

ASSEMBLY BILL

No. 1669

Introduced by Assembly Member Perea

February 14, 2012

An act to amend Section 83002 of the Water Code, relating to water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1669, as introduced, Perea. Safe drinking water and water quality projects: groundwater contamination.

The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative bond act approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing a safe drinking water, water quality and supply, flood control, and resource protection program. Existing law appropriates from those bond funds \$50,400,000 to the State Department of Public Health for grants for projects to prevent or reduce the contamination of groundwater that serves as a source of drinking water and requires that the funds be available for immediate projects needed to protect public health, as prescribed.

This bill would eliminate the requirement that the projects be immediate. By removing a restriction on the expenditure of appropriated funds, this bill would make an appropriation.

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

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

SECTION 1. Section 83002 of the Water Code is amended to read:

83002. The sum of eight hundred twenty million nine hundred seventy-three thousand dollars (\$820,973,000) is hereby appropriated in accordance with the following schedule:

(a) Of the funds made available pursuant to Chapter 1.699 (commencing with Section 5096.800) of Division 5 of the Public Resources Code, the sum of two hundred eighty-five million dollars (\$285,000,000) is hereby appropriated as follows:

(1) Pursuant to subdivision (c) of Section 5096.821 of the Public Resources Code, the sum of one hundred thirty-five million dollars (\$135,000,000) to the department for the acquisition, design, and construction of essential emergency preparedness supplies and projects. Prior to the design or construction of any project funded pursuant to this paragraph, the California Bay-Delta Authority, or its successor, shall approve the specific project or program. Preference shall be given to projects that protect and improve Delta water quality and drinking water supplies. Of the amount made available pursuant to this paragraph, not less than thirty-five million dollars (\$35,000,000) shall be expended by the department for projects to reinforce those sections of the levees that have the highest potential to suffer breaches or failure and cause harm to municipal and industrial water supply aqueducts that cross the Delta and which are vulnerable to flood damage, including the installation of scour protection on the supports of the aqueducts in those areas located adjacent to the sections of the levees that have been identified as having the highest risk for breaches or failure.

(2) Pursuant to Section 5096.827 of the Public Resources Code, the sum of one hundred fifty million dollars (\$150,000,000) to the department for grants for stormwater flood management projects that reduce flood damage and provide other benefits, including groundwater recharge, water quality improvement, and ecosystem restoration. Not less than one hundred million dollars (\$100,000,000) of this amount shall be available for projects that address immediate public health and safety needs or strengthen existing flood control facilities to address seismic safety issues. Twenty million dollars (\$20,000,000) shall be available for local

1 agencies to meet immediate water quality needs related to
2 combined municipal sewer and stormwater systems to prevent
3 sewage discharges into state waters. Twenty million dollars
4 (\$20,000,000) shall be available for urban stream stormwater flood
5 management projects to reduce the frequency and impacts of
6 flooding in watersheds that drain to the San Francisco Bay.

7 (b) Of the funds made available pursuant to Division 43
8 (commencing with Section 75001) of the Public Resources Code,
9 the sum of five hundred twenty-six million four hundred ninety-one
10 thousand dollars (\$526,491,000) is hereby appropriated as follows:

11 (1) Pursuant to Section 75022 of the Public Resources Code,
12 the sum of fifty million dollars (\$50,000,000) to the State
13 Department of Public Health for grants for small community
14 drinking water system infrastructure improvements and related
15 action to meet safe drinking water standards. First priority for these
16 funds shall be given to disadvantaged or severely disadvantaged
17 communities lacking resources to provide safe drinking water to
18 residents. Small community drinking water systems that are
19 dependent on surface water and are under orders from the State
20 Department of Public Health to boil water from existing treatment
21 systems for parasites, viruses, or giardia shall be eligible for grants
22 for drinking water system infrastructure improvements.

23 (2) Pursuant to Section 75025 of the Public Resources Code,
24 the sum of fifty million four hundred thousand dollars
25 (\$50,400,000) to the State Department of Public Health for grants
26 for projects to prevent or reduce the contamination of groundwater
27 that serves as a source of drinking water. Funds appropriated by
28 this paragraph shall be available for immediate projects needed to
29 protect public health by preventing or reducing the contamination
30 of groundwater that serves as a major source of drinking water for
31 a community.

