



San Gabriel Valley Council of Governments

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

Tuesday, April 13, 2021, 10:00 AM
Zoom Link: <https://zoom.us/j/96884330981>
Livestream Link: <https://youtu.be/5PlvrtxHqM>

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

Vice-Chair
Diana Mahmud
City of South Pasadena

MEMBERS
Claremont
Glendora
Monrovia
Rosemead
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
Duarte
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 STATE OF EMERGENCY RESULTING FROM THE THREAT OF COVID-19:

On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 authorizing a local legislative body 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 State of Emergency resulting from the threat of the Novel Coronavirus (COVID-19).

To follow the new Order issued by the Governor 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 Technical Advisory Committee (TAC) meeting scheduled for March 9, 2021 at 10:00 a.m. 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://zoom.us/j/96884330981>. You may also access the meeting via the livestream link on the front of the agenda page.

Submission of Public Comments: For those wishing to make public comments on agenda and non-agenda items you may submit comments via email or by phone.

- Email: Please submit via email your public comment to Samantha Matthews at smatthews@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 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 a reasonable accommodation to participate in this meeting should contact Samantha Matthews at least 48 hours prior to the meeting at (626) 457-1800 or email smatthews@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 1
Recommended Action: Approve March 9, 2021 Water Committee/TAC meeting minutes.
6. 2020 SGVCOG/Southern California Regional Energy Network (SoCalREN) Public Agency Programs Partnership Accomplishments – Page 5
Recommended Action: Receive and file.

PRESENTATION

7. Draft Statewide Sanitary Sewer Systems Order Reissuance – Andre Schmidt, Manager, Wastewater Collection System, Los Angeles County Sanitation Districts – Page 7
Recommended Action: For information only.

ACTION ITEMS

8. AB 818 (Bloom) – Page 9
Recommended Action: Recommend the Governing Board support AB 818 (Bloom).
9. SB 230 (Portantino) – Page 22
Recommended Action: Recommend the Governing Board support SB 230 (Portantino).

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

10. State Water Resources Control Board Order on Approval of Watershed Management Programs (WMPs) and an Enhanced Watershed Management Program (EWMP)
11. Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit
12. Safe Clean Water Program – Page 30
13. Legislative Updates – Page 33
14. Litigation Updates
15. E/WMP Updates
16. Water TAC Chair Report
17. Water Supply Update
18. Water Boards Update

CHAIR'S REPORT

ANNOUNCEMENTS

ADJOURN



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

Date: March 9, 2021
Time: 10:00 AM
Location: Zoom/YouTube teleconference meeting

PRELIMINARY BUSINESS

1. Call to Order: The meeting was called to order at 10:02 A.M.
2. Roll Call

Water Policy Committee Members Present

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

Water Policy Committee Members Absent

Sierra Madre

Water TAC Members Present

D. Dolphin; Alhambra
S. Gallant; Covina
A. Sweet; Glendora
R. Wang; LA County Public Works
A. Tachiki; Monrovia
J. Carver; Pomona
J. Carlson; Sierra Madre
T. Love; USGVMWD

Water TAC Members Absent

Bradbury
Duarte
South Pasadena
SGVMWD

Ex Officio Members Present

S. Green; LA County Sanitation Districts

Ex Officio Members Absent

Guests

K. Cowan; CASQA
H. Gest; Burhenn & Gest LLP
B. Pence; Napolitano Staff
D. Amaya; Rubio's Staff

SGVCOG Staff

S. Matthews
C. Sims
P. Hubler
T. Egan

3. Public Comment
There was no public comment.
4. Changes to Agenda Order.

No changes to agenda order.

CONSENT CALENDAR

5. Water Committee/TAC February Meeting Minutes

There was a motion to approve the Water Committee/TAC February meeting minutes.

(M/S: G. Boyer /D. Dolphin)

[MOTION PASSED]

AYES:	Committee – Claremont; Glendora; Monrovia; Rosemead TAC – Alhambra; Covina; LA County Public Works; Monrovia; Pomona; USGVMWD
NOES:	
ABSTAIN:	
ABSENT:	Committee – Sierra Madre; South Pasadena TAC – Bradbury; Duarte; Glendora; Sierra Madre; South Pasadena; SGVMWD

PRESENTATIONS

6. Appellate Court Decision in Department of Finance v. Commission of State Mandates

H. Gest presented on the Case, which challenged whether two requirements included in the 2001 Municipal Separate Storm Sewer System (MS4) Permit - requiring trash receptacles at transit stations and completing stormwater permit business inspections - were eligible for cost reimbursements under the California Constitution. The Court held that local governments were entitled to subvention for these trash receptacle requirements because they were mandatory programs that exceeded federal requirements, and local governments could not levy fees to cover these costs. Agencies were not entitled to subvention for stormwater permit inspection requirements because the agencies have the authority to levy fees to pay for those permit conditions. This ruling could have positive implications for local governments' cases cost reimbursement claims in later stormwater permits. There were questions on whether this case decision would affect the upcoming MS4 Permit and other litigation and H. Gest responded that future litigation will focus on voluntary vs. mandatory programs and whether a city has ability to assess fees to pay for stormwater programs.

ACTION ITEMS

7. AB 377 (Rivas/Hertzberg)

P. Hubler and K. Cowan presented on AB 377, which would prescribe that all California surface waters must be fishable, swimmable, and drinkable by 2050, with no additional funding provided. The Bill would also place strict limits on what the State Water Resources Control Board (State Board) and the regional water quality control boards (regional boards) could allow in future stormwater permits and requirements, including prohibiting compliance schedules and any discharges or best management practices that exceed water quality standards. This bill would also require development of an Impaired Waterways Enforcement Program to enforce all water quality standards violations. This Bill would significantly reduce the regulatory authority of the water boards and would likely result in permit violations.

**There was a motion to recommend the SGVCOG Governing Board oppose AB 377 (Rivas/Hertzberg).
(M/S: J. Stark/G. Boyer)**

[MOTION PASSED]

AYES:	Committee – Claremont; Glendora; Monrovia; Rosemead TAC – Alhambra; Glendora; Monrovia; Pomona; Sierra Madre; USGVMWD
NOES:	
ABSTAIN:	TAC – LA County Public Works
ABSENT:	Committee – Sierra Madre; South Pasadena TAC – Bradbury; Covina; Duarte; South Pasadena; SGVMWD

8. Financial Capability Assessment (FCA) State Legislation

P. Hubler presented on the FECA legislation, SB 426 (Rubio), which would require the State Board to develop Financial Capability Assessment (FCA) guidelines for cities and counties (permittees) seeking to comply with the Federal Clean Water Act (CWA). The state guidelines would be modeled on federal guidelines developed by the U.S. EPA over the past 20 years to achieve CWA compliance without in any way altering or waiving clean water standards but instead allowing elongated timeframes to avoid unacceptable cost burdens on communities. FCAs consider a wide range of financial capacity factors, including residential capability (e.g. median household income) and the financial strength of the permittee organization, such as bond ratings, debt, unemployment rate, tax revenue, and property tax rate.

