



Date: May 25, 2021

To: Dave Stoldt, General Manager, Monterey Peninsula Water Management District

From: John E. Arriaga and Laurie Johnson, JEA & Associates

RE: Legislative Committee – March 25, 2021

Water Bond/Climate & Drought Proposals

We have been closely monitoring and advocating on both the Assembly and Senate's proposed water/climate bond bills for the last two years. While both AB 1500 (E. Garcia) and SB 45 (Portantino) have continued to move – the Senate Leadership and Governor have introduced their own immediate water relief packages. In response to the Governor's recent emergency drought declaration which now includes 41 of 58 counties, covering 30% of California's nearly 40 million people both Leaders took a General Fund approach with a smaller amount than the \$6-7 billion bonds for the 2022 ballot. While these proposals fund many of the needed and common programs, like groundwater and conveyance, there are stark differences on who administrates the funding and policies, in addition to ratepayer relief. We believe that these differences will be reconciled in the upcoming weeks. ACWA is supporting the Senate proposal while asking for amendments on the Governor's to request dam funding and to remove SWRCB as the primary administrator.

Furthermore, we are hearing from stakeholders that any deal may not supersede the legislative bond efforts of AB 1500 and SB 45 and that they may move forward as clean-up and using GF dollars rather than bond funding.

In response to these budget pushes, MPWMD sent a letter to both respective budget committees supporting the inclusion of \$510 million in statewide funding for

Integrated Regional Water Management (IRWM) regions in the final drought relief and resiliency package. MPWMD also requested that funding be allocated to IRWM Funding Areas based on hydrologic regions as defined by the California Water Plan, consistent with the previously approved Proposition 1 Water Bond. In addition to robust IRWM funding, the letter encourages consideration of funding for other important water resources priorities, such as water quality improvement, water recycling, desalting, dam safety rehabilitation, regional water system interconnectivity, groundwater sustainability and stormwater management.

Below are a more detailed description of both the Governor’s and Senate’s water initiatives”

May Revise – Governor’s Proposal

The May Revision proposes \$4.35 billion over multiple years (\$3.475 billion in 2021-22), which includes \$2.8 billion General Fund, \$1.54 billion in federal American Rescue Plan Act funds, and \$10.5 million bond and special funds. These investments build on the \$757 million included in the Governor’s Budget for a total of \$5.1 billion in proposed water resilience investments. Specifically:

Drinking Water, Water Supply Reliability, and Flood—The May Revision proposes \$2.6 billion over multiple years to support the following:

- \$1.47 billion (\$85 million General Fund and \$1.39 billion federal funds) over two years to expand and protect water supplies by protecting drinking water and wastewater infrastructure, supporting local groundwater supply projects and planning, cleaning up contaminated groundwater, supporting water recycling projects, and installing treatment systems on drinking water wells contaminated by Per- and polyfluoroalkyl substances (PFAS).
- \$371 million General Fund over two years to facilitate groundwater recharge and capture of flood flows by repairing canals damaged by subsidence, support the state cost-share of critical federal urban flood risk reduction projects, and advance detailed, watershed-scale studies of likely climate effects to give local water managers better data for local decision-making, including rehabilitation strategies at Clear Lake.
- \$440 million General Fund over two years to better manage the energy consumption tied to water management, including a pilot study of solar panels over aqueducts and construction of a pipeline at the Oroville hydroelectric complex that would allow a pump-storage project to operate at greater capacity for the benefit of the statewide

electrical grid. These investments also further the State’s work to restore habitat and improve air quality at the Salton Sea.

- \$360 million (\$240 million General Fund and \$120 million federal funds) over two years to support Sustainable Groundwater Management Act implementation through groundwater projects and the State Water Efficiency and Enhancement Program.

Immediate Drought Support—The May Revision proposes \$989 million (\$949 million General Fund, \$30 million federal funds, and \$10 million bond and special funds) to meet current and likely future water supply needs while building regional capacity to endure dry conditions. These investments will fund multi-benefit land repurposing activities as part of the state’s drought response and transition to sustainable use of groundwater; emergency drought relief projects that help secure and expand water supplies; small supplier and rural community drought contingency planning and preparedness projects; and local water resilience capacity building that includes outreach to disadvantaged communities. In addition, funding will support the repair and enhancement of the state’s backbone water data infrastructure; a state cost-share on a federal desalination research hub; equipment; and limited-term positions to help address drought impacts on state wildlife areas and to address the increased need for monitoring of species and permitting of projects.

Nature-Based Solutions—\$726 million General Fund to improve long-term ecological conditions on California waterways to help species cope with climate change. This includes infrastructure, program, and investments for environmental flows and habitat improvements in the state’s largest watershed, which drains to the Sacramento-San Joaquin estuary; construction of wildlife overcrossings and undercrossings where road traffic kills sensitive species; and screening of migration corridors with natural habitat for species sensitive to human presence. This funding will also support the construction of projects that direct wildlife away from roadways; removal of fish passage impediments; and protection, restoration, and enhancement of working lands and riparian corridors through conservation easements and restoration projects on agricultural lands.

In addition to these investments, the May Revision includes \$1 billion in federal American Rescue Plan Act funding to assist with water arrearages for households that have not been able to pay their water bills due to the pandemic.