32 (A) The State Department of Public Health shall prioritize
33 project funding based on the following criteria:

34 (i) The threat posed by groundwater contamination to the
35 affected community's overall drinking water supplies, including
36 the need for the treatment or construction of alternative supplies
37 if groundwater is not available due to contamination.

38 (ii) The potential for groundwater contamination to spread and
39 reduce drinking water supply and water storage capacity for major
40 population areas.

1 (iii) The potential of the project, if fully implemented, to enhance
2 local water supply reliability.

3 (iv) The potential of the project to increase opportunities for
4 groundwater recharge and optimization of groundwater supplies.

5 (B) The State Department of Public Health shall give additional
6 consideration to projects that meet any of the following criteria:

7 (i) The project is implemented pursuant to a comprehensive
8 basinwide groundwater quality management and remediation plan
9 or is necessary to develop a comprehensive groundwater plan.

10 (ii) Affected groundwater provides a local supply that, if
11 contaminated, will require the importation of additional water from
12 the Sacramento-San Joaquin Delta or the Colorado River.

13 (iii) The project will serve an economically disadvantaged
14 community.

15 (iv) Multiple contaminants affect more than one-third of the
16 well capacity of a local water system.

17 (C) Of the amount made available by this paragraph, up to ten
18 million dollars (\$10,000,000) shall be allocated for projects that
19 meet the criteria of this paragraph and both of the following
20 criteria:

21 (i) The project has the potential to leverage funds.

22 (ii) The project addresses contamination at a site on the list
23 maintained by the Department of Toxic Substances Control
24 pursuant to Section 25356 of the Health and Safety Code or a site
25 listed on the National Priorities List pursuant to the federal
26 Comprehensive Environmental Response, Compensation, and
27 Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.).

28 (D) Of the funds made available by this paragraph, two million
29 dollars (\$2,000,000) shall be allocated to the State Department of
30 Public Health to contract with the State Water Resources Control
31 Board for the purposes of Section 83002.5.

32 (3) (A) Pursuant to Section 75026 of the Public Resources
33 Code, the sum of one hundred eighty-one million seven hundred
34 ninety-one thousand dollars (\$181,791,000) to the department for
35 integrated regional water management activities as follows:

36 (i) One hundred million dollars (\$100,000,000) for
37 implementation grants.

38 (ii) Thirty-nine million dollars (\$39,000,000) for planning grants,
39 local groundwater assistance grants, and CALFED scientific
40 research grants.

1 (iii) Twenty-two million ninety-one thousand dollars
2 (\$22,091,000) for projects with interregional or statewide benefits.

3 Of the amount made available pursuant to this paragraph, not
4 less than ten million dollars (\$10,000,000) shall be made available
5 for expenditure to interconnect municipal and industrial water
6 supply aqueducts that cross the Delta and that are vulnerable to
7 flood damage, including the design and construction of interties
8 among aqueducts that provide at least 90 percent of a regional
9 water supply that would be threatened in the event of levee failure
10 or other disaster, and that support an integrated regional emergency
11 water supply system.

12 (iv) Twenty million seven hundred thousand dollars
13 (\$20,700,000) for program delivery costs.

14 (B) An implementation grant pursuant to clause (i) of
15 subparagraph (A) shall be available only for projects included in
16 an integrated regional water management plan that meets one of
17 the following conditions:

18 (i) The plan complies with Part 2.2 (commencing with Section
19 10530) of Division 6.

20 (ii) For a plan adopted before the date on which this section is
21 enacted, both of the following apply:

22 (I) The regional water management group that prepared the plan
23 enters into a binding agreement with the department to update the
24 plan to comply with Part 2.2 (commencing with Section 10530)
25 of Division 6 within two years of the date on which the agreement
26 was entered into.

27 (II) The regional water management group undertakes all
28 reasonable and feasible efforts to take into account water-related
29 needs of disadvantaged communities in the area within the
30 boundaries of the plan.

31 (C) (i) Of the funds described in clauses (i) and (ii) of
32 subparagraph (A), the department shall allocate not less than 10
33 percent to facilitate and support the participation of disadvantaged
34 communities in integrated regional water management planning
35 and for projects that address critical water supply or water quality
36 needs for disadvantaged communities.

