



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

February 4, 2022

The Honorable Rudy Salas
Member, California State Assembly
1021 O Street, Room 4610
Sacramento, CA 95814

**RE: Assembly Bill 1642 - SUPPORT
As Introduced January 12, 2022**

Dear Assembly Member Salas:

On behalf of the Rural County Representatives of California (RCRC), I am pleased to support your Assembly Bill 1642, regarding drinking water wells and the California Environmental Quality Act (CEQA). RCRC is an association of thirty-eight rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties.

Assembly Bill 1642 would exempt from CEQA, vital projects to prevent or mitigate failure of a well that would leave residents without an adequate supply of drinking water. This exemption only applies to those wells in areas designated by the State Water Resources Control Board as being at high risk or medium risk in the state's annual Drinking Water Needs Assessment.

Access to adequate supplies of safe, clean drinking water remains a significant problem in many rural communities. Aging wells, declining groundwater tables, and poor water quality are just a few of the challenges these communities face. While bad enough during normal water years, these problems are exacerbated by the drought. Some Californians have even had to turn to hauled water supplies for basic sanitary, cooking, and cleaning purposes when their wells failed.

CEQA provides important public disclosure and environmental mitigation benefits, but it can also add considerable costs and delay project completion, especially if the project's compliance is challenged through litigation. These are delays that many Californians cannot afford.

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We acknowledge that some existing CEQA exemptions may help address these types of situations; however, those exemptions may not work for the situations the bill is intended to address and can easily be derailed through litigation. In particular, the Class 2 (Replacement or Reconstruction) Exemption only applies to replacement or reconstruction of existing facilities that have substantially the same purpose and capacity as what is being replaced. As a result, this exemption would be inapplicable where there is a need to increase the capacity of an existing well that is undersized for the population dependent upon it.

The same limitation precludes use of the Class 1 (Existing Facilities) Exemption, which can only be used for projects that involve negligible or no expansion of existing or former use. Even if a project could use the Class 1 or Class 2 exemption, it is still subject to litigation and delay if someone argues that the cumulative impact of similar projects over time will be significant.

To avoid these problems and help ensure communities have access to safe, clean, and reliable drinking water, RCRC is pleased to support AB 1642, which provides a clear statutory CEQA exemption for vital drinking water infrastructure projects.

For the above reasons, RCRC is proud to support your AB 1642. Please do not hesitate to contact me at jkennedy@rcrcnet.org or (916) 447-4806 with any questions.

Sincerely,



JOHN KENNEDY
Policy Advocate

cc: Members of the Assembly Natural Resources Committee
Lawrence Lingbloom, Chief Consultant, Assembly Natural Resources Committee
Kirstin Kolpitzke, Consultant, Assembly Republican Caucus