**There was a motion to recommend the SGVCOG Governing Board support and sponsor SB 426 (Rubio).
(M/S: D. Mahmud/J. Stark)**

[MOTION PASSED]

AYES:	Committee – Claremont; Glendora; Monrovia; Rosemead; South Pasadena TAC – Alhambra; Glendora; Monrovia; Pomona; Sierra Madre; USGVMWD
NOES:	
ABSTAIN:	TAC – LA County Public Works
ABSENT:	Committee – Sierra Madre TAC – Bradbury; Covina; Duarte; South Pasadena; SGVMWD

UPDATE ITEMS

9. State Water Resources Control Board Second Proposed Order on Approval of Watershed Management Programs and an Enhanced Watershed Management Program
No updates.

10. Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit
No updates.

11. Safe Clean Water Program
A. Tachiki provided an update on the Safe Clean Water program, that District staff and the Regional Oversight Committee (ROC) are working on new program guidelines. A coalition of NGOs and OWLA have provided suggestions as to what scoring guidance should be

changed, particularly around nature-based solutions, disadvantaged communities (DACs), and community engagement. The ROC discussed the OWLA comments at length and are looking to adopt. However, with the passage of Measure W, there was already an extensive process on how projects would be scored and this process included in-depth negotiation between cities, the County, and other entities. The SGVCOG should submit a comment letter outlining this process that already occurred and that hasty changes to the program should not be made.

12. Legislative Updates

No updates.

13. Litigation Update

No updates.

14. E/WMP Updates

Permittees are waiting on RAA update guidance from Regional Board. The Upper LA River Group started work on the Pre-SIP and Bacteria LRS studies.

15. Water TAC Chair Report

A. Tachiki announced that he and Water Committee Chair and Vice Chair participated in a bi-monthly call with Safe Clean Water Program staff and invited other elected officials to participate on this call moving forward.

16. Water Supply Update

T. Love announced that statewide precipitation/snowpack is 65% of average. The State Water Project allocation is at 10%, whereas last year was at 20%. Colorado River supply is at 85%, but runoff has declined in recent years because of early warm spring. At the end of 2020, Metropolitan Water District ended the year with new record amount in storage with 3.2 million AF above emergency storage levels.

T. Love also announced that Upper District has moved educational and outreach materials online and hosts several popular landscaping and gardening classes that focus on conservation efforts.

K. Gardner announced that locally we are at 30% of average rainfall, so very little local replenishment expected. This week is Groundwater Awareness Week and focus is on how groundwater is dependent on rainfall and snowpack.

17. Water Boards Update

No updates.

CHAIR'S REPORT

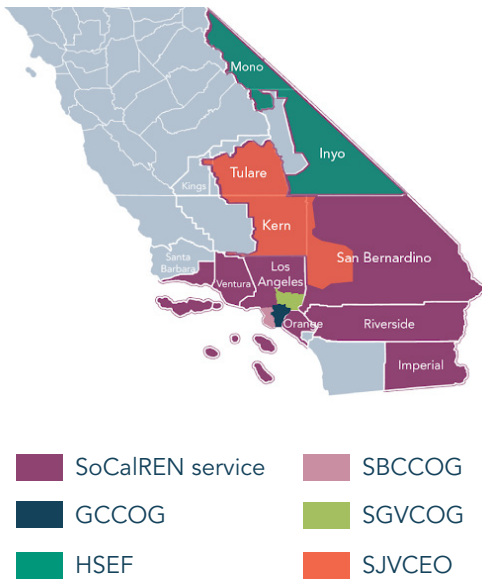
ANNOUNCEMENTS

ADJOURN

Meeting adjourned at 11:56 A.M.

SoCalREN is proud to collaborate with 5 regional partners to bring no-cost support on energy, demand, and water-saving projects to agencies across Southern California, from the high desert to the Sierra Nevada mountains. Below is a personalized summary for San Gabriel Valley Council of Governments. Take a look at what we accomplished together as a Network.

Regional Partners Territories



San Gabriel Valley Council of Governments

5
Enrolled
Agencies

*Industry, San Gabriel, Baldwin Park,
Bradbury, and Irwindale*

5
Re-engaged
Agencies

*Diamond Bar, Alhambra, Walnut,
Arcadia, and Duarte*

10
Agency
recognition
activities

5
Presentations for
engagement lead
generation

8
Energy
analysis
presentations

Regional Partnership Year End Review



23
Enrollments &
Toolkit Registrations



6
Enrolled Agencies
Re-engaged



19
Engagement
Meetings



10
Energy Analysis
Presentations



25
Newsletters &
Campaigns



7
Unique Collateral
Materials Developed



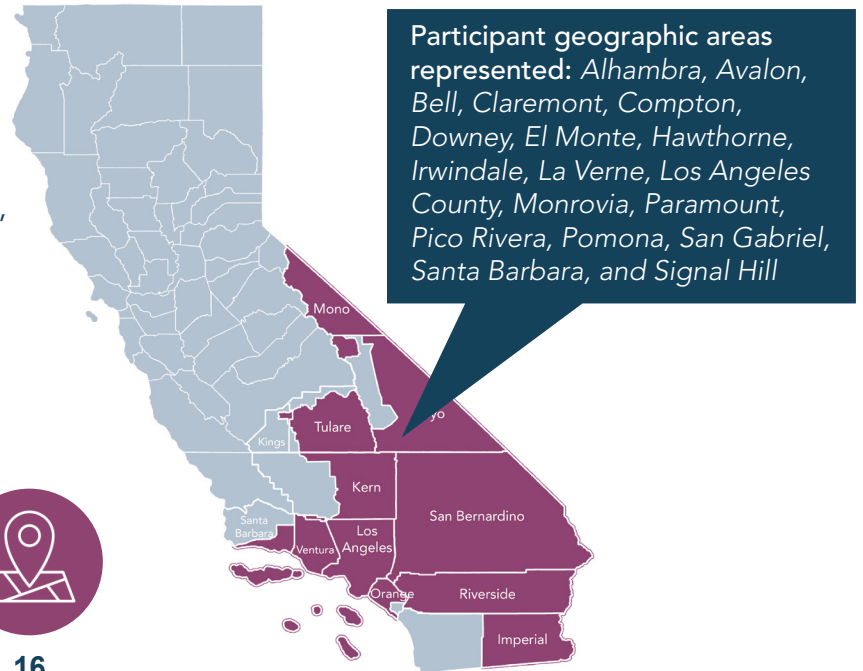
89
Posts for Social
Media Activity



8
Engagement &
Recognition Presentations

Capacity Building Energy Efficiency Training Series

In 2020, the Regional Partners supported engagement and outreach for SoCalREN's Capacity Building Sub-Program which offered an energy efficiency training series to help agency staff build technical skills and adapt to challenges created by COVID-19. Over the course of 3 weeks, 25 agencies participated in 10+ hours of virtual training to develop their in-house subject matter expertise and practical know-how. After the training, over 90% of participants agreed that this training series provided them with new skills to make more informed decisions about energy and facility management.



