



San Gabriel Valley Council of Governments

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

Tuesday, November 9, 2021, 10:00 AM

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

Livestream Link: <https://youtu.be/L5rSb0SJEYMv>

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.sgvkog.org. Copies are available via email upon request (sgv@sgvcog.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 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 contact Brianne Logasa at least 48 hours prior to the meeting at (626) 457-1800 or at 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 5**)
Recommended Action: Approve October 12, 2021 Water Committee/TAC meeting minutes.
6. Adopt Resolution 21-02-WC Making Specified Findings to Enable the Water Policy Committee and TAC to Continue to Hold Meetings Via Teleconferencing (**Page 9**)
Recommended Action: Adopt Resolution 21-02-WC making specified 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.

ACTION ITEMS

7. Update to 2022 Legislative Platform
Recommended Action: Approve the revised 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.

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

8. Recycled Water Resources in the San Gabriel Valley – Tom Love, Upper San Gabriel Valley Municipal Water District (USGVMWD) and staff from LA County Sanitation. (**Page 11**)

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

9. Commission on State Mandates and Other Litigation (**Page 12**)
10. Regional Phase I Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit Implementation
11. Safe Clean Water Program (**Page 14**)
12. Federal and State Budgets and Legislative Updates (**Page 17**)
13. Water Supply Update
14. Water TAC Chair Report
15. Water Boards Update
16. Chair's Report

ANNOUNCEMENTS

ADJOURN



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

Date: October 12, 2021
Time: 10:00 AM
Location: Zoom/YouTube teleconference meeting

PRELIMINARY BUSINESS

1. Call to Order: G. Crudginton called the meeting to order at 10:02 A.M.
2. Roll Call

Water Policy Committee Members Present

J. Stark; Claremont
G. Boyer; Glendora
G. Crudginton; Monrovia
M. Clark; Rosemead
D. Mahmud; South Pasadena

Water Policy Committee Members Absent

San Gabriel
Sierra Madre

Water TAC Members Present

D. Dolphin; Alhambra
K. Kearney; Bradbury
S. Costandi/S. Gallant; Covina
A. Sweet; Glendora
R. Wang; LA County Public Works
J. Carlson; Sierra Madre
T. Gerber; South Pasadena

Water TAC Members Absent

Monrovia
Pomona
USGVMWD

Ex Officio Members Present

S. Green; LA County Sanitation Districts
L. Augino; Watermaster

Ex Officio Members Absent

K. Gardner; Watermaster

Guests

M. Barcelo; City of Walnut
D. Amaya; Assemblymember Rubio's Office
J. Millet; Richard, Watson, & Associates
L. Largent; O Strategies Group
A. Sanchez; Member of the Public
R. Tajir; Member of the Public
P. Cortez; USGVMWD
J. Casanova; Council for Watershed Health
J. Torres; City of Monrovia

SGVCOG Staff

- C. Sims
- B. Logasa
- P. Hubler
- T. Egan

3. Public Comment

- R. Tahir provided a public comment on his concerns related to the Upper Los Angeles River (ULAR) Watershed Management Group’s website and how it’s displaying information. Specifically, he raised concerns that the language on the website was misleading to residents. He also informed the Committee about administrative petitions that had been filed with the State Water Resources Control Board (SWRCB) challenging the 2021 MS4 Permit.

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

CONSENT CALENDAR

- 5. Water Committee/TAC September Meeting Minutes
- 6. Water TAC Special 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

There was a motion to approve the Consent Calendar items.
(M/S: D. Mahmud/G.Boyer)

[MOTION PASSED]

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

DISCUSSION ITEMS

8. Adoption of 2022 Legislative Platform

- The committee reviewed federal and state legislation from the most current legislative year that related to water policy. Based on the legislative review, the committee made revisions to the proposed 2022 legislative platform for water.

There was a motion to adopt the 2022 Legislative Platform.
(M/S: D. Mahmud/M. Clark)

[MOTION PASSED]

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

UPDATE ITEMS

9. MS4 Permit 101 Guide
B. Logasa, SGVCOG 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 as soon as possible, after which the guide for elected officials will be passed onto the Governing Board.
10. Regional Phase I Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit
There were no updates on this item.
11. Safe Clean Water Program
B. Logasa, SGVCOG Management Analyst, provided an update on the most recent meetings of the Regional Oversight Committee (ROC), Scoring Committee, Upper Los Angeles River (ULAR) WASC, Upper San Gabriel Valley (USGR) WASC, Rio Hondo WASC, and SIPs approvals. D. Mahmud asked if the programs within the SIPS that the Water Policy Committee/TAC supported were included in the Supervisor’s approval. C. Sims replied that staff can check that the programs were approved and present that next month.
12. Federal and State Budget and Legislative Updates
B. Logasa, SGVCOG Management Analyst, provided information on this item. Because the discussion item was related to this update item, B. Logasa encouraged everyone to review the agenda packet for more information on specific legislation.
13. Litigation Updates
D. Mahmud requested that staff provided an update next month on the pending mission on state mandates claims. There are still pending claims from the 2001 and 2012 MS4 Permit.
14. E/WMP Updates
D. Dolphin provided an update on the Upper Los Angeles River (ULAR) Watershed Management Group (WMG). Most of the Watershed Management Groups (WMGs) are working on their annual report. This will be the last annual report in the 2012 format. Next

year, the new formatting requirements of the 2020 MS4 Permit will be incorporated into the annual report.

