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The agenda is subject to change.



**Legislative Advocacy
Committee Members:**

*Dave Potter, Chair
Jeanne Byrne
Alvin Edwards*

Alternate:

Mary Adams

Staff Contact

*Dave Stoldt,
General Manager*

*After staff reports have
been distributed, if
additional documents are
produced by the District
and provided to the
Committee regarding any
item on the agenda they
will be made available on
the District's website
prior to the meeting.
Documents distributed at
the meeting will be made
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and posted to the
District's website within
five days following the
meeting.*

**AGENDA
Legislative Advocacy Committee
Of the Monterey Peninsula Water Management District**

Tuesday, September 22, 2020, 2:00 pm

Pursuant to Governor Newsom's Executive Orders N-29-20 and N-33-20, and to do all we can to help slow the spread of COVID-19 (coronavirus), meetings of the Monterey Peninsula Water Management District Board of Directors and committees will be conducted with virtual (electronic) participation only using WebEx.

Join the meeting at this link:

<https://mpwmd.webex.com/mpwmd/onstage/g.php?MTID=efc5c97a78490b59bdcfaeacf3c50658b>

Or paste the link into your browser or join at mpwmd.webex.com.

Meeting number: 126 877 1503

Meeting password: LegCommittee

Participate by phone: 877-668-4493

**For detailed instructions on connecting to the WebEx meeting
see page 3 of this agenda.**

Call to Order

Comments from Public

The public may comment on any item within the District's jurisdiction. Please limit your comments to three minutes in length.

Action Items -- Public comment will be received on all Action Items

1. Adopt Minutes of June 18, 2020 Committee Meetings

Discussion Items -- Public comment will be received on all Discussion Items

2. Report from JEA & Associates on Legislative Status and Bill Tracking
3. Report from The Ferguson Group on Federal Legislative Status and Bill Tracking
4. Report from General Manager on Recent or Upcoming Legislative Actions
5. Suggest Items to be Placed on Future Agendas

Other Items

Adjournment

Upon request, MPWMD will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. MPWMD will also make a reasonable effort to provide translation services upon request. Please send a description of the requested materials and preferred alternative format or auxiliary aid or service by noon on Monday, September 21, 2020. Requests should be forwarded to arlene@mpwmd.net. You may also call 831-658-5652.

See next page of agenda for instructions on connecting to WebEx meeting

Instructions for Connecting to the WebEx Meeting

Note: If you have not used WebEx previously, when you begin connecting to the meeting you may be asked to download the app. If you do not have a computer, you can participate by phone only.

Begin: Within 10 minutes of the meeting start time, from your computer click on this link <https://mpwmd.webex.com/mpwmd/onstage/g.php?MTID=efc5c97a78490b59bdcfaeacf3c50658b> or copy and paste the link into your browser or go to: mpwmd.webex.com.

Under “Join a Meeting” enter the event number 126 877 1503, hit the enter key and when prompted enter the meeting password LegCommittee, click “Next” and see the dropdown menu at the bottom of the screen “Use computer for audio” and select the method you will use to hear the meeting – see below.

1) Audio and video connection from computer with WebEx app – view participants/materials on your screen

Click on the “Use computer for audio” drop down list
Click “Join Meeting”
Once in the meeting, mute your microphone.
Turn your microphone on when it is your turn to speak.

2) View material on your computer screen and listen to audio on your phone

From the “Use computer for Audio” drop down list select “Call In”
Click on “Join Meeting” / You will see a toll-free telephone number, access code, and attendee ID # -- enter these numbers on your phone.
Mute the microphone on your computer.
Disable computer speakers using the Settings menu.

Join by phone only (no computer) dial 1-877-668-4493 and use the meeting number above.

Present Public Comment

- 1) Receipt of Public Comment – the Chair will ask for comments from the public on all items. Limit your comment to 3 minutes.
 - (a) Computer Audio Connection: Select the “raised hand” icon. When you are called on to speak, please identify yourself.
 - (b) Phone audio connection: Press *9. Wait for the clerk to unmute your phone and then identify yourself and provide your comment. Press *9 to end the call.
- 2) For Action and Discussion Items the Chair will receive a presentation from staff and the Directors may ask questions. Following the question and answer period, the Chair will ask for comments from the public.

Submit Written Comments

If you are unable to participate via telephone or computer to present oral comments, you may also submit your comments by e-mailing them to comments@mpwmd.net with one of the following subject lines "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT – ORAL COMMUNICATIONS". Comments must be received by 12:00 p.m. on Tuesday, September 22, 2020. Comments submitted by noon will be provided to the Board of Directors and compiled as part of the record.

LEGISLATIVE ADVOCACY COMMITTEE

ITEM: ACTION ITEM

1. ADOPT MINUTES OF JUNE 18, 2020 COMMITTEE MEETING

Meeting Date: September 22, 2020

From: David J. Stoldt,
General Manager

Prepared By: Arlene Tavani

SUMMARY: Attached as **Exhibit 1-A** are draft minutes of the June 18, 2020 Legislative Advocacy committee meeting.

RECOMMENDATION: The Committee should review the draft minutes and approve them by motion.

EXHIBITS

1-A Draft Minutes of the June 18, 2020 Committee Meeting



EXHIBIT 1-A

DRAFT MINUTES

Legislative Advocacy Committee of the Monterey Peninsula Water Management District

June 18, 2020

Call to Order

The meeting was called to order at 2:10 pm. This was a virtual meeting conducted via WebEx.

Committee members present:

David Potter, Chair
Jeanne Byrne
Alvin Edwards (joined at 2:13 pm)

Committee members absent:

None

Staff members present:

David J. Stoldt, General Manager
Arlene Tavani, Executive Assistant
Stephanie Locke, Water Demand Division Manager

District Counsel present:

David Laredo

Legislative Consultant:

John Arriaga, A&E Associates
Laurie Johnson, A&E Associates
Roger Gwinn, The Ferguson Group
William Ferguson Jr., The Ferguson Group
Chris Kearney, The Ferguson Group
Stephanie Missert, The Ferguson Group

Comments from the Public:

No comments.

Action Items

1. Adopt Minutes of December 12, 2019 and March 24, 2020 Committee Meetings

On a motion by Byrne and seconded by Potter, the committee meeting minutes were approved on a vote of 2 – 0 by Byrne and Potter. Edwards was absent for the vote.

Discussion Items

2. Report from JEA & Associates on Legislative Status and Bill Tracking

Johnson reported that due to the COVID 19 pandemic, budget constraints and closure of legislative offices have impeded progress on legislation. The focus was on adoption of COVID 19 related legislation such as housing, rent relief and all-mail voting. JEA & Associates identified several California bills to be tracked. There was consensus from the committee to support the following bills. AB1958, Cooper, an ACWA supported bill that would prohibit altering or modifying levies. It was intended to prohibit the proliferation of homeless encampments on levies. AB2560, Quirk, an ACWA supported bill that would require the SWRCB to comply with notification requirements related to water quality standards. AB2954, Rivas, regarding reductions to greenhouse gas emissions associated with the California Global Warming Solutions Act of 2006. AB3005, Rivas, regarding Leroy Anderson

Dam and Reservoir, permitting, and public contracting. SB1099, Dodd, regarding rules on installation of backup generators for critical facilities. A bill to place on the watch list was SB1293, regarding the California Infrastructure and Economic Development Bank: Sea Level Rise Revolving Loan Program.

3. Report from The Ferguson Group on Federal Legislative Status and bill Tracking

Roger Gwinn reported that the focus at the federal level was law enforcement reform and COVID 19 relief. There was an effort by California representatives to ensure that Special Districts receive COVID 19 relief and funding for fire management. Chris Kearney and Stephanie Missert reviewed water infrastructure related legislation including reauthorization of the Water Resources Development Act and additional funding that may be available under the Water Infrastructure Finance and Innovation Act.

The committee reviewed a summary of proposed legislation submitted by The Ferguson Group on June 18, 2020 that is available for review on the District's website. One bill of interest was HR2, the Moving Forward Act, which had just been introduced. The language of the bill was not available at the time of the meeting, but it was expected to include funds for water infrastructure including water recycling. There was consensus among committee members that the following bills should be supported. HR1162, Napolitano, the Water Recycling and Investment and Improvement Act. HR2313, Huffman, Water Conservation Rebate Tax Party Act which clarified that homeowners who received rebates from water utilities for water conservation fixtures would not pay income tax on the rebate. HR2665, McNerny, Smart Energy and Water Efficiency Act of 2019, that would award grants for development of water, wastewater and water reuse systems. HR4891, Xochitl Torres Small, Western Water Security Act of 2019 that would provide additional funding for the Department of Water Resources WaterSMART program. Stoldt noted that the District previously sent a letter of support for HR7073, Garamendi, that would amend the Social Security Act to include special districts in the coronavirus relief fund.

4. Report from General Manager on Recent or Upcoming Legislative Actions

Stoldt summarized information provided in the staff report.

5. Strategy for Advocating with State Agencies to Solve the Inconsistency between Condition No. 2 and State Housing Authorities

Stoldt reported that SB330, the California Housing Crises Act of 2019, stated that no local government could declare a moratorium on housing, and that development of affordable housing could not be prevented except for specific reasons including lack of water or wastewater infrastructure. The jurisdictions needed water to meet housing requirements established by the State. The District developed a plan for distribution of 75 acre-feet of water conservation savings to the jurisdictions for development of housing. The goal was to coordinate with the Department of Housing and Community Development and Nancy Skinner, the author of SB330, and determine if the issue of health and safety could be prioritized so that a negotiated settlement with the State Water Resources Control Board would result in authorization to distribute the conservation savings. JEA & Associates were tasked to schedule multiple virtual meetings with State representatives in order to gain support for this proposal.

6. Suggest Items to be Placed on Future Agendas

No discussion.

Other Items: District Counsel should report to the Board on the requirement that the City of Monterey indemnify the District against legal challenge related to allocation of water to the project at 2000 and 2600 Garden Road.

Adjournment: 3:30 pm.

LEGISLATIVE ADVOCACY COMMITTEE

ITEM: DISCUSSION ITEM

2. REPORT FROM JEA & ASSOCIATES ON LEGISLATIVE STATUS AND BILL TRACKING

Meeting Date: September 22, 2020

From: David J. Stoldt,
General Manager

Prepared By: Arlene Tavani

SUMMARY: Please review **Exhibits 2-A through 2-C**, respectively, that will be discussed at the meeting.

EXHIBITS

- 2-A** Memo to the Legislative Committee from JEA & Associates
- 2-B** MPWMD Legislative Tracking – September 17, 2020
- 2-C** 2020 General Election Initiatives



EXHIBIT 2-A

Date: September 17, 2020

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

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

RE: Legislative Committee – September 22, 2020

With the Legislative Session ending three weeks ago, we wanted to provide you a snapshot of where things stand with some critical issues. To say that this year has been extraordinary and frustrating is an understatement, especially for the Legislature, where they have been crippled with forced recesses, several COVID outbreaks and the mountain of problems facing the state - all of which culminated to lost bills and cramped deadlines. The following bullets will update you on some of the many issues we have prioritized and discussed:

COVID Eviction Relief - The Governor signed AB 3088 (Chiu) just hours before the Judicial Council's September 2nd deadline. This bill will prevent renters with a certified COVID reason for non-payment of rent to stave off eviction proceedings until February of 2021.

Small Business Tax Credit - In a late negotiation between the Governor and the Senate, SB 1447 (Bradford) was sent to the Governor and subsequently signed. This bill would appropriate \$100 million for a tax credit for small businesses, and the monies were backfilled with funds in SB 115, a budget trailer bill. Specifically, it provides that the credit shall equal \$1,000 for each net increase in "qualified employees", as specified. The credit, however, is capped at \$100,000 per "qualified small business employer," which is one that employs 100 or fewer employees.

Housing - One of the most disappointing losses in the final hours of session was the loss of the Senate's crucial housing bill, SB 1120 (Atkins). This bill would have provided a ministerial process for duplexes in specified subdivision maps - essentially, allowing duplexes in single-family zoned areas - increasing housing by over 600,000 units/year. Despite support from the Governor and both Houses, the bill could not beat the clock for its needed concurrence vote. Expect to see another version with an urgency clause in January.

