

To: The Office of the Attorney General
ATTN: Initiative Coordinator
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Sacramento, CA 95814
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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

**Re: Initiative 21-0034 "The Contaminated Land and Water
Cleanup Act of 2022" - Amendment**

Dear Initiative Coordinator:

Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find amendments to Initiative No. 21-0034. The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed. I am a proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language.

Thank you for your time and attention processing my request. Please direct all inquiries and correspondence regarding this proposed initiative to:

Andre Quintero, Proponent

12058 Clora Place
El Monte, CA 91732
Phone: (626) 536-7371
Email: andre.quintero@me.com

Signature:



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 which is suspected, actually, or perceived to be environmentally contaminated. Brownfields can range from old factories and rail yards to vacant warehouses, and from defunct gas stations and oil wells and energy facilities to former dry-cleaning establishments and landfills.

(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 Brownfield properties. The number is likely much higher.

(c) Throughout California, the need to address the Brownfield challenge is growing. Over the last several decades, the state’s industrial manufacturing base and petroleum industry has declined and landfills have closed, and many urban and rural areas are now saddled with polluted, idle or underutilized properties.

(d) These Brownfield properties can and should be cleaned-up and placed to safe, productive, community enhancing, sustainable use. Safe, sustainable Brownfields cleanup and reuse promotes, among other things: (1) environmental and ecological health; (2) community revitalization; (3) environmental justice goals; (4) housing production and affordability; (5) reduced sprawl and conservation of open spaces; (6) creation of jobs; (7) local and regional economic prosperity; (8) increased tax base; (9) reduced greenhouse gas emissions as compared to business as usual; and (10) creation of new public park lands and open space.

(e) California has been a leader in safe, sustainable Brownfields cleanup and community revitalization. California has a record of successfully transforming these properties into a wide variety of uses, including, among others, housing developments, retail sites, office parks, community parks, and solar energy production centers.

(f) The safe, sustainable revitalization of Brownfields with community engagement is a key tool in achieving environmental justice goals.

(g) Communities that lack access to safe, clean parks, open space, and trails, as well as affordable housing, are disproportionately impacted by the enduring and perceived conditions at or emanating from Brownfield properties.

(h) The safe, sustainable cleanup and reuse of Brownfield properties for purposes such as parks and restored natural areas will advance the State of California's commitment to conserving 30 percent of its lands by 2030, also known as "30 X 30," especially in urban disadvantaged communities.

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

- (1) Provide grants through state and local agencies to identify, investigate, and safely and sustainably cleanup Brownfields as defined in this chapter.
- (2) Provide grants through state and local agencies to safely and sustainably cleanup hazardous materials, hazardous substances, solid waste, and other contaminants and pollutants at and emanating from Brownfield properties where revitalization or reuse, including the reuse as parks or other public lands, is being considered or is possible. Funding will be provided to identify, investigate, and safely and sustainably cleanup these Brownfield properties to the level needed to facilitate the anticipated revitalization and reuse.
- (3) Provide grants through the nine Regional Water Quality Control Boards for identification, investigation, and the safe and sustainable cleanup of environmental media, including groundwater, surface water, soil, and soil vapor, and to take effective measures to protect human health and the environment, including to protect building indoor air on or impacted by Brownfield properties as defined in this chapter.
- (4) 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 properties as defined in this chapter.
- (5) Provide grants for the abandonment, closure and remediation of oil and gas wells, energy facilities landfills, former petroleum refineries and tank farms, for their safe and sustainable revitalization and reuse, including creation of public parkland, mixed use developments, or housing.

It is the intent of the people of the State of California in enacting this chapter that it be administered and executed in the most expeditious manner possible including public engagement, tribal consultation and environmental justice considerations, and that all state, regional and local officials implement this chapter to the fullest extent of their authority to promote the safe and sustainable cleanup, revitalization and reuse of Brownfield properties.

