

# ENVIRONMENTAL QUALITY POLICY COMMITTEE

Friday, March 31

**10:00 a.m. – 1:30 p.m.**

Doubletree Hotel, 222 N. Vineyard Avenue, Grove Room, Ontario

Individuals who wish to review the full text of bills included in this packet are encouraged to do so by visiting the League's website at [www.cacities.org](http://www.cacities.org) and clicking on "Bill Search" found at the left column. Be sure to review the most recent version of the bill.

## AGENDA

### **SPECIAL ORDER: State Budget and Issues Briefing for all policy committee members**

**10:00 – 10:15 a.m., Harvest Room**

*Upon adjournment, individual policy committee meetings will begin.*

*(Given the limited flight schedule and meetings ending at 1:30 p.m., this briefing will be limited to only several major issues.)*

- I. Welcome and Introductions**
- II. Public Comment**
- III. Adopt 2017 Work Program (Attachment A)** *Action*
- IV. California Air Resources Board Update** *Informational*  
Speaker: Judy Mitchell, Board Member, California Air Resources Board  
Council Member, City of Rolling Hills Estates
- V. Legislative Agenda (Attachment B)** *Action*
  - 1. SB 5 (De Leon) California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018
  - 2. SB 231 (Hertzberg) Local government: fees and charges
  - 3. SB 541 (Allen) School facilities: water capture design standards
- VI. Existing Policy Subcommittee Report (Attachment C)** *Action*
  - 1. California Environmental Quality Act (CEQA)
  - 2. Community Choice Aggregation (CCA)
  - 3. Stormwater
  - 4. Delta Water Conveyance
- VII. Flood Protection Proposals Update (Handout)** *Informational*  
Speaker: Erin Evans-Fudem, League of California Cities
- VIII. Other Legislative Bills of Interest Update (Attachment D)** *Informational*  
Speaker: Erin Evans-Fudem, League of California Cities
- IX. Next Meeting: Friday, June 9, League Offices, Sacramento**

**NOTE:** Policy committee members should be aware that lunch is usually served at these meetings. The state's Fair Political Practices Commission takes the position that the value of the lunch should be reported on city officials' statement of economic interests form. Because of the service you provide at these meetings, the League takes the position that the value of the lunch should be reported as income (in return for your service to the committee) as opposed to a gift (note that this is not income for state or federal income tax purposes—just Political Reform Act reporting purposes). If you would prefer not to have to report the value of the lunches as income, we will let you know the amount so you may reimburse the League.

**Brown Act Reminder:** The League of California Cities' Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:

- 1. Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (**Note:** If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or
  - 2. A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.
- A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at League meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.

**Informational Items:** Any agenda item listed for information purposes may be acted upon by the Policy Committee if the Chair determines such action is warranted and conforms with current League policy. If the committee wishes to revise League policy or adopt new policy for an item listed as informational, committees are encouraged to delay action until the next meeting to allow for preparation of a full analysis of the item.

**ENVIRONMENTAL QUALITY POLICY COMMITTEE**

**2017 Work Program**

The Environmental Quality Policy Committee established four Subcommittees to review the League of California Cities existing policy. These Subcommittees will hold conference calls or webinars to review existing policy and consider recommending changes. Any changes recommended by the Subcommittees will be reviewed by the full Committee.

The four Subcommittees are as follows:

1. California Environmental Quality Act
2. Community Choice Aggregation
3. Delta Water Conveyance
4. Stormwater

**ENVIRONMENTAL QUALITY POLICY COMMITTEE**

**Legislative Agenda**

March 31, 2017

**1. SB 5 (De León) California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018**

**Bill Summary:**

SB 5 (De León), the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 proposes a \$3 billion bonds with funds to be directed to drought and drinking water projects, parks, and flood protection.