31

Registrations



74%

Registrations brought in by Regional Partnerships



16

Disadvantaged Communities

Conversations with SoCalREN

All the regional partners participated in SoCalREN's panel at the 11th Annual Statewide Energy Efficiency Collaborative (SEEC) Virtual Forum. During the panel, speakers shared how they were matching SoCalREN resources with the unique needs of their region, including disadvantaged and rural communities. Specifically, they discussed the recent shift towards virtual services and how it may actually benefit hard-to-reach communities. The panel discussion reinforced that committing resources to regional reach and engagement will lay a stronger foundation for the public sector to support California's long term energy vision.



DATE: April 13, 2021

TO: Water Policy Committee/TAC

FROM: Marisa Creter, Executive Director

RE: **DRAFT STATEWIDE SANITARY SEWER SYSTEMS ORDER REISSUANCE**

RECOMMENDED ACTION

For information only.

BACKGROUND

In 2006, the State Water Resources Control Board (State Water Board) adopted the first statewide Sanitary Sewer System General Waste Discharge Requirements for statewide regulation of sanitary sewers. This general permit applies to all public agencies that own and/or operate a sanitary sewer system with pipelines totaling more than one mile in length, and requires public agencies to report spills, develop a Sewer System Management Plan, and conduct internal audits. The Regional Water Quality Control Boards (Regional Water Boards) enforce the General Order and conduct informal and formal enforcement in response to spills.

In February 2021, the State Water Board issued an informal staff draft of the Statewide Sanitary Sewer System General Order reissuance, which can be found at the link [here](#). The reissuance aims to:

- Clarify existing prohibition of untreated waste discharge to waters of the State;
- Update the existing statewide General Order with implementation of State Water Board regulations and resolutions adopted since the 2006 adoption of the existing Order;
- Provide increased public transparency of sewer spill data, Sewer System Management Plans, and sewer system performance;
- Enhance Regional Water Board enforcement for General Order enrollees failing to proactively reduce sewage spills;
- Address sewer system resiliency through proactive planning to:
 - Identify system-specific impacts due to climate change, infrastructure age, population growth and other impacts, and
 - Prevent future spills;
- Increase coordination with other utility agencies in the sewer service area;
- Update monitoring and reporting requirements to address cost of compliance and data quality assurance;
- Incentivize system owner employment of certified collection system operators; and
- Expand Order coverage to allow discretionary regulation of privately owned systems, allowing a Regional Water Board to require a privately owned system to obtain coverage under the Order.

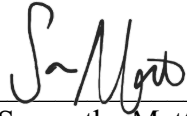
REPORT

The State Water Board also announced two public workshops to provide information regarding the informal staff draft General Order. Stakeholders are encouraged to provide feedback to staff during these workshops. These workshops will take place on Tuesday, April 13 from 1:00 p.m. to 4:30 p.m. and on Friday, April 16 from 9:00 a.m. to 12:30 p.m.

The State Water Board will issue a future public notice announcing the release of the official draft General Order, the public comment due date, and a corresponding State Water Board meeting to receive oral comments, at a further to-be-determined date.

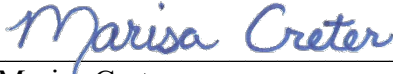
Andre Schmidt, Manager, Wastewater Collection System, Los Angeles County Sanitation Districts will present on the reissuance of the Statewide Sanitary Sewer Systems Order.

Prepared by:



Samantha Matthews
Management Analyst

Approved by:



Marisa Creter
Executive Director

REPORT

DATE: April 13, 2021

TO: Water Policy Committee/TAC

FROM: Marisa Creter, Executive Director

RE: **AB 818 (BLOOM)**

RECOMMENDED ACTION

Recommend the SGVCOG Governing Board support AB 818 (Bloom).

BACKGROUND

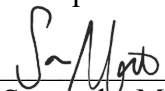
On February 16, 2021, Assembly Member Richard Bloom introduced AB 818. This Bill would require certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022 to be labeled clearly and conspicuously with the phrase “Do Not Flush.” Flushed wipes not only cause dangerous and costly backups in sewer pipes, but they also contribute to microplastics pollution. This Bill is nearly identical to AB 1672 from last year and is set to be heard in the Assembly Environmental Safety and Toxic Materials Committee before it is heard in the Assembly Judiciary Committee.

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. The Bill would require covered entities to annually report to specified legislative committees and the State Water Resources Control Board (State Board) on their activities under the program.

Those in support of the bill include the LA County Board of Supervisors, the League of California Cities, LA County Sanitation Districts, and the California Association of Sanitation Agencies (CASA).

The bill fact sheet is included as Attachment A and the bill text is included as Attachment B. SGVCOG staff will provide an update on the bill.

Prepared by: 
Samantha Matthews
Management Analyst

REPORT

Approved by: Marisa Creter
Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – Bill Fact Sheet
Attachment B – Bill Text

AB 818 (Bloom)

Proper Labeling for Wet Wipes

Fact Sheet

PROBLEM

Single-use wet wipes have been gaining popularity over the last decade nationwide, and their impacts to wastewater infrastructure have been further amplified by the COVID-19 pandemic. Single-use wet wipes are used for a variety of daily purposes, and some are advertised as “flushable,” while others have no disposal information on the packaging at all.

Consumers frequently use the wastewater system as a means of disposal, flushing wet wipes like diaper wipes, cosmetic wipes, and surface cleaning and disinfectant wipes, even when they are not intended to be flushed. The sale of both flushable and non-flushable wipes and inconsistency in labeling leads to consumer confusion about proper disposal. While consumer behavior cannot be legislated, legislation can require clear labeling to improve consumer understanding of what is flushable and what is not.

Following Governor Newsom’s Stay-At-Home order, [Executive Order N-33-20](#), enacted on March 19, 2020, consumer panic buying and subsequent shortages of toilet paper resulted in the increased flushing of alternatives like baby wipes and other non-flushable debris. As a result, local officials reported a large spike in non-flushable debris in sewer systems last Spring, resulting in significant and costly operational impacts. Wastewater operators in Redding, San Clemente, Orange County, Lakeport, Victorville, Beale Air Force Base, Napa, Cupertino, Tiburon, Marin, and San Diego reported wipes clogging sewage systems. Clogs like these can also result in environmental damage when sewers overflow and because wipes shed plastic microfibers, distributing microplastic particles in wastewater influent.

For over a decade, wipes have been one of the leading causes of residential and public sewer systems backups and equipment problems, costing

California wastewater operators at least \$50 million a year to manage.

