



## San Gabriel Valley Council of Governments

### AGENDA AND NOTICE OF THE MEETING OF THE WATER POLICY COMMITTEE & WATER TECHNICAL ADVISORY COMMITTEE (TAC)

Tuesday, October 12, 2021, 10:00 AM

Zoom Link: <https://us06web.zoom.us/j/89388464599>

Livestream Link: <https://youtu.be/RwkIfUQk3BE>

**Water Policy  
Chair**  
Gloria Crudgington  
City of Monrovia

**Vice-Chair**  
Jennifer Stark  
City of Claremont

**MEMBERS**  
Claremont  
Glendora  
Monrovia  
Rosemead  
San Gabriel  
Sierra Madre  
South Pasadena

**Water TAC  
Chair**  
Alex Tachiki  
City of Monrovia

**Vice Chair**  
Tom Love  
Upper San Gabriel Valley  
Municipal Water District

**MEMBERS**  
Alhambra  
Bradbury  
Covina  
Glendora  
Monrovia  
Pomona  
Sierra Madre  
LA County DPW  
Upper San Gabriel Valley  
MWD

**EX-OFFICIO**  
LA County Sanitation  
Districts  
SG Basin Watermaster

Thank you for participating in today's meeting. The Water Committee encourages public participation and invites you to share your views on agenda items.

**MEETINGS:** *Regular Meetings of the Water Committee are held on the second Tuesday of each month at 10:00 AM at the Upper San Gabriel Valley Municipal Water District Offices (602 E. Huntington Drive, Suite B Monrovia, CA 91016).* The agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, [www.sgvco.org](http://www.sgvco.org). Copies are available via email upon request ([sgv@sgvco.org](mailto:sgv@sgvco.org)). Documents distributed to a majority of the Committee after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

**PUBLIC PARTICIPATION:** Your participation is welcomed and invited at all Water Committee and Water TAC meetings. Time is reserved at each regular meeting for those who wish to address the Committee. SGVCOG requests that persons addressing the Committee refrain from making personal, slanderous, profane or disruptive remarks.

**TO ADDRESS THE COMMITTEE:** At a regular meeting, the public may comment on any matter within the jurisdiction of the Committee during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The Water Committee and Water TAC may not discuss or vote on items not on the agenda.**

**AGENDA ITEMS:** The Agenda contains the regular order of business of the Water Committee and the Water TAC. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Committee/TAC can be fully informed about a matter before making its decision.

**CONSENT CALENDAR:** Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Committee member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Committee.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



**MEETING MODIFICATIONS DUE TO THE STATE AND LOCAL EMERGENCY RESULTING FROM THE THREAT OF COVID-19:**

AB 361 (Rivas), signed by California Governor Gavin Newsom on September 16, 2021, authorizes local agencies to hold public meetings via teleconferencing and allows for members of the public to observe and address the meeting telephonically or electronically to promote social distancing due to the state and local emergency resulting from the threat of the Novel Coronavirus (COVID-19).

To follow the new provisions in AB 361 and ensure the safety of Committee Members and staff for the purpose of limiting the risk of COVID-19, in-person public participation at the Water Policy Committee and TAC meeting scheduled for October 12, 2021 will not be allowed. To allow for public participation, the Water Policy Committee and TAC will conduct its meeting through Zoom Video Communications. To participate in the meeting, download Zoom on any phone or computer device and copy and paste the following link into your browser to access the live meeting: <https://us06web.zoom.us/j/89388464599>. You may also access the meeting via the livestream link on the front of the agenda page.

Instructions for Public Comments: For those wishing to make public comments on agenda and non-agenda items you may submit comments via email or participate by Zoom.

Email: Please submit via email your public comment to Brianne Logasa at [blogasa@sgvcog.org](mailto:blogasa@sgvcog.org) at least 1 hour prior to the scheduled meeting time. Please indicate in the Subject Line of the email “FOR PUBLIC COMMENT.” Emailed public comments will be read into the record and will be part of the recorded meeting minutes. Public comment may be summarized in the interest of time, however the full text will be provided to all members of the Committee prior to the meeting.

Zoom: Through Zoom, you may speak by using the web interface “Raise Hand” feature. Wait to be called upon by staff, and then you may provide verbal comments for up to 3 minutes. Public comment is taken at the beginning of the meeting for items not on the agenda. Public comment is also accepted at the beginning of each agenda item.

Any member of the public requiring reasonable accommodation to participate in this meeting should Brianne Logasa at least 48 hours prior to the meeting at (626) 457-1800 or at [blogasa@sgvcog.org](mailto:blogasa@sgvcog.org).

**PRELIMINARY BUSINESS**

1. Call to Order
2. Roll Call
3. Public Comment (*If necessary, the Chair may place reasonable time limits on all comments*).
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting.

**CONSENT CALENDAR** (*It is anticipated that the Water Committee/TAC may act on the following matters*)

5. Water Committee/TAC Meeting Minutes - **Page 4**  
*Recommended Action: Approve September 14, 2021 Water Committee/TAC meeting minutes.*
6. Water TAC Special Meeting Minutes - **Page 8**  
*Recommended Action: Approve September 29, 2021 Water TAC meeting minutes.*
7. Adoption of Resolution 21-01-WC Enabling the Water Policy Committee and Water Technical Advisory Committee (TAC) to Continue Holding Meetings via Teleconferencing –  
Brianna Logasa, Management Analyst, SGVCOG - **Page 10**  
*Recommended Action: Adopt Resolution 21-01 making certain findings that the existence of a local and state of emergency in California caused by the ongoing COVID-19 pandemic continues to directly impact the ability of the SGVCOG to hold public meetings safely in-person, thereby necessitating an ability to continue holding meetings via teleconference.*

**DISCUSSION ITEMS** (*It is anticipated that the Water Committee/Water TAC may act on the following matters*)

8. Adoption of 2022 Legislative Platform - **Page 15**  
*Recommended Action: Approve the 2022 legislative platform pertaining to water policy for consideration by the Governing Board and intended to guide SGVCOG advocacy efforts and to be provided to the San Gabriel Valley's legislative representatives*

**UPDATE ITEMS** (*It is anticipated that the Water Committee/TAC may act on the following matters*)

9. MS4 Permit 101 Guide - **Page 30**
10. Regional Phase I Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit
11. Safe Clean Water Program - **Page 32**
12. Federal and State Budgets and Legislative Updates - **Page 35**
13. Litigation Updates
14. E/WMP Updates
15. Water Supply Update
16. Water TAC Chair Report
17. Water Boards Update

**CHAIR'S REPORT**

**ANNOUNCEMENTS**

**ADJOURN**



**SGVCOG Joint Water Policy Committee/TAC Meeting  
Unapproved Minutes**

Date: September 14, 2021  
Time: 10:00 AM  
Location: Zoom/YouTube teleconference meeting

**PRELIMINARY BUSINESS**

1. Call to Order: G. Crudginton called the meeting to order at 10:06 A.M.
2. Roll Call

**Water Policy Committee Members Present**

J. Stark; Claremont  
G. Boyer; Glendora  
G. Crudginton; Monrovia  
M. Clark; Rosemead

**Water Policy Committee Members Absent**

San Gabriel  
Sierra Madre  
South Pasadena

**Water TAC Members Present**

K. Kearney; Bradbury  
S. Costandi; Covina  
R. Wang; LA County Public Works  
A. Tachiki; Monrovia  
J. Carver; Pomona  
J. Carlson; Sierra Madre  
T. Gerber; South Pasadena  
T. Love; USGVMWD

**Water TAC Members Absent**

Alhambra  
Duarte  
Glendora

**Ex Officio Members Present**

S. Green; LA County Sanitation Districts  
K. Gardner; Watermaster

**Ex Officio Members Absent**

L. Augino; Watermaster

**Guests**

K. Cowan; California Stormwater Quality Association  
A. Ryan; International Zinc Association  
J. Sievers; U.S. Tire Manufacturer's Association  
S. Amick; U.S. Tire Manufacturer's Association  
S. Armenta Lopez; Office of Senator Rubio  
M. Lyons; Office of Assemblymember Holden  
D. Amaya; Office of Assemblymember Rubio

**SGVCOG Staff**

C. Sims  
B. Logasa

P. Hubler  
A. Fung

**3. Public Comment**

- A. Ryan, Environment Manager at the International Zinc Association, shared that his organization’s own assessments showed that the decade’s old hardness equation paints a different picture of water quality objective exceedance in the state. By using the hardness equation, 14% of water quality samples exceeded water quality objectives. When the Zinc BLM was applied, only 0.2% of water quality samples exceeded water quality objectives. The hardness equation results in erroneous water quality conclusions, which can then lead to unnecessary management actions.
- S. Amick, Vice President for Environment and Health Safety and Sustainability at the U.S. Tire Manufacturer’s Association, shared that the biotic ligand model is an updated science that shows better awareness of water quality in the state. S. Amick asks that the Committee support Assemblymember Holden’s letter to the LA Regional Water Board to start work implementing the biotic ligand model for zinc.