On a separate funding proposal, the May Revision suggests the following funding expenditure:

Sea Level Rise—\$211.5 million General Fund over two years to protect communities from sea-level rise and flooding through coastal wetland restoration, and increasing coastal resilience of State Parks to advance coastal resilience as outlined in the State Parks Sea Level Rise Adaptation Strategy. Sea level rise and flooding threatens public health and safety, public and private property, critical infrastructure and valuable coastal habitats. Coastal wetlands can provide protection against sea-level rise and flooding by buffering the built environment from extreme tides and storms while providing additional benefits of increased biodiversity, carbon sequestration, and public access opportunities.

Senate Proposal

The Senate proposes the Senate Budget Plan on Drought, Safe Drinking Water, Water Supply Reliability, and Ratepayer Assistance for a total of \$3.41 billion in one-time state and federal:

Immediate Community Assistance for Water and Drought Relief: \$500 million.

Establish the California Community Water Emergency Investment Fund at the Department of Water Resources (DWR), consisting of \$500 million to provide one-time grants to smaller communities for the purposes of making immediate drinking water, water quality, and water supply investments in those communities.

Emergency Drought Water-Use Efficiency: \$500 million.

- \$500 million to DWR for grants to water agencies to implement residential, commercial, and agricultural water efficiency projects. Projects include replacement of high water consumption landscapes and other water efficiency investments. o

- o \$250 million to DWR for competitive grants to local water agencies to implement residential and commercial water-use efficiency projects. Priority shall be given to low-income households and disadvantaged communities. o \$250 million to DWR for competitive grants for agricultural water-use efficiency projects including building and upgrading irrigation and treatment ponds. \$40 million of which shall be allocated for purposes of the State Water Efficiency and Enhancement Program (SWEEP).

Groundwater Management: \$350 million.

- \$300 million to DWR for competitive grants that support implementation of the Sustainable Groundwater Management Act (SGMA)
- \$50 million to the Wildlife Conservation Board (WCB) for grants pursuant to the Ecosystem Restoration on Agricultural Lands Program for groundwater sustainability

projects that create, protect, or restore wildlife habitat and support implementation of SGMA.

Resilient Water Infrastructure Projects: \$200 million.

- \$200 million to DWR for competitive grants for projects that provide multiple benefits, including water supply reliability, ecosystem benefits, system reliability benefits, groundwater management and enhancements. Eligible projects include conjunctive use projects; groundwater recharge; well rehabilitation or other well improvements in support of groundwater banking or recharge; transfers of water for environmental purposes; restoration of upper watersheds that are a significant source of water supply for the state; and other projects that provide improved regional resilience to climate change and drought conditions.

Recycled Water: \$200 million.

- \$200 million to the State Water Resources Control Board (SWRCB) for competitive grants for projects related to water reuse and water recycling, and other purposes pursuant to Chapter 9 (commencing with Section 79765) of Division 26.7 of the Water Code.

Stormwater Management: \$200 million.

- \$200 million to SWRCB for competitive grants for multi-benefit stormwater management projects. Eligible projects may include, but shall not be limited to, green infrastructure, rainwater and stormwater capture projects, and stormwater treatment facilities.

Protecting Fish & Wildlife from Drought Impacts: \$285 million.

- \$100 million to WCB for grants pursuant to the guidelines of the Streamflow Enhancement Program for the purposes of protecting fish and wildlife from them impacts of drought including for short-term acquisition and construction of transfer of water.
- \$100 million to WCB for grants pursuant to the Inland Wetlands Conservation Program to protect fish and wildlife from the impacts of drought including for wildlife friendly agriculture and to improve conditions on wildlife revues and wetland habitat areas to achieve full compliance with the terms of subsection (d) of Section 3406 of the Central Valley Project Improvement Act (Public Law 102-575) and other Central Valley managed wetlands.

- \$35 million to the Department of Fish and Wildlife (DFW) to protect fish and wildlife from immediate drought impacts.
 - o \$20 million to DFW to support real-time management of drought response and to process regulatory approvals for drought management actions.
 - o \$15 million to DFW for the Coastal Monitoring Program (CMP) to monitor the effects of drought on coastal salmon populations.

Water Quality: \$100 million.

- \$50 million to SWRCB for competitive grants for groundwater remediation, including perfluoroalkyl substances (PFAS) contamination, and other purposes pursuant to Chapter 10 (commencing with Section 79770) of Division 26.7 of the Water Code, which pertains to groundwater sustainability.
- \$50 million to SWRCB for grants and loans to public agencies or public-private partnerships for projects that will improve water quality. Eligible projects include, but are not limited to, septic to sewer conversions and wastewater treatment.

Water Data and Forecast Improvement: \$75 million.

