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**AB-118 Hazardous substances: cleanup: Exide Technologies facility.** (2015-2016)

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**Assembly Bill No. 118**

**CHAPTER 10**

An act relating to hazardous substances, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[ Approved by Governor April 20, 2016. Filed with Secretary of State April 20, 2016. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 118, Santiago. Hazardous substances: cleanup: Exide Technologies facility.

Existing law establishes the Toxic Substances Control Account in the General Fund and authorizes moneys in the account, upon appropriation, to be used for, among other purposes, the payment of all costs of removal and remedial action incurred by the state in response to a release or threatened release of a hazardous substance, as specified.

This bill would appropriate \$176,600,000 from the account to the Department of Toxic Substances Control for activities related to the cleanup and investigation of lead-contaminated properties in the communities surrounding the Exide Technologies facility in the City of Vernon, including job training activities, and actions taken to pursue all available remedies against potentially responsible parties. The bill would require the department to engage the impacted community, as specified; develop a Job and Development Training Program, as specified; and post on its Internet Web site specified information.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** In enacting this act, it is the intent of the Legislature to address the significant potential public health impact of lead contamination in the communities surrounding the Exide Technologies facility in the City of Vernon.

**SEC. 2.** The sum of one hundred seventy-six million six hundred thousand dollars (\$176,600,000) is hereby appropriated from the Toxic Substances Control Account to the Department of Toxic Substances Control and shall be available for expenditure through June 30, 2018. These moneys shall be available for any of the following:

(a) Activities related to the cleanup and investigation of properties contaminated with lead in the communities surrounding the Exide Technologies facility in the City of Vernon, California.

(b) Notwithstanding Section 25173.6 of the Health and Safety Code, job training activities related to the cleanup and investigation of the properties contaminated with lead in the communities surrounding the Exide Technologies facility in the City of Vernon, California.

(c) Actions taken to pursue all available remedies against potentially responsible parties, including, but not limited to, cost recovery actions against entities that are potentially responsible, for the costs related to the cleanup and investigation of properties contaminated with lead in the communities surrounding the Exide Technologies facility in the City of Vernon, California.

**SEC. 3.** (a) Prior to approval of a cleanup plan, the Department of Toxic Substances Control shall engage the impacted community and provide meaningful opportunities for the public to participate in the Department of Toxic Substances Control's cleanup plan preparation process, which shall include, at a minimum, a quarterly public meeting.

(b) As part of this process, the Department of Toxic Substances Control shall collaborate with the impacted community to prepare and make available a Public Participation Plan that specifies the Department of Toxic Substances Control's commitments to engage and involve the community in the cleanup plan preparation process.

(c) In addition, the Department of Toxic Substances Control shall meet all applicable public participation and notification requirements outlined in the Carpenter-Presley-Tanner Hazardous Substance Account Act (Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code).

**SEC. 4.** (a) In order to meet the demands and timelines for the residential cleanup, as well as promote public health and support the local economy, the Department of Toxic Substances Control shall develop a Job and Development Training Program with the goals of providing environmental skills, health and safety training, and support for job placement related to the cleanup for community members living near the Exide Technologies facility in the City of Vernon, California.

(b) In creating the program pursuant to subdivision (a), the Department of Toxic Substances Control shall consult existing programs, including, but not limited to, the United States Environmental Protection Agency's Brownfields Workforce Development and Job Training Program.

(c) The Department of Toxic Substances Control may partner with other experienced workforce development programs and training partners, and coordinate with local governments, nonprofit organizations, and community stakeholders.

**SEC. 5.** (a) (1) The Department of Toxic Substances Control shall post on its Internet Web site all of the following:

(A) The number of access agreements signed.

(B) The number properties sampled.

(C) The number of properties remediated or cleaned up.

(2) The Department of Toxic Substances Control shall update the numbers posted pursuant to paragraph (1) at least twice a month.

(b) At the Department of Toxic Substances Control's presentation of its proposed budget, the department shall provide to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget a report that addresses all of the following:

(1) An update on the cleanup activities near the Exide Technologies facility in the City of Vernon, California, including a summary of the environmental review of the cleanup activities.

(2) The number of properties sampled and a summary of the findings, which can be broken down in the approximate number of residences in priority 1, 2, and 3.

(3) The number of properties that have been remediated or cleaned up.

(4) The number of access agreements signed.

**SEC. 6.** This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.