**4. Changes to Agenda Order.**  
No changes to agenda order.

**CONSENT CALENDAR**

**5. Water Committee/TAC April Meeting Minutes**

**There was a motion to approve the Water Committee/TAC May meeting minutes.  
(M/S: G.Boyer/J. Stark)**

**[MOTION PASSED]**

<b>AYES:</b>	Committee – Claremont; Glendora; Monrovia; Rosemead TAC – Bradbury; Covina; Pomona; Sierra Madre; South Pasadena; LA County Public Works
<b>NOES:</b>	
<b>ABSTAIN:</b>	
<b>NO VOTE GIVEN:</b>	TAC – Monrovia; SGVMWD; USGVMWD
<b>ABSENT:</b>	Committee – San Gabriel; Sierra Madre; South Pasadena TAC – Alhambra; Duarte; Glendora

**PRESENTATIONS**

- 6. Biotic Ligand Model for Zinc – Karen Cowan, Executive Director, California Stormwater Quality Association (CASQA)**  
K. Cowan presented to the Water Policy Committee and TAC on the water quality principles established through biotic ligand modeling and steps cities can take to integrate this model going forward.

**UPDATE ITEMS**

- 7. Regional Phase I Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit**

C. Sims, SGVCOG Principal Management Analyst, provided information on this item. SGVCOG staff developed two “MS4 101” documents to provide an overview of the Permit, compliance updates, and an overarching resource guide on stormwater. One is meant to help inform and engage elected officials around the Permit and with the LA Regional Water Quality Control Board; the other is to help inform new planning and public works employees on the Permit. Committee members were asked to review each document and submit comments to SGVCOG staff.

8. State Water Resources Control Board Order on Approval of Watershed Management Programs (WMPs) and an Enhanced Watershed Management Program (EWMP)  
There were no updates on this item.

9. Safe Clean Water Program

B. Logasa, SGVCOG Management Analyst, provided information on this item. The Upper San Gabriel WASC met on Thursday, August 26, 2021 and voted to select Alison Sweet from the City of Glendora as Chair and Miguel Luna from Urban Semillas as Vice Chair. The Rio Hondo WASC met on Tuesday, August 17, 2021 and voted to select Kristen Ruffell from LA County Sanitation Districts as Chair and Tom Love from Upper District and Thomas Wong from San Gabriel Valley Municipal Water District as Vice Chairs. As for stormwater investment plans (SIPS), the final recommendations for all nine Watershed Areas are expected to be before the Board of Supervisors on September 15, 2021, which is tomorrow. As you may know, each city had to submit a FY 21-22 Annual Plan to receive the annual portion of the Municipal Program revenue. The District intended to disburse the Municipal Program revenue by the end of August 2021; however, actual disbursements are dependent upon the conditions included in the Transfer Agreement.

10. Federal and State Budget and Legislative Updates

B. Logasa, SGVCOG Management Analyst, provided information on this item. SB 273 (Hertzberg) passed both the Assembly and the Senate and was presented to the Governor on September 3rd. This bill would authorize a municipal wastewater agency 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.

11. Litigation Updates

There were no updates on this item.

12. Water Supply Update

K. Gardner, San Gabriel Basin Watermaster Assistant Executive Officer, and T. Love, USGVMWD General Manager provided information on this item. The San Gabriel Basin Watermaster and USGVMWD are working with Metropolitan Water District (MWD) to shift some of their groundwater production to in-lieu to help stabilize basin levels and take advantage of additional water resources that MWD has on the State Water Project. This

would take pressure off the Colorado River. Although the region is prepared, there is hope that the region can access emergency drought funds in the likelihood that the Governor issues a state-wide drought emergency proclamation. The Watermaster assessments are due on September 20.

**13. E/WMP Updates**

There were no updates on this item.

**14. Water TAC Chair Report**

A. Tachiki provided information on this item. The Water TAC will schedule a special meeting to discuss website development best practices to comply with the MS4 Permit.

**15. Water Boards Update**

There were no updates on this item.

**CHAIR'S REPORT**

**ANNOUNCEMENTS**

No announcements.

**ADJOURN**

G. Crudgington adjourned the meeting at 11:32 A.M.



## **SGVCOG Water TAC Meeting Approved Minutes**

Date: September 29, 2021  
Time: 4:00 PM  
Location: Zoom/YouTube teleconference meeting

### **PRELIMINARY BUSINESS**

1. Call to Order: The meeting was called to order at 4:00 PM.
2. Roll Call

#### **Water TAC Members Present**

D. Dolphin; Alhambra  
S. Costandi/S. Gallant; Covina  
A. Sweet; Glendora  
A. Tachiki; Monrovia  
J. Carver; Pomona  
E. Reyes; SGVMWD  
T. Gerber; South Pasadena  
F. Villaluna; LA County Public Works

#### **Ex Officio Members Present**

#### **Water TAC Members Absent**

Bradbury  
Duarte  
Sierra Madre  
USGVMWD

#### **Ex Officio Members Absent**

LA County Sanitation Districts  
Watermaster

#### **Guests**

D. Petschauer; LA Sanitation  
J. Torres; Member of the Public  
R. McAlpin; Member of the Public

#### **SGVCOG Staff**

B. Logasa  
C. Sims

3. Public Comment  
No public comment.
4. Changes to Agenda Order.  
No changes to agenda order.

### **DISCUSSION ITEMS**

5. Website Design Best Practices for MS4 Permit Compliance  
D. Petschauer, Senior Water Biologist at LA Sanitation and Watershed Lead for the Upper Los Angeles River Watershed Management Group (ULAR WMG) provided information regarding website design for watershed management groups' MS4 Permit compliance. The website currently includes updates on regional stormwater projects, information on pollutants, and interactive videos that provide background information on ULAR WMG,

Measure W, and the watershed management group's mission and purpose. With the new Permit, ULAR WMG plans to incorporate a semi-annual watershed management program progress report form and cultural inclusivity, including translation, to the website.

#### **UPDATE ITEMS**

**6.** Water TAC Chair Report

A. Tachiki gauged member interest in jointly becoming a member of CASQA along with the SGVCOG. The SGVCOG sent out a survey to the TAC so that they can share their input.

#### **ANNOUNCEMENTS**

#### **ADJOURN**

Meeting adjourned at 4:51 PM.

DATE: October 12, 2021

TO: Water Policy Committee & TAC

FROM: Marisa Creter, Executive Director

RE: **ADOPT RESOLUTION 21-01 MAKING SPECIFIED FINDINGS TO ENABLE THE WATER POLICY COMMITTEE AND TAC TO CONTINUE TO HOLD MEETINGS VIA TELECONFERENCING**

## **RECOMMENDED ACTION**

Adopt Resolution 21-01 making certain findings that the existence of a local and state of emergency in California caused by the ongoing COVID-19 pandemic continues to directly impact the ability of the SGVCOG to hold public meetings safely in person thereby necessitating an ability to continue holding meetings via teleconferencing.

