
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Allen, Chair

2021 - 2022 Regular

Bill No: AB 2163
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Version: 2/15/2022
Urgency: No
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Hearing Date: 6/1/2022
Fiscal: Yes

SUBJECT: San Gabriel Basin Water Quality Authority Act

DIGEST: Extends the sunset from July 1, 2030 to July 1, 2050 for the San Gabriel Basin Water Quality Authority (Authority).

ANALYSIS:

Existing law:

- 1) Pursuant to the San Gabriel Basin Water Quality Authority Act (Act) (Chapter 776, Statutes of 1992 (Water Code Appendix, §134-101, et seq.)):
 - a) Requires the Authority to develop and adopt a basinwide groundwater quality management and remediation plan that includes certain components, such as characterization of Basin contamination, development and implementation of a comprehensive Basin cleanup plan, a financing plan, and a public information and participation plan.
 - b) Establishes election procedures for electing members to the Authority.
 - c) Requires the Authority to provide a status report to the State Water Resources Control Board (State Water Board) and the Los Angeles Regional Water Quality Control Board every six months on activities undertaken pursuant to the Basin groundwater quality management and remediation plan. Requires the status report to include certain information, such as an overview of contamination, coordination with other agencies, funding from potentially responsible parties and other sources, status of certain plans, and project activities information.
 - d) Sunsets the Act on July 1, 2030.

This bill: Extends the sunset from July 1, 2030 to July 1, 2050 for the San Gabriel Basin Water Quality Authority (Authority).

Background

- 1) *The San Gabriel Valley.* The San Gabriel Valley is a suburban, largely-developed portion of Los Angeles County containing more than one million residents and covering more than 170 square miles.

The San Gabriel Valley is also a distinct watershed shaped by local mountains, rivers, streams and other geological formations. A major, natural source of water for the Valley are the San Gabriel River and streams, ponds, lakes, dams, and reservoirs connected to it that are located either in the San Gabriel Mountains or the Valley itself. Beneath the Valley is the San Gabriel Basin, the primary source of water for the San Gabriel Valley's water supply system.

- 2) *The San Gabriel Valley Basin Superfund site.* According to the January 22, 2019, *Section 406 San Gabriel Basin Groundwater Quality Management and Remediation Plan*, the San Gabriel Valley's groundwater basin "has the dubious distinction of being one of the most contaminated in the nation." The Basin's groundwater is contaminated from ground disposal—dating back to World War II—of volatile organic compounds (VOCs) used primarily as solvents in industrial and commercial activities.

The seriousness of the groundwater contamination problem became evident when high concentrations of VOCs were discovered in Azusa in 1979 near a major industrial complex. That led the United States Environmental Protection Agency (US EPA) to place four portions of the basin on the National Priorities List in 1984 under authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), also known as the federal Superfund program. These areas are referred to as operable units under CERCLA. Currently, there are six active operable (treatment) units within the San Gabriel Valley Basin: Baldwin Park, El Monte, South El Monte, Puente Valley, Area 3, and Whittier Narrows.

Finding that there was no existing local entity with all of the necessary authority and jurisdiction to coordinate an effective cleanup program, the Legislature created the San Gabriel Basin Water Quality Authority Act in 1992 (Russell, Chapter 776, Statutes of 1992) to develop, finance, and implement groundwater treatment programs in the San Gabriel Basin. Pursuant to the Act, the Authority is under the direction and leadership of a seven-member board. The board is comprised of one member from each of the overlying municipal water districts, one from a city with prescriptive water pumping rights, one from a city without prescriptive water pumping rights, and two members representing water producers in the San Gabriel Basin.

The mission of the Authority is to coordinate, plan, and implement groundwater quality management programs to efficiently remediate groundwater contamination, address the problem of the migration of contaminated groundwater within the San Gabriel Basin, protect and promote the beneficial use of groundwater supplies, and assist in preventing future contamination.

- 3) *Cleanup status.* Groundwater continues to be an important source of drinking water to residents and businesses in the San Gabriel Valley. Local water utilities continue to pump water from clean areas, and, in locations affected by the pollution, have installed water treatment equipment to remove pollutants.