SOLUTION

Wipes that are not intended by the manufacturer to be flushable, which are mostly made with plastic materials, should be clearly and conspicuously labeled as “DO NOT FLUSH.” AB 818 would define these non-flushable wipes as “covered products,” and require them to be clearly labeled with “DO NOT FLUSH” labeling and a universal moniker in accordance with widely accepted voluntary guidelines established by the Association of the Nonwoven Fabrics Industry’s code of practice. The bill would also require the manufacturers of “covered products” to conduct a comprehensive statewide consumer education and outreach campaign to inform the public about the meaning of the label requirements and to instruct consumers not to flush products covered by the label requirement

EXISTING LAW

There are currently no state or federal statutory requirements that govern how non-woven single-use wipes products are labeled or require information about intended disposal methods.

The State and Regional Water Resources Control Boards (Water Boards) authorize local public agencies to discharge wastewater in compliance with U.S. Clean Water Act and Porter-Cologne Water Quality Control Act. The State Water Board has a zero-tolerance policy for any unauthorized discharge of sewage for any reason, including accidental overflows. Violations of this policy can result in fines and penalties for the responsible agency. The Water Board also requires all sewer overflows to be reported to the

Board in a specified time period and requires the report to include information about the main cause of the overflow. Data about spills caused by wipes debris is maintained by the Water Board and can be accessed by the public.

BACKGROUND

On March 17, 2020, the California Water Boards sent out [a notice](#) advising Californians that wet wipes and paper towels can clog sewer systems and shouldn't be flushed. In the public notification, the Board mentions that wastewater treatment facilities around the state were reporting issues with their sewer management collection systems due to wipes being flushed. In order to prevent sewer spills they are urged Californians to not flush disinfectant wipes or paper towels down the toilet. U.S. EPA followed suit, issuing a similar public notification just weeks later.

SUPPORT

California Association of Sanitation Agencies (CASA) (Co-Sponsor)
 National Stewardship Action Council (Co-Sponsor)
 INDA – Association of the Nonwoven Fabric Industry (Co-Sponsor)
 Consumer Healthcare Products Association
 East Bay Municipal Utilities District
 Consumer Brands Association
 Kimberly-Clark Corporation
 Eastern Municipal Water District
 The City of West Hollywood

ASSEMBLY BILL**No. 818****Introduced by Assembly Member Bloom**

February 16, 2021

An act to add Part 9 (commencing with Section 49650) to Division 30 of, and to repeal Section 49652 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 818, as introduced, Bloom. Solid waste: premoistened nonwoven disposable wipes.

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste.

This bill would require, except as provided, 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, as specified. The bill would prohibit a covered entity, as defined, from making a representation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes, as provided. 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, among other things, 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. The bill would require covered entities to annually report to specified legislative committees and the State Water Resources Control Board on their activities under the program and would require the state board to post the reports on its internet website.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature in enacting this
2 act to create labeling requirements for premoistened nonwoven
3 disposable wipes that will enable consumers to easily identify
4 which premoistened nonwoven disposable wipes are composed of
5 petrochemical-derived fibers and therefore are not safe to dispose
6 of using sanitary sewer systems, in order to protect public health,
7 the environment, water quality, and public infrastructure used for
8 the collection, transport, and treatment of wastewater.

9 SEC. 2. Part 9 (commencing with Section 49650) is added to
10 Division 30 of the Public Resources Code, to read:

11
12 PART 9. PREMOISTENED NONWOVEN DISPOSABLE
13 WIPES
14

15 49650. For purposes of this part, the following definitions
16 apply:

17 (a) "Covered entity" means the manufacturer of a covered
18 product that is sold in the state or offered for sale in the state.
19 "Covered entity" includes a wholesaler, supplier, or retailer that
20 is responsible for the labeling or packaging of a covered product.

21 (b) "Covered product" means a consumer product sold in the
22 state or offered for sale in the state that is either of the following:

23 (1) A premoistened nonwoven disposable wipe marketed as a
24 baby wipe or diapering wipe.

25 (2) A premoistened nonwoven disposable wipe that is both of
26 the following:

27 (A) Composed entirely of or in part of petrochemical-derived
28 fibers.

(B) Likely to be used in a bathroom and has significant potential to be flushed, including baby wipes, bathroom cleaning wipes, toilet cleaning wipes, hard surface cleaning wipes, disinfecting wipes, hand sanitizing wipes, antibacterial wipes, facial and makeup removal wipes, general purpose cleaning wipes, personal care wipes for use on the body, feminine hygiene wipes, adult incontinence wipes, adult hygiene wipes, and body cleansing wipes.

(c) “High contrast” means satisfying both of the following conditions:

(1) Is provided by either a light symbol on a solid dark background or a dark symbol on a solid light background.

(2) Has at least 70 percent contrast between the symbol artwork and background using the following formula:

(A) $(B1 - B2) / B1 * 100 = \text{contrast percentage}$.

(B) B1 = the light reflectance value of the lighter area and B2 = the light reflectance value of the darker area.

(d) (1) “Label notice” means the phrase “Do Not Flush” and the size of the label notice shall be equal to at least 2 percent of the surface area of the principal display panel in size.

(2) For covered products regulated pursuant to the Federal Hazardous Substances Act (15 U.S.C. Sec. 1261 et seq.) by the United States Consumer Product Safety Commission under Section 1500.121 of Title 16 of the Code of Federal Regulations, if the label notice requirements in paragraph (1) would result in a type size larger than first aid instructions pursuant to the Federal Hazardous Substances Act, then the type size for the label notice shall, to the extent permitted by federal law, be equal to or greater than the type size required for the first aid instructions.

(3) For covered products required to be registered by the United States Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.), if the label notice requirements in paragraph (1) would result in a type size on the principal display panel larger than a warning pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, then the type size for the label notice shall, to the extent permitted by federal law, be equal to or greater than the type size required for the “keep out of reach of children” statement under the Federal Insecticide, Fungicide, and Rodenticide Act.

1 (e) (1) “Principal display panel” means the side of the product
2 package that is most likely to be displayed, presented, or shown
3 under customary conditions of display for retail sale.

4 (2) In the case of a cylindrical or nearly cylindrical package,
5 the surface area of the principal display panel constitutes 40 percent
6 of the product package as measured by multiplying the height of
7 the container by the circumference.

8 (3) In the case of a flexible film package in which a rectangular
9 prism or nearly rectangular prism stack of wipes is housed within
10 the film, the surface area of the principal display panel is measured
11 by multiplying the length by the width of the side of the package
12 when the flexible packaging film is pressed flat against the stack
13 of wipes on all sides of the stack.

14 (f) “Symbol” means the “Do Not Flush” symbol, or a gender
15 equivalent thereof, as depicted in the INDA/EDANA Code of
16 Practice Second Edition and published within “Guidelines for
17 Assessing the Flushability of Disposable Nonwoven Products,”
18 Edition 4, May 2018. The symbol shall be sized equal to at least
19 2 percent of the surface area of the principal display panel, except
20 as specified in clause (iii) of subparagraph (B) of paragraph (1) of
21 subdivision (a) of Section 49651.