## **BACKGROUND**

Introduced by Assemblymember Robert Rivas (D-Hollister) on February 1, 2021, AB 361 codifies portions of Governor Gavin Newsom's existing Ralph M. Brown Act exemptions pertaining to teleconferencing if a local agency issues an emergency finding, and reissues it every 30 days, that it is unsafe to meet in person. Specifically, the Brown Act exemptions include requirements to provide a public teleconference location, to maintain a member quorum within the agency's jurisdiction and to provide for public comment at each teleconference location, such as a private residence. The legislation expires in December 2024. On September 16, 2021, California Governor Gavin Newsom signed AB 361 into law, effective immediately.

A local agency wishing to rely on the provisions of AB 361 must meet one of the following criteria:

1. The local agency holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
2. The local holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
3. The local agency holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

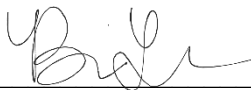
On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California due to the threat of COVID-19 and shortly thereafter issued Executive Order N-29-20 suspending certain Brown Act provisions relating to teleconferencing as public meetings began to be held online.<sup>1</sup> However, this Executive Order expired on September 30, 2021, despite the State of Emergency remaining in place.

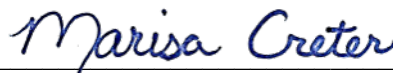
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<sup>1</sup> Similarly, on March 4, 2020, the Los Angeles County Board of Supervisors and Los Angeles County Health Officer declared a local and health emergency due to the threat of COVID-19.

The threat that COVID-19 has presented continues to directly impact the ability of the SGVCOG to conduct Governing Board/committee meetings safely in person. Updated guidelines issued by the Centers for Disease Control and Los Angeles Department of Public Health in July and August 2021 advise governmental entities to refrain from conducting indoor meetings and consider moving operations outdoors, where feasible, to prevent transmission. SGVCOG staff finds it has been unable to find a suitable outdoor space with the requisite audio/visual capabilities at which the monthly Committee meetings can be held safely. Similarly, an indoor space with sufficient capacity to accommodate safe social distance practices among members, staff, and the public could not be identified

In order to continue to conduct meetings in a safe manner and to prevent unnecessary COVID-19 exposure to members, staff and the public, staff is recommending that Water Policy Committee and TAC adopt Resolution 21-01 making certain findings in order to be able to continue teleconferencing for its meetings.

Prepared by: 

Approved by:   
Marisa Creter  
Executive Director

**ATTACHMENTS**

Attachment A – Resolution 21-01

**RESOLUTION 21-01**

**RESOLUTION OF THE WATER POLICY COMMITTEE AND TAC OF THE  
SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS (SGVCOG) MAKING  
SPECIFIED FINDINGS TO ENABLE THE WATER POLICY COMMITTEE AND TAC  
TO CONTINUE TO HOLD MEETINGS VIA TELECONFERENCING**

**WHEREAS**, AB 361 (Rivas), and specifically Government Code section 54953 (“Section 54953”), authorizes local agencies to use teleconferencing without complying with the specified teleconferencing requirements imposed by the Ralph M. Brown Act when the legislative body of a local agency holds a meeting during a declared state of emergency and makes certain findings relating thereto; and

**WHEREAS**, Section 54953 allows for local agencies to teleconference if the legislative body finds, among other things, that state or local official continue to impose or recommend measures to promote social distancing or whether a state of emergency directly impacts the ability of the legislative body to meet safely and that meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, on March 4, 2020, the Governor of California proclaimed a State of Emergency to exist in California as result of the threat of COVID-19, which state of emergency remains in place; and

**WHEREAS**, on March 4, 2020, the Los Angeles County Board of Supervisors and Los Angeles County Health Officer declared a local and health emergency as result of the threat of COVID-19, which emergency remains in place; and

**WHEREAS**, Los Angeles County and State health officials continue to recommend social distancing as a result of COVID-19; and

**WHEREAS**, due to the resurgence of COVID-19 reported cases and surge of the Delta variant statewide and in particular, in Los Angeles County, the California Department of Public Health’s Best Practice Guidance encourages all governmental entities to refrain from conducting indoor meetings and consider moving operations outdoors, where feasible, in order to prevent transmission; and

**WHEREAS**, SGVCOG’s inability to facilitate Governing Board and Committee meetings using a centralized outdoor space with audio/visual capabilities, as well as the lack of indoor capacity to accommodate safe social distance practices among members and joining staff makes it unsafe for its members and the public to meet safely in person; and

**WHEREAS**, teleconferencing meetings enables the SGVCOG to retain the ability to continue to conduct meetings in a safe manner that would reduce exposure to members and staff to COVID-19; and

**WHEREAS**, public access and participation remain a core value of the SGVCOG, and the SGVCOG has the capability to meet the requirements in Section 54953 to provide the public with

the ability to view, hear, and participate in such meetings in a manner that protects the statutory and constitutional rights of all persons to participate in such meetings; and

**WHEREAS**, as a condition of extending the use of the provisions to conduct remote teleconference meetings without compliance with specified Brown Act teleconference requirements, the SGVCOG must reconsider the circumstances of the state of emergency that exists, and the SGVCOG Water Policy Committee and TAC has done so.

**NOW, THEREFORE, BE IT RESOLVED** that the Water Policy Committee and TAC does hereby find the existence of a local and state of emergency in California caused by COVID-19 continues to directly impact the ability of the SGVCOG to hold public meetings safely in person and local and state health officials continue to recommend social distancing.

PASSED, APPROVED, and ADOPTED by the Water Policy Committee and TAC of the San Gabriel Valley Council of Governments, on October 12, 2021

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS

Gloria Crudgington  
Water Policy Committee Chair

Alex Tachiki  
Water TAC Chair

**Attest:**

I, Marisa Creter, Executive Director and Secretary of the San Gabriel Valley Council of Governments, do hereby certify that Resolution 21-01 was adopted at a meeting of the **Water Policy Committee and TAC** held on October 12, 2021, by the following vote:

<b>AYES:</b>	
<b>NOES:</b>	
<b>ABSTAIN:</b>	
<b>ABSENT:</b>	

  
\_\_\_\_\_  
Marisa Creter, Secretary

DATE: October 12, 2021  
TO: Water Policy Committee/TAC  
FROM: Marisa Creter, Executive Director  
RE: **ADOPTION OF 2022 LEGISLATIVE PLATFORM**

## **RECOMMENDED ACTION**

Recommend approval of the 2022 legislative platform pertaining to water policy for consideration by the Governing Board and intended to guide SGVCOG advocacy efforts and to be provided to the San Gabriel Valley's legislative representatives.

## **BACKGROUND**

The SGVCOG has strong partnerships with local, state, and federal legislators in the San Gabriel Valley. Each year, the Governing Board adopts legislative priorities within the major interest areas, including water, transportation and capital projects, homelessness, housing, air quality, energy, open space, and solid waste. SGVCOG staff works throughout the region to support and sponsor bills that support these priorities; alternatively, they oppose and lobby for amendments on legislation that does not support these priorities. The SGVCOG also works with its state legislators to sponsor legislation.

The SGVCOG has taken an active role in supporting and advancing legislation that supports its legislative platform in the area of water. In previous legislative sessions, the SGVCOG has worked with Senator Susan Rubio and Assemblywoman Blanca Rubio to sponsor legislation that would direct the State Water Resources Control Board (State Board) to establish financial capability assessment (FCA) guidelines for use in the development of municipal separate storm sewer system (MS4) Permits. This would essentially ensure that the State Board and regional water quality control boards incorporated the cost of compliance into the Permits. The SGVCOG worked with Assemblymember Blanca Rubio to sponsor legislation that would codify this in 2018 (AB 2538) and 2019 (AB 1093). Both of these bills were enrolled and presented to the Governor for signature but were vetoed. The SGVCOG worked with Senator Susan Rubio in the spring of 2021 to re-introduce the bill (SB 426); however, the bill did not advance because of the need to reduce the number of bills due to COVID-19 limitations. The SGVCOG has also sponsored unsuccessful legislation establishing a zinc-remediation and mitigation fee on vehicular tires sold in California.