Police Reform - Over a dozen bills were introduced following the George Floyd protests calling for more accountability and oversight of law enforcement agencies. However, in the last days of session, many of those bills stalled. Some of the measures that failed to advance include a proposed law to require fellow officers to intervene if they witnessed excessive force, a plan to streamline oversight boards of sheriff's departments and an attempt to further constrict how police use deadly force. However, two of the most controversial for the cities were SB 731 (Bradford) and SB 776 (Skinner) - these bills would have created a statewide decertification process for officers and would have expanded the categories of personnel records for peace officers that are subject to disclosure to the CPRA. Despite the demise of a large majority of these bills, expect a new package to be introduced next session.

Farmworker Relief - Building upon our big win with our work with Assemblymember Rivas in expanding the Project Roomkey to farmworkers exposed and/or quarantining due to COVID, there are several more important issues for this critical community on the Governor's Desk. In the final days of the legislative session, lawmakers approved two bills to provide modest financial assistance to undocumented Californians: one would provide immediate relief with a \$600 grocery assistance and the other would let undocumented tax-filers receive the state's tax credit for low-income workers starting next spring.

The Governor will have until the end of September to take actions on the bills on his Desk. Regardless of the enormity of work that still remains for the Legislature, all signs indicate that it is highly unlikely that the Governor will call a Special Session and bring the Legislature back to Sacramento, and he will continue to utilize his broad Executive Authority given him by the Legislature in the early days of the pandemic.

Water Bond/Infrastructure Stimulus

In the beginning of the year, the Governor unveiled a \$4.7 billion climate resiliency/water bond proposal. This budget push coupled with two bills in the Legislature, activated us to work with ACWA's bond coalition and stakeholders to identify and modify funding streams to benefit MPWMD. Like with so many other issues, the pandemic and subsequent budget constraints, forced this proposal to be shelved. However, in mid-summer, with the support of bipartisan legislators, a smaller \$2.5 billion climate proposal for "shovel-ready" projects tried to get moving within a growingly stagnant Legislature. Congruently, a \$100 billion bicameral stimulus deal to boost the economy and infrastructure gained press and collective support among water stakeholders. Unfortunately, due to worsening budget picture and chaotic end-of-session, both proposals stalled.

With that said, there is still a substantial number of legislators committed to pushing through something when they convene in January. JEA & Associates will continue to actively participate and advocate within ACWA and other pertinent statewide partners.

Legislation –

The following are bills that MPWMD took a position on, sent letters and testimony provided:

- **AB 1958 (Cooper)** – Would prohibit a person from concealing, defacing, destroying, modifying, cutting, altering, or physically or visually obstructing any levee along a river or bypass at any of those specified places, any levee forming part of any flood control plan, or any other facility of the State Plan of Flood Control, including, but not limited to, any and all associated rights of way, without permission of the board. By expanding the behavior that would be punishable as a misdemeanor, the bill would impose a state-mandated local program.

**** This bill was amended to only apply to Sacramento-San Joaquin Delta**

- **AB 2560 (Quirk)** – Requires the State Water Resources Control Board (State Water Board) to post on its internet website and distribute through e-mail that it has initiated the development of a Notification Level (NL) or Response Level (RL) for a contaminant and the draft NL or RL along with supporting documentation.

Status: Governor's Desk

- **AB 2954 (Rivas)** - This bill would task the Air Resources Board (ARB) with setting, as part of the next Scoping Plan Update, an overall climate goal for the state's natural and working lands (NWLs), which will support the state's efforts to achieve carbon neutrality and climate resilience. It would also task ARB with other logistical and coordination considerations in achieving that goal.

Status: Held in submission in Senate Appropriations Committee

- **AB 3005 (Rivas)** – Would, if the Department of Fish and Wildlife determines that the Anderson Dam project, as defined, will substantially adversely affect existing fish and wildlife resources and the Santa Clara Valley Water District completes certain actions for the project, require the department within 180 days of receipt of a notification, as defined, from the district to issue a final agreement with the district that includes reasonable measures necessary to protect the affected resource, unless the department and the district agree to an extension.

Status: Governor's Desk

- **SB 1199 (Dodd)** - This bill requires air districts to develop stipulations for an order of abatement that would allow permitted facilities to use backup generators (BUGs) in exceedance of hour limits, should they enter into a stipulated order of abatement (SOA) with the local air district. This bill further dictates some of the terms of that SOA, including reporting of use, and a schedule for replacing older polluting generators with the cleanest, feasible, applicable technology that is economically feasible.

Status: Held in submission in Assembly Appropriations Committee

Sacramento Meetings – Housing

As follow-up to our discussion 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, we are now setting meetings/calls with both the Senate and Assembly Housing Committees and their chief consultants. Additionally, we will be meeting with Senate Skinner's staff on the issues with SB 330. Following those meetings, we will start meetings with the Department of Housing and Community Development.

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EXHIBIT 2-B**MPWMD Legislative Track****As of September 17, 2020**

Measure	Author	Topic	Status	Brief Summary	Position
<u>AB 1839</u>	<u>Bonta D</u>	Economic, environmental, and social recovery: California COVID-19 Recovery Deal.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 4/24/2020)	Would enact the California COVID-19 Recovery Deal. The bill would make a series of legislative findings and declarations pertaining to the coronavirus (COVID-19) pandemic and various economic, environmental, and social conditions in the state. The bill would state the intent of the Legislature that the state adopt a policy framework with principles and goals committed to accomplish specified economic, environmental, and social objectives and priorities as part of the state's COVID-19 recovery spending. The bill would state that the Legislature establishes various spending rules for the COVID-19 recovery, including adopting spending measures that prohibit businesses, organizations, or agencies from accepting public funds for any long-term projects that prolong the emission of greenhouse gases or lead to the expansion of fossil fuel projects and ensuring that recovery spending includes specific measures for California populations and communities most negatively impacted by COVID-19.	
<u>AB 1857</u>	<u>Chen R</u>	Emergency services: contracts.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was G.O. on 5/7/2020)	The California Emergency Services Act includes various provisions intended to mitigate the effects of emergencies and to generally protect the health and safety and preserve the lives and property of the people of the state. Among other things, the act authorizes the Governor to expend any appropriation for support of the act to carry out its provisions. This bill would require the Governor to submit a copy of any contract executed with moneys authorized for expenditure, as described above, to the Joint Legislative Budget Committee and members of the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget within 72 hours of the contract becoming final.	
<u>AB 1936</u>	<u>Rodriguez D</u>	Price gouging: public safety power shutoffs.	6/5/2020-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. on 3/12/2020)	Under current law, upon the proclamation of a state of emergency, as defined, by the President of the United States or the Governor, or upon the declaration of a local emergency, as defined, by the executive officer of any county, city, or city and county, and for 30 days following the proclamation or declaration of emergency, it is a misdemeanor with specified penalties for a person, contractor, business, or other entity to sell or offer to sell certain goods and services for a price that exceeds by 10% the price charged by that person immediately prior to the proclamation or declaration of emergency, except as specified. This bill would specify that, for a proclamation or declaration of emergency made because of a public safety power shutoff or because of an announcement that a public safety power shutoff will occur, the restrictions on increased pricing apply, only as specified, for a period lasting until 72 hours after the restoration of power.	
<u>AB 1958</u>	<u>Cooper D</u>	State Plan of Flood Control: facilities.	8/31/2020-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. N.R. & W. on 6/23/2020)	Would prohibit a person from concealing, defacing, destroying, modifying, cutting, altering, or physically or visually obstructing any levee along a river or bypass at any of those specified places, any levee forming part of any flood control plan, or any other facility of the State Plan of Flood Control, including, but not limited to, any and all associated rights of way, without permission of the board. By expanding the behavior that would be punishable as a misdemeanor, the bill would impose a state-mandated local program.	Support **Bill amended to only apply to the

					Sacramento -San Joaquin
<u>AB 2060</u>	<u>Holden D</u>	Drinking water: pipes and fittings: lead content.	8/21/2020-Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. APPR. SUSPENSE FILE on 8/20/2020)	Would, commencing January 1, 2024, additionally define “lead free,” for purposes of conveying or dispensing water for human consumption, to mean does not leach more than one microgram of lead under certain tests and meeting a specified certification when used with respect to certain endpoint devices, as defined. The bill would, notwithstanding that commencement date, impose a progressively increasing minimum percentage for a manufacturer that sells or offers for sale in the state products subject to that definition of “lead free” to comply with that definition, commencing January 1, 2021, with 100% compliance on January 1, 2024, as compared to the total number of those product models sold or offered for sale in the state by that manufacturer on July 1, 2019.	
<u>AB 2093</u>	<u>Gloria D</u>	Public records: writing transmitted by electronic mail: retention.	6/5/2020-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. on 3/10/2020)	Would, unless a longer retention period is required by statute or regulation, or established by the Secretary of State pursuant to the State Records Management Act, require a public agency, for purposes of the California Public Records Act, to retain and preserve for at least 2 years every public record, as defined, that is transmitted by electronic mail.	
<u>AB 2095</u>	<u>Cooper D</u>	Public water systems: reduction of water charges: customers impacted by COVID-19.	6/5/2020-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. L. GOV. on 2/20/2020)	Would authorize a public water system to reduce the water charges imposed on a customer impacted by COVID-19 during the duration of the impact provided that the reduction does not increase the water charges imposed on another ratepayer.	
<u>AB 2138</u>	<u>Chau D</u>	California Public Records Act.	6/5/2020-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. JUD. on 2/20/2020)	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, 2022.	
<u>AB 2182</u>	<u>Rubio, Blanca D</u>	Emergency backup generators: water and wastewater facilities: exemption.	6/5/2020-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. U. & E. on 3/2/2020)	Would exempt the operation of an alternative power source, as defined, to provide power to a critical facility, as defined, from any local, regional, or state regulation regarding the operation of that source. The bill would authorize providers of essential public services, in lieu of compliance with applicable legal requirements, to comply with the maintenance and testing procedure set forth in the National Fire Protection Association Standard for Emergency and Standby Power System, NFPA 110, for alternative power sources designated by the providers for the support of critical facilities.	
<u>AB 2231</u>	<u>Kalra D</u>	Public works.	8/31/2020- Enrolled and presented to the Governor at 5 p.m.	Current law requires that, except as specified, not less than the general prevailing rate of per diem wages, determined by the Director of Industrial Relations, be paid to workers employed on public works projects. Current law defines “public works” to include, among other things, construction, alteration, demolition, installation, or repair work done under contract and paid for, in whole or in part, out of public funds, but exempts from that definition, among other projects, an otherwise private development project if the state or political subdivision provides, directly or indirectly, a public subsidy to the private	

				development project that is de minimis in the context of the project. This bill would generally provide that a public subsidy is de minimis if it is both less than \$600,000 and less than 2% of the total project cost. The bill would specifically provide that a public subsidy for a residential project that consists entirely of single-family dwellings is de minimis if it is less than 2% of the total project cost.	
<u>AB 2333</u>	<u>Quirk D</u>	Waste: releases: remedial action: local oversight.	8/18/2020-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. E.Q. on 6/23/2020)	Whenever a release of waste occurs and remedial action is required, current law authorizes a responsible party for the release to request that a local officer supervise the remedial action. Current law requires a local officer to provide written notification, that includes specified information, to the Department of Toxic Substances Control and the appropriate regional water quality control board at least 10 working days before entering into a remedial action agreement with a responsible party. Current law authorizes a local officer to provide a responsible party with a letter or other document that describes the release of waste that occurred and the remedial action taken and certifies that the cleanup goals embodied in the remedial action agreement were accomplished. This bill would authorize a responsible party to request the local officer to oversee the remedial action only if the release is not being overseen by the department or a regional water quality control board.	
<u>AB 2364</u>	<u>Rubio, Blanca D</u>	Municipal separate storm sewer systems: financial capability analysis.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was E.S. & T.M. on 2/24/2020)	Would require the State Water Resources Control Board, by July 1, 2021, to establish financial capability assessment guidelines for municipal separate storm sewer system permittees that are adequate and consistent when considering the costs to local jurisdictions. The bill would require the state board and the regional boards to continue using available regulatory tools and other approaches to foster collaboration with permittees to implement permit requirements in light of the costs of implementation.	
<u>AB 2438</u>	<u>Chau D</u>	California Public Records Act: conforming revisions.	6/5/2020-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. JUD. on 2/19/2020)	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 enact various conforming and technical changes related to another bill that recodifies and reorganizes the California Public Records Act. The bill would only become operative if the related bill recodifying the act is enacted and becomes operative on January 1, 2022.	
<u>AB 2482</u>	<u>Stone, Mark D</u>	Agriculture: environmental farming programs and grants.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was AGRI. on 2/27/2020)	Would require the Department of Food and Agriculture, upon appropriation by the Legislature of additional funds, to administer the State Water Efficiency and Enhancement Program (grant program) to provide grants to agricultural operations to implement irrigation systems that reduce greenhouse gases and energy use and increase water use efficiency, as prescribed. The bill would also require the department to fund culturally competent training on irrigation and nutrient management, authorize the department to contract with qualified third parties to measure grant program outcomes, and require the department to adopt guidelines for the grant program.	
<u>AB 2488</u>	<u>Gonzalez D</u>	Drinking water: Lead-Safe Schools Protection Act.	6/5/2020-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/19/2020)	The Lead-Safe Schools Protection Act requires the State Department of Public Health to perform various activities related to reducing the risk of exposure to lead hazards in public schools, as defined, including, among other activities, conducting a sample survey to determine the likely extent and distribution of lead exposure to children from paint on the school, soil in play areas at the school, drinking water at the tap, and other potential sources identified by the State Department of Public Health for this purpose, as provided. This bill would make nonsubstantive changes to those provisions.	
<u>AB 2502</u>	<u>Quirk D</u>	Groundwater sustainability plans:	5/29/2020-Failed Deadline pursuant	The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to	