- Funding to DWR/SWRCB for water management technology equipment — such as remote sensing for snowpack and precipitation gauges for real-time operations of reservoirs — to improve ability to manage/forecast runoff and for monitoring of key drought-related measures of water and water quality including:
 - o \$20 million to SWRCB to implement Water Code Section 144, which requires the DWR and SWRCB to develop a plan to establish a network of stream gauges, and deploy prioritized stream gauges to improve water management and respond to the impacts of drought on fish and wildlife.
 - o \$15 million to DWR for projects that improve precipitation forecasting for use in forecast informed reservoir operations, groundwater recharge, and flood risk management, including, but not limited to, projects under Article 8 (commencing with Section 347) of Chapter 2.5 of Division 1 of the Water Code, which pertains to atmospheric rivers research, mitigation, and climate forecasting.
 - o \$15 million to DWR for projects that support advanced technologies to measure snowpack and forecast runoff.
 - o \$15 million to the Division of Water Rights at SWRCB to support real-time management of drought response and to process regulatory approvals for drought

management actions consistent with the Water Rights Drought Effort Review (WARDER) Report

Helping Ratepayers, Community Water Systems, Waste Water Treatment Works, and Public Utilities Recover from COVID-19 Economic Impacts. (\$1 billion)

- Appropriate federal American Recovery Act funds to the Department of Community Services and Development (CSD) to help utility customers and utilities address backlogged bills and arrearages associated with COVID economic impacts. The action will include trailer bill language that designates the agency and process for disbursement of ratepayer relief funds, cutting “green tape” for environmentally beneficial projects

Condition II/Housing

Housing/Condition II - As follow-up to our discussion at the last Legislative Committee meeting regarding working with state agencies and the Legislature in mitigating MPWMD’s issue between Condition No. 2 and state housing authorities. In mid-March, we had a very productive call with Melinda Coy, the Land Use and Planning Manager for the Department of Housing and Community Development, where she indicated that she would bring this issue to her Deputy Director within the Department. MPWMD and JEA & Associates had subsequent discussion with Senator Laird to brief him on our concerns as well as provide supporting documentation.

The General Manager will provide further details.

Legislation

MPWMD’s Updated Legislative Track is attached

MPWMD Legislative Track

As of May 20, 2021

| Measure | Author | Topic | Location | Brief Summary | Notes |
|---------------|------------------------|---|--|--|---|
| <u>AB 67</u> | <u>Petrie-Norris D</u> | Sea level rise: working group: economic analysis. | 5/12/2021-A. APPR. SUSPENSE FILE HELD | Would require a state agency to take into account the current and future impacts of sea level rise based on projections provided by the Ocean Protection Council when planning, designing, building, operating, maintaining, and investing in infrastructure located in the coastal zone, within the jurisdiction of the San Francisco Bay Conservation and Development Commission, or otherwise vulnerable to flooding from sea level rise or storm surges, or when otherwise approving the allocation of state funds, including, but not limited to, bonds, grants, and loans, for those purposes. The bill would provide that new or expanded infrastructure built pursuant to the above-described provision shall only qualify for state funds if the project is not anticipated to be vulnerable to sea level rise risks during the life of that project. | CA Coastkeeper Alliance (SPONSOR) TWO-YEAR |
| <u>AB 100</u> | <u>Holden D</u> | Drinking water: pipes and fittings: lead content. | 4/14/2021-A. APPR. SUSPENSE FILE | The California Safe Drinking Water Act prohibits, with certain exceptions, the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. The act defines "lead free" for purposes of conveying or dispensing water for human consumption to mean not more than 0.2% lead when used with respect to solder and flux and not more than a weighted average of 0.25% lead when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. This bill would additionally define "lead free," with respect to endpoint devices, as defined, to mean that the devices do not leach more than one microgram of lead under certain tests and meeting a specified certification. | CALPIRG & Clean Water Action (Co-Sponsor) |
| <u>AB 125</u> | <u>Rivas, Robert D</u> | Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond | 4/15/2021-A. NAT. RES. | Would enact the Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$3,302,000,000 pursuant to the State General Obligation Bond Law, to finance programs related to, among other things, agricultural lands, food and fiber infrastructure, climate resilience, agricultural professionals, including farmers, ranchers, and farmworkers, workforce development and training, air quality, tribes, disadvantaged communities, nutrition, food aid, | TWO-YEAR |

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| | | Act of 2022. | | meat processing facilities, fishing facilities, and fairgrounds. | |
| <u>AB 252</u> | <u>Rivas, Robert D</u> | Department of Conservation: Multibenefit Land Repurposing Incentive Program: administration. | 4/28/2021-A. APPR. SUSPENSE FILE | Would require the Department of Conservation to establish and administer a program named the Multibenefit Land Repurposing Incentive Program for purposes of providing grants to groundwater sustainability agencies or counties, or other specified entities designated by groundwater sustainability agencies or counties, for the development or implementation of local programs supporting or facilitating multibenefit land repurposing at the basin scale. The bill would establish procedures for the department's administration of the program and would require the department to develop guidelines to implement the program and to exercise its expertise and discretion in awarding program funds to eligible applicants. | |
| <u>AB 271</u> | <u>Rivas, Robert D</u> | Santa Clara Valley Water District: contracts: best value procurement. | 5/12/2021-S. GOV. & F. | Current law authorizes certain local entities to select a bidder for a contract on the basis of "best value," as defined. Existing law governs various types of contract procedures applicable to the Santa Clara Valley Water District and prescribes competitive bidding procedures for any improvement or unit of work over \$50,000. This bill would authorize the district, upon approval by the board of directors of the district, to award contracts on a best value basis for any work of the Anderson Dam project, defined to include prescribed activities and works of construction with regard to the Leroy Anderson Dam and Reservoir and certain fish and aquatic habitat measures described in a federal-state settlement agreement. | SCVWD Sponsor; ACWA and CMUA Support Plumbing and Electrical Contractors Oppose |
| <u>AB 303</u> | <u>Rivas, Robert D</u> | Aquaculture: mariculture production and restoration: pilot program. | 4/30/2021-A. 2 YEAR | Would require the Department of Fish and Wildlife, in collaboration with the California Coastal Commission, to, by January 1, 2024, create a pilot program in state waters to test alternative shellfish and seaweed mariculture production and restoration strategies. The bill would require the department to designate tracts for shellfish and seaweed mariculture production and restoration as part of the pilot program, as specified. The bill would authorize an applicant with a proposed shellfish, seaweed, or shellfish and seaweed mariculture production and restoration project to apply for a lease of any pilot program tract, or a portion thereof. The bill would require the State Lands Commission or the Fish and Game Commission, or both, if applicable to approve, deny, or return for revision a lease application within 4 months. | TWO-YEAR |
| <u>AB 304</u> | <u>Quirk D</u> | Contaminated sites: waste releases or surface or groundwater | 5/12/2021-S. E.Q. | Whenever a release of waste occurs and remedial action is required, current law authorizes a person, as defined, to request that a local officer supervise the remedial action. Current law authorizes a local officer to agree to supervise the remedial action if the local officer determines that certain conditions have been met. Current law requires that remedial action to be | |

