

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2417

Introduced by Assembly Member Nazarian

February 21, 2014

An act to ~~amend Section 21000 of~~ *add Section 21080.21.5 to the* Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2417, as amended, Nazarian. ~~Environmental quality. California~~ *Environmental Quality Act: exemption: recycled water pipelines.*

The California Environmental Quality Act (CEQA) 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. CEQA 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. CEQA ~~makes various legislative findings regarding environmental quality.~~ *exempts specified pipeline projects from the above requirements.*

~~This bill would make technical, nonsubstantive changes to those legislative findings.~~

This bill would additionally exempt from CEQA a project for the construction and installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal,

or demolition of an existing pipeline, not exceeding 8 miles in length, for the distribution of recycled water within a public street, highway, or right-of-way and would require the lead agency to undertake specified activities, including the filing of a notice of exemption for the project with the Office of Planning and Research and the office of the county clerk of each county in which the project is located. Because the lead agency is required to determine whether a project qualifies for that exemption, and undertake specified activities, this bill would impose a state-mandated local program. The bill would require the county clerk to post the notice of exemption within 24 hours of receipt, thereby imposing 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.

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

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

1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*

3 (a) *California is experiencing its worst water shortage crisis*
4 *in modern history and increasing the use of recycled water, a*
5 *supply that is not dependent on precipitation, is critical to*
6 *increasing the flexibility of, and expanding, the state's available*
7 *water supply.*

8 (b) *The pressures on the Bay-Delta ecosystem, climate change,*
9 *and continuing population growth have increased the challenges*
10 *to the state in providing clean water needed for a healthy*
11 *population and economy.*

12 (c) *Recycled water has been beneficially used in California for*
13 *the past century for a variety of purposes, including agriculture,*
14 *landscape irrigation, seawater barrier, industrial purposes, and*
15 *groundwater recharge.*

16 (d) *Recycled water can significantly stretch California's potable*
17 *water supplies and help increase local water supply reliability.*

1 *Currently, more than 3.5 million acre-feet of recyclable water is*
2 *discharged annually to the ocean.*

3 *(e) The Assembly Committee on Water, Parks, and Wildlife, in*
4 *March 2012, reported that the level of water supplies that could*
5 *potentially be derived from recycled water is substantial.*

6 *(f) The National Academy of Sciences, in Water Reuse: Potential*
7 *for Expanding the Nation's Water Supply Through Reuse of*
8 *Municipal Wastewater, states that "in the U.S. approximately 12*
9 *billion gallons of municipal wastewater effluent is discharged each*
10 *day to an ocean or estuary and that reusing these coastal*
11 *discharges could directly augment public supplies by 27 percent."*

12 *(g) The National Academy of Sciences further found that, unlike*
13 *water that is discharged into a stream and potentially used by*
14 *another downstream party, water discharged to the ocean is*
15 *considered "irrecoverable" and thus constitutes "new supply."*

16 *(h) In 2010, the State Water Resources Control Board adopted*
17 *a recycled water policy for California with a goal of creating an*
18 *additional 2.5 million acre-feet of recycled water by 2030.*

19 *(i) The delivery of shovel-ready recycled water projects can*
20 *provide immediate drought relief to California's struggling*
21 *communities.*

22 *(j) Recycled water projects could and should be expedited by*
23 *providing relief from the time consuming provisions of the*
24 *California Environmental Quality Act (Division 13 (commencing*
25 *with Section 21000) of the Public Resources Code), while still*
26 *complying with all state and local laws and providing notification*
27 *to the public and appropriate local and state agencies.*

28 *SEC. 2. Section 21080.21.5 is added to the Public Resources*
29 *Code, to read:*

30 *21080.21.5. (a) This division does not apply to a project of*
31 *less than eight miles in length within a public street, highway, or*
32 *right-of-way for the construction and installation of a new recycled*
33 *water pipeline, or the maintenance, repair, restoration,*
34 *reconditioning, relocation, replacement, removal, or demolition*
35 *of an existing recycled water pipeline.*

36 *(b) For the purposes of this section, "pipeline" means*
37 *subsurface pipelines and subsurface or surface accessories or*
38 *appurtenances to a pipeline, such as mains, traps, vents, cables,*
39 *conduits, vaults, valves, flanges, manholes, and meters.*

1 (c) For the purposes of construction and installation of a new
2 recycled water pipeline, or the maintenance, repair, restoration,
3 reconditioning, relocation, replacement, removal, or demolition
4 of an existing recycled water pipeline, the lead agency shall do
5 all of the following:

6 (1) File a notice of exemption of the project from this division
7 with the Office of Planning and Research and in the office of the
8 county clerk of each county in which the project is located within
9 20 days of the approval of the project. The county clerk shall post
10 the notice within 24 hours of receipt.

11 (2) Ensure that the underlying property owner has given
12 permission to access the property, in the case of a right-of-way
13 over private property, if access is not granted in the express terms
14 of the right-of-way.

15 (3) Ensure the restoration of the public street, highway, or
16 right-of-way to a condition consistent with all applicable local
17 laws or regulations, or a negotiated agreement.

18 (d) The project applicant shall comply with all applicable laws
19 and regulations, including Chapter 3 (commencing with Section
20 60301) of Division 4 of Title 22 of the California Code of
21 Regulations.

22 SEC. 3. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 a local agency or school district has the authority to levy service
25 charges, fees, or assessments sufficient to pay for the program or
26 level of service mandated by this act, within the meaning of Section
27 17556 of the Government Code.

28 SECTION 1. ~~Section 21000 of the Public Resources Code is~~
29 ~~amended to read:~~

30 ~~21000. (a) The Legislature finds and declares the following:~~

31 ~~(1) The maintenance of a quality environment for the people of~~
32 ~~this state now and in the future is a matter of statewide concern.~~

33 ~~(2) It is necessary to provide a high-quality environment that at~~
34 ~~all times is healthful and pleasing to the senses and intellect of~~
35 ~~people.~~

36 ~~(3) There is a need to understand the relationship between the~~
37 ~~maintenance of high-quality ecological systems and the general~~
38 ~~welfare of the people of the state, including their enjoyment of the~~
39 ~~natural resources of the state.~~

1 ~~(4) Every citizen has a responsibility to contribute to the~~
2 ~~preservation and enhancement of the environment.~~

3 ~~(5) The interrelationship of policies and practices in the~~
4 ~~management of natural resources and waste disposal requires~~
5 ~~systematic and concerted efforts by public and private interests to~~
6 ~~enhance environmental quality and to control environmental~~
7 ~~pollution.~~

8 ~~(b) (1) It is the intent of the Legislature that all agencies of the~~
9 ~~state government that regulate activities of private individuals,~~
10 ~~corporations, and public agencies that are found to affect the quality~~
11 ~~of the environment, shall regulate those activities so that major~~
12 ~~consideration is given to preventing environmental damage, while~~
13 ~~providing a decent home and satisfying living environment for~~
14 ~~every Californian.~~

15 ~~(2) The capacity of the environment is limited, and it is the~~
16 ~~intent of the Legislature that the government of the state take~~
17 ~~immediate steps to identify critical thresholds for the health and~~
18 ~~safety of the people of the state and take all coordinated actions~~
19 ~~necessary to prevent those thresholds from being reached.~~