15. Water Supply Update

P. Cortez provided an update on the drought situation in the San Gabriel Valley, sharing information on new water deliveries in the fall. Upper District did send out its water supply alert as necessitated from the water shortage contingency plan. We can anticipate that the Department of Water Resources or the Governor will soon make mandatory the voluntary 15% cut on water in December. Upper District has a new water conservation social media toolkit for cities available on its website.

16. Water TAC Chair Report

There were no updates on this item.

17. Water Boards Update

There were no updates on this item.

CHAIR'S REPORT

ANNOUNCEMENTS

No announcements.

ADJOURN

G. Crudgington adjourned the meeting at 11:39 A.M.

DATE: November 9, 2021

TO: Water Policy Committee & TAC

FROM: Marisa Creter, Executive Director

RE: **ADOPT RESOLUTION 21-02-WC MAKING SPECIFIED FINDINGS TO ENABLE THE WATER POLICY COMMITTEE AND TAC TO CONTINUE TO HOLD MEETINGS VIA TELECONFERENCING**

RECOMMENDED ACTION

Adopt Resolution 21-02-WC making specified 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:

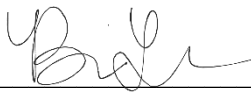
1. The local agency holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
2. The local holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether 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.¹ However, this Executive Order expired on September 30, 2021, despite the State of Emergency remaining in place.

¹ 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 21-02-WC 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 21-02-WC](#)

REPORT

DATE: November 9, 2021
TO: Water Policy Committee/TAC
FROM: Marisa Creter, Executive Director
RE: **RECYCLED WATER RESOURCES IN THE SAN GABRIEL VALLEY**

RECOMMENDED ACTION

For information only.

BACKGROUND

Drought has been increasingly at the front of mind for San Gabriel Valley communities. In July 2021, Governor Gavin Newsom declared a drought emergency for 50 of California's 58 counties; however, a statewide drought emergency mandate was declared on October 19, 2021, including Los Angeles County. Governor Newsom also signed an executive order calling for a voluntary 15% reduction of water consumption across the state. Despite this call to reduce water consumption, the report in Attachment A shows that many cities have not reduced their water use.


Water agencies and municipalities have long been preparing for this kind of extreme drought event, including investing in and planning for more recycled water use. Recycled water is the result of the recovery or reclamation of water from wastewater for non-potable—and sometime potable—uses. Recycled water can help maintain water supplies in the region, as it can be supplied back into the overall regional water system.

DISCUSSION


There is a lot of discussion in the public sphere about what is recycled water, how it works, and whether it is safe to use in our communities. At this meeting, Tom Love, General Manager of the Upper San Gabriel Valley Municipal Water District, along with staff from Los Angeles County Sanitation Districts, will present to the Water Policy Committee and TAC on the science and treatment process behind recycling water and water purification, as well as recycled water resources available locally and regionally.

ATTACHMENTS

Attachment A – [News Article on California drought](#)

Prepared by: 

Brianne Logasa
Management Analyst

Approved by: 

Marisa Creter
Executive Director

REPORT

DATE: November 9, 2021
TO: Water Policy Committee/TAC
FROM: Marisa Creter, Executive Director
RE: **COMMISSION ON STATE MANDATES AND OTHER LITIGATION**

RECOMMENDED ACTION

For information only.

BACKGROUND

During the previous Water Policy Committee/TAC meeting held on October 12, 2021, a committee member tasked staff with providing status updates on litigation regarding the 2001 and 2012 MS4 Permits.

The 2001 Permit was issued by the Regional Water Quality Control Board, Los Angeles Region and it authorized the County of Los Angeles and certain cities (collectively, the Operators) to operate stormwater drainage systems. The permit required the Operators to (1) install and maintain trash receptacles at transit stops; and (2) periodically inspect commercial facilities to ensure compliance with various environmental regulatory requirements. Some of the Operators filed claims with the Commission on State Mandates seeking a determination that the state must reimburse them for the costs related to the trash receptacle and inspection requirements under article XIII B, section 6 of the California Constitution. On January 4, 2021, the Court of Appeals affirmed the Commission's decision that the trash receptacle requirements of the 2001 MS4 Permit are unfunded mandates for which the County and Cities are entitled to reimbursement. No appeal was taken from this ruling, so the case is now considered concluded. Through this litigation it was established that the MS4 Permits can contain reimbursable state mandates and that stormwater permits can contain state mandates--as opposed to federal mandates.