## **DISCUSSION**

During the most recent Water Policy Committee and TAC meeting, staff representing State Senator Susan Rubio's office informed the Committees that Senator Rubio is accepting proposals for potential legislation for introduction in 2022. These proposals are due to Senator Rubio's Office by early December 2021. To that end, at the meeting, the Chair requested that the Committees discuss potential proposals at the October meeting. This report includes an update of legislation supported, opposed and monitored by SGVCOG over the course of the current legislative sessions in Sacramento and Washington, DC as well as recommended legislative objectives for 2022. New

or amended objectives are noted below in *italic* font under the State & Federal and Local categories.

In January 2021, the Governing Board adopted its 2021 State, Federal, and Regional Agenda Resolution (Attachment A), which included the following water priorities:

## State & Federal

- Continue to advocate and/or pursue legislative *or regulatory* solutions for adopting financial capability assessment guidelines in the issuance of Municipal Separate Storm Sewer Systems (MS4) permits that provide an economic analysis of the costs and benefits of water quality improvements.
- Continue to advocate for the establishment of reasonable timelines for compliance with new drinking water standards.
- Advocate for calibration of applicable water quality requirements with available funding.
- Advocate for water rights assignment to MS4 agencies for new infiltrated water.
- Advocate for any needed legislative solutions for innovative projects that allow cities to implement MS4 Permit projects.
- Advocate for funding sources that provide on-going funding for the implementation of stormwater projects.
- Pursue legislative fixes that address the challenges that cities face in implementing SB 205 (Hertzberg), including updating the Standard Industrial Classification (SIC) codes.

## Local

- Advocate for Measure W funding for cities' MS4 projects.
- Advocate for reasonable financial analysis to be incorporated into 2020 National Pollutant Discharge Elimination System (NPDES) MS4 Permit that allows cities to comply with the Permit without facing a significant unfunded burden.
- Advocate for enhancements to the implementation of the Safe Clean Water Program to ensure that the funding is effectively and efficiently used for projects that focus on ensuring clean water for all residents and cities' compliance with the MS4 Permit.
- Advocate for the Safe Clean Water Program to be integrated with the successor NPDES MS4 Permit.
- Advocate for regional projects that provide *drinking and stormwater* water quality, supply, and resiliency benefits to the San Gabriel Valley.

In furtherance of this legislative platform, the SGVCOG has taken positions on the following legislation:

Bill Number/Author	SGVCOG Position	Summary	Status
SB 426 (Rubio)	Support	Would require the State Water Resources Board to develop Financial Capability Assessment guidelines for cities	Two-year bill and must pass the Senate by January 21, 2022.

# REPORT

		and counties seeking to comply with the Federal Clean Water Act.	
SB 230 (Portantino)	Support	Would require the Water Board to establish and maintain a new program to assess and recommend study on constituents of emerging concern in drinking water sources and treated drinking water.	Two-year bill and must pass the Senate by January 21, 2022.
AB 377 (Rivas)	Oppose	Would require all California surface waters to be fishable, swimmable, and drinkable by January 1, 2050.	Two-year bill and must pass the Senate by January 21, 2022.
AB 100 (Holden)	Watch	Would define “lead free” with respect to endpoint devices to mean that the devices do not leach into drinking water more than one microgram.	Awaiting Governor’s signature.
AB 652 (Friedman)	Watch	Would prohibit a person and/or manufacturer from selling or distributing in commerce in the state any new, not previously owned, juvenile product that contains intentionally added PFAS at a detectable level above an unspecified amount.	Awaiting Governor’s signature.
AB 818 (Bloom)	Watch	Would require certain premoistened nonwoven disposable wipes to be labeled clearly and	Awaiting Governor’s signature.

# REPORT

		conspicuously with the phrase “Do Not Flush” and a related symbol, with penalties for violations.	
AB 1200 (Ting)	Watch	Would prohibit any person from distributing, selling, or offering for sale in the state any food packaging that contains intentionally added PFAS chemicals.	Awaiting Governor’s signature.
SB 37 (Cortese)	Watch	Would require the State Water Resources Control Board, instead of the State Department of Health Care Services, to compile and update a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis by local health officers.	At the request of the author, was moved to the Assembly Inactive File.
SB 45 (Portantino, Allen, Hurtado, and Stern)	Watch	Would authorize the issuance of \$5.5 billion in general obligation bonds, subject to voter approval on the November 2022 ballot, to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.	Was moved to the Senate Inactive File and must pass the Senate by January 31, 2022.
SB 361 (Caballero)	Watch	Would create the Office of Water Innovation at the	The Appropriations Committee held the bill, which under the

# REPORT

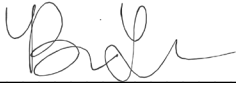
		California Water Commission for the furtherance of new technologies and other innovative approaches in the water sector and would create the Water Innovation Fund.	Rules the bill is technically dead.
AB 1195 (Garcia)	Watch	Would create the Southern Los Angeles County Regional Water Agency as a regional water agency serving the drinking water needs of the cities, unincorporated areas, and residents in the communities overlying the Central Basin and West Coast Basin aquifers in southern LA County.	Assemblywoman Garcia will make the determination to move the bill during the 2022 Session.
AB 128 (Quirk)	Watch	Would remove the provision authorizing specified water districts to certify that they are providing alternative water for residential or similar uses to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulations.	Signed by the Governor in July 2021.

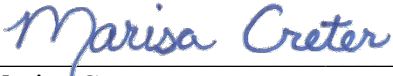
More detail on these bills can be found in the agenda report for Item 12 in the Joint Committee packet. A copy of Senator Rubio’s legislative proposal form is also attached (Attachment B).

Given the SGVCOG’s 2021 Legislative Platform and Senator Rubio’s Legislative Proposal Form, SGVCOG staff will lead a discussion on potential legislative priorities for consideration at the October meeting.

# REPORT

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Prepared by:   
\_\_\_\_\_  
Brianne Logasa  
Management Analyst

Approved by:   
\_\_\_\_\_  
Marisa Creter  
Executive Director

Attachment A: SGVCOG 2021 Legislative Platform  
Attachment B: Senator Rubio's Legislative Proposal Form

**RESOLUTION NO. 21-03**

**RESOLUTION OF THE SAN GABRIEL VALLEY  
COUNCIL OF GOVERNMENTS (SGVCOG) AFFIRMING 2021 STATE, FEDERAL  
AND REGIONAL LEGISLATIVE AGENDA**

**WHEREAS**, the SGVCOG desires to adopt federal, state and regional legislative priorities to further the objectives of the organization in support of member cities; and

**WHEREAS**, the objectives of the SGVCOG include the core policy areas of water, transportation and capital projects, housing and homelessness, and the environment; and

**WHEREAS**, the SGVCOG seeks to specifically define legislative priorities for the year 2021.

**NOW THEREFORE, BE IT RESOLVED** that the Governing Board does hereby adopt the following 2021 State Federal and Regional Legislative agenda:

**Water**

**State & Federal**

- Continue to advocate and/or pursue legislative solutions for adopting financial capability assessment guidelines in the issuance of Municipal Separate Storm Sewer Systems (MS4) permits that provide an economic analysis of the costs and benefits of water quality improvements.
- Continue to advocate for the establishment of reasonable timelines for compliance with new drinking water standards.
- Advocate for calibration of applicable water quality requirements with available funding.
- Advocate for water rights assignment to MS4 agencies for new infiltrated water.
- Advocate for any needed legislative solutions for innovative projects that allow cities to implement MS4 Permit projects.
- Advocate for funding sources that provide on-going funding for the implementation of stormwater projects.
- Pursue legislative fixes that address the challenges that cities face in implementing SB 205 (Hertzberg), including updating the Standard Industrial Classification (SIC) codes.