22 49651. (a) Except as provided in subdivisions (b), (c), (d), and
23 (f), a covered product manufactured on or after July 1, 2022, shall
24 be labeled clearly and conspicuously in adherence with the
25 following labeling requirements:

26 (1) In the case of cylindrical or near cylindrical packaging
27 intended to dispense individual wipes, a covered entity shall
28 comply with one of the following options:

29 (A) Place the symbol and label notice on the principal display
30 panel in a location reasonably viewable each time a wipe is
31 dispensed.

32 (B) Place the symbol on the principal display panel, and either
33 the symbol or label notice, or the symbol and label notice in
34 combination, on the flip lid, subject to the following:

35 (i) If the label notice does not appear on the flip lid, the label
36 notice shall be placed on the principal display panel.

37 (ii) The symbol or label notice, or the symbol and label notice
38 in combination, on the flip lid may be embossed, and in that case
39 are not required to comply with paragraph (6).

1 (iii) The symbol or label notice, or the symbol and label notice
2 in combination, on the flip lid shall cover a minimum of 8 percent
3 of the surface area of the flip lid.

4 (2) In the case of flexible film packaging intended to dispense
5 individual wipes, a covered entity shall place the symbol on the
6 principal display panel and dispensing side panel and place the
7 label notice on either the principal display panel or dispensing side
8 panel in a prominent location reasonably visible to the user each
9 time a wipe is dispensed. If the principal display panel is on the
10 dispensing side of the package, two symbols are not required.

11 (3) In the case of refillable tubs or other rigid packaging intended
12 to dispense individual wipes and be reused by the consumer for
13 that purpose, a covered entity shall place the symbol and label
14 notice on the principal display panel in a prominent location
15 reasonably visible to the user each time a wipe is dispensed.

16 (4) In the case of packaging not intended to dispense individual
17 wipes, a covered entity shall place the symbol and label notice on
18 the principal display panel in a prominent and reasonably visible
19 location.

20 (5) A covered entity shall ensure the packaging seams, folds,
21 or other package design elements do not obscure the symbol or
22 the label notice.

23 (6) A covered entity shall ensure the symbol and label notice
24 have sufficiently high contrast with the immediate background of
25 the packaging to render it likely to be seen and read by the ordinary
26 individual under customary conditions of purchase and use.

27 (b) For covered products sold in bulk at retail, both the outer
28 package visible at retail and the individual packages contained
29 within shall comply with the labeling requirements in subdivision
30 (a) applicable to the particular packaging types, except the
31 following:

32 (1) Individual packages contained within the outer package that
33 are not intended to dispense individual wipes and contain no retail
34 labeling.

35 (2) Outer packages that do not obscure the symbol and label
36 notice on individual packages contained within.

37 (c) If a covered product is provided within the same packaging
38 as another consumer product for use in combination with the other
39 product, the outside retail packaging of the other consumer product

1 does not need to comply with the labeling requirements of
2 subdivision (a).

3 (d) If a covered product is provided within the same package
4 as another consumer product for use in combination with the other
5 product and is in a package smaller than three inches by three
6 inches, the covered entity may comply with the requirements of
7 subdivision (a) by placing the symbol and label notice in a
8 prominent location reasonably visible to the user of the covered
9 product.

10 (e) A covered entity, directly or through a corporation,
11 partnership, subsidiary, division, trade name, or association in
12 connection to the manufacturing, labeling, packaging, advertising,
13 promotion, offering for sale, sale, or distribution of a covered
14 product, shall not make any representation, in any manner,
15 expressly or by implication, including through the use of a product
16 name, endorsement, depiction, illustration, trademark, or trade
17 name, about the flushable attributes, flushable benefits, flushable
18 performance, or flushable efficacy of a covered product.

19 (f) (1) If a covered product is required to be registered by the
20 United States Environmental Protection Agency under the Federal
21 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et
22 seq.) and the Department of Pesticide Regulation under Division
23 6 (commencing with Section 11401) of the Food and Agricultural
24 Code, then the covered entity shall submit a label compliant with
25 the labeling requirements of subdivision (a) no later than January
26 1, 2023, to the United States Environmental Protection Agency,
27 and upon its approval, to the Department of Pesticide Regulation.

28 (2) If the United States Environmental Protection Agency or
29 the Department of Pesticide Regulation does not approve a product
30 label that otherwise complies with the labeling requirements of
31 subdivision (a), the covered entity shall use a label with as many
32 of the requirements of this section as the relevant agency has
33 approved.

34 (g) A covered entity may include on a covered product words
35 or phrases in addition to those required for the label notice if the
36 words or phrases are consistent with the purposes of this part.

37 49652. (a) The California Consumer Education and Outreach
38 Program is hereby established. As part of the program, covered
39 entities, in collaboration with other covered entities, shall do all
40 of the following:

1 (1) Participate in a collection study conducted in collaboration
2 with wastewater agencies for the purpose of gaining understanding
3 of consumer behavior regarding the flushing of covered products
4 as a key input into the design of a consumer education and outreach
5 program. The collection study shall be jointly coordinated by the
6 California Association of Sanitation Agencies and a group of
7 covered entities.

8 (2) Conduct a consumer opinion survey to identify baseline
9 consumer behavior and awareness regarding the flushing or other
10 disposal of covered products.

11 (3) Measure effectiveness of the consumer education program
12 on consumer awareness of the symbol and label notice and
13 consumer attitudes about disposal of covered products by
14 conducting a subsequent consumer awareness survey comparing
15 the baseline data provided by the 2022 survey with survey data
16 from subsequent years. The surveys to determine the effectiveness
17 and ongoing success of the consumer education program shall take
18 place annually until December 31, 2026.

19 (b) Covered entities, either independently or in collaboration
20 with other covered entities or other organizations, shall conduct a
21 comprehensive multimedia education and outreach program in the
22 state. At a minimum, the education and outreach program shall do
23 both of the following:

24 (1) Promote consumer awareness and understanding of and
25 compliance with the symbol and label notice requirements. Covered
26 entities shall provide wastewater agencies with the consumer
27 education messaging for the symbol and the label notice. The
28 wastewater agencies may include the messaging as part of their
29 routine communications with customers within their service area.

30 (2) Provide education and outreach in Spanish and English.

31 (c) Covered entities shall take reasonable steps to ensure that
32 they do not promote products outside of the scope of this part as
33 part of the education and outreach program.

34 (d) Covered entities shall take reasonable steps to ensure that
35 their education and outreach program does not conflict with the
36 programs of other covered entities or groups of covered entities.