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, for which no application to DTSC is required and are authorized to receive funds for the investigation, public engagement, safe and sustainable clean-up, closure, and post-cleanup requirements related to the following properties:

- (A) Former Crown City Plating Company, located at 4350 Temple City Boulevard, El Monte, California, 91731;
- (B) Former Albertsons, located at 4323 North Arden Drive, El Monte, California, 91731;
- (C) Cal Compact Landfill, located at 20400 Main Street, Carson, California, 90745;
- (D) Victoria Golf Course (former BKK Carson dump) located at 340 E. 192nd Street, Carson, California, 90746;
- (E) Zeneca Richmond AG Products, located at 1415 South 47th Street, Richmond, California, 94804;
- (F) SMUD Corporation Yard, located at 59th and S Streets, Sacramento, California, 95817;
- (G) Rockwell International/Conexant Systems, Inc./Uptown Newport LP, located at 4311-4321 Jamboree Road, Newport Beach, California 92660;
- (H) Brisbane Baylands properties, including Baylands Operable Units -SM and 2, and the Brisbane landfill, located in Brisbane, California, 94005;
- (I) Lynwood Springs, located at 11605 Long Beach Boulevard, Lynwood, California, 90262.

(2) A hazardous waste site that is listed pursuant to Government Code Section 65962.5, a hazardous waste site designated by DTSC pursuant to Section 25356 of the Health and Safety Code, a landfill, or other real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of hazardous materials, hazardous substances, solid waste, pollutants, or contaminants.

(b) "DTSC" means the California Department of Toxic Substances Control or a successor organization.

(c) "Fund" means the Brownfield Site Bond Act Fund created pursuant to Section 25395.501(a).

(d) "Lead Environmental Agency" means the Federal, state, or local government agency designated as the environmental oversight agency of a Brownfield Site, if any.

(e) "Local Government Agency" means, notwithstanding any other law, any California county, city, county and city, or other political subdivision, including but not limited to

municipal utility districts, conservation districts, housing authority special districts, and infrastructure or community finance districts in which a Brownfield Site is located.

(f) “Nonprofit Organization” means an organization qualified to do business in California and exempt under Section 501(c)(3) of the Internal Revenue Code, a limited liability corporation in which all managing members are 501(c)(3) nonprofit organizations, a limited liability corporation whose sole members are 501(c)(3) nonprofit organizations, and a limited liability partnership or limited partnership in which all general partners are 501(c)(3) nonprofit organizations.

(g) “Program” means the Brownfield Program established pursuant to this chapter.

(h) “Project” means a grant application for the discovery, investigation, public engagement, safe and sustainable cleanup, mitigation, remediation and post-cleanup requirements, including operation and maintenance of a Brownfield Site designated in this chapter that meets the standards set by DTSC for development and reuse of the Brownfield Site.

(i) “Qualified Environmental Professional” means a California-registered civil engineer or geologist experienced in Brownfields assessment and cleanup, with a license in good standing with the California Department of Consumer Affairs Board for Professional Engineers, Land Surveyors, and Geologists.

(j) “Regional Water Board” means any of the nine Regional Water Quality Control Boards of California.

(k) “State Water Board” means the State Water Resources Control Board.

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 programs described in this chapter. The proceeds of bonds issued and sold pursuant to this chapter shall be allocated as set forth in this chapter.

(1) The sum of five hundred million dollars (\$500,000,000) shall be made available, upon appropriation by the Legislature, to DTSC for the discovery, investigation, public engagement, safe and sustainable cleanup, mitigation, remediation and post-cleanup requirements, including operation and maintenance, of contaminated properties to promote a clean and healthy environment, Brownfields reuse and revitalization, a grant program to fund response actions at Brownfield Sites, and a job and development training program to promote public health and community engagement, equity and environmental justice, and to support the local economy, as set forth in Chapter 73, Statutes of 2021 (Senate Bill 158).

(2) The sum of one billion dollars (\$1,000,000,000) shall be made available to DTSC for the investigation, safe and sustainable closure, cleanup, remediation, mitigation, and post-cleanup requirements, including long-term groundwater monitoring and operation and maintenance of environmental mitigation and remediation measures at or associated with the

Brownfield Site, and financial assurances, of Brownfield Sites as defined in Section 25395.500(a)(1).