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| | | contamination: local oversight: remedial actions. | | carried out only pursuant to a remedial action agreement, which includes specified elements, entered into by the local officer and the responsible party, and authorizes the local officer to withdraw from the agreement, after giving the responsible party adequate notice, at any time after making any of specified findings. This bill would authorize a person to request the local officer to oversee the remedial action only if the release of waste is not being overseen by the department or a regional water quality control board. The bill would authorize the local officer to agree to oversee the remedial action only if the local officer determines that the same conditions referenced above have been met, the local officer has submitted specified information to the department and the regional water quality control board within the past 12 months, and the local officer has complied with specified notification requirements. | |
| <u>AB 315</u> | <u>Stone D</u> | Voluntary stream restoration property owner liability: indemnification. | 5/5/2021-A. APPR. SUSPENSE FILE | Current law authorizes a habitat restoration or enhancement project proponent to submit a written request for approval of the project to the Director of Fish and Wildlife. Current law requires the director to approve the project if the written request includes certain information, as specified, and provides for an alternate authorization process by the State Water Resources Control Board. This bill would require the state to indemnify and hold harmless a property owner who voluntarily allows their property to be used for such a project to restore fish and wildlife habitat from civil liability for property damage or personal injury resulting from the project if the project meets specified requirements, including that the project is funded, at least in part, by a state or federal agency whose mission includes restoring habitat for native fish and wildlife, and the liability arises from, and the property owner or any person or entity retained by the property owner does not perform, the construction, design specifications, surveying, planning, supervision, testing, or observation of construction related to the project to restore fish and wildlife habitat. | ACWA, Land Trust, Realtors Support |
| <u>AB 336</u> | <u>Villapudua D</u> | Enhanced infrastructure financing districts: public financing authority: members: joint powers authorities. | 5/12/2021-S. GOV. & F. | The Joint Exercise of Powers Act generally authorizes 2 or more public agencies, by agreement, to jointly exercise any power common to the contracting parties, as specified. Current law authorizes the agreement to set forth the manner by which the joint powers authority will be governed. This bill would specify that any member of the legislative body of a participating affected taxing entity who serves as a member of the public financing authority of an enhanced infrastructure financing district, as described above, may also serve as a member of the governing body of an agency or entity formed pursuant to an agreement for the joint exercise of power that the | |

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| | | | | participating affected taxing entity has entered into in accordance with the Joint Exercise of Powers Act. | |
| <u>AB 339</u> | <u>Lee D</u> | Local government: open and public meetings. | 4/28/2021-A. APPR. | Would, until December 31, 2023, require all open and public meetings of a city council or a county board of supervisors that governs a jurisdiction containing least 250,000 people to include an opportunity for members of the public to attend via a telephonic option or an internet-based service option. The bill would require all open and public meetings to include an in-person public comment opportunity, except in specified circumstances during a declared state or local emergency. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic or an internet-based service option, as provided. | ACLU Sponsor; Broad non-profit support League and Rural/Urban County Opposition |
| <u>AB 350</u> | <u>Villapudua D</u> | Agriculture: Cannella Environmental Farming Act of 1995: technical assistance grant program: groundwater conservation planning. | 5/12/2021-A. APPR. SUSPENSE FILE | Would require, upon an appropriation of funds, the Department of Food and Agriculture to establish and administer a 3-year grant program to fund technical assistance to support landowners located in critically overdrafted basins, as defined, in the San Joaquin Valley in reaching water use reduction goals established pursuant to the Sustainable Groundwater Management Act. The bill would require the department, in its development of the grant program, to establish various criteria, guidelines, restrictions, processes and regulations for the qualification and administration of grants to technical assistance providers, as specified. The bill would require the grant program to fund one technical assistance provider in each of the 8 counties in the San Joaquin Valley. The bill would require the department to ensure that at least 25% of the grant program funds are used to provide technical assistance to socially disadvantaged farmers and ranchers, as defined. | American Farmland Trust Sponsor CA Groundwater Association Oppose Unless Amended |
| <u>AB 361</u> | <u>Rivas, Robert D</u> | Open meetings: local agencies: teleconferences. | 5/18/2021-S. RLS. | Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state of emergency or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body determines, by majority vote, that meeting in person would present imminent risks to the health or safety of attendees. | CA Special District Assoc. Sponsor; CMUA, cities, water agencies, CSAC, ACWA support ACLU and random non-profits oppose |
| <u>AB 377</u> | <u>Rivas, Robert D</u> | Water quality: impaired waters. | 5/19/2021-A. APPR. SUSPENSE FILE | Would require, by January 1, 2023, the State Water Resources Control Board and regional boards to prioritize enforcement of all water quality standard violations that are causing or contributing to an exceedance of a water | <ul style="list-style-type: none"> • For discussion |