37 (e) Covered entities, either independently or in collaboration
38 with other covered entities, shall report to the Senate Committee
39 on Environmental Quality, the Assembly Committee on
40 Environmental Safety and Toxic Materials, and the State Water

1 Resources Control Board on their activities under this section on
2 an annual basis. The State Water Resources Control Board shall
3 post the reports on its internet website.

4 (f) The California Consumer Education and Outreach Program
5 shall conclude on December 31, 2026.

6 (g) This section shall remain in effect only until January 1, 2027,
7 and as of that date is repealed.

8 49653. (a) A person who violates Section 49651 may be
9 enjoined in any court of competent jurisdiction.

10 (b) (1) A covered entity who violates Section 49651 may be
11 liable for a civil penalty not to exceed two thousand five hundred
12 dollars (\$2,500) per day, up to a maximum of one hundred
13 thousand dollars (\$100,000) for each violation. That civil penalty
14 may be assessed and recovered in a civil action brought in any
15 court of competent jurisdiction.

16 (2) In assessing the amount of a civil penalty for a violation of
17 Section 49651, the court shall consider all of the following:

18 (A) The nature, circumstances, extent, and gravity of the
19 violation.

20 (B) The violator's past and present efforts to prevent, abate, or
21 clean up conditions posing a threat to the public health or safety
22 or the environment.

23 (C) The violator's ability to pay the proposed penalty.

24 (D) The effect that the proposed penalty would have on the
25 violator and the community as a whole.

26 (E) Whether the violator took good faith measures to comply
27 with this part and when these measures were taken.

28 (F) The deterrent effect that the imposition of the penalty would
29 have on both the violator and the regulated community as a whole.

30 (G) Any other factor that justice may require.

31 (c) Actions may be brought pursuant to this section by the
32 Attorney General in the name of the people of the state, by a district
33 attorney, by a city attorney, by a county counsel, or by a city
34 prosecutor in a city or city and county having a full-time city
35 prosecutor.

36 (d) (1) Civil penalties collected pursuant to this section shall
37 be paid to the office of the city attorney, county counsel, city
38 prosecutor, district attorney, or Attorney General, whichever office
39 brought the action.

1 (2) Moneys collected by the Attorney General pursuant to this
2 subdivision shall be deposited into the Unfair Competition Law
3 Fund established pursuant to Section 17206 of the Business and
4 Professions Code.

5 49654. (a) The provisions of this part are severable. If any
6 provision of this part or its application is held invalid, that
7 invalidity shall not affect other provisions or applications that can
8 be given effect without the invalid provision or application.

9 (b) The Legislature finds and declares that this part addresses
10 a matter of statewide concern rather than a municipal affair as that
11 term is used in Section 5 of Article XI of the California
12 Constitution. Therefore, this part applies to all cities, including
13 charter cities. This part supersedes and preempts all rules,
14 regulations, codes, ordinances, and other laws adopted by a city,
15 county, city and county, municipality, or local agency regarding
16 the labeling of covered products.

O

REPORT

DATE: April 13, 2021

TO: Water Policy Committee/TAC

FROM: Marisa Creter, Executive Director

RE: **SB 230 (PORTANTINO)**

RECOMMENDED ACTION

Recommend the SGVCOG Governing Board support SB 230 (Portantino).

BACKGROUND

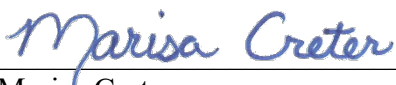
On January 19, 2021, Senator Portantino introduced SB 230. This Bill would require the State Water Resources Control Board (State Board) to establish, maintain, and direct an ongoing, dedicated program called the Constituents of Emerging Concern Program to assess the state of information and recommend areas for further study on the occurrence of constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The Bill would require the State Board to convene a Science Advisory Panel to review and provide recommendations to the State Board on CEC for further action. The bill would require the State Board 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.

The Bill would establish in the State Treasury the CEC Action Fund and would require moneys in the fund to be used, upon appropriation by the Legislature, for costs associated with implementing and administering the program. The bill would impose requirements on the State Board in connection with the program, including maintaining a program website and making relevant research, reports, and data available to the public.

The bill text is included as Attachment A. Staff will provide an overview of the bill.

Prepared by: 
Samantha Matthews
Management Analyst

Approved by: 
Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – Bill Text

SENATE BILL**No. 230**

Introduced by Senator PortantinoJanuary 19, 2021

An act to add Article 3.6 (commencing with Section 116416) to Chapter 4 of Part 12 of Division 104 of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 230, as introduced, Portantino. State Water Resources Control Board: Constituents of Emerging Concern Program.

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. The state board's duties include, but are not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable and safe supply of drinking water, enforcing the federal Safe Drinking Water Act, and adopting and enforcing regulations.

This bill would require the state board to establish, maintain, and direct an ongoing, dedicated program called the Constituents of Emerging Concern Program to assess the state of information and recommend areas for further study on, among other things, the occurrence of constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The bill would require the state board to convene, by an unspecified date, the Science Advisory Panel to review and provide recommendations to the state board on CEC for further action, among other duties. The bill would require the state board to provide an annual report to the Legislature on the ongoing work conducted by the panel.

The bill would establish in the State Treasury the CEC Action Fund and would require moneys in the fund to be used, upon appropriation

by the Legislature, for costs associated with implementing and administering the program, as specified.

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.

The bill would impose requirements on the state board in connection with the program, including, among others, maintaining a program internet website and making relevant research, reports, and data available to the public.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The United States Environmental Protection Agency
- 4 identifies potential contaminants through the federal Unregulated
- 5 Contaminant Monitoring Rule program.
- 6 (b) California adopts federally required monitoring from the
- 7 federal Unregulated Contaminant Monitoring Rule program.
- 8 (c) California establishes drinking water standards through the
- 9 State Water Resources Control Board, after the Office of
- 10 Environmental Health Hazard Assessment establishes a public
- 11 health goal.
- 12 (d) California administratively establishes notification levels
- 13 and response levels as precautionary measures for contaminants
- 14 that have not yet undergone or completed the regulatory standard
- 15 setting process.
- 16 (e) The process to identify, monitor, and consider a contaminant
- 17 for regulation may take many years.
- 18 (f) Analytical methods and technologies continue to advance
- 19 and allow detection of compounds at increasingly lower levels.
- 20 (g) The public's concern and engagement with constituents of
- 21 emerging concern has increased in recent years.
- 22 (h) The Legislature has implemented separate requirements for
- 23 certain chemicals.

1 (i) A unified, consistent, and science-based framework is desired
2 to more rapidly assess the public health and drinking water
3 consequences of a broad spectrum of constituents of emerging
4 concern.

5 (j) Proactive measures to support existing regulatory processes
6 are needed without interfering with or duplicating other state efforts
7 on constituents of emerging concern.

8 (k) Paragraph (1) of subdivision (b) of Section 116350 of the
9 Health and Safety Code gives the State Water Resources Control
10 Board the responsibility to conduct research relating to the
11 provision of a dependable, safe supply of drinking water.