- (A) The following Local Government Agencies, for the Brownfield Site within their respective jurisdictions, shall, upon an agreement between DTSC, the Local Government Agency and the subject property owner, be eligible to receive funding pursuant to this Section 25395.501(a)(2), for implementation of the investigation, safe and sustainable closure, cleanup, remediation, mitigation, and post-cleanup obligations, such as operations and maintenance, long-term monitoring, and financial assurance, of Brownfield Sites, under the oversight of the DTSC or applicable Regional Water Board or such other Lead Environmental Agency as may have jurisdiction over the Brownfield Site:
 - (i) The City of El Monte;
 - (ii) The City of Carson;
 - (iii) The City of Richmond;
 - (iv) The City of Newport Beach;
 - (v) Sacramento Municipal Utility District;
 - (vi) The City of Brisbane;
 - (vii) The City of Lynwood.
 - (B) For reasons of safety, sustainability, and practicability, including closure and/or cleanup and revitalization activities that are closely related (e.g., engineering or institutional controls and maintenance and monitoring that will be required), the Lead Environmental Agency or Local Government Agency, in agreement with the property owner of each applicable Brownfield Site identified pursuant to 25395.500(a)(1), shall receive funding pursuant to this Section 25395.501(a)(2), for implementation of the investigation, safe and sustainable closure, cleanup, remediation, mitigation, and post-cleanup obligations, such as operations and maintenance, long-term monitoring, and financial assurance of the Brownfield Site (collectively but not exclusively “Environmental Work”), under the oversight of the Lead Environmental Agency that may have jurisdiction over the Brownfield Site. The Environmental Work must be implemented and overseen by a Qualified Environmental Professional.
 - (C) Funds provided pursuant to Section 25395.501(a)(2), whether expended by a Lead Environmental Agency or a Local Government Agency, may be used for the staffing, operations, agency oversight costs, and ongoing maintenance necessary to ensure successful, safe, sustainable implementation of the investigation, closure, cleanup, mitigation, remediation of the pollutants at and emanating from the Brownfield Site. These funds may also be used for post-clean-up obligations, such as operations, maintenance, long-term monitoring, and financial assurance.
- (b) If DTSC determines that funds provided for in subsection (a)(2) have not been committed by January 1, 2028, DTSC shall, in consultation with the Lead Environmental Agency for a site defined in Section 25395.500(a)(2), award those funds as grants to any Lead

Environmental Agency or Local Government Agency to fund investigation, cleanup, mitigation, and remediation of a Brownfield Site designated in Section 25395.500(a)(2) of this chapter. For purposes of this section, "committed" funds include funds which have been allocated but not yet spent pursuant to Section 25395.501(a)(2).

- (c) (1) To implement Section 25395.501(b), within 180 days of the effective date of this Program, DTSC shall develop a written application for the awarding of grants pursuant to subsection (b) to Local Government Agencies. DTSC shall award grants to Local Government Agencies, subject to the limitations of this chapter and to further the purposes of this chapter, prioritizing the following factors:
- (A) The project will contribute to workforce development, job training, or job creation;
 - (B) The project will create housing or preserve or create publicly accessible open space, or both;
 - (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 investigation, cleanup, mitigation, and remediation has met standards set by DTSC for development and reuse of the Brownfield Site; and
 - (E) Priority shall be given to Brownfield Sites that: (i) can be developed for residential use once remediated for the intended future redevelopment purpose for the Brownfield Site; (ii) are located in disadvantaged communities as defined under Chapter 830, Statutes of 2012 (Senate Bill 535), as may be amended; or (iii) address significant human health or environmental risk.
- (2) DTSC may use other factors and the totality of the circumstances to determine priority for investigation and remediation with the goal of encouraging the revitalization, reuse, or redevelopment of Brownfield Sites in the State of California.
- (3) An application for funds pursuant to Section 25395.501(b) shall be submitted to DTSC for its approval as to its conformity with the requirements of this section.
- (4) DTSC shall process and award grants in a timely manner, not to exceed 60 days from the date of the application. DTSC shall bill the fund for its time and expense to review and approve the application and proposed Environmental Work at or associated with the Brownfield Sites which time and expenses may be paid from Grant funds. The Lead Environmental Agency for the Brownfield Site will work with DTSC to fund the approved investigation, mitigation, and remediation workplans for the designated Brownfield Sites to allow implementation of the approved Environmental Work to move forward the revitalization, reuse, and redevelopment in a prompt and timely manner.