**Local**

- Advocate for Measure W funding for cities' MS4 projects.
- Advocate for reasonable financial analysis to be incorporated into 2020 National Pollutant Discharge Elimination System (NPDES) MS4 Permit that allows cities to comply with the Permit without facing a significant unfunded burden.
- Advocate for enhancements to the implementation of the Safe Clean Water Program to ensure that the funding is effectively and efficiently used for projects that focus on ensuring clean water for all residents and cities' compliance with the MS4 Permit.

## Attachment A

- Advocate for the Safe Clean Water Program to be integrated with the successor NPDES MS4 Permit.
- Advocate for regional projects that provide water quality, supply, and resiliency benefits to the San Gabriel Valley.

### Transportation and Capital Projects

#### State & Regional

- Submit and/or advocate for funding requests, grant applications, or specific budget earmarks to ensure San Gabriel Valley transportation and capital projects and programs are timely allocated or awarded Metro-administered funds, Senate Bill 1 and other state funds, and relevant county-administered funds.
- Support the development of transportation and capital projects best practices and funding programs beneficial to San Gabriel Valley transportation and capital projects and programs, including those currently or to be assigned for implementation to the Capital Projects and Construction Committee (Alameda Corridor-East Project, State Route 57-60 Project, Rio Hondo Load Reduction Strategy, Regional Bike Share, La Verne Pedestrian Bridge, etc.) as well as regional priority projects supported by the SGVCOG Governing Board, including, but not limited to, the Foothill Gold Line and the SR 71 Gap Closure Project.
- Support legislative or administrative efforts to expedite environmental and permitting approvals and project delivery of San Gabriel Valley transportation and capital projects and programs.
- Continue to collaborate and participate with the San Gabriel Valley Legislative Caucus, the Mobility 21 Coalition, and other stakeholders to benefit San Gabriel Valley transportation and capital projects and programs.
- Support the development of the San Gabriel Valley Transit Feasibility Study.
- Support continued engagement on I-710/I-10 interchange improvements and increased mobility for east-west travel corridors in the San Gabriel Valley.

#### Federal

- Propose and advocate policies, funding, and programs beneficial to San Gabriel Valley transportation and capital projects and programs, including in the context of the reauthorization of the FAST Act multi-year surface transportation program legislation, possible standalone legislation or other relevant legislation.
- Support transportation and capital projects in the San Gabriel Valley, including extension of the Foothill Gold Line to Montclair.
- Support legislative or administrative efforts to expedite environmental and permitting approvals and project delivery of San Gabriel Valley transportation and capital projects and programs.
- Continue to work with the San Gabriel Valley's federal representatives, the Coalition for America's Gateways and Trade Corridors, Mobility 21, Metro and other stakeholders in support of these legislative priorities and other matters that benefit San Gabriel Valley transportation and capital projects and programs.

Homelessness

State and Federal

- Support legislation that promotes solutions to homelessness for those facing mental health and/or substance abuse challenges.
- Support funding for programs that provide additional resources for homeless persons facing mental health and/or substance abuse challenges.
- Support funding, particularly direct, non-competitive funding, for the San Gabriel Valley Regional Housing Trust (SGVRHT) and other entities that will create affordable housing for the region.
- Support funding for the creation of housing units – especially very low, low, and moderate income – while respecting cities’ local control of land use decisions.
- Support legislation and funding for programs that encourage workforce development activities for homeless persons.
- Support funding for homeless prevention programs, including innovative local programs instituted by local cities.
- Support legislation and funding for projects and programs that address quality of life issues, including public safety and water quality for all residents, including homeless persons.
- Support funding for homelessness programs administered by SGVCOG and its member agencies.
- Advocate for regional approaches that allow cities to comply with their Regional Housing Needs Assessment (RHNA) requirements.
- Support funding for capital projects rather than planning activities and consider reallocating funding for planning activities to capital projects.
- Support for financial incentives and tax advantages (such as the waiver of property value reassessments) for the construction of accessory dwelling units, particularly when they are restricted to house low-income individuals.
- Advocate for funding for permanent supportive housing (PSH) resources dedicated to those with mental illness, including through project-based housing, tenant based rental assistance, and Los Angeles County’s “restorative care village” model.
- Support efforts to better meet the needs of those who require a higher level of care than PSH, including by increasing the State payment rate for licensed board and care homes, as well as one-time funding necessary to prevent the closure of such facilities.

Local

- Promote the allocation of Measure H resources towards cities’ projects and programs – as well as regional projects and programs – that work to solve the homelessness crisis in the San Gabriel Valley.
- Support funding for prevention programs that stop the flow of residents into homelessness, including innovative local programs instituted by local cities.
- Promote collaboration between the County of Los Angeles and the San Gabriel Valley cities in implementing projects, policies, and programs that work to solve the homelessness crisis in the San Gabriel Valley.

## Attachment A

- Support reforms to the structure and function of Los Angeles Homeless Services Authority (LAHSA) and/or elements of the County homeless services system to better meet the needs of the San Gabriel Valley.
- Support for efforts to create alternative crisis response models, particularly as relates to non-violent crises by people experiencing homelessness.
- Support enhanced data gathering and sharing to advance understanding of and response to homelessness among all regional public and non-profit agencies to supplement the annual Point-in-Time count.
- Recommend the County of Los Angeles Board of Supervisors and other public entities, such as the State, community college districts, and school districts to evaluate the use of surplus or underutilized public facilities for mental health treatment and housing for mental illness.

### Housing

- Oppose legislation which allows multifamily housing in single-family zones unless the following amendments are included:
  - Local jurisdictions must first determine that existing and planned infrastructure and public services are sufficient to sustain new housing and new residents, including, but not limited to, sewers, water systems, transit, roads, parks and open space, EV charging, public schools and public safety services. This local government finding would be consistent with new state Accessory Dwelling Unit (ADU) law.
  - Grant local jurisdictions RHNA credit similar in practice to new state ADU law.
  - Provide state financial support to help cities meet their RHNA targets for affordable housing where multifamily units are permitted.
  - Exempt historic districts and properties.
  - Prohibit land speculation based on lot splits that do not result in the construction of new affordable housing.
  - Require access for police, fire, and other public safety vehicles and equipment.
  - Uphold local residential parking requirements.
  - Exempt very high fire severity zones.
  - Prohibit ministerial approval of ADUs in new multifamily unit areas
- Support legislation (including federal legislation) to provide incentives and grant funding intended to encourage housing production and particularly affordable housing development.
- Make SGVCOG and/or SGVRHT eligible to receive direct funding from relevant state or federal housing grant or formula programs.
- Provide grants, bond funds, infrastructure financing plans, tax or other credits directed to affordable housing projects and programs, such as the Local Housing Trust Fund Matching Grant Program, which could fund projects sponsored by the SGVRHT and/or SGVCOG member cities. Amend eligibility or matching funds program provisions, as required, to increase the competitiveness of San Gabriel Valley-supported projects and programs.
- Provide state incentives to offset lost sales taxes if vacant commercial sites are rezoned by cities to permit housing or mixed-use developments.

## Attachment A

- Help homeowners finance construction of Accessory Dwelling Units, particularly affordable units for very low, low-, or moderate-income households.

### Air Quality

- Support the inclusion of city officials on the governing bodies of air districts and opposes efforts to remove such city representation.
- Support the reduction of vehicle emissions through increased fuel efficiency, use of appropriate alternative fueled vehicles, and low-emission vehicles in public agency fleets.
- Support cities' authority to establish local air quality standards and programs that are stricter than state and federal standards.
- Oppose legislation that redirects funds that are dedicated to supporting locally-based air quality programs.

