



Senator Melissa Hurtado

REPRESENTING SENATE DISTRICT 14

Senate Bill 974

CEQA: Exempt Disadvantaged Community Water Systems

As Amended August 25th, 2020

SUMMARY

Senate Bill 974 provides a narrow exemption from CEQA review drinking water projects and small state water systems benefiting public water systems serving small disadvantaged communities.

BACKGROUND

In 2012, with AB685, California became the first state in the nation to legally recognize the Human Right to Water, affirming “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.” Nearly a decade later, this promise remains unfulfilled.

The California Environmental Quality Act (CEQA) requires state and local government agencies to consider the potential environmental impacts of proposed projects, and to reduce those impacts to the extent feasible. There are dozens of existing statutory exemptions that exempt certain types of projects from CEQA, including residential infill and the Olympics; these projects file a Notice of Exemption (NOE).

The CEQA process impacts drinking water projects for small disadvantaged communities and schools in two phases: first during the planning phase when environmental documents are prepared, and second during the funding application review process conducted by the State Water Board. Many drinking water projects require a Mitigated Negative Declaration (MND), which is prepared when the initial study (IS) identifies potentially harmful

effects on the environment that can be mitigated and addressed. NOEs are adopted when possible according to existing law and Environmental Impact Reports are unheard of for projects at this small scale.

While the predictable mitigation measures are not burdensome, the preparation and review of the IS/MND still adds tens of thousands of dollars and months (and sometimes years) to projects, delaying safe drinking water for disadvantaged communities.

THE PROBLEM

During California’s historic drought, attention and resources were directed like never before to the State’s drinking water crisis. Several small rural disadvantaged communities used the existing emergency CEQA exemption to implement critical drinking water projects when the drought made their situations even more dire.

However, each of those communities were plagued by drinking water issues for years prior to the drought. Now, years after the drought, many communities, including those that implemented emergency drought projects, continue to suffer from contaminated and depleted water supplies.

Californians without safe and affordable drinking water, especially the most vulnerable in the State, cannot wait any longer to finally secure clean drinking water.



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THE SOLUTION

SB 974 creates a narrow statutory CEQA exemption for drinking water projects for small disadvantaged communities and small state water systems that:

- Improve the community's water system's water quality, water supply, or supply reliability.
- Encourage water conservation.
- Provide drinking water service to existing residences within a community where there is evidence that their water source is contaminated or depleted.

Additionally, eligible projects must:

- Not affect wetlands or sensitive habitat.
- Not be located on a hazardous waste site.
- Not have a substantial adverse change in the significance of a historical resource.
- Mitigate their construction impacts in such a way that is consistent with applicable law.
- Exclude projects that primarily serve irrigation.
- Ensure a skilled and training workforce and a prevailing wage for such projects.

SUPPORT

Self-Help Enterprises (Co-sponsor)
Rural Community Assistance Corporation
(Co- sponsor)
Allensworth Community Services District
American Council of Engineering Companies
California Association of Realtors
California State Council of Laborers
East Oroshi Community Services District
Environmental Defense Action Fund
Hardwick Water Company
Lanare Community Services District
Lemon Cove Sanitary District
National Audubon Society
Northern California Water Association
Plainview Mutual Water Company
Regional Water Authority
Richgrove Community Services District
Rural County Representatives of California
Solano County
State Building Construction Trades Council of
California
Sultana Community Services District
Tulare County Board of Supervisors
Yetem-Seville Community Services District

FOR MORE INFORMATION

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