(5) For the purposes of facilitating investigation, closure, safe and sustainable cleanup, mitigation and remediation of Brownfield Sites, grant funds may be used for DTSC, Lead Environmental Agency, and Local Government Agency staffing, operations, agency oversight, and ongoing maintenance necessary to ensure successful implementation of the project objectives. Grant funds may also be used for post-remedial obligations, such as long-term monitoring, operations, and financial assurance.

(d) The Lead Environmental Agency, Local Government Agencies, in expending grant funding available under this section, shall endeavor, where practical, to partner with nonprofit and nongovernmental organizations to maximize community revitalization and economic growth.

(e) For purposes of this section, "grant" means the distribution of money in the Fund by DTSC pursuant to Section 25395.501, to the overseeing Lead Environmental Agency or Local Government Agencies for the identification, investigation, cleanup, mitigation, and remediation of eligible Brownfield Sites. The Lead Environmental Agency and Local Government Agencies will work with interested parties, such as properties owners and prospective purchasers, to review and approve budgets provided by the work parties and disperse funds in task orders commensurate with regulatory approvals by the Lead Environmental Agency or Local Government Agency for Brownfield Site.

Section 25395.502. Funds available for groundwater improvement.

The sum of three hundred million dollars (\$300,000,000) shall, upon appropriation by the Legislature, be available from the Fund to the nine Regional Water Boards through the State Water Board for the Site Cleanup Program ("SCP") or Landfill Disposal Program or their successors for identification, investigation, mitigation, cleanup and remediation of environmental media, including groundwater, soil, surface water, and soil vapor, on or adjacent to Brownfield Sites as defined in Section 25395.500(a)(1) and (2), with priority given to Disadvantaged Communities Designation, as defined under Chapter 830, Statutes of 2012 (Senate Bill 535), as may be amended.

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 from the Fund 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, with priority given to Disadvantaged Communities Designation, as defined under Chapter 830, Statutes of 2012 (Senate Bill 535), as may be amended.

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 from the Fund to DTSC's Brownfields Restoration and School Evaluation Branch for assessing, investigating, and cleaning up school sites, with priority given

to Disadvantaged Communities Designation, as defined under Chapter 830, Statutes of 2012 (Senate Bill 535), as may be amended.

Section 25395.505. Funds available for open space, trails, and restoration.

The sum of three hundred million dollars (\$300,000,000) shall, upon appropriation by the Legislature, be available from the Fund for grants to convert remediated Brownfield Sites into parks, playgrounds, trails, community gardens, natural habitats, open land and usable green spaces with priority given to Disadvantaged Communities Designation, as defined under Chapter 830, Statutes of 2012 (Senate Bill 535), as may be amended. For purposes of this section, eligible grant applicants shall include Local Government Agencies and nonprofits. The Legislature may, by statute, implement this section.

Section 25395.506. Funds available for watershed, habitat, and oilfield acquisition and restoration.

The sum of three hundred million dollars (\$300,000,000) shall, upon appropriation by the Legislature, be available from the Fund for grants for the acquisition and remediation of parcels including, but not limited to, those that contain abandoned oil and gas wells and petroleum fields. For purposes of this section, eligible grant applicants shall include Local Government Agencies and nonprofits.

Section 25395.507. Administrative Costs.

An amount not more than 10% percent of the funds allocated for a grant program pursuant to this chapter may be used to pay the administrative and staff costs that may be required by the program.

Section 25395.508. No Cost Recovery.

Grant funds expended on or in the vicinity of any Brownfield Site, as defined herein, shall not be recoverable from any person which is working with the DTSC, Lead Environmental Agency and Local Government Agency to discover, investigate, perform safe and sustainable closure, cleanup, remediation, mitigation, and post-cleanup obligations, such as operations and maintenance, long-term monitoring, and financial assurance, of Brownfield Sites. This program and the use of grant funds shall not form a basis or be considered a cost for the purpose of any administrative, civil or criminal action, including a cost recovery action.

Article 3. Fiscal Provisions

Section 25395.509.

- (a) Bonds in the total amount of two billion, seven hundred million dollars (\$2,700,000,000), 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 25395.509(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 25395.5010..

- (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.