12 (l) A Constituents of Emerging Concern Action Fund should
13 be established to maintain a program to improve the timeliness of
14 understanding the occurrence and public health effects of
15 constituents of emerging concern and to support the creation of a
16 science advisory panel to assist the State Water Resources Control
17 Board in its considerations for prioritizing and making regulatory
18 determinations for constituents of emerging concern.

19 SEC. 2. Article 3.6 (commencing with Section 116416) is
20 added to Chapter 4 of Part 12 of Division 104 of the Health and
21 Safety Code, to read:

22
23 Article 3.6. Constituents of Emerging Concern Program
24

25 116416. For purposes of this article, the following definitions
26 apply:

27 (a) “CEC” means a constituent or constituents of emerging
28 concern.

29 (b) “Panel” means the Science Advisory Panel convened
30 pursuant to Section 116418.

31 (c) “Program” means the Constituents of Emerging Concern
32 Program established pursuant to Section 116417.

33 116417. (a) The state board shall establish, maintain, and direct
34 an ongoing, dedicated program called the Constituents of Emerging
35 Concern Program to assess the state of information and recommend
36 areas for further study on all of the following:

37 (1) The occurrence of CEC in drinking water sources and treated
38 drinking water.

39 (2) Fate, transport, and biodegradation of CEC.

40 (3) Water treatment and laboratory analyses.

1 (4) The potential effects on public health of CEC in drinking
2 water sources and treated drinking water.

3 (b) Nothing in this article limits the state board's existing
4 authority to act on CEC.

5 116418. (a) The state board shall convene by ____ the Science
6 Advisory Panel for CEC in drinking water sources and treated
7 drinking water.

8 (b) The panel shall include at least seven members comprised
9 of experts from the fields of public health sciences, water and
10 wastewater engineering, toxicology, epidemiology, chemical
11 sciences, and biological sciences.

12 (c) The panel shall review and provide recommendations to the
13 state board on CEC for further action in accordance with Section
14 116419.

15 (d) The state board may adjust panel membership numbers and
16 composition, as necessary.

17 (e) The panel is not subject to Section 116725 or 116730.

18 116419. (a) The panel's advisory duties may include all of the
19 following activities at the state board's request, in consultation, as
20 needed, with the Office of Environmental Health Hazard
21 Assessment and the Department of Toxic Substances Control:

22 (1) Review existing data for CEC collected by the state board
23 and nationwide by the United States Environmental Protection
24 Agency's Unregulated Contaminant Monitoring Rule program and
25 recommend to the state board further actions based on state-specific
26 conditions and the state's CEC initiatives.

27 (2) Identify CEC candidates based on potential public health
28 effects.

29 (3) Incorporate recommendations from other ongoing state
30 efforts evaluating CEC.

31 (4) Evaluate and recommend a framework for standardizing
32 and validating detection methods, new screening methods,
33 monitoring approaches, and reporting procedures for CEC.

34 (5) Recommend a framework for a risk-based screening program
35 for CEC and appropriate indicators and surrogates that consider
36 their occurrence in drinking water sources and treated drinking
37 water supplies, contribution and fate in the environment, and
38 potential for human exposure.

39 (6) Recommend a process to ensure CEC data is integrated with
40 existing state databases.

1 (7) Review the results of any screening program and provide
2 recommendations to assist the state board in prioritizing,
3 monitoring, and making regulatory determinations for CEC.

4 (b) The state board shall provide an annual report to the
5 Legislature in compliance with Section 9795 of the Government
6 Code on the ongoing work conducted by the panel. The state board
7 shall complete a public review of an annual report before
8 submitting it to the Legislature.

9 (c) Nothing in this section duplicates, changes, or interferes
10 with the state board's ongoing efforts on CEC in recycled water.

11 116420. If the state board imposes CEC monitoring
12 requirements based on the recommendations of the panel, the state
13 board may provide financial assistance, upon appropriation by the
14 Legislature for this purpose, to a public water system upon a
15 showing that the costs associated with testing drinking water in
16 compliance with those requirements would impose a financial
17 hardship. These funds shall be dedicated for use by public water
18 systems serving fewer than 10,000 individuals and located in
19 disadvantaged communities.

20 116421. The Legislature finds and declares that the program
21 is intended to help inform the state board in making regulatory
22 determinations for CEC and is not intended to supersede any
23 requirements related to setting a maximum contaminant level or
24 a public health goal as prescribed in Section 116365.

25 116422. (a) The CEC Action Fund is hereby established in
26 the State Treasury. The state board shall administer the CEC Action
27 Fund.

28 (b) All moneys deposited in the CEC Action Fund shall be used,
29 upon appropriation by the Legislature, in support of all of the
30 following:

31 (1) Costs associated with establishing and maintaining the panel,
32 developing standardized methods and a risk-based screening
33 program, collecting occurrence data, and reporting on those
34 activities.

35 (2) Costs associated with developing standardized analytical
36 methods internally by the state board or through external contracts
37 or grants.

38 (3) Costs associated with contracts or grants to public or private
39 external research organizations to fill research gaps.

1 (4) Other state board costs associated with implementing and
2 administering the program.

3 (c) The state board shall provide for the deposit into the CEC
4 Action Fund of federal contributions, voluntary contributions,
5 gifts, grants, bequests, transfers by the Legislature from the General
6 Fund, and funding from authorized general obligation bond acts.
7 All moneys remitted to the state board pursuant to this section
8 shall be deposited in the CEC Action Fund.

9 116423. (a) The program shall provide opportunities for public
10 participation. The state board may use models used by other panels
11 or programs administered by the state board for community and
12 stakeholder outreach pursuant to this section. Public participation
13 shall include, but not be limited to, conducting periodic stakeholder
14 meetings and workshops to solicit relevant information, data,
15 suggestions, and feedback for the development and implementation
16 of the program.

17 (b) The state board shall maintain a program internet website
18 and make relevant research, reports, and data available to the
19 public.

20 (c) The state board shall provide an annual program update, as
21 an informational item, at a regularly noticed meeting of the state
22 board.

DATE: April 13, 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)

- Did not meet.

Scoring Committee

- Did not meet.

Upper Los Angeles River (ULAR) WASC

- Met on March 3, 2021 and voted to approve Teresa Villegas as Chair unanimously. Max Podemski will remain in his current position as the Vice Chair. The Committee heard presentations on the following four Infrastructure Program (IP) projects:
 - Northridge Middle School – Los Angeles Unified School District: The project feature site improvements, greening, bioswales, ADA upgrades, pervious pavers, and solar reflective asphalt coating and replacement.
 - Victory ES – DROPS – Los Angeles Unified School District: The project feature site improvements, new greening, stormwater capture areas, ADA upgrades, and solar reflective asphalt coating and replacement.
 - Woodlake ES – LID Project – Los Angeles Unified School District: The project feature site improvements, greening, bioswale areas, reading garden, ADA upgrades, and solar reflective asphalt coating and replacement.
 - Altadena Mariposa Green Street Demonstration Project: The project is a multi-objective Green Street that will protect water quality, improve drainage, and provide community urban greening benefits.
- Met on March 18, 2021 to hear presentations on the following two Infrastructure Program (IP) projects:
 - North Hollywood High School Comprehensive Modernization Project – Los Angeles Unified School District: The project includes modernization and new construction including fields, utilities, stormwater retention tanks and pretreatment system.