		impacts on managed wetlands.	to Rule 61(b)(5). (Last location was W.,P. & W. on 2/27/2020)	critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020. The act prescribes that plans contain certain required contents and requires that plans contain, where appropriate and in collaboration with the appropriate local agencies, additional analyses or components, including, among others, control of saline water intrusion, wellhead protection areas and recharge areas, a well abandonment and well destruction program, well construction policies, and impacts on groundwater dependent ecosystems. This bill would add impacts to managed wetlands, as specified, to the additional analyses or components that a plan is required to contain when appropriate.	
<u>AB 2519</u>	<u>Wood D</u>	Conservation projects: grants: advance payments.	8/18/2020-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. N.R. & W. on 7/1/2020)	Current law requires the Natural Resources Agency, the State Coastal Conservancy, the Department of Water Resources, and the State Water Resources Control Board to administer various grant programs relating to natural resources. This bill, until January 1, 2025, would require, to the extent not in conflict with any other law, the Natural Resources Agency, the conservancy, the department, and the board, when awarding grants for conservation projects, as defined, to provide an advance payment of up to 25% of the total grant award if requested by a grant recipient, as provided. The bill would require, on or before January 15 of each year, the granting entities specified above to provide a report to the Legislature, as part of the annual budget process, on the outcome of the use of the advance payments.	
<u>AB 2560</u>	<u>Quirk D</u>	Water quality: notification levels and response levels: procedures.	9/11/2020-Enrolled and presented to the Governor at 3 p.m.	The California Safe Drinking Water Act requires the State Water Resources Control Board to adopt drinking water standards for contaminants in drinking water based upon specified criteria and requires any person who owns a public water system to ensure that the system, among other things, complies with those drinking water standards. This bill would require the state board to comply with specified public notice and comment procedures when establishing or revising a notification level or response level, except as specified for a contaminant that the Division of Drinking Water of the state board finds presents the potential for imminent harm to public health and safety.	Support **Letters drafted and sent to Committees and Governor **Testified in Support
<u>AB 2619</u>	<u>Stone, Mark D</u>	Coastal resources: Program for Coastal Resilience, Adaptation, and Access.	6/5/2020-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 6/2/2020)	Would establish the Program for Coastal Resilience, Adaptation, and Access for the purpose of funding specified activities intended to help the state prepare, plan, and implement actions to address and adapt to sea level rise and coastal climate change. The bill would create the Coastal Resilience, Adaptation, and Access Fund in the State Treasury, and would authorize the California Coastal Commission and specified state agencies to expend moneys in the fund, upon appropriation in the annual Budget Act, to take actions, based upon the best scientific information, that are designed to address and adapt to sea level rise and coastal climate change, as prescribed.	
<u>AB 2653</u>	<u>Kalra D</u>	Smart climate agriculture.	6/5/2020-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/20/2020)	Current law requires the Department of Food and Agriculture to promote and protect the agricultural industry of the state. Current law, the Cannella Environmental Farming Act of 1995, requires the department to establish and oversee an environmental farming program to provide incentives to farmers whose practices promote the well-being of ecosystems, air quality, and wildlife and their habitat. This bill would state the intent of the Legislature to enact subsequent legislation that would encourage smart climate agriculture.	
<u>AB 2659</u>	<u>Chen R</u>	Public agencies: information	5/29/2020-Failed Deadline pursuant	The Information Practices Act of 1977 prescribes a set of requirements, prohibitions, and remedies applicable to public agencies, as defined, with regard to their collection, storage, and disclosure of	

		practices.	to Rule 61(b)(5). (Last location was P. & C.P. on 3/12/2020)	personal information. The act specifically requires an agency to establish rules of conduct for persons involved in the design, development, operation, disclosure, or maintenance of records containing personal information and to instruct these people with respect to the rules and the requirements of the act. This bill would require that the above-described rules of conduct include security awareness and training policies and procedures.	
<u>AB 2676</u>	<u>Quirk D</u>	California Public Records Act: exemptions.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was JUD. on 3/2/2020)	Current law exempts from disclosure critical infrastructure information, as defined, that is voluntarily submitted to the Office of Emergency Services for use by that office, including the identity of the person who or entity that voluntarily submitted the information. Current law defines “voluntarily submitted” for that purpose. This bill would remove the restriction that the submission be voluntary, thereby expanding that exemption.	
<u>AB 2706</u>	<u>Fong R</u>	California Environmental Quality Act: record of proceedings.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 3/12/2020)	In an action or proceeding alleging the lead agency violated CEQA, CEQA requires the lead agency to prepare and certify the record of proceedings and requires the parties to pay any reasonable costs or fees imposed for the preparation of the record of proceedings, as specified. CEQA authorizes the plaintiff or petitioner to elect to prepare the record of proceedings or for the parties to agree to an alternative method of preparation of the record of proceedings, subject to certification of its accuracy by the public agency. This bill would make the above authorization for the plaintiff or petitioner to elect to prepare the record of proceedings or to agree to an alternative method of record preparation inapplicable in a proceeding challenging a project that will be exclusively located or implemented in a county with fewer than 1,000,000 residents and, if the project is located in a city within that county, the city has fewer than 500,000 residents.	
<u>AB 2748</u>	<u>Fong R</u>	Consumer credit reports: security freezes: protected consumers.	6/5/2020-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. P. & C.P. on 3/12/2020)	Current law requires a consumer credit reporting agency to place a security freeze for a protected consumer, defined as an individual who is under 16 years of age at the time a request for the placement of a security freeze is made, an incapacitated person or a protected individual for whom a guardian or conservator has been appointed, or a person under the jurisdiction of a county welfare department or county probation department who has been placed in a foster care setting and is under 16 years of age at the time a request for a security freeze is made, upon that consumer’s representative’s request and compliance with certain requirements. This bill instead would include in the definition of protected consumer an individual who is under the jurisdiction of a county probation department, has been placed in a foster care setting, and is under 19 years of age at the time of the request for placement of a security freeze is made.	
<u>AB 2767</u>	<u>Limón D</u>	Homeless Coordinating and Financing Council: water management.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was H. & C.D. on 3/12/2020)	Would require the Governor to appoint up to 20 members of the Homeless Coordinating and Financing Council, including a representative from the State Water Resources Control Board.	
<u>AB 2954</u>	<u>Rivas, Robert D</u>	California Global Warming Solutions Act of 2006: climate goal:	8/21/2020-Failed Deadline pursuant to Rule 61(b)(15). (Last location was	The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. This bill would require the state board, when updating the scoping plan and in collaboration with This bill	Support **Letter drafted and

		natural and working lands.	S. APPR. SUSPENSE FILE on 8/19/2020)	would require the state board, when updating the scoping plan and in collaboration with by January 1, 2023, an overall climate goal for the state's natural and working lands, as defined, to sequester carbon and reduce atmospheric greenhouse gas emissions and identify practices, policy incentives, and potential reductions in barriers that would help achieve the climate goal.	sent to author and Committee
<u>AB 2987</u>	<u>Flora R</u>	Local agency public contracts: bidding procedures.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. GOV. on 3/5/2020)	The Uniform Public Construction Cost Accounting Act authorizes a public agency to elect to become subject to uniform construction cost accounting procedures. The act authorizes bidding procedures for public projects, as specified. Those bidding procedures include procedures for the publication or posting and electronic transmission of notice inviting formal bids. This bill would authorize a public agency, as an alternative to the publication or posting requirement, to meet the notice inviting formal bids requirement by transmitting notice electronically, as specified, and publishing the notice electronically in a prescribed manner on the public agency's internet website at least 14 calendar days before the date of opening the bids.	
<u>AB 3005</u>	<u>Rivas, Robert D</u>	Leroy Anderson Dam and Reservoir: permitting, environmental review, and public contracting.	9/15/2020-Enrolled and presented to the Governor at 3 p.m.	Would, if the Department of Fish and Wildlife determines that the Anderson Dam project, as defined, will substantially adversely affect existing fish and wildlife resources and the Santa Clara Valley Water District completes certain actions for the project, require the department within 180 days of receipt of a notification, as defined, from the district to issue a final agreement with the district that includes reasonable measures necessary to protect the affected resource, unless the department and the district agree to an extension.	Support **Letters drafted and sent to Committees and Governor **Testified in Support
<u>AB 3047</u>	<u>Flora R</u>	Water quality: groundwater: monitoring.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was E.S. & T.M. on 4/24/2020)	Current law requires the State Water Resources Control Board to identify and recommend to the Legislature funding options to extend, until January 1, 2024, a specified comprehensive groundwater quality monitoring program. This bill would instead require the department to identify and recommend to the Legislature funding options to extend that comprehensive groundwater quality monitoring program indefinitely.	
<u>AB 3123</u>	<u>Gonzalez D</u>	Employees: public health emergency.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 4/24/2020)	Would prohibit an employer from discriminating or retaliating against an employee for complying with an isolation or quarantine order issued by a public health official due to a public health emergency.	
<u>AB 3256</u>	<u>Garcia, Eduardo D</u>	Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection	8/31/2020-Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. RLS. on 6/3/2020)	Would enact the Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,980,000,000 pursuant to the State General Obligation Bond Law to finance projects for an economic recovery, wildfire prevention, safe drinking water, drought preparation, and flood protection program.	

		Bond Act of 2020.			
<u>SB 797</u>	<u>Wilk R</u>	Water resources: permit to appropriate: application procedure.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was N.R. & W. on 1/15/2020)	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 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 931</u>	<u>Wieckowski D</u>	Local government meetings: agenda and documents.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was GOV. & F. on 2/12/2020)	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, if the local agency has an internet website, a legislative body 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. The bill would require, where the local agency determines it is technologically infeasible to send a copy of all documents constituting the agenda packet or a website link containing the documents by electronic mail or by other electronic means, the legislative body or its designee to send by electronic mail a copy of the agenda or a website link to the agenda and mail a copy of all other documents constituting the agenda packet in accordance with the mailing requirements.	
<u>SB 946</u>	<u>Pan D</u>	Flood control: Yolo Bypass Cache Slough Partnership Multibenefit Program.	6/26/2020-Failed Deadline pursuant to Rule 61(b)(11). (Last location was S. N.R. & W.)	Would establish the Yolo Bypass Cache Slough Partnership Multibenefit Program to support the development and implementation of projects within the Yolo Bypass and Cache Slough region. The bill would define "Yolo Bypass Cache Slough Partnership" to mean the multiagency partnership established pursuant to a memorandum of understanding signed in May 2016 by a total of 15 participating federal, state, and local agencies. The bill would require the participating state agencies, including the Natural Resources Agency, the Department of Water Resources, the Department of Fish and Wildlife, the Central Valley Flood Protection Board, the State Water Resources Control Board, and the Central Valley Regional Water Quality Control Board, to work in collaboration with the participating federal and local agencies to promote the discussion, prioritization, and resolution of policy and other issues critical to the successful implementation of projects to advance specified objectives in the Yolo Bypass and Cache Slough region.	
<u>SB 996</u>	<u>Portantino D</u>	State Water Resources Control Board: Constituents of Emerging Concern Program.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was E.Q. on 3/5/2020)	Would require the State Water Resources Control Board to establish, maintain, and direct an ongoing, dedicated program called the Constituents of Emerging Concern Program to assess the state of information and recommend areas for further study on constituents of emerging concern in drinking water that may pose risks to public health. The bill would require the state board to establish the Stakeholder Advisory Group and, by an unspecified date, the Science Advisory Panel, both as prescribed, to assist in the gathering and development of information for the program, among other functions. The bill would require the program to provide opportunities for public participation, including conducting	