The test claims arising from the 2012 Permit are still pending before the Commission. They have been continually delayed during the litigation, but it appears that the Commission is starting to take up some of the other stormwater test claims that were filed before the Los Angeles County claims. The Los Angeles Cities and County claims are tentatively set for hearing on May 27, 2022.

DISCUSSION


The 2021 Municipal permit was adopted on July 23, 2021. Any permittee that intends to file a test claim over obligations imposed by that permit must do so within 12 months of the permit's effective date. One issue that may arise with any test claim filed with respect to the new permit is the impact of the adoption of SB 231 (Hertzberg) in 2017.

ATTACHMENTS

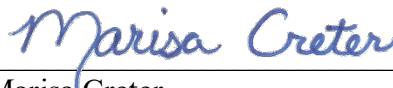
[Attachment A – Department of Finance v. Commission on State Mandates Final Opinion](#)

[Attachment B – SB 231 Text Language](#)

REPORT

Prepared by: 

Brianne Logasa
Management Analyst

Approved by: 

Marisa Creter
Executive Director

DATE: November 9, 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 meetings have happened since the last Water Committee/TAC meeting.

Regional Oversight Committee (ROC)

- Did not meet.

Scoring Committee

- Met on Tuesday, September 5, 2021 and voted to approve the Official Scoring for Ladera Heights – W Centinela Ave. Green Improvement Project. Met again on October 19, 2021 and discussed Ex Parte Communication Disclosure and Scoring of Feasibility Studies.

Upper Los Angeles River (ULAR) WASC

- Will meet on Wednesday, November 3, 2021.

Upper San Gabriel River (USGR) WASC

- Met on Thursday, October 28, 2021 and heard presentations on the Glendora Avenue Green Streets project, the Marchant Park project, and the Pelota Park project.

Rio Hondo WASC

- Met on Tuesday, October 19, 2021 and heard presentations for Scientific Studies Program. The first presentation was on the Community Garden Stormwater Capture Investigation, and the second presentation was on the Regional Pathogen Reduction Study. The WASC also approved the Rio Hondo Strategic Outreach and Engagement Plan.

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 Los Angeles County Flood Control District (District).

REPORT

While the SGVCOG did not formally submit letters of support for any project, the SGVCOG remains committed to supporting any municipality's project that advances their compliance with the Municipal Separate Storm Sewer System (MS4) Permit.

Member cities with approved projects:

- City of Diamond Bar
- City of El Monte
- City of Glendora
- City of Monrovia
- City of Pasadena
- City of South El Monte

Member cities with projects that were not approved:

- City of Pasadena

Attachment A details which projects were approved, and Attachment B highlights which projects were not approved. Among the projects that were not approved, some simply scored too low, or the WASC didn't have enough funding to spread to every eligible project.

FY 21-22 MUNICIPAL PROGRAM

Each municipality must submit an Annual Plan outlining its intended use of funds to receive its annual portion of the Municipal Program revenue. Plans for FY 2021-22 are being posted on the [Safe Clean Water Program webpage](#) for access by the public. The District currently intended to disburse the Municipal Program revenue by the end of August 2021; however, actual disbursements depended upon the conditions included in the Transfer Agreement.

ROUND 3 REGIONAL 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 WASCs and 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. Below are the selected Watershed Coordinators:

- Rio Hondo WASC: Richard Watson and Associates; Day Upper San Gabriel River WASC: Day One;
- Upper Los Angeles River (ULAR) WASC: Two Coordinators from the Council of Watershed Health and one from Environmental Outreach Strategies.

UPCOMING MEETINGS

- Regional Oversight Committee – TBD
- Scoring Committee – Tuesday, November 19, 2021, 1:00 – 5:00 pm
- Upper Los Angeles River WASC – Wednesday, December 1, 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

ATTACHMENTS

[Attachment A – Approved SIPs projects by WASC](#)

[Attachment B – Unapproved SIPs projects by WASC](#)

Prepared by:



Brianne Logasa
Management Analyst

Approved by:



Marisa Creter
Executive Director

DATE: November 9, 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 funding needed to finish the project is in both the House and Senate Energy and Water Appropriations bills. Congresswoman Napolitano’s staff are now waiting on these bills to be conferenced, passed again by Congress and signed by the President. They intend for this to take place within the next two months.

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. Signed into law by Governor Newsom on October 8.

- **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. Signed into law by Governor Newsom on October 5.
- **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. Signed into law by Governor Newsom on October 6.
- **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. Signed into law by Governor Newsom on October 5.
- **SGVCOG Position:** Watch

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

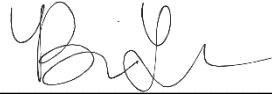
- **Summary:** Under existing law, a water district existence prior to May 18, 1994, that provides primarily agricultural services through a piped water system with only incidental residential or similar uses is not considered to be a public water system under specified conditions, including the system 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

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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.

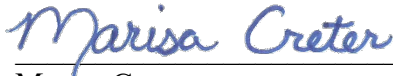
- **Status:** On July 9, approved by the Governor.
- **SGVCOG Position:** Watch

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