37 (ii) Except as otherwise specified in clause (iii), the department
38 shall achieve the allocation described in clause (i) by awarding
39 grants for those purposes to disadvantaged communities within a
40 hydrologic region in a total dollar amount that is not less than 10

1 percent of the total dollar amount of grants awarded within the
2 region.

3 (iii) The department shall implement this subparagraph with
4 due diligence, but shall implement clause (ii) only to the extent
5 that the implementation does not affect the expeditious allocation
6 of funds for integrated regional water management grants.

7 (iv) The department shall submit a report to the Legislature with
8 regard to the implementation of this subparagraph on or before
9 July 1, 2010.

10 (D) Of the funds described in clause (iii) of subparagraph (A),
11 the department shall allocate two million dollars (\$2,000,000) to
12 Tulare County for development of an integrated water quality and
13 wastewater treatment program plan to address the drinking water
14 and wastewater needs of disadvantaged communities in the Tulare
15 Lake Basin. Funds allocated pursuant to this paragraph shall be
16 available for assessment and feasibility studies necessary to develop
17 the plan, and the plan shall include recommendations for planning,
18 infrastructure, and other water management actions, and shall
19 include specific recommendations for regional drinking water
20 treatment facilities, regional wastewater treatment facilities,
21 conjunctive use sites and groundwater recharge, groundwater for
22 surface water exchanges, related infrastructure, and cost-sharing
23 mechanisms. Tulare County shall consult with appropriate
24 stakeholders, including representatives of disadvantaged
25 communities, when preparing the plan. The department, in
26 consultation with the State Department of Public Health, shall
27 submit the plan to the Legislature by January 1, 2011.

28 (E) Of the funds described in clause (i) of subparagraph (A),
29 the department shall allocate not less than twenty million dollars
30 (\$20,000,000) to support urban and agricultural water conservation
31 projects necessary to meet a 20-percent reduction in per capita
32 water use by the year 2020.

33 (4) Pursuant to Section 75029 of the Public Resources Code,
34 the sum of ninety million dollars (90,000,000) to the department
35 for the implementation of Delta water quality improvement projects
36 that protect drinking water supplies as follows:

37 (A) Pursuant to subdivision (d) of Section 75029 of the Public
38 Resources Code, the sum of fifty million dollars (\$50,000,000)
39 for drinking water intake facility projects to improve the quality
40 of drinking water supply from the Sacramento-San Joaquin Delta

1 that are identified in the June 2005 Delta Region Drinking Water
2 Quality Management Plan. Funding shall be made available for
3 environmental review, design, and construction. Project proponents
4 seeking funding for construction shall meet all of the following
5 criteria:

6 (i) Have completed documentation required under the California
7 Environmental Quality Act (Division 13 (commencing with Section
8 21000) of the Public Resources Code) and a notice of determination
9 has been filed prior to June 30, 2008.

10 (ii) Have demonstrated multiple benefits in conveyance and
11 Delta operation to achieve protection or improvement to Delta
12 pelagic fisheries, as well as drinking water quality improvement
13 and public health protection.

14 (iii) Are able to complete design and commence construction
15 before June 30, 2009.

16 (iv) Have local or federal cost-sharing funds immediately
17 available.

18 (B) The sum of forty million dollars (\$40,000,000) for projects
19 consistent with subdivision (c) of Section 75029 of the Public
20 Resources Code.

21 (5) Pursuant to Section 75033 of the Public Resources Code,
22 the sum of one hundred million dollars (\$100,000,000) to the
23 department for the acquisition, preservation, protection, and
24 restoration of Sacramento-San Joaquin Delta resources in
25 accordance with Section 75033 of the Public Resources Code. The
26 department shall expend these funds pursuant to priorities that
27 reflect the value of the resources and land uses protected by the
28 levees to the state as a whole, consistent with the Delta Vision
29 Strategic Plan. Projects shall be selected to improve the stability
30 of the Delta levee system, reduce subsidence, and assist in restoring
31 the ecosystem of the Delta. Priority shall be given to projects that
32 improve conditions for Delta smelt and other native fish. Up to
33 five million dollars (\$5,000,000) made available pursuant to this
34 paragraph shall be available as grants and direct expenditures for
35 emergency communications equipment to improve emergency
36 response preparedness.