				stakeholder meetings and workshops to solicit relevant information and feedback for development and implementation of the program.	
<u>SB 1028</u>	<u>Dodd D</u>	Agriculture: Cannella Environmental Farming Act of 1995: Environmental Farming Incentive Program.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was AGRI. on 5/12/2020)	Would require the Advisory Panel on Environmental Farming to assist government agencies to incorporate the conservation of natural resources and ecosystem services practices into agricultural programs. The bill would require the Department of Food and Agriculture, with advice from the panel, to establish and administer the California Environmental Farming Incentive Program, subject to an appropriation by the Legislature. The bill would require the program to support on-farm practices seeking to optimize environmental benefits while supporting the economic viability of California agriculture by providing incentives to farmers or ranchers who want to pursue adopting management practices that contribute to wildlife habitat and result in on-farm activities that provide multiple conservation benefits, as prescribed.	
<u>SB 1052</u>	<u>Hertzberg D</u>	Water quality: municipal wastewater agencies.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was GOV. & F. on 5/12/2020)	Would establish municipal wastewater agencies and would authorize a municipal wastewater agency, among other things, 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.	
<u>SB 1056</u>	<u>Portantino D</u>	Drinking water: testing: perfluoroalkyl and polyfluoroalkyl substances.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was E.Q. on 2/27/2020)	Would require the State Water Resources Control Board, on or before January 1, 2022, to certify a methodology or methodologies for testing drinking water, groundwater, and surface water for perfluoroalkyl and polyfluoroalkyl substances, as provided, and to accredit qualified laboratories in California to analyze perfluoroalkyl and polyfluoroalkyl substances pursuant to the adopted methodology or methodologies.	
<u>SB 1067</u>	<u>Moorlach R</u>	Local agencies: refunding bonds: pension obligations.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was GOV. & F. on 2/27/2020)	The California Constitution prohibits a county, city, town, township, board of education, or school district from incurring a debt or liability in any manner or for any purpose exceeding in any year the income and revenue provided for the year, without approval by 2/3 of the voters of the public entity voting at an election to be held for that purpose, except for certain debts issued for public schools, as specified. Current case law has qualified this prohibition by creating certain exceptions that have been judicially deemed not to implicate it, including for revenue bonds and for obligations imposed by law. The California Constitution generally authorizes the Legislature to provide maximum property tax rates and bonding limits for local governments. Current law authorizes a local agency that intends to issue refunding bonds to do so without submitting the question of the issuance to a vote of the qualified electors of the local agency. This bill would require that refunding bonds to be used to refund pension obligation bonds with specified characteristics be approved by 55 percent of the voters of the local agency voting on the proposition that authorizes the indebtedness.	
<u>SB 1096</u>	<u>Caballero D</u>	Water and sewer system corporations: consolidation of	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was	Te 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 system or state small water system serving a disadvantaged community consistently fails to provide an adequate	

		service.	E. U., & C. on 5/12/2020)	supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2020, 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.	
<u>SB 1099</u>	<u>Dodd D</u>	Emergency backup generators: critical facilities: exemptions.	8/14/2020-Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. NAT. RES. on 6/29/2020)	Current law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Current law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Current law requires the State Air Resources Board to identify toxic air contaminants that are emitted into the ambient air of the state and to establish airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources. This bill would require an air district without a specified rule on emergency backup generators, as defined, as of January 1, 2021, that adopts such a rule to include in the rule provisions that allow the operator of a critical facility, as defined, to use a permitted emergency backup generator in exceedance of the applicable runtime and testing and maintenance limits if specified conditions are met.	Support **Letter drafted and sent to author and Committee
<u>SB 1100</u>	<u>Atkins D</u>	Coastal resources: sea level rise.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was N.R. & W. on 5/12/2020)	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 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.	
<u>SB 1101</u>	<u>Caballero D</u>	Water and Climate Science Advisory Board.	8/31/2020-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 2/19/2020)	Would require the Department of Water Resources to convene a Water and Climate Science Advisory Board to consist of 5 members with certain qualifications appointed by the department, the agency, and the State Water Resources Control Board, as provided. The bill would require board members to serve 3-year terms. The bill would require the department to consult with the board when initiating, reviewing, or expanding policies or guidelines regarding impacts of climate change on water resources. The bill would require the department to establish an internal process for department review of and comment on the work of the board, which shall be made publicly available.	
<u>SB 1173</u>	<u>Durazo D</u>	Public employment: labor relations: employee information.	8/31/2020-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. INACTIVE FILE on 9/1/2020)	Current law, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, provisions commonly referred to as the Educational Employment Relations Act, and the Higher Education Employer-Employee Relations Act, among others, regulates the labor relations of the state, the courts, and specified local public agencies and their employees. Current law requires these public employers to provide certain labor representatives with the names and home addresses of newly hired employees, as well as their job titles, departments, work locations, telephone numbers, and personal email addresses, within 30 days of hire or by the first pay period of the month following hire. Current law also requires the public employers to provide this information for all employees in a bargaining unit at least every 120 days, except as specified. This bill, beginning on July 1, 2021, would generally authorize an exclusive representative to file a charge of an unfair labor practice with the Public Employment Relations Board, as specified, alleging a violation of the above-described requirements.	

<u>SB 1188</u>	<u>Stern D</u>	The California Water Plan.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was N.R. & W. on 3/5/2020)	Current law requires the Department of Water Resources to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state, which is known as The California Water Plan. Current law requires the department to include a discussion of various strategies in the plan update, including, but not limited to, strategies relating to the development of new water storage facilities, water conservation, water recycling, desalination, conjunctive use, water transfers, and alternative pricing policies that may be pursued in order to meet the future needs of the state. This bill would require the department to include in the plan update, instead of a discussion of various strategies, a discussion of various strategies for increasing regional water resilience, as defined.	
<u>SB 1208</u>	<u>Monning D</u>	Wildlife: dudleya: taking and possession.	8/31/2020-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 2/20/2020)	The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species and to add or remove species from either list if it finds, upon the receipt of sufficient scientific information, as specified, and based solely upon the best available scientific information, that the action is warranted. The commission has listed certain species of dudleya as threatened or endangered under the act. This bill would make it unlawful to uproot, remove, harvest, or cut dudleya, as defined, from land owned by the state or a local government or from property not their own without written permission from the landowner in their immediate possession, except as provided, and would make it unlawful to sell, offer for sale, possess with intent to sell, transport for sale, export for sale, or purchase dudleya uprooted, removed, harvested, or cut in violation of that provision.	
<u>SB 1217</u>	<u>Dahle R</u>	Urban water use targets: indoor residential water use: standards: studies and investigations: reports.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was N.R. & W. on 3/5/2020)	Current law requires an urban retail water supplier to adopt one of specified methods for determining its urban water use target, including estimating the per capita daily water use using the sum of 55 gallons per capita daily for indoor residential water use and a specified water efficiency standard for landscape irrigation use. This bill would revise that method of estimating the per capita daily water use to require an urban retail water supplier to use, instead of 55 gallons per capita daily for indoor residential water use, a standard that complies with the urban retail water supplier's own criteria for indoor residential water use.	
<u>SB 1280</u>	<u>Monning D</u>	Drinking water: consolidation and extension of service: at-risk water systems.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was GOV. & F. on 5/12/2020)	The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with, or extension of service from, a receiving water system if a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water or if a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. The act requires the state board, no later than July 1, 2020, to develop and adopt a policy that provides a process by which members of a disadvantaged community may petition the state board to consider ordering consolidation. This bill would authorize the state board to order consolidation between a receiving water system and an at-risk water system, as defined, upon receipt of a petition that substantially conforms to the above-referenced policy adopted by the state board and that is either approved by the water system's governing body or signed by at least 30% of the households served by the water system.	
<u>SB 1293</u>	<u>Allen D</u>	California Infrastructure and Economic Development Bank: Sea Level Rise Revolving Loan Program.	8/31/2020-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 2/21/2020)	Would create the Sea Level Rise Revolving Loan Program within the I-Bank to provide low-interest loans to local jurisdictions for the purchase of coastal properties in their jurisdictions identified as vulnerable coastal property. The bill would require the California Coastal Commission, before January 1, 2022, in consultation with the California Coastal Commission, the State Lands Commission, and any other applicable state, federal, and local entities with relevant jurisdiction and expertise, to determine criteria and guidelines for the identification of vulnerable coastal properties eligible for participation in the program. The bill would authorize specified cities and counties to apply for, and be awarded, a low-	

				interest loan under the program if the city or county develops and submits to the bank a vulnerable coastal property plan.	
<u>SB 1296</u>	<u>Durazo D</u>	Natural resources: the Nature and Parks Career Pathway and Community Resiliency Act of 2020.	6/19/2020-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. SUSPENSE FILE on 6/9/2020)	Current law establishes various environmental and economic policies and programs. This bill, upon appropriation by the Legislature, would establish the Nature and Parks Career Pathway and Community Resiliency Act of 2020, which would require state conservancies and the Wildlife Conservation Board to establish independent grant programs to fund climate mitigation, adaptation, or resilience, natural disaster, and other climate emergency projects, as specified.	
<u>SB 1297</u>	<u>Moorlach R</u>	Public employees' retirement.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L., P.E. & R. on 3/5/2020)	Would revise the provision of pension and other benefits to members of all state or local public retirement systems. The bill would apply its provisions prospectively to any member of a state or local public retirement system who is employed upon the date of its enactment and to any person who may be employed and become a member thereafter. The bill would void any limit on a pension that prohibits the pension from exceeding a percentage of final compensation, as specified. The bill would prohibit a local entity from establishing a deferred retirement option program, as described, and if a local entity has established a deferred retirement option program, whether or not the program is closed to new participants, it would be required to disenroll any participating employees and close the program.	
<u>SB 1329</u>	<u>Wilk R</u>	Climate change: Climate Innovation Grant Program: voluntary tax contributions.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was N.R. & W. on 5/12/2020)	Would establish the Climate Innovation Grant Program, to be administered by the Strategic Growth Council or another entity identified by the council that it determines to have the appropriate skills necessary to successfully implement this program. The bill would establish the Climate Innovation Fund, a special fund, in the State Treasury and would continuously appropriate the moneys in the fund to the council for purposes of the program. Once the Climate Innovation Fund accrues \$2,000,000, the bill would require the council or the entity implementing the program to notify the Franchise Tax Board and would require the program to award grants for the development and research of new innovations and technologies that either reduce emissions of greenhouse gases or address impacts caused by climate change.	
<u>SB 1348</u>	<u>Stern D</u>	Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones: forest management.	8/31/2020-Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. THIRD READING on 8/25/2020)	Would require the Director of Forestry and Fire Protection to identify areas of the state as moderate and high fire hazard severity zones and would require a local agency to make this information available for public review and comment, as provided. By expanding the responsibility of a local agency, the bill would impose a state-mandated local program.	
<u>SB 1356</u>	<u>Borgeas R</u>	Groundwater sustainability agency: financial authority.	8/31/2020-Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 2/21/2020)	The Sustainable Groundwater Management Act authorizes a groundwater sustainability agency to impose fees to fund the costs of a groundwater sustainability program and requires a groundwater sustainability agency to hold at least one public meeting prior to imposing or increasing a fee. The act requires that a groundwater sustainability agency make the data upon which the proposed fee is based publicly available at least 10 days prior to the meeting. This bill would make nonsubstantive changes to the provisions authorizing groundwater sustainability agencies to impose fees.	

<u>SB 1372</u>	<u>Monning D</u>	Wildlife corridors and connectivity: Wildlife and Biodiversity Protection and Movement Act of 2020.	5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 5/12/2020)	Current law requires the Department of Fish and Wildlife, contingent upon funding being provided by the Wildlife Conservation Board or from other appropriate bond funds, upon appropriation by the Legislature, to investigate, study, and identify those areas in the state that are most essential as wildlife corridors and habitat linkages, as well as the impacts to those wildlife corridors from climate change, and requires the department to prioritize vegetative data development in these areas. This bill would additionally require the department to investigate, study, and identify impacts to those wildlife corridors from state infrastructure projects, including transportation and water projects, large-scale development projects not covered by an existing natural community conservation plan or habitat conservation plan, and planned or potential land conversions.	
Total Measures: 55					
Total Tracking Forms: 55					

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EXHIBIT 2-C
2020 GENERAL ELECTION INITIATIVES

Proposition 14: Funding for stem cell research

Summary: Authorizes \$5.5 billion in general bonds to go to stem cell research, including research on treating Alzheimer's and dementia.