- Thomas Jefferson High School Comprehensive Modernization Project – Los Angeles Unified School District: The project includes new construction, modernization, utilities, new fields, and stormwater retention tanks, pretreatment, and infiltration system.

The Committee also heard presentations on the following three Scientific Studies:

- LAUSD Living Schoolyards Program Pilot Study – TreePeople with LAUSD and Studio-MLA
- Fire Effects Study in the ULAR Watershed Management Area – San Gabriel Valley Council of Governments on behalf of the ULAR Watershed Management Area
- Regional Pathogen Reduction Study – Gateway Water Management Authority

Upper San Gabriel River (USGR) WASC

- Met on March 25, 2021 to hear presentations on the following two Infrastructure Program (IP) projects:
 - Zamora Park Renovation Project – City of El Monte: Renovation of a 4.48-acre public park to remove all deteriorated recreation features and create new amenities, including LID elements.
 - Finkbiner Park Stormwater Capture Project – City of Glendora: Regional stormwater capture and infiltration facility located at Finkbiner Park beneath the open space of the existing park surface.

The Committee also hear one Scientific Study Presentation:

- Regional Pathogen Reduction Study – Gateway Water Management Authority

Rio Hondo WASC

- Met on March 16, 2021 to hear presentations on the following four Infrastructure Program (IP) projects:
 - East Los Angeles College Northeast Drainage Area and City of Monterey Park Biofiltration Project: The project integrates biofiltration systems into existing landscaped planters in the northeast part of ELAC campus and ELAC Transit Center.
 - Alhambra Wash Dry-Weather Diversion: The multi-benefit Project will divert and treat dry-weather runoff from Alhambra Wash upstream of Rio Hondo to address bacteria.
 - Eaton Wash Dry-Weather Diversion: The multi-benefit Project will divert and treat dry-weather runoff from Eaton Wash upstream of Rio Hondo to address bacteria.
 - Plymouth School Neighborhood Stormwater Capture Demonstration Project: Project employs pervious surfaces, trees, & LID elements to enhance drainage, water quality and augment water supply through infiltration.

TRANSFER AGREEMENTS

The District is currently working with municipalities and regional program recipients on executing Transfer Agreements (TAs). So far, the District has received 70 annual plans from municipalities and has executed agreements with 63 cities, providing payment to 50 of them. For the regional program, the District has received 35 scopes of work out of 48 projects and has not yet executed agreements with recipients.

WATERSHED COORDINATORS

The District is currently onboarding watershed coordinators. Each WASC has selected a preferred consultant and the District currently executing contracts with each consultant. The District expects to onboard the watershed coordinators and hold a collective meeting for all coordinators by early April.

PARTIAL FUNDING GUIDELINES

The District released guidelines on Stormwater Investment Plan (SIP) programming partial funding. While the District states that projects in SIPs should typically be recommended (i.e., programmed) to receive funding for their total estimated cost or requested need, the District recognizes that there are circumstances that warrant flexibility to allow WASCs recommend partial funding. During SIP development and programming, the WASCs are now authorized to recommend partial funding if the project application demonstrates a willingness and ability to complete the full project or scope identified in the application.

UPCOMING MEETINGS

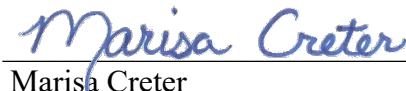
- Regional Oversight Committee – TBD
- Scoring Committee – Tuesday, April 6, 2021, 9:00 am – 12:00 pm
- Upper Los Angeles River WASC – Wednesday, April 7, 2021, 2:00 – 4:00 pm
- Upper San Gabriel River WASC – Every 4th Thursday of the Month, 1:00 – 3:00 pm
- Rio Hondo WASC – Every 3rd Tuesday of the Month, 1:00 – 3:00 pm

Prepared by:



Samantha Matthews
Management Analyst

Approved by:



Marisa Creter
Executive Director

DATE: April 13, 2021

TO: Water Policy Committee/Water TAC

FROM: Marisa Creter, Executive Director

RE: **LEGISLATIVE UPDATES**

RECOMMENDED ACTION

For information only.

BACKGROUND

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

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.
- **Status:** Introduced on December 7, 2020. Referred to Committee on Rules on February 10, 2021. Set for hearing April 12.
- **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 bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program. This bill would provide for the submission of these provisions to the voters at the November 8, 2022, statewide general election.
- **Status:** Introduced on December 7, 2020. April 8 hearing postponed by committee.
- **SGVCOG Position:** Watch

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

- **Summary:** Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency’s existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provision.

- **Status:** Introduced on January 29, 2021. Set for hearing April 12.
- **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 require the office to take specified measures to advance innovation in the water sector and would make findings and declarations regarding the need for water innovation. 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.
- **Status:** Introduced on February 9, 2021. Referred to Committee on Natural Resources and Water. Set for hearing on April 15.
- **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:** Introduced on February 12, 2021. Hearing on March 22 placed on Appropriations Committee suspense file.
- **SGVCOG Position:** Support

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

- **Summary:** Would amend Sections 25214.4.3 and 116875 of the Health and Safety Code, relating to drinking water. This bill would additionally define “lead free,” with respect to endpoint devices, as defined, to mean that the devices do not leach more than one microgram of lead under certain tests and meeting a specified certification. would require the department, when evaluating an endpoint device’s compliance with the above-specified definition of “lead free” The bill would also establish, to base its evaluation upon specified documentation that demonstrates certification that the endpoint device does not leach more than one microgram of lead under certain tests.
- **Status:** Introduced on December 11, 2020. Referred to Committee on Environmental Safety and Toxic Materials on January 11, 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:** Introduced on February 1, 2021. Amended and re-referred to Committee on Environmental Safety and Toxic Materials on March 23, 2021.
- **SGVCOG Position:** Oppose

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:** Introduced on February 12, 2021. Amended and re-referred to Committee on Environmental Safety and Toxic Materials on March 29, 2021.
- **SGVCOG Position:** Watch

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:** Introduced on February 18, 2021. May be heard in committee March 21, 2021.
- **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:** Introduced on February 18, 2021. Amended and re-referred to Committee on Environmental Safety and Toxic Materials on March 29, 2021.
- **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 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:** Introduced on February 19, 2021. Referred to Committee on Environmental Safety and Toxic Materials on March 11, 2021.
- **SGVCOG Position:** Watch

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