The Authority implements the cleanup under a Cooperative Agreement with the US EPA. The agreement funds groundwater extraction and treatment systems operated by the City of Monterey Park, San Gabriel Valley Water Company, and Golden State Water Company.

After the pollution was discovered in 1979, the US EPA's Superfund program estimated that it would cost \$800 million over 30 years to remove all of the contaminants from the Basin. Since the inception of the Authority in 1993, its sponsored projects have led to the removal of nearly 45 tons of contaminants from the San Gabriel Valley Basin; more than 50 percent of the total contaminants have been removed from the basin since their discovery in 1979. On the 25th anniversary of the creation of the Authority in 2018, the US EPA said cleanup has cost the US EPA, the water agencies, and the parties responsible for the contamination about \$500 million so far. Authority assessments to accomplish cleanup of the San Gabriel Basin have averaged \$7.25 per household per year.

- 4) *Long-term cleanup.* AB 2163 recognizes the reality that the remaining contamination of the groundwater in the San Gabriel Basin will take decades to cleanup and therefore extends the existence of the Authority until 2050.

Comments

Purpose of Bill. According to the author, "For years, the San Gabriel Valley has grappled with pollution of its ground water as a result of decades of poor chemical disposal practices. The severity of this pollution on the Basin's environment and population is so severe it is deemed a federal superfund site. In 1992, the State established the San Gabriel Basin Water Quality Authority (WQA) to oversee and provide funding for the clean up of the Basin. While the necessity and success of

the WQA's efforts have been well established and its repeal has been extended 5 times previously, there is still work to be done in the basin that is expected to continue for decades to come. Ensuring the WQA can forecast projects and contract effectively in the future as needed is critical for the success of its mission and the constituents of the San Gabriel Valley."

Related/Prior Legislation

SB 413 (Rubio, Chapter 370, Statutes of 2019). Requires the San Gabriel Basin Water Quality Authority (Authority) to annually update and incorporate a status report on activities related to its basin-wide groundwater quality management and remediation plan to the State Water Resources Control Board (State Water Board) and the Los Angeles Regional Water Quality Control Board (LA Regional Water Board).

SB 429 (Hernández, Chapter 214, Statutes of 2013). Extended the sunset date on the Act from July 1, 2017, to July 1, 2030.

AB 1010 (Hernández, Chapter 404, Statutes of 2007). Extended the sunset date on the Act from July 1, 2010, to July 1, 2017. Required the Authority, commencing April 1, 2008, and on at least a quarterly basis thereafter, to update its Internet Web site with information regarding its activities undertaken pursuant to the basin-wide groundwater quality management and remediation plan. Required the Authority to submit by March 31, 2008, and every 6 months thereafter, a status report on its activities undertaken pursuant to the plan to the State Water Board and the LA Regional Water Board.

SB 334 (Romero, Chapter 192, Statutes of 2003). Extended the sunset date on the Act from July 1, 2005, to July 1, 2010. Deleted a consultation requirement relating to the status report. Authorizes the Authority to impose an annual pumping right assessment in an amount that does not exceed \$10 per acre-foot.

AB 2544 (Calderon, Chapter 905, Statutes of 2000). Extended the sunset date on the Act from July 1, 2002, to July 1, 2005. Required the appointment to the board of the Authority of two additional producer members and their alternates, pursuant to specified procedures, and prescribes their terms of office.

AB 2173 (Margett, Chapter 281, Statutes of 1996). Extended the sunset date on the Act from January 1, 1998, to July 1, 2002. Decreased the authorized pumping right assessment from \$35 per acre-foot to \$20 per acre-foot, and authorized the Authority to adopt, by resolution, rules and regulations for the collection of pumping right assessments.

SB 1679 (Russell, Chapter 776, Statutes of 1992). Enacted the Act.

SOURCE: San Gabriel Basin Water Quality Authority

SUPPORT:

California Groundwater Association
California Water Association
City of Baldwin Park
City of Covina
City of El Monte
City of Glendora
City of Industry
City of La Puente
City of South El Monte
San Gabriel Valley Municipal Water District
San Gabriel Valley Water Association
Three Valleys Municipal Water District
Upper San Gabriel Valley Municipal Water District

OPPOSITION:

None received

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