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| | | | | quality standard in a surface water of the state. The bill would require the state board and regional boards, by January 1, 2025, to evaluate impaired state surface waters and report to the Legislature a plan to bring all water segments into attainment by January 1, 2050. The bill would require the state board and regional boards to update the report with a progress summary to the Legislature every 5 years. The bill would create the Waterway Recovery Account in the Waste Discharge Permit Fund and would make moneys in the Waterway Recovery Account available for the state board to expend, upon appropriation by the Legislature, to bring impaired water segments into attainment in accordance with the plan. | TWO-YEAR |
| <u>AB 473</u> | <u>Chau D</u> | California Public Records Act. | 4/21/2021-A. APPR. SUSPENSE FILE | The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely nonsubstantive in effect. The bill would contain related legislative findings and declarations. The bill would become operative on January 1, 2023. | |
| <u>AB 585</u> | <u>Rivas, Luz D</u> | Climate change: Extreme Heat and Community Resilience Program. | 4/14/2021-A. APPR. SUSPENSE FILE | Would establish the Extreme Heat and Community Resilience Program and would require the Office of Planning and Research to administer the program. Under the program, the bill would require the Office of Planning and Research to coordinate the state's efforts to address extreme heat and to facilitate the implementation of local, regional, and state climate change planning into effective projects through the awarding of competitive grants to eligible entities for implementation of those projects. The bill would establish the Extreme Heat and Community Resilience Fund in the State Treasury and would require the office, upon appropriation by the Legislature, to expend moneys in the fund for the implementation of the program. | Edison, County Health Officers, Solar and Storage Assoc. support |
| <u>AB 621</u> | <u>Rivas, Robert D</u> | California Environmental Quality Act: streamlined environmental review: standard of review: hospitals. | 4/30/2021-A. 2 YEAR | Would authorize the Governor to certify a new hospital project or hospital expansion or modernization project as an environmental leadership hospital project if the project meets certain requirements. The bill would require the project applicant to certify compliance with certain labor standards in regards to the implementation of the project. The bill would require the lead agency to concurrently prepare the record of proceedings for a project certified by the Governor, as applicable. By requiring the concurrent preparation of the record of proceedings, this bill would impose a state-mandated local program. | TWO-YEAR |
| <u>AB 703</u> | <u>Rubio, Blanca D</u> | Open meetings: | 5/7/2021-A. 2 | Current law, by Executive Order N-29-20, suspends the Ralph M. Brown | TWO-YEAR |

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| | | local agencies: teleconferences. | YEAR | Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the notice requirements particular to teleconferencing and would revise the requirements of the act to allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda, provided that the public is allowed to observe the meeting and address the legislative body directly both in person and remotely via a call-in option or internet-based service option, and that a quorum of members participate in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the jurisdiction. | |
| <u>AB 747</u> | <u>Mathis R</u> | Water treatment facility: State Water Resources Control Board: grant. | 2/25/2021-A. E.S. & T.M. | Would appropriate \$20,000,000 from the General Fund to the State Water Resources Control Board for the purpose of improving water treatment. The bill would require the board to grant \$20,000,000 to a specified joint powers authority for a water treatment facility to be operated by the joint powers authority. | TWO-YEAR |
| <u>AB 754</u> | <u>Mathis R</u> | Sustainable groundwater management: groundwater sustainability plan. | 4/27/2021-A. APPR. | The Sustainable Groundwater Management Act authorizes the State Water Resources Control Board to designate a high- or medium-priority basin as a probationary basin if the basin is not entirely covered by an adopted groundwater sustainability plan or plans or a department-approved alternative by the applicable deadline. The act authorizes the board to adopt an interim plan for a probationary basin, as specified. This bill would authorize the department to extend the deadline for a high- or medium-priority basin not subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated plans by up to 180 days after January 31, 2022, upon request of a local agency or groundwater sustainability agency in the basin for an extension of a specified period of time. The bill would require a request to be submitted by January 3, 2022, and to be responded to by the department by January 10, 2022. | Rural County Reps Support The Nature Conservancy, Loc. Gov Commission, Sierra Club and Audubon Oppose |
| <u>AB 819</u> | <u>Levine D</u> | California Environmental Quality Act: notices and documents: electronic filing | 5/12/2021-S. E.Q. | CEQA requires, if an environmental impact report is required, the lead agency to mail a notice of determination to each responsible agency, the Office of Planning and Research, and public agencies with jurisdiction over natural resources affected by the project. CEQA requires the lead agency to provide notice to the public and to organizations and individuals who have requested notices that the lead agency is preparing an environmental impact | CA Chamber Support |

