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To: The Office of the Attorney General
ATTN: Initiative Coordinator
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Sacramento, CA 95814
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OCT 7 2021

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

RE: Request for Circulating Title and Summary

To Whom it May Concern:

Pursuant to Article II, Section 10(d) of the California Constitution, this letter respectfully requests that the Attorney General prepare a circulating title and summary of the enclosed proposed statewide initiative. Also enclosed is the required signed statement pursuant to California Elections Code sections 9001 and 9608, a check in the amount of \$2,000, and the proponent's address as a registered voter.

Please direct all inquiries and correspondence regarding this proposed initiative to:

Andre Quintero

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Submitted by proponent:

Andre Quintero



Enclosures: Initiative language; Certifications with proponent's address, check for \$2,000,

The Contaminated Land and Water Cleanup Act of 2022

SECTION 1. TITLE.

This measure shall be known and may be cited as the Contaminated Land and Water Cleanup Act of 2022.

SECTION 2. STATEMENT OF FINDINGS AND DECLARATION OF PURPOSE AND INTENT.

The people of the State of California find and declare all of the following:

- (a) “Brownfield” is the technical name for an underused or abandoned industrial or commercial property. Brownfields can range from old factories to vacant warehouses, from defunct gas stations and oil wells to former dry-cleaning establishments.
- (b) The United States General Accounting Office has estimated that there are over 450,000 Brownfield properties in the United States. And, according to the California Environmental Protection Agency (CalEPA), California is home to almost 90,000 them.
- (c) Throughout California, the Brownfield problem is growing. Over the last several decades, the state’s industrial and manufacturing base has declined, and many urban areas are now saddled with polluted, idle or underutilized properties.
- (d) Many Brownfields are contaminated with potentially dangerous waste. According to the United States Environmental Protection Agency (EPA), pollutants found at Brownfields include: lead, other metals, petroleum, asbestos, polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), polychlorinated biphenyls (PCBs), and arsenic.
- (e) According to the EPA, public health hazards caused by these pollutants can include: damage to the brain, nerves, organs, and bones; nervous system, immune, liver, kidney, and respiratory damage; cardiovascular, developmental, gastrointestinal, neurological, reproductive, and respiratory damage; mesothelioma, and a variety of other cancers.
- (f) Pollution from hazardous waste at Brownfields can leach into the groundwater and pollute the air, threatening the health and safety of residents in surrounding communities.
- (g) Brownfield cleanup protects groundwater and surface water resources, safeguards public health, and promotes environmental justice.
- (h) Brownfields can—and should—be reused. These properties can be utilized for a wide variety of purposes. They have, for example, been successfully turned into affordable housing developments, retail sites, office parks, schools, and parks.
- (i) Cleanup and reuse of former Brownfields protects the health and safety of communities and can provide jobs, tax revenues and economic development in the core urban communities that need it most.

The people of California find and declare it is necessary and in the public interest to do all the following:

- (a) Provide grants through state and local agencies to identify and investigate Brownfields as defined in this chapter.
- (b) Provide grants through state and local agencies to clean up hazardous materials and pollutants at sites where redevelopment and reuse is being considered. Funding will be provided to clean up these properties to the level needed to facilitate the anticipated reuse.
- (c) Provide grants through the nine Regional Water Quality Control Boards for identification, investigation, and cleanup of groundwater on or adjacent to Brownfields as defined in this chapter.
- (d) Provide grants through the Office of Emergency Services to enhance hazardous materials response training, capacity, capability, and personnel. Funding shall be used to partner with local Fire Departments in geographic proximity to Brownfield sites as defined in this chapter.

It is the intent of the people in enacting this chapter that it be administered and executed in the most expeditious manner possible, and that all state, regional and local officials implement this chapter to the fullest extent of their authority.

SECTION 3. BROWNFIELD PROGRAM.