Argument for: Universities, nonprofits and other research groups need more funding to continue this vital medical research. The \$3 billion in funding provided by Prop 71 in 2004 has been depleted.

Argument against: There isn't enough oversight on how the money will be spent.

Supporters: California Democratic Party, UC Board of Regents, several medical institutions, among others.

Opponents: The nonprofit Center for Genetics and Society

Proposition 15: Increase commercial property taxes for education funding

Summary: Amends the constitution to allow commercial and industrial properties to be taxed at their market value rather than their purchase price. There are exceptions for properties zoned as commercial agriculture and companies valued under \$3 million. This proposition would revise 1978's Prop 13, which requires all California properties (residential and commercial) to be taxed at their purchase price with an annual increase of 2% or inflation, whichever is lower. Of the new tax revenue, an estimated \$8 billion to \$12.5 billion a year, 60% would go to local governments and 40% to school districts and community colleges. Residential properties (i.e. homes) are not affected by this proposition.

Argument for: California companies like Chevron and Disneyland sit on extremely valuable property, make lots of money and don't pay taxes on their land's market value. Plus, schools desperately need the funding.

Argument against: The massive tax increase will prompt companies to flee California at a time when businesses are already struggling.

Supporters: Dozens of Democratic lawmakers, several CA school districts, California Teachers Association.

Opponents: Several local chambers of commerce, Ted Gaines (Republican on the CA Board of Equalization), and several local branches of the NAACP.

Proposition 16: Repeal Prop 209 to allow affirmative action

Summary: Repeals 1996's Proposition 209, which banned the government and public institutions (like schools) from discriminating or giving preferential treatment based on sex, race, ethnicity or nationality. Prop 209 effectively banned public employers, universities and the like from using affirmative action, as it was seen as discriminatory.

Argument for: Repealing the constitutional amendment would allow California's public institutions to work toward greater diversity. Plus, federal law preventing discrimination still stands.

Argument against: Discrimination is bad even whether it benefits historically underprivileged groups or not.

Supporters: Dozens of California Democrats, including Dianne Feinstein and Kamala Harris, as well as teachers' unions and the UC Board of Regents.

Opponents: Two Republican state senators and a handful of former Republican U.S. representatives, including Darrell Issa.

Proposition 17: Allows parolees the right to vote

Summary: Amends the constitution to allow those on parole for a felony conviction to vote in elections. Current California law prevents people from voting if they're imprisoned or on parole for a felony crime. Prop 17 only amends the latter half of that law.

Argument for: The change would restore voting rights to a disenfranchised group of people that have fully completed their prison sentences and are reintegrating into society.

Argument against: People on parole are still being closely monitored and haven't had their full rights to freedom restored; voting should fall under that category.

Supporters: Several prominent California Democrats, the ACLU and League of Women Voters.

Opponents: California State Sen. Jim Nielson (R-Red Bluff).

Proposition 18: Grant some 17-year-olds right to vote in primaries

Summary: Would amend the state constitution to allow 17-year-olds who will be 18 by the time of the general election to vote in primary or special elections that precede them.

Argument for: Young people who are legally allowed to participate in general elections should be able to participate in that full electoral cycle.

Argument against: Seventeen year olds are legally children and therefore too young to vote.

Supporters: California Secretary of State Alex Padilla, plus it had majority Democrat support when it started as an amendment in the Assembly.

Opponents: When it was being considered in the Assembly, the opposition was largely Republican.

Proposition 19: Changes certain property tax rules

Summary: Changes some of the tax assessment rules on property transfers by homeowners 55 or older or those who have lost a home in a natural disaster. Those homeowners would be able to transfer their tax assessment to a more expensive home three times (instead of the currently allowed one time) with an upward adjustment. It would also eliminate one exemption that exists when someone transfers a home to a child or a grandchild; if the recipient doesn't use the home as their primary residence, its tax value would be reassessed under Prop 19. The resulting revenue would go to establishing a Fire Response Fund.

Argument for: Empty nesters aren't putting homes on the market to downsize because they fear paying higher taxes on a new house. It also closes a loophole that allows wealthy people to pass on homes to children who use them as rental properties.

Argument against: The proposition, largely backed by real estate special interests, eliminates one loophole, but it creates a bigger problem by allowing wealthy homeowners to continue reaping the benefits of Prop 13 from 1978, writes the Mercury News/East Bay Times editorial board. Plus, revenue from property taxes shouldn't be automatically earmarked for fire suppression.

Supporters: California Association of Realtors

Opponents: Howard Jarvis Taxpayers Association, Newspaper editorial boards including San Jose Mercury News, East Bay Times and Orange County Register.

Proposition 20: Reclassifies certain crimes and expands DNA collection

Summary: Makes it so firearm theft, vehicle theft and unlawful use of a credit card are classified as "wobblers," meaning they can be charged as misdemeanors or felonies. Prop 20 also establishes two new crimes in the code, serial crime and retail organized crime, also both wobblers. The proposition also expands mandatory DNA collection to those convicted of certain misdemeanors.

Argument for: The proposition gives prosecutors the discretion to pursue harsher sentences in retail crimes.

Argument against: The change in crime classification would lead to over-sentencing of nonviolent crimes and contribute to overcrowding in prisons.

Supporters: Two assembly members, a Democrat and a Republican, a few law enforcement unions and the Albertsons Safeway grocery chain.

Opponents: Former Gov. Jerry Brown and the ACLU of Northern California.

Proposition 21: Rent control overhaul

Summary: Allows local jurisdictions to put rent control in place for all kinds of housing, including single family homes, condos and townhomes. There are two exceptions: if the home or building is newer (first occupied in the past 15 years) and if the landlord only owns up to two properties. This proposition would replace the Costa-Hawkins Rental Housing Act of 1995. Under Costa-Hawkins, landlords can raise rents after a tenant moves out, but Prop 21 would put a limit on how much they can raise the rent of a vacated unit to 15% over three years.

Argument for: Renters need more protections in California's expensive housing market and the proposition would allow local governments the ability to expand more of those protections.

Argument against: More rent control could worsen the housing crisis by reducing private builders' profit incentive to build more housing.

Supporters: The California Democratic Party, Sen. Bernie Sanders of Vermont and Michael Weinstein, president of the AIDS Healthcare Foundation who has funded rent control campaigns in the past.

Opponents: Several trade unions, real estate groups, veterans groups and more.

Proposition 22: Classifies rideshare and delivery drivers as contract workers

Summary: Establishes app-based drivers - including Uber and Lyft rideshare drivers and food delivery drivers like DoorDash, Instacart, etc. - as contract workers instead of employees and establishes labor laws specific to this kind of job. The new wage and labor rules would include a minimum wage floor while online and working, healthcare subsidies for frequent drivers and accident insurance. This would exempt gig worker drivers from Assembly Bill 5 (or AB5).

Argument for: Classifying drivers as employees, as is law under AB5, would make these services more expensive and companies wouldn't be able to offer as many positions, meaning fewer gig jobs and less flexibility for drivers.

Argument against: The companies are trying to use the ballot proposition to avoid paying drivers hourly wages and offering them benefits they are entitled to under current California law.

Supporters: Companies like Uber, Lyft, DoorDash, Postmates and Instacart, as well as several chambers

of commerce organizations.

Opponents: Prominent Democrats like Joe Biden, Sen. Kamala Harris and Sen. Elizabeth Warren; Speaker of the State Assembly Anthony Rendon; several labor organizations.

Proposition 23: Dialysis clinic requirements

Summary: Requires dialysis clinics to have at least one physician present while patients are being treated (except where there's a shortage), to report patient infection data to the state and to get consent from the state before closing. The measure also bans clinics from discriminating on the basis of who is paying for a patient's care.

Argument for: The increased regulations will make clinics safer for patients and make sure patients with any insurance will be treated equally.

Argument against: The increased regulations would make care more costly for and less available to patients.

Supporters: SEIU healthcare workers union

Opponents: For-profit dialysis clinics like DaVita and Fresenius and the California Medical Association.

Proposition 24: Consumer data privacy protections

Summary: Modifies the California Consumer Privacy Act to force companies to honor consumers' requests that their data not be shared and to get permission before collecting data on teens and children. It also would let consumers opt out of personal information being used for marketing and request incorrect information about them be corrected. The proposition would establish a new agency to oversee consumers' data privacy.

Argument for: The law would give people with privacy concerns more control over where and how their data is used.

Argument against: The long and wonky ballot initiative contains several loopholes and provisions that actually weaken consumer protections (in some cases) compared to existing California law. It also gives large corporations an advantage over individuals with fewer financial and legal assets.

Supporters: Alastair Mactaggart, a San Francisco real estate developer, put forward the ballot initiative and former presidential candidate Andrew Yang is listed as a supporter.

Opponents: The ACLU of California and Consumer Federation of California.

Proposition 25: Eliminate the cash bail system, or go back to it

Summary: Senate Bill 10 eliminated the cash bail system in California and replaced it with a risk assessment method in which a judge determines who gets released from jail while awaiting trial based on risk to society instead of ability to post bond. This is a referendum on that law, a process in California that allows the people to essentially veto or uphold a law by putting it on the ballot. A yes vote upholds SB10, while a no vote repeals it.

Argument for: SB 10 creates a system that is fairer to everyone accused of crimes and the bail bonds businesses is only putting the issue on the ballot to try and continue profiting off the cash bail system.

Argument against: The new "risk assessment" system is also flawed as it still leaves room for racial bias,

so it is not a good replacement for California's longstanding cash bail system.

Supporters: Dozens of California Democratic lawmakers, the California Democratic Party and the League of Women Voters.

Opponents: The American Bail Coalition and several chambers of commerce.

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LEGISLATIVE ADVOCACY COMMITTEE

ITEM: DISCUSSION ITEM

3. REPORT FROM THE FERGUSON GROUP ON FEDERAL LEGISLATIVE STATUS AND BILL TRACKING

Meeting Date: September 22, 2020

**From: David J. Stoldt,
General Manager**

**Prepared By: David J. Stoldt
CEQA Compliance:**

SUMMARY: The attached **Exhibit 3-A** are the federal bills being tracked by TFG for our MPWMD team. TFG will be on the meeting WebEx to provide an oral presentation.

EXHIBIT

3-A Water Legislative Tracker



Water Legislative Tracker

Last Updated: September 17, 2020

Overview

The following legislative tracker provides the status of legislation introduced in the 116th Congress pertaining to water issues. Each of the bill numbers is hyperlinked to the bill text, FiscalNote (FN) Outlook information and other related details.

The FN Outlook on the right side of each bill provides the legislation's pre-Floor (left) and Floor (right) likelihood of passing. The percentages shown are the status of the bill in the Chamber where it is currently under consideration (this is shown under 'Status'). The pre-Floor score is defined as the bill's likelihood of passing after it has been introduced but while it is being considered in that chamber's committees - before it has moved to the Floor for a vote.