### Energy

- Make energy costs affordable and stabilized.
- Encourage local governments to complete an inventory of greenhouse gas emissions, set appropriate reduction targets, and create greenhouse gas emission reduction plans.
- Support local governments to benchmark their municipal facilities to monitor energy usage, identify facilities with high energy usage, and conduct audits to pinpoint potential energy efficiency projects to reduce energy consumption at those facilities.
- Support tax credits, grants, loans, and other incentives to assist the public and local agencies that invest in energy-efficient equipment and technology, as well as fuel-efficient and low-emission vehicles.
- Ensure energy supply while limiting dependence on foreign sources of energy.
- Employ diverse strategies for conserving energy including: Energy efficiency, land use strategies, urban forest management, and infrastructure improvements (i.e. green building).
- Develop innovative and affordable financing options for energy efficiency.
- Move towards a "net-zero energy" model where the amount of energy provided by on-site renewable energy sources is equal to the amount of energy used by a building.
- Support advancement of technology that expands renewable energy generation;
- Support community choice aggregates (CCAs).
- Promote public education of energy efficiency and conservation opportunities.

### Open Space

- Identify and protect open space for the multi-benefit enhancement of natural resources and enjoyment for the public.
- Plan for growth by incentivizing compact development in some areas that in turn prevent open space development in other areas.
- Develop greenbelts and greenways along and within urban development to limit unsuitable development and provide buffers to wildlife habitat.
- Acquire and preserve open space at high risk of ecological degradation, primarily along the foothills, waterways, flood plains, and within the upper watershed.
- Promote connectivity of wildlife corridors.

## Attachment A

- Promote development of diverse and localized recreational opportunities.
- Promote public outreach and interpretation to foster awareness, knowledge, and stewardship of open space as a valuable resource.
- Advocate for state and federal appropriations, funding from the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, California Natural Resources Agency, and/or loan programs for open space acquisition, development, restoration, and management.

### Solid Waste

- Encourage the diversification of solid waste management strategies, including conversion technology, that will create new markets that are feasible given the landscape and conditions of the San Gabriel Valley.
- Support efforts to strengthen curbside recycling programs and oppose efforts to weaken such programs.
- Encourage alternative renewable energy generation from organic waste, including biogas production.
- Promote shared responsibility waste management principles, such as product stewardship, throughout the entire life cycle of a product, from design to disposal.
- Advocate for county, state, and federal appropriations and/or loan programs for solid waste management programs and initiatives.
- Support regional, state, and federal efforts to implement laws, policies, and regulations that promote zero waste objectives.
- Provide a strong commitment to utilizing financial incentives rather than mandatory requirements.
- Ensure local jurisdictions are not subject to duplicative or contradictory legislative requirements.

**PASSED AND ADOPTED** by the Governing Board of San Gabriel Valley Council of Governments, County of Los Angeles, State of California, on the 21st day of January 2021.

San Gabriel Valley Council of Governments

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Margaret Clark, President

Attachment A

Attest:

I, Marisa Creter, Executive Director and Secretary of the Board of Directors of the San Gabriel Valley Council of Governments, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Governing Board held on the 21st day of January 2021, by the following vote:

<b>AYES:</b>	
<b>NOES:</b>	
<b>ABSTAIN:</b>	
<b>ABSENT:</b>	

\_\_\_\_\_  
Marisa Creter, Secretary



## **Legislative Proposal Request Form**

**Senator Susan Rubio has received numerous requests for legislation. While many bill proposals have merit, the Senate Rules Committee limits the number of bills a Senator can introduce in a two-year legislative session. To assist her in evaluating legislative proposals, she requests that you respond to each item below.**

**1. PROPOSAL SUMMARY.** Please describe the proposal in one sentence.

**2. PROBLEM.** Please describe the problem(s) that the proposal would address (please be specific, include supporting data and credible sources).

**3. SOLUTION.** Please describe the proposal and how the proposal would address the problem (please be specific, citing existing law, if possible). Has legislation or related legislation been introduced in the past? If so, please list bill number, year and author.

**4. COST.** Please describe the estimated cost of the proposal and identify the appropriate source of funding that would pay for the proposal (i.e. departments, counties, general fund, etc.). Please identify the source of funding and any recommendation on cutting the total cost down.

**5. ORGANIZATIONAL SUPPORT.** Please describe the likely organizations that would support the proposal.

**6. ARGUMENTS IN SUPPORT.** Please identify the top three arguments in support of the proposal.

**7. ORGANIZATIONAL OPPOSITION.** Please describe the likely organizations that would oppose the proposal.

**8. ARGUMENTS IN OPPOSITION.** Please identify the top three arguments in opposition to the proposal.

**9. COMMITTEE ASSIGNMENT.** Please identify the committee(s) the legislative proposal will go to, and include Appropriations Committee if the bill has a high cost component. Please include the list names of all Committee Chairs that will hear the bill proposal.

**10. CONTACT.** Please provide the name, title and phone number of the person who will be the contact on this proposal.

# REPORT

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DATE: October 12, 2021  
TO: Water Policy Committee/TAC  
FROM: Marisa Creter, Executive Director  
RE: **MS4 PERMIT 101 GUIDE**

## **RECOMMENDED ACTION**

For information only.

## **BACKGROUND**

In December 2019, the Los Angeles Regional Water Quality Control Board (Regional Board) released the Working Proposal of the Regional Phase 1 Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit and in August 2020, released the Tentative Permit. For both the Working Proposal and the Tentative Permit, the Water Policy Committee and TAC developed comment letters that were submitted to the Regional Board.

On June 4, 2021, the Regional Board released the Revised Tentative Permit and a notice of public hearings for the issuance of the Permit, which took place on July 8, 9, 16, and 23. The Permit and an overview of all comments received can be found [here](#).

On August 9, 2021, the Regional Board released the final Permit. The memo from the Regional Board with instructions on how to access the Permit is in Attachment A.

## **DISCUSSION**

With the release of the final Permit in August 2021, the Water Policy Committee and TAC discussed ways for Committee members and elected officials to stay engaged on stormwater issues, including tasking SGVCOG staff with creating a summary of the Permit and stormwater resource guide.

SGVCOG released a draft of the MS4 Permit 101 Guide at September's Water Policy Committee and TAC meeting and requested feedback. SGVCOG has incorporated all of the feedback into what is now the final MS4 Permit 101 Guide for Elected Officials. The document is meant to assist Water Policy Committee and TAC members' understanding of and engagement with stormwater principles and the Permit itself. Based on the feedback received, a second version of the MS4 Permit 101 Guide for Water Practitioners is also. This document, which will be sent separately, can be disseminated to other colleagues and city staff to support MS4 Permit understanding and implementation.

Prepared by:



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Brianne Logasa  
Management Analyst

# REPORT

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Approved by: Marisa Creter  
Marisa Creter  
Executive Director

DATE: October 12, 2021  
TO: Water Policy Committee/TAC  
FROM: Marisa Creter, Executive Director  
RE: **SAFE CLEAN WATER PROGRAM**

## **RECOMMENDED ACTION**

For information only.

## **COMMITTEE AND WATERSHED AREA STEERING COMMITTEE (WASC) UPDATES**

The following activities have happened since the last Water Committee/TAC meeting.

### **Regional Oversight Committee (ROC)**

- Met on Thursday, October 7, 2021 and voted in its new ROC Chair(s). The committee also discussed updates on Early Implementation.

### **Scoring Committee**

- Met on Tuesday, September 5, 2021 and voted to approve the Official Scoring for Ladera Heights – W Centinela Ave. Green Improvement Project.