Chapter 6.84 (commencing with Section 25395.500) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 6.84. The Contaminated Land and Water Cleanup Act of 2022

Article 1. General Provisions

Section 25395.500. For purposes of this chapter, the following terms have the following meanings:

- (a) “Brownfield site” means each of the following:
 - (1) High value reuse opportunity sites identified below:
 - (A) Crown City Plating Company, located at 4350 Temple City Boulevard, El Monte, California, 91731;
 - (B) Sargent Fletcher, located at 9400 E. Flair Drive, El Monte, California, 91731;
 - (C) Albertsons, located at 4323 North Arden Drive, El Monte, California, 91731;
 - (D) Defense Fuel Support Point Norwalk, located at 15306 Norwalk Boulevard, Norwalk, California, 90650;
 - (E) Cal Compact Landfill, located at 20400 Main Street, Carson, California, 90745;
 - (F) Victoria Golf Course (former BKK Carson dump) located at 340 E. 192nd Street, Carson, California, 90746;

- (G) Zeneca Richmond AG Products, located at 1415 South 47th Street, Richmond, California, 94804;
 - (H) Banning Ranch Oil Field - Newport Beach.
 - (2) Other Brownfield sites designated on the Hazardous Waste and Substances Sites (Cortese) List.
- (b) “DTSC” means the California Department of Toxic Substances Control.
- (c) “Fund” means the Brownfield Site Bond Act Fund created pursuant to Section 25395.501(a).
- (d) “Grant” means the distribution of money in the Fund by DTSC to local government agencies for the cleanup and remediation of eligible Brownfield sites pursuant to this chapter.
- (e) “Local government agency” means any California county, city, county and city, or political subdivision in which a Brownfield site is located.
- (f) “Program” means the Brownfield Program established pursuant to this chapter.
- (g) “Project” means a grant application for the cleanup and remediation of a Brownfield site designated in this chapter that meets the standards set by DTSC for development and reuse of the Brownfield site. “Project” does not include development of Brownfield sites.
- (h) “Regional Water Board” means any of the nine Regional Water Quality Control Boards of California.

Article 2. The Brownfield Program

Section 25395.501.

- (a) The Brownfield Site Bond Act Fund is hereby created within the State Treasury. Proceeds of bonds shall be deposited in the Fund and used to fund the Brownfield site cleanup and remediation program described in this chapter. The proceeds of bonds issued and sold pursuant to this chapter shall be allocated in the following manner:
- (1) The sum of five hundred million dollars (\$500,000,000) shall be made available, upon appropriation by the Legislature, to DTSC for the purposes set forth in Chapter 73, Statutes of 2021 (Senate Bill 158).
 - (2) The sum of eight hundred million dollars (\$800,000,000) shall be available to DTSC for the purpose of awarding grants to the following local government agencies for cleanup and remediation of Brownfield sites as defined in Section 25395.500(a)(1), to be completed within the schedule determined by DTSC for that site, and located in the local government agency’s jurisdiction:
 - (A) The City of El Monte;
 - (B) The City of Carson;
 - (C) The City of Norwalk,
 - (D) The City of Richmond; and
 - (E) The City of Newport Beach.

- (b) If DTSC determines that funds provided for in subsection (a)(2) have not been awarded by January 1, 2028, DTSC shall award those funds as grants to any local government agency to fund cleanup and remediation of a Brownfield site designated in Section 25395.500(a)(2) of this chapter.
- (c) (1) DTSC shall develop a written application for the awarding of grants pursuant to subsection (b) to local government agencies no later than January 1, 2027. DTSC shall award grants to local government agencies, subject to the limitations of this chapter and to further the purposes of this chapter, based on the following factors:
 - (A) The grant will contribute to workforce development, job training, and creation;
 - (B) The grant will preserve open space or facilitate approved redevelopment and reuse, or both, of the site;
 - (C) Projects on which all workers will be paid at least the general prevailing rate of per diem wages as determined by the Director of Industrial Relations shall be given preference, regardless of whether the project constitutes a public work as defined in Section 1720(a) of the Labor Code;
 - (D) When the grant applicant has established a project or potential project that is not a public work as defined in Section 1720(a) of the Labor Code, preference shall be given to applications that identify partners or potential partners to develop the Brownfield site once the cleanup and remediation has met standards set by DTSC for development and reuse.
- (2) An application for funds shall be submitted to DTSC for its approval as to its conformity with the requirements of this section.
- (3) DTSC shall process and award grants in a timely manner, not to exceed 60 days.
- (d) Local government agencies, in expending grant funding available under this chapter, shall endeavor, where practical, to partner with nonprofit and nongovernmental organizations to maximize community revitalization and economic growth.

Section 25395.502. Funds available for groundwater improvement.

