40 Grant Program, which is funded in accordance with the Water

1 Quality, Supply, and Infrastructure Improvement Act of 2014
2 (Division 26.7 (commencing with Section ~~79700~~): 79700)) or
3 other previously developed and adopted project solicitation and
4 evaluation guidelines that comply with the requirements of this
5 section.

6 (h) The board may use up to 5 percent of the funds appropriated
7 for the purposes of this section for administrative costs of the
8 program.

9 (i) Chapter 3.5 (commencing with Section 11340) of Part 1 of
10 Division 3 of Title 2 of the Government Code does not apply to
11 the development or implementation of programs or projects
12 authorized or funded pursuant to this section.

13 (j) To be eligible for funding under this section, a project
14 proposed by a public utility that is regulated by the Public Utilities
15 Commission or a mutual water company shall have a clear and
16 definite public purpose and shall benefit the customers of the water
17 system and, in the case of a public utility, not the investors.

18 ~~(g)~~

19 (k) For purposes of this section, ~~a “disadvantaged”~~ the following
20 terms have the following meanings:

21 (1) “Disadvantaged community” means a community identified
22 pursuant to Section 39711 of the Health and Safety Code.

23 (2) “Public agency” means a state agency or department,
24 special district, joint powers authority, city, county, city and county,
25 or other political subdivision of the state.