### **Upper Los Angeles River (ULAR) WASC**

- Met on Wednesday, October 6, 2021. The Watershed Coordinator presented on the Final Strategic Outreach and Engagement Plan; additionally, the committee was given four presentations from the Scientific Studies Program. The first was the Community Garden Stormwater Capture Investigation, which found that community gardens can function as stormwater capture facilities. Another study on Maximizing Impact of Minimum Control Measures. The researchers aim to develop tools to quantitatively estimate the effectiveness of MCMs and recommend implementation strategies for optimization. The third study is a Regional Pathogen Reduction study, which aims to use the latest available science to measure water-borne pathogens across watersheds. It will help identify key sources of human health risk, and develop cost-effective protective strategies. The last study was on an Additional Funding Request to Support the LRS Adaptation Addressing the LA River Bacteria. This study aims to support strategic risk-based monitoring and human waste source investigations to guide long-term pathogen reduction.

### **Upper San Gabriel River (USGR) WASC**

- Met on Thursday, September 23, 2021. The Watershed Coordinator presented on the Final Strategic Outreach and Engagement Plan; additionally, the committee was given two presentations from the Scientific Studies Program. The first was the Community Garden Stormwater Capture Investigation, which found that community gardens can function as stormwater capture facilities. The other study on Maximizing Impact of Minimum Control

Measures. The researchers aim to develop tools to quantitatively estimate the effectiveness of MCMs and recommend implementation strategies for optimization.

## **Rio Hondo WASC**

- Met on Tuesday, September 21, 2021 and discussed their draft Strategic Outreach and Engagement Plan as well as the Disadvantaged Community, Nature Based Solutions, and Partial Funding Interim Guidelines, partial funding interim guidelines for the Disadvantaged Community, Nature Based Solutions, and Partial Funding Interim Guidelines. Their next meeting is scheduled for Tuesday, October 19, 2021.

## **FY 21-22 REGIONAL PROGRAM STORMWATER INVESTMENT PLANS (SIPS)**

Following approval by the ROC on June 29, final recommendations for all nine Watershed Areas were presented to the Board of Supervisors on September 15, 2021. The SIPs were approved by the Board. With approval of the SIPs, Transfer Agreements for the Infrastructure Program and Scientific Studies will be prepared and distributed to the recipients, and Technical Resources Program recipients will be contacted by the District.

## **FY 21-22 MUNICIPAL PROGRAM**

Each municipality must submit a FY 21-22 Annual Plan to receive the annual portion of the Municipal Program revenue. These plans are being posted on the [Safe Clean Water Program webpage](#) for access by the public. The District currently intends to disburse the Municipal Program revenue by the end of August 2021; however, actual disbursements are dependent upon the conditions included in the Transfer Agreement.

## **ROUND 3 PROJECTS**

The deadline for consideration in FY 22-23 was July 31, 2021. This call for regional projects solicited applications in three categories: Infrastructure Program, Technical Resources Program, and Scientific Studies Program. The Scoring Committee will begin scoring projects in fall 2021.

## **WATERSHED COORDINATORS**


The District has onboarded all Watershed Coordinators who are currently developing the Strategic Outreach and Engagement Plans. Richard Watson and Associates was selected for the Rio Hondo WASC. Day One was selected for the USGR WASC. The ULAR WASC will have three Coordinators, two from the Council of Watershed Health and one from Environmental Outreach Strategies.


## **UPCOMING MEETINGS**

- Regional Oversight Committee – TBD
- Scoring Committee – Tuesday, October 19, 1:00 – 5:00 pm
- Upper Los Angeles River WASC – Wednesday, October 6, 2021, 2:00 – 4:00 pm
- Upper San Gabriel River WASC – Every 4th Thursday of the Month, 1:00 – 3:00 pm
- Rio Hondo WASC – Every 3rd Tuesday of the Month, 1:00 – 3:00 pm

# REPORT

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Prepared by:   
Brianne Logasa  
Management Analyst

Approved by:   
Marisa Creter  
Executive Director

DATE: October 12, 2021

TO: Water Policy Committee/TAC

FROM: Marisa Creter, Executive Director

RE: **FEDERAL AND STATE BUDGET AND LEGISLATIVE UPDATES**

## **RECOMMENDED ACTION**

For information only.

## **BUDGET UPDATES**

### **2021-22 State Budget**

As previously presented to the Committee, the Fiscal Year 2021-22 State Budget totals \$262.6 billion and is the largest spending plan ever adopted by the state. Staff will undertake to track grant or other funding opportunities for local or regional projects which may arise from the following funding categories:

- \$5.1 billion to address drought preparedness and response;
- \$1.3 billion climate resilience package to prepare for extreme heat, sea level rise, and environmental justice priorities;
- \$5.1 billion package to address immediate, emergency needs and aims to build regional capacity to manage droughts and safeguard water supplies;
- \$211.5 million over two years to protect communities from sea-level rise and flooding through coastal wetland restoration;
- \$140 million for flood risk and reductions efforts for 1.1 million people; and
- \$200 million for habitat restoration and multi-benefit projects.

### **2022 Appropriations Act – Whittier Narrows Dam Funding**

Staff is coordinating with Congresswoman Napolitano’s staff for updates regarding her request for \$219 million for the Whittier Narrows Dam Safety project in the House-passed FY 2022 Army Corps of Engineers budget. The Senate did not, however, pass appropriations bills by the end of the current fiscal year on September 30, resulting in a delay to this Congressionally directed funding request. To allow additional time for the new fiscal year budget, President Biden signed a continuing resolution (CR, H.R. 5305) into law on September 30 extending FY 2021 government funding levels through Dec. 3.

## **LEGISLATIVE UPDATES**

Below is an overview of federal and state legislation that the Water Committee and Water TAC are currently tracking.

## **S. 914 – Safe Drinking Water and Wastewater Infrastructure Act of 2021**

- **Summary:** As previously reported, S. 914 reauthorizes and creates programs to support drinking water and wastewater infrastructure projects, including the Drinking Water State Revolving Loan Funds, the Clean Water State Revolving Loan Funds, the Water Infrastructure Finance and Innovation Act program, the EPA Sewer Overflow & Stormwater Reuse Municipal Grant Program and the Alternative Source Water Pilot Program. New programs include the Stormwater Infrastructure Technology Program and PFAS treatment grants.
- **Status:** Passed in the U.S. Senate on April 29 but not yet acted upon in the U.S House.

## **SB 37 (Cortese) – Contaminated Sites: The Dominic Cortese “Cortese List” Act of 2021**

- **Summary:** Would require the State Water Resources Control Board, instead of the State Department of Health Care Services, to compile and update a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis by local health officers. The Department of Finance on June 30, filed on behalf of the Administration an “oppose” letter because SB 37 could increase costs to clean-up contaminated sites in California.
- **Status:** Passed the Senate on June 1, 39-0; Assembly Environmental Safety & Toxic Materials Committee on June 16, 6-3; Assembly Natural Resources Committee on July 5, 7-1; and, Assembly Appropriations Committee on August 26, 12-4. At the request of the author, SB 37 was moved to the Assembly Inactive File.
- **SGVCOG Position:** Watch

## **SB 45 (Portantino, Allen, Hurtado, and Stern) – Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022**

- **Summary:** Would authorize the issuance of \$5.5 billion in general obligation bonds, subject to voter approval on the November 2022 ballot, to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.
- **Status:** Passed the Senate Natural Resources & Water Committee on March 16, 7-2; Senate Governance & Finance Committee on April 15, 5-2; and, Senate Appropriations Committee on May 20, 5-2. At the request of the author, SB 45 was moved to the Senate Inactive File and must pass the Senate by January 31, 2022.
- **SGVCOG Position:** Watch

## **SB 230 (Portantino) – Constituents of Emerging Concern Program**

- **Summary:** Would require the State Water Board to establish, maintain, and direct a new program to assess and recommend further study on constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The state board would convene the Science Advisory Panel to review and provide recommendations on CEC for further action, among other duties. The state board would be required to provide an annual report to the Legislature on the ongoing work conducted by the panel. The bill would authorize the State Board, upon appropriation by the Legislature, to provide financial assistance to certain public water systems upon a showing that the costs of testing drinking water in compliance with CEC monitoring requirements based on the recommendations of the panel would impose a financial hardship.