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| | | and posting. | | report, negative declaration, or specified determination. CEQA requires notices for an environmental impact report to be posted in the office of the county clerk of each county in which the project is located. This bill would instead require the lead agency to mail or email those notices, and to post them on the lead agency's internet website. The bill would also require notices of an environmental impact report to be posted on the internet website of the county clerk of each county in which the project is located. ebsite. | |
| <u>AB 878</u> | <u>Dahle, Megan R</u> | Wildlife resources: natural community conservation plans: public review and comment. | 4/8/2021-A. APPR. | The Natural Community Conservation Planning Act authorizes the Department of Fish and Wildlife to enter into agreements with any person or public entity for the purpose of preparing a natural community conservation plan, in cooperation with a local agency that has land use permit authority over the activities proposed to be addressed in the plan, to provide comprehensive management and conservation of multiple wildlife species. Current law requires the public to have 21 calendar days to review and comment on a proposed planning agreement before department approval of the planning agreement. This bill would expand the time for public review and comment on a proposed planning agreement from 21 calendar days to 21 business days. | CA Assoc of Realtors Support |
| <u>AB 885</u> | <u>Quirk D</u> | Bagley-Keene Open Meeting Act: teleconferencing . | 4/30/2021-A. 2 YEAR | Would require a state body that elects to conduct a meeting or proceeding by teleconference to make the portion that is required to be open to the public both audibly and visually observable. The bill would require a state body that elects to conduct a meeting or proceeding by teleconference to post an agenda at the designated primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate. The bill would extend the above requirements of meetings of multimember advisory bodies that are held by teleconference to meetings of all multimember state bodies. The bill would require a multimember state body to provide a means by which the public may both audibly and visually remotely observe a meeting if a member of that body participates remotely. | TWO-YEAR |
| <u>AB 1001</u> | <u>Garcia, Cristina D</u> | Environment: air pollution and mitigation measures for air and water quality impacts. | 4/30/2021-A. 2 YEAR | Current law requires each air pollution control district and each air quality management district (air district) that has a nonattainment area for one or more air pollutants to adopt an expedited schedule for the implementation of best available retrofit control technology (BARCT) by the earliest feasible date, but not later than December 31, 2023. Current law provides that the adopted expedited schedule applies only to each industrial source that, as of January 1, 2017, was subject to a market-based compliance mechanism for the emissions of greenhouse gases adopted by the State Air Resources | TWO-YEAR |

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| | | | | Board, as provided. This bill would additionally require those air districts to adopt an expedited schedule for the implementation of best available control technology (BACT). | |
| <u>AB 1058</u> | <u>Garcia, Cristina D</u> | Water corporations: bill payment options. | 5/12/2021-S. E. U., & C. | Current law authorizes the Public Utilities Commission to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. Current law authorizes an electrical, gas, or water corporation to offer credit card and debit card bill payment options, if approved by the commission, and, upon approval, authorizes an electrical, gas, or water corporation to recover, through an individual customer transaction fee, reasonable transaction costs incurred by the electrical, gas, or water corporation from those customers that choose those methods of payment. Current law includes statements of legislative intent relative to electrical, gas, and water corporations offering customers the option to pay by credit card or debit card. This bill would delete water corporations from the above-described authorization to offer credit card and debit card bill payment options, the associated cost recovery provisions, and the related statements of legislative intent, thereby limiting those provisions to electrical and gas corporations. | CA Water Assoc, CA Water Service Support |
| <u>AB 1164</u> | <u>Flora R</u> | Dams and reservoirs: exclusions. | 5/12/2021-A. CONSENT CALENDAR | Current law requires the Department of Water Resources to adopt, by regulation, a schedule of fees to cover the department's costs in carrying out the supervision of dam safety. Current law excludes certain obstructions from being considered a dam, including a barrier that is not across a stream channel, watercourse, or natural drainage area and that has the principal purpose of impounding water for agricultural use. This bill would specify that the exclusion from being considered a dam for a barrier that is not across a stream channel, watercourse, or natural drainage area and that has the principal purpose of impounding water for agricultural use applies only to a barrier owned or operated by a private entity. The bill would provide that a barrier owned or operated by a public entity that is not across a stream channel, watercourse, or natural drainage area and that has the principal purpose of impounding water for agricultural use shall not be considered a dam only if certain criteria are met, including, among other criteria, that the operator provides to the county office of emergency management a structural failure plan. | ACWA and various Central Valley Water Agencies/Districts Support |
| <u>AB 1250</u> | <u>Calderon D</u> | Water and sewer system corporations: consolidation of | 5/5/2021-A. APPR. SUSPENSE FILE | The California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board related regulatory responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water | CA Water Assoc Sponsor; ACWA Support |