Priority Bills (14)

Bill Number	Last Action	Status	Priority	FN Outlook
HR 1429	Introduced In House 2019 02 28	In House	High	5.4% 87.4%
Title Drinking Water Infrastructure for Job Creation Act		Bill Summary: This bill would make supplemental appropriations for FY 2019 for the Drinking Water State Revolving Funds, and for other purposes. The Drinking Water Infrastructure for Job Creation Act will provide emergency supplemental appropriations of \$7.5 billion over the next six years. These funds will be used for job creation and to address the nation's drinking water infrastructure. The funds provided from this bill will be appropriated to the Drinking Water State Revolving Funds and will assist public water systems finance infrastructure projects. The funding provided by this bill is designated as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. The emergency funding is exempt from discretionary spending limits and is only available if the President subsequently designates the amounts as an emergency and submits the designation to Congress. The bill also exempts the funding from sequestration. (Sequestration is a process of automatic, usually across-the-board spending reductions under which budgetary resources are permanently cancelled to enforce specific budget policy goals.)		
Primary Sponsors Maxine Waters		Introduction Date: 2019-02-28		

Bill Number

HR 1497

Last Action

Reported Amended By The Committee On
Transportation And Infrastructure H Rept 116
484 2020 09 04

Status

In House

Priority

High

FN Outlook

36.2%

88.0%

Title

Water Quality Protection and Job Creation Act of 2019

Primary Sponsors

Peter DeFazio

Bill Summary: The bill would renew the Federal commitment to addressing local water quality challenges by providing an infusion of Federal assistance for the construction, repair, and replacement of the Nation's network of wastewater and stormwater conveyance and treatment facilities. The Water Quality Protection and Job Creation Act of 2019 will address America's crumbling wastewater infrastructure and local water quality challenges. This bill authorizes \$23.5 billion to improve wastewater infrastructure. This bill also will provide funds for agencies to meet Clean Water Act standards by constructing stormwater systems. The funding provided in the bill will be used in direct infrastructure investment over the next five years. Funds will be given to projects that address America's crumbling wastewater infrastructure and improve local water quality challenges. The Water Quality Protection and Job Creation Act also increase the amount of federal assistance made available to states and communities through the Clean Water State Revolving Fund program.

Introduction Date: 2019-03-05

Bill Number

HR 1747

Last Action

Reported Amended By The Committee On
Natural Resources H Rept 116 314 2019 11 26

Status

In House

Priority

High

FN Outlook

19.5%

88.7%

Title

National Fish Habitat Conservation Through Partnerships Act

Primary Sponsors

Rob Wittman

Bill Summary: This bill codifies National Fish Habitat Partnerships, an initiative that aims to achieve measurable habitat conservation results through strategic partnerships that lead to better fish habitat conditions and increased fishing opportunities.

Introduction Date: 2019-03-13

Bill Number	Last Action	Status	Priority	FN Outlook
HR 2313	Introduced In House 2019 04 12	In House	High	5.4%90.9%
Title Water Conservation Rebate Tax Parity Act		Bill Summary: The bill clarifies that homeowners do not need to pay income tax when they receive rebates from water utilities for water conservation and water runoff management improvements that they have made. It clarifies that these rebates, which are growing in number and size across the nation, are not taxable income, but rather an effort to defray upfront consumer costs for a public benefit. It also would encourage residents to reduce water usage by installing "gray water" capture systems or purchasing new water-efficient appliances and plumbing fixtures can provide significant water yield benefits, protecting public health, the environment, and local economies. These rebates provide a net benefit to the public and utilities. This would ensure that the IRS treats water conservation rebates in the same manner as the Agency treats energy conservation rebates, including insulation, Energy Star-certified windows and doors, and energy efficient appliances, which are not taxable.		
Primary Sponsors Jared Huffman		Introduction Date: 2019-04-12		

Bill Number	Last Action	Status	Priority	FN Outlook
HR 2470	Referred To The Subcommittee On Water Resources And Environment 2019 05 03	In House	High	45.6%84.0%
Title Clean Water Infrastructure Resilience and Sustainability Act		Bill Summary: This bill establishes an EPA grant program for communities to improve the resiliency and adaptability of their water-related infrastructure. Competitive grants will spur projects which conserve water or increase efficiency in its use, preserve or improve water quality, rebuild or relocate threatened infrastructure, protect source waters and ecosystems, and implement advanced treatment technologies such as water reuse and recycling.		
Primary Sponsors Salud Carbajal		Introduction Date: 2019-05-02		

Bill Number	Last Action	Status	Priority	FN Outlook
HR 2473	Subcommittee On Water Oceans And Wildlife Discharged 2020 03 11	In House	High	5.4%89.3%
Title Securing Access for the central Valley and Enhancing (SAVE) Water Resources Act		Bill Summary: This is the companion bill to H.R. 116, the Water Recycling Investment and Improvement Act. The bill provides a broad approach to addressing water issues facing the Central Valley by increasing storage opportunities, spurring innovation, and making investments in our aging infrastructure. The bill also leverages federal resources to identify prime locations for groundwater storage and recharge in California and across the Western United States. This bill requires the Bureau of Reclamation to expedite feasibility studies for four specific storage projects in the Central Valley, including: Sites Reservoir, Del Puerto Canyon Reservoir, Los Vaqueros and San Luis Reservoirs and provides \$100 million in storage funding. The bill also invests in water reuse and recycling by increasing funding for WaterSMART programs from \$50 million to \$500 million and extending the program's authorization. It also establishes a a water infrastructure and drought resolutions fund to provide \$300 million for water surface and groundwater storage, reclamation and reuse, and WaterSMART program projects. The bill would create a innovating financing program which would provide low-interest federal loans to fund local water infrastructure projects, and would reauthorize the Rural Water Supply Act.		
Primary Sponsors Josh Harder		Introduction Date: 2019-05-02		

Bill Number	Last Action	Status	Priority	FN Outlook
HR 2665	Committee Consideration And Mark Up Session Held 2019 07 17	In House	High	21.0%90.4%
Title Smart Energy and Water Efficiency Act of 2019		Bill Summary: This bill would establish a smart energy and water efficiency management program at the Department of Energy to award grants to eligible entities to demonstrate advanced and innovative technology-based solutions that would increase and improve the energy efficiency of water, wastewater, and water reuse systems, among other things.		
Primary Sponsors Jerry McNerney		Introduction Date: 2019-05-10		

Bill Number	Last Action	Status	Priority	FN Outlook
HR 4891	Subcommittee On Water Oceans And Wildlife Discharged 2020 03 11	In House	High	24.5%90.2%
Title Western Water Security Act of 2019		Bill Summary: This bill would give an additional \$120 million to the Bureau of Reclamation's WaterSMART program; authorize an additional \$65 million to support desalination design and construction, setting aside \$15 million for rural desalination projects; and authorizes the Cooperative Watershed Management Program.		
Primary Sponsors Xochitl Torres Small		Introduction Date: 2019-10-28		

Bill Number HR 6617	Last Action Referred To The Subcommittee On Water Oceans And Wildlife 2020 04 29	Status In House	Priority High	FN Outlook 6.5%82.8%
Title Western Water Storage Infrastructure Act		Bill Summary: This bill would provide additional funding for surface storage, groundwater storage, and the supporting conveyance facilities.		
Primary Sponsors TJ Cox		Introduction Date: 2020-04-24		

Bill Number HR 7073	Last Action Referred To The Committee On Oversight And Reform And In Addition To The Committee On Financial Services For A Period To Be Subsequently Determined By The Speaker In Each Case For Consideration Of Such Provisions As Fall Within The Jurisdiction Of The Committee Concerned 2020 06 01	Status In House	Priority High	FN Outlook 7.8%87.2%
Title Special Districts Provide Essential Services Act		Bill Summary: This bill would amend the Social Security Act to include special districts in the coronavirus relief fund, to direct the Secretary to include special districts as an eligible issuer under the Municipal Liquidity Facility, and for other purposes.		
Primary Sponsors John Garamendi		Introduction Date: 2020-06-01		

Bill Number S 1604	Last Action Introduced In Senate 2019 05 22	Status In Senate	Priority High	FN Outlook 26.0%82.9%
Title Local Water Protection Act		Bill Summary: The bill would reauthorize an Environmental Protection Agency (EPA) grant program that provides funds for states to develop and implement programs for managing nonpoint source water pollution, or pollution from diffuse sources including runoff from farms, managed forests, and urban areas. The Act would reauthorize \$200 million annually for the voluntary grant fund to give local and state governments, the flexibility to make conservation improvements aimed at decreasing water pollutants through partnerships with their communities. The legislation authorizes the EPA's Section 319 Grant Program and doubles funds for Section 319 from \$70 million to \$200 million for FYs 2020-2014.		
Primary Sponsors Amy Klobuchar		Introduction Date: 2019-05-22		

Bill Number

S 1932

Last Action

Committee On Energy And Natural Resources
Senate Subcommittee On Water And Power
Hearings Held 2019 07 18

Status

In Senate

Priority

High

FN Outlook

3.5%

86.2%

Title

Drought Resiliency and Water Supply Infrastructure Act

Primary Sponsors

Cory Gardner

Bill Summary: This bill would support water infrastructure in the nation's Reclamation states, as well as extend federal funding an additional five years, including \$670 million in surface and groundwater storage projects; \$100 million for water recycling projects; and \$60 million for desalination projects. The bill would also establish a new loan program for water agencies designed to spur investment in new water supply projects. Key provisions include but are not limited to expanding and updating the Bureau of Reclamation funding authorizations in the Water Infrastructure Improvements for the Nation Act (WIIN) to fund portions of federal (50%) and non-federal (25%) surface and groundwater storage and conveyance facilities, as well as cost share (25%) additional water reuse and recycling and desalination projects; and creating a new loan program at 30-year Treasury rates for water supply projects under what would be established under the Reclamation Infrastructure Financing and Innovation Act (RIFIA). These loans would use criteria (49%maximum loan) modeled after the well-established Water Infrastructure Financing Innovation Act (WIFIA) program at the Environmental Protection Agency (EPA). The legislation would also authorize \$140 million for restoration and environmental compliance projects, including forest, meadow and watershed restoration projects with water benefits and projects to help restore threatened and endangered species affected by Reclamation water projects.

Introduction Date: 2019-06-20

Bill Number

S 2718

Last Action

Committee On Energy And Natural Resources
Subcommittee On Water And Power Hearings
Held 2020 07 22

Status

In Senate

Priority

High

FN Outlook

2.6%

85.4%

Title

Western Water Security Act of 2019

Primary Sponsors

Tom Udall

Bill Summary: This bill would give an additional \$120 million to the Bureau of Reclamation's WaterSMART Program; expand the authority of States and Indian tribes to declare a drought emergency and access vital drought emergency funds; reauthorizes the Cooperative Watershed Management Program; and creates a pilot water leasing program that provides the Bureau of Reclamation and local water districts with increased flexibility to move water where it can be of the most use.

Introduction Date: 2019-10-28

Bill Number S 3591	Last Action S Amdt 1593 Senate Amendment Submitted 2020 06 08	Status In Senate	Priority High	FN Outlook 5.6% 85.0%
Title America's Water Infrastructure Act of 2020		Bill Summary: This bill provides roughly \$17 billion in new federal authorizations to invest in our infrastructure for projects across the country.		
Primary Sponsors John Barrasso		Introduction Date: 2020-05-04		

Other Bills of Interest (10)

Bill Number HR 1162	Last Action Subcommittee On Water Oceans And Wildlife Discharged 2020 03 11	Status In House	Priority None	FN Outlook 36.7% 84.1%
Title Water Recycling Investment and Improvement Act		Bill Summary: The bill aims to assist water agencies with the expansion, planning, design, and building of water recycling plants and modernizing water infrastructure in California and other western states. Specifically, the bill would increase funding authorization for the Bureau of Reclamation's Title XVI water recycling competitive grant program to \$500 million from \$50 million. It would also make the program permanent as it currently expires in 2021, and funds water recycling and reuse projects for 17 western states.		
Primary Sponsors Grace Napolitano		Introduction Date: 2019-02-13		

Bill Number HR 1331	Last Action Received In The Senate And Read Twice And Referred To The Committee On Environment And Public Works 2019 04 09	Status In Senate	Priority None	FN Outlook 2.9% 52.1%
Title Local Water Protection Act		Bill Summary: Increases grant funding for state and local governments to decrease water pollutants, including addressing toxic agricultural runoff, septic to sewer conversions, legacy pollutants, impacts from dams, effects of channelization of waterbodies and other forms of pollution.		
Primary Sponsors Angie Craig		Introduction Date: 2019-02-25		

Bill Number HR 7978	Last Action Referred To The Subcommittee On Economic Development Public Buildings And Emergency Management 2020 08 10	Status In House	Priority None	FN Outlook 7.7% 91.0%
Title To increase wildfire preparedness and response throughout the United States, and for other purposes.		Bill Summary: This bill is the House companion bill to S. 4431, the Emergency Wildfire and Public Safety Act.		
Primary Sponsors Jimmy Panetta		Introduction Date: 2020-08-07		

Bill Number HR 8217	Last Action Referred To The Subcommittee On Water Resources And Environment 2020 09 14	Status In House	Priority None	<div>FN Outlook</div> <div>5.4%88.5%</div>
Title To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to the final maturity date of certain loans, and for other purposes.		Bill Summary: The bill would provide a new 55-year loan term for WIFIA financing and clarifies that WIFIA financing may be used for works that were constructed by the federal government but were contractually transferred to be operated and maintained by a local non-federal agency.		
Primary Sponsors John Garamendi		Introduction Date: 2020-09-11		