- **Status:** Passed the Senate Environmental Quality Committee on March 15, 7-0, and at the request of the Senate Appropriations Committee, was made a two-year bill. SB 230 must pass the Appropriations Committee and Senate Floor by January 31, 2022.
- **SGVCOG Position:** Support

## **SB 273 (Hertzberg) – Water quality: municipal wastewater agencies**

- **Summary:** Authorizes a municipal wastewater agency 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.
- **Status:** Signed into law on September 23.
- **SGVCOG Position:** Watch

## **SB 351 (Caballero) – Water Innovation Act of 2021**

- **Summary:** Would create the Office of Water Innovation at the California Water Commission for the furtherance of new technologies and other innovative approaches in the water sector. Would create the Water Innovation Fund, with all moneys available, upon appropriation, to the department, the state board, or other state agencies for the furtherance of water innovation. Major supporters include the Association of California Water Agencies and the Metropolitan Water District of Southern California.
- **Status:** Passed the Senate Natural Resources & Water Committee on April 15, 9-0. SB 351 was heard in Senate Appropriations Committee on May 10 and placed on the “Suspense File.” On May 20, the Appropriations Committee held the bill, which under the Rules the bill is technically dead.
- **SGVCOG Position:** Watch

## **SB 426 (Rubio) – Financial Capability Analysis**

- **Summary:** Would require the State Water Resources Control Board (State Board) to develop Financial Capability Assessment (FCA) guidelines for cities and counties (permittees) seeking to comply with the Federal Clean Water Act (CWA). FCA guidelines would provide a uniform, equitable and transparent methodology for assessing the financial capability of communities to afford the cost of compliance with municipal separate storm sewer system (MS4) permits.
- **Status:** On June 1, ordered to inactive file on request of Senator Rubio. The bill is now a two-year bill and will have to pass the Senate by January 31, 2022.
- **SGVCOG Position:** Sponsor and support

## **AB 100 (Holden) – Drinking Water: Pipes and Fittings: Lead Content**

- **Summary:** This bill would define “lead free,” with respect to endpoint devices to mean that the devices do not leach into drinking water more than one microgram of lead under certain tests. Specified documentation would be required demonstrating certification for endpoint devices.

- **Status:** Passed the Senate on September 3, 37-0; and, the Assembly concurred in Senate amendments on September 7, 70-8, to the Governor for final action no later than October 10, 2021.
- **SGVCOG Position:** Watch

## **AB 377 (Rivas) – Water quality: impaired waters**

- **Summary:** Would require all California surface waters to be fishable, swimmable, and drinkable by January 1, 2050. The bill would prohibit the state board and regional boards from authorizing an NPDES discharge, waste discharge requirement, or waiver of a waste discharge requirement that causes or contributes to an exceedance of a water quality standard, or from authorizing a best management practice permit term to authorize a discharge that causes or contributes to an exceedance of a water quality standard in receiving waters. The bill would prohibit, on or after January 1, 2030, a regional water quality control plan from including a schedule for implementation for achieving a water quality standard that was adopted as of January 1, 2021 and would prohibit a regional water quality control plan from including a schedule for implementation of a water quality standard that is adopted after January 1, 2021, unless specified conditions are met. The bill would prohibit an NPDES permit, waste discharge requirement, or waiver of a waste discharge requirement from being renewed, reissued, or modified to contain effluent limitations or conditions that are less stringent than those in the previous permit, requirement, or waiver. This bill would require, by January 1, 2030, the State Board and regional boards to develop an Impaired Waterways Enforcement Program to enforce all remaining water quality standard violations that are causing or contributing to an exceedance of a water quality standard.
- **Status:** Passed the Assembly Environmental Safety & Toxic Materials Committee on April 21, 5-3. On May 20, the Assembly Appropriations Committee held the bill in Committee and made AB 377 a two-year bill, which must pass the Assembly by January 31, 2022.

## **AB 652 (Friedman) – Product Safety: PFAS**

- **Summary:** Would, on and after July 1, 2023, prohibit a person, including a manufacturer, from selling or distributing in commerce in the state any new, not previously owned, juvenile product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS) at a detectable level above an unspecified amount. Would establish requirements for manufacturers when replacing PFAS chemicals in juvenile products.
- **Status:** Passed the Senate on September 1, 38-0; and the Assembly concurred in Senate amendments on September 2, 59-2, to the Governor for final action no later than October 10, 2021.
- **SGVCOG Position:** Watch

## **AB 818 (Bloom) – Solid Waste: Premoistened Nonwoven Disposable Wipes**

- **Summary:** Would require certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022, to be labeled clearly and conspicuously with the phrase “Do Not Flush” and a related symbol. The bill would prohibit a covered entity from making a representation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes. The bill would establish enforcement provisions, including authorizing a civil penalty not to exceed \$2,500 per day, up to a maximum of \$100,000 per violation, to be imposed on a covered entity who violates those

provisions. The bill would establish, until January 1, 2027, the California Consumer Education and Outreach Program, under which covered entities would be required to participate in a collection study conducted in collaboration with wastewater agencies for the purpose of gaining understanding of consumer behavior regarding the flushing of premoistened nonwoven disposable wipes and to conduct a comprehensive multimedia education and outreach program in the state.

- **Status:** Passed the Senate on August 30, 39-0; and the Assembly concurred in Senate amendments on September 1, 75-0, to the Governor for final action no later than October 10, 2021.
- **SGVCOG Position:** Support

### **AB 1195 (Garcia) – Southern Los Angeles County Regional Water Agency**

- **Summary:** Would create the Southern Los Angeles County Regional Water Agency as a regional water agency serving the drinking water needs of the cities, unincorporated areas, and residents in the communities overlying the Central Basin and West Coast Basin aquifers in southern Los Angeles County. The bill would require the agency to serve the region as the leader in interagency collaboration on water resource issues and to be governed by a 5-member board of locally elected officials in the agency’s jurisdiction, each appointed by a specified state or local entity. The bill would authorize the agency to serve the water needs of its region through specified activities, including, among others, operating public water systems or other water infrastructure and integrating other water systems in the region into its operations, as prescribed. The bill would authorize the agency to finance its operations through specified means, including, among others, collecting water rates, charges, fees, or established parcel charges previously charged by a water system for which the agency has assumed control.
- **Status:** Passed the Assembly on May 27, 56-19. The Senate rescinded referral to the Natural Resources Committee due to the COVID-19 limitations as to the number of bills an author can move during the 2021 Session. Assemblywoman Garcia will make the determination to move the bill during the 2022 Session.
- **SGVCOG Position:** Watch

### **AB 1200 (Ting) – Plant-based food packaging**

- **Summary:** Would prohibit, beginning January 1, 2023, any person from distributing, selling, or offering for sale in the state any food packaging that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances or PFAS. Would require a manufacturer to use the least toxic alternative when replacing PFAS chemicals. The bill would define “food packaging,” in part, to mean a nondurable package, packaging component, or food service ware that is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers.
- **Status:** Passed the Senate on September 3, 36-0; and the Assembly concurred in Senate amendments on September 7, 58-0, to the Governor for final action no later than October 10, 2021.
- **SGVCOG Position:** Watch

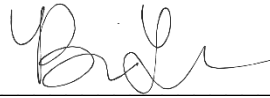
### **AB 1428 (Quirk) – Safe Drinking Water Act: Applicability**

# REPORT

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- **Summary:** Under existing law, a water district existence prior to May 18, 1994, that provides primarily agricultural services through a piped water system with only incidental residential or similar uses is not considered to be a public water system under specified conditions, including the system certifying that it is providing alternative water for residential or similar uses for drinking water and cooking to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulations. This bill would remove the provision authorizing those water districts to certify that they are providing alternative water for residential or similar uses to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulations.
- **Status:** On July 9, approved by the Governor.
- **SGVCOG Position:** Watch

Prepared by:



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