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| | | service. | | system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2021, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system. The bill would require the commission to approve or deny the application within 8 months, except as provided. | |
| <u>AB 1408</u> | <u>Petrie-Norris D</u> | Coastal resources: coastal development permits: fees. | 4/30/2021-A. 2 YEAR | Would, at the request of an applicant for a coastal development permit, authorize a city or county to waive or reduce the permit fee for specified projects. The bill would authorize the applicant, if a city or county rejects a fee waiver or fee reduction request, to submit the coastal development permit application directly to the commission. | TWO-YEAR |
| <u>AB 1434</u> | <u>Friedman D</u> | Urban water use objectives: indoor residential water use. | 4/27/2021-A. APPR. | Would establish, beginning January 1, 2023, until January 1, 2025, the standard for indoor residential water use as 48 gallons per capita daily. The bill would establish, beginning January 1, 2025, the standard as 44 gallons per capita daily and, beginning January 1, 2030, 40 gallons per capita daily. | TWO-YEAR |
| <u>AB 1500</u> | <u>Garcia, Eduardo D</u> | Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022. | 5/19/2021-A. APPR. SUSPENSE FILE | Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$7,080,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs. | <ul style="list-style-type: none"> • For discussion |
| <u>SB 1</u> | <u>Atkins D</u> | Coastal resources: sea level rise. | 4/20/2021-S. APPR. SUSPENSE FILE | The California Coastal Act of 1976 establishes the California Coastal Commission and provides for planning and regulation of development in the coastal zone, as defined. The act requires the commission, within 90 days after January 1, 1977, to adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of a local coastal program, including a common methodology for the preparation of, and the determination of the scope of, the local coastal programs, as | CA Coastkeeper and Nature Conservancy Support |

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| | | | | provided. This bill would also include, as part of the procedures the commission is required to adopt, recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program, as provided. The bill would delete the timeframe specified above by which the commission is required to adopt these procedures. | |
| <u>SB 45</u> | <u>Portantino D</u> | Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022. | 5/3/2021-S. APPR. SUSPENSE FILE | Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,595,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program. | <ul style="list-style-type: none"> • For discussion |
| <u>SB 83</u> | <u>Allen D</u> | Sea Level Rise Revolving Loan Program. | 5/17/2021-S. APPR. SUSPENSE FILE | Current law establishes in state government the Ocean Protection Council. Current law requires the council to, among other things, establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies. Current law establishes the State Coastal Conservancy with prescribed powers and responsibilities for implementing and administering various programs intended to preserve, protect, and restore the state's coastal areas. This bill would require the council, in consultation with the conservancy, to develop the Sea Level Rise Revolving Loan Program for purposes of providing low-interest loans to local jurisdictions for the purchase of coastal properties in their jurisdictions identified as vulnerable coastal property, as provided. | Sierra Club, Nature Conservancy, Surfrider Foundation Support |
| <u>SB 222</u> | <u>Dodd D</u> | Water Rate Assistance Program. | 5/17/2021-S. APPR. SUSPENSE FILE | This bill would establish the Water Rate Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to low-income ratepayers and ratepayers experiencing economic hardship in California. The bill would require the Department of Community Services and Development to develop and administer the Water Rate Assistance Program established by the bill. | Coastkeeper, Sierra Club, League of Voters, broad enviro groups Support ACWA, CMUA, Special Districts, And about 15 water districts Oppose |
| <u>SB 223</u> | <u>Dodd D</u> | Discontinuation of residential | 5/17/2021-S. APPR. SUSPENSE FILE | Current law requires an urban and community water system to have a written policy on discontinuation of residential service for nonpayment, including, | Broad Enviro & Social Justice Org |

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| | | water service. | HELD | among other things, specified options for addressing the nonpayment. Current law requires an urban and community water system to provide notice of that policy to customers, as provided. This bill would apply those provisions, on and after July 1, 2022, to a very small community water system, defined as a public water system that supplies water to 200 or fewer service connections used by year long residents. | Support ACWA, CMUA and a handful of water districts Oppose TWO-YEAR |
| <u>SB 273</u> | <u>Hertzberg D</u> | Water quality: municipal wastewater agencies. | 5/13/2021-A. L. GOV. | Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program. | ACWA, CMUA, Coastkeeper, Stormwater Quality Assoc Support |
| <u>SB 274</u> | <u>Wieckowski D</u> | Local government meetings: agenda and documents. | 5/13/2021-A. L. GOV. | The Ralph M. Brown Act requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified. | ACWA, CMUA, AFL-CIO Support |
| <u>SB 323</u> | <u>Caballero D</u> | Local government: | 5/13/2021-A. L. GOV. | Current law prohibits a local agency from imposing fees for specified purposes, including fees for water or sewer connections, as defined, that | MPWMD Support |

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| | | water or sewer service: legal actions. | | exceed the estimated reasonable cost of providing the service for which the fee is charged, unless voter approval is obtained. Current law provides that a local agency levying a new a water or sewer connection fee or increasing a fee must do so by ordinance or resolution. Current law requires, for specified fees, including water or sewer connection fees, any judicial action or proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion adopting a new fee or service charge or modifying an existing fee or service charge to be commenced within 120 days of the effective date of the ordinance, resolution, or motion according to specified procedures for validation proceedings. This bill would apply the same judicial action procedure and timelines, as stated above, to ordinances, resolutions, or motions adopting, modifying, or amending water or sewer service fees or charges adopted after January 1, 2022, except as provided. | *Logo sent to ACWA for coalition letter |
| <u>SB 351</u> | <u>Caballero D</u> | Water Innovation Act of 2021. | 5/10/2021-S. APPR. SUSPENSE FILE HELD | Current law establishes the State Water Resources Control Board for the purposes of providing for the orderly and efficient administration of the water resources of the state. This bill, the Water Innovation Act of 2021, would create the Office of Water Innovation at the California Water Commission for the furtherance of new technologies and other innovative approaches in the water sector. The bill would require the office, by December 31, 2023, to take specified measures to advance innovation in the water sector. The bill would make findings and declarations regarding the need for water innovation. | ACWA, CMUA, Sanitation Agencies Assoc. Support TWO-YEAR |
| <u>SB 403</u> | <u>Gonzalez D</u> | Drinking water: consolidation. | 5/11/2021-S. THIRD READING | The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would authorize the state board to also order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined. | Enviro groups, Western Center on Law & Poverty Support ACWA, Special Districts Oppose |
| <u>SB 427</u> | <u>Eggman D</u> | Water theft: enhanced penalties. | 5/13/2021-A. L. GOV. | Would authorize the legislative body of a local agency, as defined, that provides water service to adopt an ordinance that prohibits water theft, as defined, subject to an administrative fine or penalty in excess of the limitations above, as specified. The bill would require the local agency to adopt an ordinance that sets forth the administrative procedures governing the imposition, enforcement, collection, and administrative review of the | ACWA, Regional Water Authority Support |