**Bill Description:**

If passed by the Legislature and signed by the Governor, SB 5 would place on the June 5, 2018 ballot a measure authorizing the state to sell \$3 billion in General Obligation bonds. SB 5 provides the following funding allocations:

Parks and Conservancies (\$1.5 billion)

1. \$600 million for the creation of neighborhood parks in park poor communities via competitive grants from the Department of Parks and Recreation pursuant to the 2008 program established by AB 31 (De León). Within this category, \$48 million would be allocated to local park improvement grants to correct historic underinvestments in the Central Valley, Inland Empire, gateway, and desert communities.
2. \$15 million to grants on a per capita basis to cities and districts in urbanized counties with a population above 500,000 that are providing park services in communities of 200,000 or less. A minimum allocation for each city or district is undefined. There is also \$15 million for per capita grants to counties and regional park districts.
3. \$100 million for restoration and preservation of existing state parks facilities.
4. \$25 million to the California Natural Resources Agency for competitive grants to provide nonmotorized infrastructure development that promote new or alternative access to parks to encourage health-related commuting.
5. \$20 million for competitive grants in counties with populations of less than 500,000 people.
6. \$125 million to the California Natural Resources Agency for River Parkway program grants and the Urban Streams Restoration Program. Of this, \$75 million would go to the Santa Monica Mountains Conservancy, and no less than 5% to the Santa Ana River Conservancy Program.
7. \$120 million to state conservancies and the Salton Sea Authority. Of this, \$40 million would go to the Salton Sea Authority with the remainder going to the nine state conservancies in amounts to be determined by the Legislature.
8. \$80 million for coastal and ocean resources in as-of-yet unspecified amounts to the Ocean Protection Council, the State Coastal Conservancy, and the San Francisco Bay Area Conservancy Program.
9. \$400 million for climate preparedness, habitat resiliency, resource enhancement, and innovation. Eligible activities include climate change adaptation, agricultural viability, wildlife corridors, habitat protection, natural community conservation plans, wildlife rehabilitation centers, protection of wildlife habitats threatened by sea level rise or ocean acidification, and several others. These funds would be awarded as competitive grant projects by the Legislature.

Drinking Water and Drought Preparedness (\$1 billion)

10. \$1 billion to supplement existing water programs funded by Proposition 1. These funds are subject to appropriation by the Legislature. Funding would be allocated across four Proposition 1 programs:

- a. \$250 million for aid to communities with contaminated water supplies.
- b. \$250 million for integrated regional management plans, urban and agricultural water conservation and water use efficiencies, and multibenefit stormwater management.
- c. \$250 million to prevent or reduce groundwater contamination.
- d. \$250 million for recycled water projects.

Flood Protection and Repair (\$500 million)

11. \$500 million for flood protection which would be divided into three funding streams:
  - a. \$300 million for flood protection including levees.
  - b. \$100 million for levee repairs and restoration within the San Joaquin-Sacramento Delta.
  - c. \$100 million for stormwater, mudslide, and other flash-flood related protections.

**Background:**

*Assembly Proposal for Parks Funding.* AB 18 E. Garcia) is the Assembly's park bond proposal. AB 18 is a \$3.005 billion bond proposal that dedicates a larger share of the funding to parks. AB 18 dedicates \$425 million to cities and counties to be allocated on a per capita basis, with cities guaranteed to receive a minimum of \$200,000. Furthermore, this proposal allocates \$900 million for safe neighborhood parks in park poor areas. The League has taken a support position on AB 18, due to the larger guaranteed per capita allocation. While AB 18 and SB 5 are on parallel tracks in the legislature, they two will eventually need to be consolidated. Both authors have expressed willingness to work together toward that end.

*Administration Proposal for Flood Control and Dam Safety.* The recent flooding and Oroville Dam crisis has created a renewed focus among state policymakers on water infrastructure. Following the crisis, SB 5 was amended to add \$500 million for flood control. Governor Brown also released a \$487 million four-point proposal, as follows:

1. Acceleration of Flood Control Investments – Use \$387.1 million of as yet-unallocated Prop. 1 funding for control projects in areas with significant risk, primarily in the Central Valley and Sacramento-San Joaquin Delta
2. Emergency Flood Response – Divert \$50 million to Department of Water Resources (DWR) for dam safety activities including flood risk reduction, and emergency planning and coordinating with local and federal agencies
3. Enhancing Dam Safety – Require updated emergency action plans and inundation map, loan \$6.5 million to fund DWR inspections and evaluation of structures such as spillways, allocate 1.8 million to the Office of Emergency Services for planning and coordination purposes
4. Request additional federal funding and resources