Notwithstanding any other law, the sum of three hundred million dollars (\$300,000,000) shall, upon appropriation by the Legislature, be available to the Regional Water Boards under the Site Cleanup Program (“SCP”) for identification, investigation and cleanup of groundwater on or adjacent to sites as defined in Section 25395.500(a)(1) and (2).

Section 25395.503. Funds available for fire and hazardous materials.

The sum of one hundred million dollars (\$100,000,000) shall, upon appropriation by the Legislature, be available to the Office of Emergency Services to enhance hazardous materials response training, capacity, capability and personnel. Funding shall be used to partner with local Fire Departments in geographic proximity to Brownfield sites as defined in this chapter.

Section 25395.504. Funds available for Brownfield school sites.

The sum of two hundred million dollars (\$200,000,000) shall, upon appropriation by the Legislature, be available to DTSC's Brownfields Restoration and School Evaluation Branch for assessing, investigating, and cleaning up school sites.

Article 3. Fiscal Provisions

Section 25395.505.

- (a) Bonds in the total amount of one billion nine hundred million dollars (\$1,900,000,000), not including the amount of any refunding bonds, or so much thereof as is necessary, are hereby authorized to be issued and sold for carrying out the purposes expressed in this chapter and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bond proceeds shall be deposited into the Brownfield Site Bond Act Fund created by Section 25395.501(a). All bonds herein authorized which have been duly issued, sold, and delivered as provided herein shall constitute valid and binding general obligations of the state, and the full faith and credit of the state is hereby pledged for the punctual payment of both principal of and interest on those bonds when due.
- (b) The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all provisions of that law shall apply to the bonds and to this act and are hereby incorporated in this chapter by this reference as though fully set forth herein.
- (c) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this chapter, the Brownfield Site Bond Act Finance Committee is hereby created. For purposes of this chapter, the Brownfield Site Bond Act Finance Committee is "the committee" as that term is used by the State General Obligation Bond Law. The committee shall consist of the Controller, the Director of Finance, and the Treasurer, or their designated representatives. The Treasurer shall serve as chairperson of the committee. A majority of the committee may act for the committee.
- (d) For purposes of this chapter and the State General Obligation Bond Law, DTSC is designated as "the board" and shall administer the program pursuant to this chapter.
- (e) There shall be collected annually in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds maturing each year, and it is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do so and perform each and every act that is necessary to collect that additional sum.
- (f) Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund, for purposes of this division, an amount that will equal the total of the following: (1) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this division, as the principal and interest become due and

payable. (2) The sum which is necessary to carry out the provisions of Section 25395.505(g), appropriated without regard to fiscal years.

- (g) For the purposes of carrying out this division, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund, plus the interest that the amounts would have earned in the Pooled Money Investment Account, from money received from the sale of bonds that would otherwise be deposited in that fund.
- (h) Any bonds issued or sold pursuant to this division may be refunded by the issuance of refunding bonds in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code. Approval by the electors of the state for the issuance of the bonds shall include approval of the issuance of any bonds issued to refund any bonds originally issued or any previously issued refunding bonds.
- (i) The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for purposes of carrying out this part. The amount of the request shall not exceed the amount of the unsold bonds that the committee, by resolution, has authorized to be sold for the purpose of carrying out this chapter. The board shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this chapter.
- (j) Notwithstanding any other provision of this chapter, or of the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), if the Treasurer sells bonds pursuant to this chapter that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes, subject to designated conditions, the Treasurer may maintain separate accounts for the investment of bond proceeds and for the investment of earnings on those proceeds. The Treasurer may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or take any other action with respect to the investment and use of those bond proceeds required or desirable under federal law to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

Article 4. Miscellaneous

Section 25395.506.

- (a) Not later than January 1, 2023, and on or before January 1 of each year thereafter, DTSC shall report to the Legislature and the Department of Finance on the recipient and amount of each grant during the previous calendar year. The information shall include a list of all projects and their geographical location that have been funded or are required or authorized to receive funds; the total amount awarded on each project; the status of any project required or authorized to be funded; and the intended public and environmental benefit that the awards provide. The information shall also include the data on the balances of funds available under this chapter for grants in that fiscal year and future fiscal years.
- (b) Notwithstanding any other provision of this chapter, the provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.