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| | | | | administrative fines or penalties for water theft and to establish a process for granting a hardship waiver to reduce the amount of the fine, as specified. | |
| <u>SB 463</u> | <u>Dahle R</u> | Water: landowner right to modify, repair, or replace jointly used conduits. | 5/13/2021-A. W.,P. & W. | Would authorize a landowner to, where a conduit is constructed across or buried beneath the lands of 2 or more landowners, modify, repair, or replace, as defined, the conduit on or beneath their land if the modification, repair, or replacement is made in a manner that does not impede the flow of the water to any other property receiving a benefit of the conduit or, otherwise injure any person using or interested in the conduit. | |
| <u>SB 520</u> | <u>Wilk R</u> | Water resources: permit to appropriate: application procedure: mining use. | 5/13/2021-A. W.,P. & W. | Current law requires the State Water Resources Control Board to issue and deliver a notice of an application as soon as practicable after the receipt of an application for a permit to appropriate water that conforms to the law. Current law allows interested persons to file a written protest with regard to an application to appropriate water and requires the protestant to set forth the objections to the application. Current law declares that no hearing is necessary to issue a permit in connection with an unprotested application, or if the undisputed facts support the issuance of the permit and there is no disputed issue of material fact, unless the board elects to hold a hearing. This bill, if the board has not rendered a final determination on an application for a permit to appropriate water for a beneficial use or uses that include mining use within 30 years from the date the application was filed, would require the board to issue a new notice and provide an opportunity for protests before rendering a final determination, with specified exceptions. | |
| <u>SB 526</u> | <u>Min D</u> | Community water systems: lead user service lines. | 4/30/2021-S. 2 YEAR | Current law requires, by July 1, 2020, a community water system with known lead user service lines in use in its distribution system to provide a timeline for replacement of those lines to the State Water Resources Control Board. Current law requires the state board to review and approve an established timeline, and requires, if the state board fails to act within 30 days of the submission of the timeline, the timeline to be deemed approved. Current law authorizes the state board to enforce these requirements, as specified, and a violation is considered a violation of the California Safe Drinking Water Act, subjecting the violator to specified civil and criminal penalties. This bill would, until January 1, 2025, require a community water system to remove or replace the full lead user service line, if the community water system disturbs, removes, or replaces a portion thereof. The bill would apply the above-described enforcement provisions to a violation of the requirements of the bill, thereby creating a state-mandated local program by expanding the scope of crimes under the California Safe Drinking Water Act. | TWO-YEAR |
| <u>SB 552</u> | <u>Hertzberg D</u> | Drought | 5/10/2021-S. APPR. | Would require small water suppliers, as defined, and nontransient | CMUA, League |

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| | | planning: small water suppliers: nontransient noncommunity water systems. | SUSPENSE FILE | noncommunity water systems that are schools, no later than December 31, 2022, to develop and submit to the Division of Drinking Water for the State Water Resources Control Board an Emergency Response Plan that includes specified drought-planning elements. The bill would require these water systems to report specified water supply condition information to the state board through the state board's Electronic Annual Reporting System, and to include water system risk and water shortage information in the water systems' consumer confidence reports, as provided. | of Conservation Voters, Loc Gov Commission Support |
| <u>SB 627</u> | <u>Bates R</u> | Coastal erosion: installation of shoreline protective devices: application process. | 4/30/2021-S. 2 YEAR | Would, except as provided, require the California Coastal Commission or a local government with an approved local coastal program to approve the repair, maintenance, or construction of retaining walls, return walls, seawalls, revetments, or similar shoreline protective devices for beaches or adjacent existing residential properties in the coastal zone that are designed to mitigate or protect against coastal erosion. If a local government denies the application for a shoreline protective device, the bill would require the local government to inform the commission, in writing, of its decision with supporting evidence. The bill would require the commission, if it denies an application or if it receives notice of a local government's denial, to submit a report to the Legislature of its denial or the report from the local government. | TWO-YEAR |
| <u>SB 708</u> | <u>Melendez R</u> | Water shortage emergencies: declarations: deenergization events. | 5/13/2021-A. W.,P. & W. | Would authorize a public water supplier to declare a water shortage emergency condition without holding a public hearing in the event of a deenergization event, as defined. | |
| Total Measures: 46 | | | | | |
| Total Tracking Forms: 46 | | | | | |