Bill Number S 2466	Last Action Introduced In Senate 2019 09 11	Status In Senate	Priority None	<div>FN Outlook</div> <div>3.0%79.7%</div>
Title Water Justice Act		Bill Summary: This bill takes a comprehensive approach to addressing water issues throughout the U.S. and pays particular attention to the water needs of historically at-risk communities and individuals. Provisions include investing \$220 billion in clean and safe drinking water initiatives, establishing a \$10 billion program to allow states to offset the cost of water bills in low-income communities and households that are environmentally at-risk, and invests \$20 billion in a diverse range of sustainable water supply, recycling, and conservation programs.		
Primary Sponsors Kamala Harris		Introduction Date: 2019-09-11		

Bill Number S 3590	Last Action Placed On Senate Legislative Calendar Under General Orders Calendar No 452 2020 05 11	Status In Senate	Priority None	<div>FN Outlook</div> <div>4.4%85.3%</div>
Title Drinking Water Infrastructure Act of 2020		Bill Summary: This bill reauthorizes Safe Drinking Water Act programs that support drinking water infrastructure and provide resources and technical assistance to communities facing critical drinking water needs.		
Primary Sponsors John Barrasso		Introduction Date: 2020-05-04		

Bill Number S 4188	Last Action Committee On Energy And Natural Resources Subcommittee On Water And Power Hearings Held 2020 07 22	Status In Senate	Priority None	<div>FN Outlook</div> <div>4.9%84.4%</div>
Title Water for Tomorrow Act of 2020		Bill Summary: This bill would provide for drought preparedness and improved water supply reliability, and for other purposes.		
Primary Sponsors Kamala Harris		Introduction Date: 2020-07-02		

Bill Number S 4189	Last Action Committee On Energy And Natural Resources Subcommittee On Water And Power Hearings Held 2020 07 22	Status In Senate	Priority None	FN Outlook 2.4% 87.0%
Title Water for Conservation and Farming Act		Bill Summary: This bill would provide for drought preparedness and improved water supply reliability.		
Primary Sponsors Ron Wyden		Introduction Date: 2020-07-02		

Bill Number S 4206	Last Action Read Twice And Referred To The Committee On Environment And Public Works 2020 07 02	Status In Senate	Priority None	FN Outlook 4.0% 84.4%
Title A bill to amend the Water Infrastructure Finance and Innovation Act of 2014 to authorize the interest rate to be used on a secured loan to be the interest rate for United States Treasury securities of a similar maturity on the date of first disbursement of the loan, and for other purposes.		Bill Summary: This bill amends the Water Infrastructure Finance and Innovation Act of 2014 to authorize the interest rate to be used on a secured loan to be the interest rate for United States Treasury securities of a similar maturity on the date of first disbursement of the loan, and for other purposes.		
Primary Sponsors Jeff Merkley		Introduction Date: 2020-07-02		

Bill Number S 4431	Last Action Committee On Energy And Natural Resources Subcommittee On Public Lands Forests And Mining Hearings Held 2020 09 16	Status In Senate	Priority None	FN Outlook 2.8% 87.8%
Title Emergency Wildfire and Public Safety Act of 2020		Bill Summary: This bill will provide new authority for the Forest Service and Bureau of Land Management to work collaboratively with state partners in the West to implement wildfire management projects. The bill will also allow disaster mitigation and preparedness funding to be used to reduce the wildfire risk posed by utility lines and expedite permitting for the installation of wildfire detection equipment. The legislation will create a program to incentivize the collection of woody biomass and help expand processing facilities to make biomass more economically viable; and create a workforce development program to train a new generation of workers to help address wildfire and forest health, among other provisions.		
Primary Sponsors Dianne Feinstein		Introduction Date: 2020-08-04		

LEGISLATIVE ADVOCACY COMMITTEE

ITEM: DISCUSSION ITEM

4. REPORT FROM GENERAL MANAGER ON RECENT OR UPCOMING LEGISLATIVE ACTIONS

Meeting Date: September 22, 2020

**From: David J. Stoldt,
 General Manager**

Prepared By: David J. Stoldt

SUMMARY: The attached **Exhibit 4-A** are the federal bills being tracked by TFG for our MPWMD team. TFG will be on the meeting WebEx to provide an oral presentation.

EXHIBIT

4-A Recent Letters Related to Pending Legislation

EXHIBIT 4-A



September 14, 2020

Governor Gavin Newsom
State Capitol, First Floor
Sacramento, CA 95814

RE: AB 2560 (Quirk): SUPPORT - ENROLLED


Dear Governor Newsom,

On behalf of the Monterey Peninsula Water Management District (MPWMD), we are writing to express our support for AB 2560, which requires the State Water Resources Control Board (State Water Board) to post on its internet website and distribute through email information when it initiates the development of a Notification Level (NL) or Response Level (RL) for a contaminant.

Currently, the State Water Board adopts MCLs for contaminants, which are health protective drinking water standards to be implemented by public water systems. MCLs take into account not only a contaminant's health risks but also factors such as its detectability and treatability, as well as costs of treatment. Under current law there is a very clear process for the establishment of an MCL. In addition to MCLs, the State Water Board utilizes notification levels (NLs), which are health-based advisory levels for contaminants in drinking water that do not have an MCL. Generally, NLs are established as precautionary measures for contaminants that may be considered candidates for establishment of MCLs, but have not yet undergone or completed the regulatory process prescribed for the development of MCLs and are not drinking water standards. However, there is not a clear and consistent process for the establishment of NLs and RLs, which are not set by the State Water Board, but administratively set by the Division of Drinking Water. AB 2560 will provide greater transparency to the NL and RL process to provide all water agencies clear and consistent information as they can continue to provide safe, clean and affordable drinking water to their constituents."

MPWMD applauds Assemblymember Quirk for leading this effort and we respectfully urge your signature on AB 2560.

Sincerely,


David Stoldt
General Manager
Monterey Peninsula Water Management District



September 14, 2020

Governor Gavin Newsom
State Capitol, First Floor
Sacramento, CA 95814

RE: AB 3005 (R.Rivas): SUPPORT – ENROLLED

On behalf of the Monterey Peninsula Water Management District (MPWMD), I am writing to express our support for your legislation AB 3005, which will expedite the expert removal and replacement of the Leroy Anderson Dam and Reservoir. Located in the hills above Silicon Valley, the dam has been determined by dam safety officials to be vulnerable to damage during a 6.6 magnitude earthquake and failure with a 7.25 quake. The failure of Anderson Dam at full capacity would result in catastrophic losses of life and property, inundating an area that includes many of the cities comprising the San Jose metropolitan area and southward to Monterey Bay. The human and economic costs would be felt across California and the nation.

On February 20, the Federal Energy Regulatory Commission (FERC) issued an order to implement interim risk reduction measures prior to construction of the full seismic retrofit project. These measures include reducing the operating capacity significantly and directing Valley Water, by October 1 of this year, to begin draining the reservoir completely. In order to comply with the FERC order, Valley Water, the State of California, and stakeholders will need to expedite regulatory processes in order to keep this dam functioning so people can continue to have a supply of water.

The Expedited Dam Safety for Silicon Valley Act will facilitate the speedy and expert construction of the Anderson Dam Seismic Retrofit Project that will protect lives and property, reduce flood risk for downstream communities, and restore Anderson Reservoir's supply of clean, safe drinking water for the region. The project is estimated to cost \$576 million and will remove and replace most of the existing earthen dam. The new dam will be constructed to current seismic and dam safety standards, increasing dam safety and flood protection.

Another critical component of delivering the Anderson Project's public safety, water supply, and flood protection benefits is the timely issuance of state permits. AB 3005 sets reasonable deadlines for state permit issuance, helping to ensure construction starts promptly after design and CEQA review are completed. Not only will the Anderson Dam Project protect homes and businesses, it will also create 5,400 good paying jobs with an economic impact multiplied across the California economy

We thank you for your leadership on this vital safety measure and respectfully urge your signature on AB 3005.

Sincerely,

A handwritten signature in blue ink that reads "David Stoldt".

David Stoldt
General Manager

Monterey Peninsula Water Management District



August 24, 2020

The Honorable Robert Rivas
California State Assembly
State Capitol, Room 5158
Sacramento, CA 95814

RE: AB 3005 (R.Rivas): SUPPORT – ASSEMBLY FLOOR

Dear Assemblymember Rivas,

On behalf of the Monterey Peninsula Water Management District (MPWMD), I am writing to express our support for your legislation AB 3005, which will expedite the expert removal and replacement of the Leroy Anderson Dam and Reservoir. Located in the hills above Silicon Valley, the dam has been determined by dam safety officials to be vulnerable to damage during a 6.6 magnitude earthquake and failure with a 7.25 quake. The failure of Anderson Dam at full capacity would result in catastrophic losses of life and property, inundating an area that includes many of the cities comprising the San Jose metropolitan area and southward to Monterey Bay. The human and economic costs would be felt across California and the nation.


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Another critical component of delivering the Anderson Project's public safety, water supply, and flood protection benefits is the timely issuance of state permits. AB 3005 sets reasonable deadlines for state permit issuance, helping to ensure construction starts promptly after design and CEQA review are completed. Not only will the Anderson Dam Project protect homes and businesses, it will also create 5,400 good paying jobs with an economic impact multiplied across the California economy

We thank you for your leadership on this vital safety measure and respectfully urge passage of AB 3005.

Sincerely,


David Stoldt
General Manager
Monterey Peninsula Water Management District



June 8, 2020

The Honorable Jimmy Panetta
United States House of Representatives
212 Cannon Office Building
Washington, D.C. 20515

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Kamala Harris
United States Senate
112 Hart Senate Office Building
Washington, D.C. 20510

RE: H.R. 7073

Dear Congressman Panetta, Senator Feinstein, and Senator Harris,

On behalf of the Monterey Peninsula Water Management District (MPWMD), I thank you for your leadership and consideration of the budgetary impacts on local governments resulting from COVID-19. MPWMD respectfully requests your support of H.R. 7073.

Across California, independent special districts like MPWMD are on the front lines of COVID-19 response ensuring the continued delivery of critical local services that impact the quality of life in their community including vital utility, transportation, park, health, and cultural services. It is important that special districts have access to financial tools to weather the pandemic.

The California Special Districts Association estimates that statewide by June 2021 76% of special districts throughout the state – which represents 1,500 local governments – will experience significant budget challenges or cashflow issues. H.R. 7073 would help MPWMD and other special districts by:

- Allowing special districts access to the Coronavirus Relief Fund
- Treat districts as “eligible issuers” of the Federal Reserve Board’s Municipal Liquidity Facility
- Creating a federal definition of “special district”

MPWMD is still trying to assess the impacts to our revenues, but we remain concerned about reduced revenue due to reduced water consumption, as well as reductions in revenues due to delinquencies.

As Congress continues to negotiate next steps for COVID-19 relief for state and local governments, MPWMD not only asks for your support on this bill in the U.S. House, but also its provisions’ inclusion in the Senate’s version of a state and local relief bill.

If you have questions or would like to further discuss any of the above, we welcome the opportunity to assist your efforts in any way possible. Please do not hesitate to contact me at dstoldt@mpwmd.net.

Sincerely,


David Stoldt
General Manager, MPWMD



June 5, 2020

The Honorable Toni Atkins
President pro Tempore, California State Senate
California State Capitol, room 205
Sacramento, CA 95814

The Honorable Anthony Rendon
Speaker, California State Assembly
California State Capitol, room 219
Sacramento, CA 95814

RE: Special District COVID-19 Fiscal Impacts and Request for Access to Fiscal Assistance

Dear Senator Atkins and Assembly Member Rendon,

On behalf of the Monterey Peninsula Water Management District (MPWMD), I thank you for your leadership and consideration of the budgetary impacts on local governments resulting from COVID-19.

I respectfully request your support of special districts, like ours, being included in any economic relief determinations for local government. Special districts, like our partners at cities and counties, are delivering essential services to our communities. It is important that special districts have access to financial tools to weather the pandemic.

Across California, independent special districts like MPWMD are on the front lines of COVID-19 response ensuring the continued delivery of critical local services that impact the quality of life in their community including vital utility, transportation, park, health, and cultural services.