37 (6) Pursuant to Chapter 4 (commencing with Section 75041) of
38 Division 43 of the Public Resources Code, the sum of thirty-seven
39 million dollars (\$37,000,000) to the department as follows:

1 (A) (i) Twelve million dollars (\$12,000,000) to complete the
2 planning and feasibility studies associated with new surface storage
3 under the California Bay-Delta Program.

4 (ii) The planning and feasibility studies shall include the
5 following information:

6 (I) The identification of specific construction and operation
7 conditions proposed for each surface storage facility, including
8 consideration of climate change, an estimated schedule for the
9 construction and completion of each project funded under Section
10 75041, and the total costs of constructing each project.

11 (II) A description of the estimated total costs to construct each
12 project and an allocation of the costs to public and private
13 beneficiaries.

14 (iii) Any feasibility study conducted by or funded by the state
15 for new surface storage under the California Bay-Delta Program
16 shall evaluate funded projects consistent with all statutory and
17 other legally established requirements for protection of
18 environmental and natural resources, including protections for the
19 McCloud River pursuant to Section 5093.542 of the Public
20 Resources Code.

21 (iv) The feasibility studies shall be prepared and submitted to
22 the Governor and the Legislature no later than December 31, 2009.

23 (B) (i) Fifteen million dollars (\$15,000,000) for planning and
24 feasibility studies to identify potential options for the reoperation
25 of the state's flood protection and water supply systems that will
26 optimize the use of existing facilities and groundwater storage
27 capacity.

28 (ii) The studies shall incorporate appropriate climate change
29 scenarios and be designed to determine the potential to achieve
30 the following objectives:

31 (I) Integration of flood protection and water supply systems to
32 increase water supply reliability and flood protection, improve
33 water quality, and provide for ecosystem protection and restoration.

34 (II) Reoperation of existing reservoirs, flood facilities, and other
35 water facilities in conjunction with groundwater storage to improve
36 water supply reliability, flood control, and ecosystem protection
37 and to reduce groundwater overdraft.

38 (III) Promotion of more effective groundwater management and
39 protection and greater integration of groundwater and surface water
40 resource uses.

1 (IV) Improvement of existing water conveyance systems to
2 increase water supply reliability, improve water quality, expand
3 flood protection, and protect and restore ecosystems.

4 (C) Ten million dollars (\$10,000,000) to update the California
5 Water Plan, including evaluation of climate change impacts, the
6 development of strategies to adapt to climate change impacts,
7 technical assistance to local agencies that incorporate climate
8 change into their studies, reports, and plans, and the identification
9 of strategies to reduce greenhouse gas emissions related to the
10 storage, conveyance, and distribution of water.

11 (D) Of the money made available pursuant to subparagraphs
12 (A), (B), and (C), up to two million dollars (\$2,000,000) may be
13 expended for planning and feasibility studies necessary to
14 implement the Delta Vision Strategic Plan, developed pursuant to
15 Executive Order No. S-17-06, dated September 28, 2006,
16 establishing the Delta Vision process.

17 (7) Pursuant to Section 75050 of the Public Resources Code,
18 the sum of seventeen million three hundred thousand dollars
19 (\$17,300,000) for the protection and restoration of rivers and
20 streams as follows:

21 (A) Ten million dollars (\$10,000,000) to the State Coastal
22 Conservancy for the purposes of subdivision (i) of Section 75050
23 of the Public Resources Code.

24 (B) Seven million three hundred thousand dollars (\$7,300,000)
25 to the department for the purposes of subdivision (e) of Section
26 75050 of the Public Resources Code.

27 (c) Of the funds made available pursuant to subdivision (a) of
28 Section 79550, the sum of three million seven hundred sixty
29 thousand dollars (\$3,760,000) is hereby appropriated to the
30 department for planning and feasibility studies associated with
31 surface storage under the California Bay-Delta Program.

32 (d) (1) Of the funds available pursuant to Section 79101, the
33 sum of two million two hundred seventy-two thousand dollars
34 (\$2,272,000) is appropriated to the department for the Sacramento
35 River Hamilton City Area Flood Damage Reduction Project.

36 (2) Of the funds available pursuant to subdivision (c) of Section
37 79196.5, the sum of three million four hundred fifty thousand
38 dollars (\$3,450,000) is appropriated to the department for the

- 1 Franks Tract Pilot Project under the CALFED Drinking Water
- 2 Quality Program.

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