The California Special Districts Association estimates that statewide by June 2021 76% of special districts throughout the state – which represents 1,500 local governments – will experience significant budget challenges or cashflow issues. Within the next six months, 42% of special districts statewide will draw down reserves to mitigate budget impacts and/or cut or decrease staff. The estimated overall fiscal impact of COVID-19 to special districts as of May 2020 is approximately \$250 million.

MPWMD is still trying to assess the impacts to our revenues, but we remain concerned about reduced revenue due to reduced water consumption, as well as reductions in revenues due to delinquencies.

It is imperative State leaders consider the essential role of special districts and the impacts of COVID-19. If you have questions or would like to further discuss any of the above, we welcome the opportunity to assist your efforts in any way possible. Please do not hesitate to contact me at dstoldt@mpwmd.net.

Sincerely,

A handwritten signature in blue ink that reads "David Stoldt".

David Stoldt
General Manager
Monterey Peninsula Water Management District

September 17, 2020

The Honorable Daniel R. Simmons
Assistant Secretary
Office of Energy Efficiency and Renewable Energy
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585–0121

Appliance and Equipment Standards Program
U.S. Department of Energy
Building Technologies Office
950 L'Enfant Plaza, SW., Suite 600
Washington, DC, 20024.

RE: Comments on Docket ID No. EERE-2020-BT-STD-0001
 Energy Conservation Standards for Clothes Washers and Clothes Dryers

Dear Assistant Secretary Simmons:

The Alliance for Water Efficiency (AWE) and the undersigned organizations write to express our opposition to the proposed creation of two new product categories for clothes washers with normal run times of 30 and 45 minutes. We view this proposed rulemaking as both unnecessary and harmful for the reasons outlined below.

1. The proposed rulemaking is not needed. The creation of two new clothes washer categories, simply for the purpose of having shorter normal cycle run times, implies that there is an actual need for market differentiation in the area of run times -- and that the consumer wants a product that isn't already available. But the proposed rulemaking does not present any documentation of this need. Instead, the data presented in EERE-2020-BT-STD-0001 actually show that there already are a number of clothes washers on the market today that meet the normal cycle run time requirements AND that meet current water and energy standards. These products already exist, and if they are in high demand, market forces will develop more machines to meet these normal cycle criteria.
2. The product categories should not be created without accompanying water and energy efficiency standards. The DOE data show that there are clothes washers available today that meet the normal runtime requirements proposed for the new categories; these clothes washers already meet current water and energy standards, standards which have helped Americans save billions of dollars on their water and energy bills over the past 25 years. DOE has not produced any analysis to document the harmful impact on the nation's water and energy resources that these new product categories would have if adopted without accompanying water and energy efficiency standards.

3. The proposed rulemaking will adversely affect water use in particular, and this was not analyzed. 40 of the 50 US states are already confronting serious drinking water shortages, as documented in a US Government Accountability Office Report.¹ A number of southwestern states are also confronting a climate-change induced mega-drought² which is further reducing available water supplies. The 2016 Residential End Uses of Water study found that adoption of higher efficiency residential clothes washers was the most in effective indoor water efficiency measure for reducing per capita use over the past 15 years.³ Losing these critical water savings that have been achieved would negatively impact American water supply providers, and the proposed rulemaking did not contain any analysis of this harmful impact.
4. Without accompanying water and energy efficiency standards, the proposed rulemaking represents illegal backsliding. Introducing new categories of clothes washers without any accompanying energy or water efficiency standards would be an illegal step backward on water and energy efficiency, violating DOE's own anti-backsliding provisions contained in statute.⁴ These provisions were put in place to ensure that water and energy efficiency gains remain and are not degraded once adopted. The proposal to create these two new clothes washer categories without any water and energy efficiency standards would clearly represent backsliding in the area of residential clothes washers.

The water and energy efficiency of modern clothes washers has been a tremendous success story. Efficient clothes washers have helped reduce water use by an average of 5.4 gallons per person per day⁵, which across 328 million Americans can total annual savings of more than 640 billion gallons. Clothes washers frequently use hot water as part of the cycle, and reductions in hot water use results in corresponding energy reductions. Water and energy providers are now planning on these reductions into the future to extend supplies and serve new customers. The consequences of illegal backsliding on clothes washer efficiency could negatively impact American utilities and consumers for years.

5. Energy and Water Efficiency Standards Are Essential for All Clothes Washer Categories. All clothes washers today are subject to efficiency standards. Energy and water efficiency standards for appliances have provided tremendous benefits for American consumers, most notably a significant reduction in water and energy use achieved as market

¹ Freshwater Supply Concerns Continue, and Uncertainties Complicate Planning." US Government Accountability Office Report, May, 2014 - www.gao.gov/assets/670/663343.pdf

² https://weather.com/news/climate/news/2020-04-16-climate-change-stoking-long-term-megadrought-western-us?cm_ven=PS_GGL_DSA_09162019_1&par=MK_GGL&gclid=CjwKCAjw4rf6BRAvEiwAn2Q76jLyNknHWDhkP5XABdHvCMqIVjpJPVlyMfJxSwTQjU0cr2WmyrfRYhoCYPoQAvD_BwE

³ DeOreo, W., P. Mayer, et. al. 2016. Residential End Uses of Water, Version 2. Water Research Foundation. Denver, CO.

⁴ 42 U.S.C. 6295(o)(1) (commonly referred to as the "anti-backsliding provision") prohibits DOE from prescribing a standard that increases the maximum allowable energy use of a covered product.

⁵ DeOreo, IBID

transformation to more efficient machines has occurred over the past 25 years.⁶ These standards benefit both American consumers and manufacturers by creating a level, well-understood playing field. American companies have invested heavily in creating products that meet today's water and energy efficiency standards. We firmly believe that DOE should not introduce new product categories without the necessary efficiency standards in place.

AWE and the undersigned organizations strongly urge DOE to reject this rulemaking proposal to create new categories of clothes washers without energy or water efficiency standards. This would be an illegal and completely unnecessary step backwards that will have numerous negative consequences for water providers and consumers alike.

Sincerely,

Alliance for Water Efficiency
Chicago, Illinois

⁶ DeOreo, IBID

September 17, 2020

The Honorable Daniel R. Simmons
Assistant Secretary
Office of Energy Efficiency and Renewable Energy
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585–0121

Appliance and Equipment Standards Program
U.S. Department of Energy
Building Technologies Office
950 L'Enfant Plaza, SW., Suite 600
Washington, DC, 20024.

**RE: Comments on Docket ID No. EERE–2020–BT–TP–0002
Energy Conservation Program: Test Procedure for Showerheads**

Dear Assistant Secretary Simmons:

The Alliance for Water Efficiency (AWE) and the undersigned organizations write to express our firm opposition to the redefinition of a showerhead proposed by the US Department of Energy (DOE), which will allow multiple shower flows in a single stall. The current federal definition of a maximum flow of 2.5 gallons per minute (gpm) from a single shower has helped Americans save billions of dollars on their water and energy bills. DOE has not provided any technical analysis to document the cumulative water and energy impact that this proposed change would have, and which we believe would be financially harmful to the American public. We are specifically opposed to the redefinitions of “body spray” and “safety shower showerhead” that would remove both of these products from the legal definition of a showerhead. These proposed changes would be the most significant step backward on water and energy efficiency in 30 years.

The undersigned organizations believe this rulemaking is ill-advised for the following eight reasons:

1. **The current definition of showerhead does not need to be changed at this time.** DOE states that the current definition of showerhead is “ambiguous and does not mandate DOE’s prior interpretation” as justification for the redefinition. The proposed rulemaking states that greater alignment with the ASME showerhead definition is needed. Yet there does not seem to be any ambiguity perceived by the industry or by the stakeholders on this question.
2. **The proposed rulemaking would allow wasteful showers in a wide variety of configurations.** We believe that the proposed change in definition is being proposed for the sole purpose of legalizing multiple showerhead flows and legitimizing the profligate

use of water and energy, not to reduce any perceived ambiguity in the statute. The proposed rulemaking changes would clearly allow shower flows to increase from the current federally legal 2.5 gallons per minute (gpm) for the entire shower to 5.0 gpm or more, depending upon the number of shower heads. This could increase national water use by 161 billion gallons in just 1 year.¹

3. **Specifically exempting body sprays from the definition of a showerhead is illegal backsliding.** The DOE also proposes to define the term “body spray” to clarify that these products are not subject to the current energy conservation standards and thus can flow at any flow rate. We are concerned that the proposed rulemaking will result in wasteful and unnecessary “deluge” showers, which will also consume much more hot water. We also believe that this proposed rulemaking would be illegal and subject to anti-backsliding provisions under the federal statute².
4. **This illegal backsliding will only spur states to adopt their own showerhead standards and requirements.** The unnecessary redefinition will also create confusion and uncertainty in the market because at least eight states – which contain 40% of the nation’s population and housing -- already have laws in place that effectively restrict shower flows to lower than the 2.5 gpm federal standard. It was exactly this type of state-by-state patchwork regulation that led to the passage of the Energy Policy Act in 1992 (EPA 1992).
5. **The process for this rulemaking has not followed past DOE protocols, and does not qualify for a categorical exclusion under the National Environmental Policy Act of 1992 (NEPA).** DOE Notices of Proposed Rulemakings have always had at least 60 days for public review, even in cases where there was clear pre-release information. This proposed rulemaking is on a very fast track with far less than the usual 60 days’ notice and no pre-release communication. Given the magnitude of the potential impact, the proposed rulemaking should allow at least 90 days or more for public comment and review, and should also not qualify for a categorical exclusion under NEPA since there are clear water resource and energy impacts to the environment that have not yet been analyzed.
6. **The proposed rulemaking will increase consumption of drinking water that will have a severe impact on water supplies across the country.** 40 of the 50 states are already confronting serious water shortages, as documented in a US Government Accountability Office Report³. Increasing the consumption of treated drinking water through this proposed rulemaking will increase water utility costs for providing new supplies -- and

¹ Mitchell D. (June 2020) Showerhead Water & Energy Savings. M.Cubed. Oakland, CA. Available from AWE.

² 42 U.S.C. 6295(o)(1) (commonly referred to as the “anti-backsliding provision”) prohibits DOE from prescribing a standard that increases the maximum allowable energy use of a covered product.

³“Freshwater Supply Concerns Continue, and Uncertainties Complicate Planning.” US Government Accountability Office Report, May, 2014 - www.gao.gov/assets/670/663343.pdf

therefore increase customer bills, as those costs for procuring needed new supplies are then passed on to the consumers.

7. **Every 1 gpm of increased flow in a shower would cost Americans \$1.14 Billion.** Even a small change in average shower flow rates would have a huge impact on national water and energy demands, and the proposed redefinition will clearly result in increased water and energy bills across the US. For each 1 gpm increase in shower flow rate, national annual domestic water use would increase by 55 billion gallons and national annual energy use for that added hot water would increase by 25,000 billion Btu⁴. This would, in turn, increase annual water and energy bills for American consumers by an estimated \$1.14 billion⁵. While these are our best estimates, this is the kind of technical analysis that DOE needs to undertake itself as part of this rulemaking proceeding.
8. **The water supply and energy savings from the current regulation are critical for the nation.** To provide some perspective on the importance of the water and energy savings, AWE has analyzed the future impact that might result if showerhead flow rates were raised or lowered, using data describing the installed base of showerheads in 2011-2012 from the Residential End Uses of Water Study that documented actual flow rates in the field⁶. Based on projections for new development and for existing home showerhead replacements, AWE estimates that 2.5 gpm showerheads provide 11 billion gallons per year in water savings and 5 trillion Btu per year in energy savings. Ultra-efficient showerheads (<1.6 gpm) provide 19 billion gallons per year in water savings and 9 trillion Btu per year in energy savings. These are significant savings; in ten years the savings for 2.5 gpm showerheads at the federal standard alone accumulate to the equivalent of supplying 1 million homes with water and 670,000 homes with energy.

The country needs more water and energy efficiency -- not less -- and thus the undersigned organizations firmly recommend that these proposed rulemaking changes be rejected.

Sincerely,

Alliance for Water Efficiency
Chicago, IL

⁴ Mitchell, IBID

⁵ Mayer, Peter. Memo to AWE on the Costs of 1 gpm Increase in Shower Flow. Available from AWE

⁶ DeOreo, W., P.Mayer, et. al. 2016. Residential End Uses of Water, Version 2. Water Research Foundation. Denver, CO.