*Previous Parks and Water Bond.*

- Proposition 12, 2000: Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2000 authorized \$2.1 billion for in bond expenditures parks and water programs
- Proposition 40, 2002: California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 authorized \$2.6 billion for parks and other resource related purposes
- Proposition 84, 2006: The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 authorized \$5.4 billion, of which approximately \$875 million was for parks
- Proposition 1E, 2006: The Disaster Preparedness and Flood Protection Bond Act of 2006 authorized \$4.09 billion in general obligation bonds for various flood control projects
- Proposition 1, 2014: The Water Quality, Supply, and Infrastructure Improvement Act of 2014 authorized \$7.545 billion in general obligation bonds to fund ecosystem and watershed protection and restoration, water supply infrastructure projects, and drinking water protection

**Fiscal Impact:**

Cities and counties would receive a yet to be determined allocation from the allocation of \$15 million for local park rehabilitation and improvement grants. Additionally, cities would be eligible for a number of the grant programs included in the bond.

**Existing League Policy:**

*Water Infrastructure.* Strategic Goal #1 directs the League to seek additional funding for transportation and water infrastructure. Specifically, this goal directs support for water related needs including supply, sewer, storm water, flood control, beach erosion, as well as maintenance and construction.

*Parks Bond.* The League's *Existing Policy & Guiding Principles* document states that "The League believes that any statewide park bond measure should include a component that provides per capita grants to cities and counties." The League supported AB 2444 (E. Garcia, 2016), a \$3.5 billion parks bond proposal which would have allocated \$450 million to local governments on a per capita basis.

**Comments:**

According to the author, it has been three years after the initial inception of the drought that a water bond was approved. Much of those funds have been spent. It's been nearly 14 years since California last approved a "true" parks and open space bond. The 2008 economic downturn, combined with 5 years of historical drought conditions, have had a disproportionate impact on local and regional water and parks infrastructure.

There is a high unmet demand for new water and natural resource investment, as witnessed by the very high ratio of grant application requests versus available grant dollars for grants under the state water bond act and under programs like the AB 31 Statewide Urban Parks Program. Demand for scarce dollars has been particularly high in both urban and rural disadvantaged communities.

The Community Services Policy Committee will also consider SB 5.

**Support-Opposition (as of 3/16/17):**

Support: American Heart Association; American Stroke Association; Arroyos & Foothills Conservancy; Big Sur Land Trust; Bolsa Chica Land Trust; California Association of Resource Conservation Districts; California Trout; California Wilderness Coalition; Community Nature Connection; Environmental Defense Fund; Friends of the River; Grassland Water District; Hills for Everyone; Laguna Greenbelt, Inc.; Los Angeles Neighborhood Land Trust; Midpeninsula Regional Open Space; Ocean Conservancy; Orange County Water District; Pathways for Wildlife; Prevention Institute; SC Wildlands; Santa Clara Valley Open Space Authority; Save the Redwoods League; Sierra Club California; Sonoma County Agricultural Preservation and Open Space District; Sonoma Land Trust; TRUST South LA; Water ReUse California

Opposition:

Unknown

**Staff Recommendation:**

League staff recommends the Committee discuss SB 5 to determine a position. The Committee could consider monitoring the measure for the time being with further discussion in June. The Committee could also consider directing staff to seek amendments increasing the per capita allocation for local governments.

**Committee Recommendation:**

## **Board Action:**

### **2. SB 231 (Hertzberg) Local Government: Fees and Charges**

#### **Bill Summary:**

SB 231 would add stormwater fees to list of property-related fees that are not subject to Proposition 218 by adding stormwater to the definition of “sewer” in the Proposition 218 Omnibus Implementation Act.

#### **Bill Description:**

Proposition 218, passed by California voters in 1996, adds Articles XIII C and XIII D to the California Constitution. Before imposing “property-related fees” on property owners, Article XIII D requires local agencies to either: (1) provide written notice and a public hearing during which a majority protest of property owners would stop the process or (2) hold an election requiring a two-thirds vote. Property-related fees or charges for sewer, water, and trash collection are exempt from these requirements. However, the terms “sewer” and “water” are not defined in Article XIII D.

SB 231 is a majority vote bill that would add stormwater to the definition of “sewer” in the Proposition 218 Omnibus Implementation Act. The proposed definition is below:

“‘Sewer’ means services and systems provided by all real estate, fixtures, and personal property owned, controlled, operated, or managed in connection with or to facilitate sewage collection, treatment, or disposition for sanitary or drainage purposes, including lateral and connecting sewers, interceptors, trunk and outfall lines, sanitary sewage treatment or disposal plants or works, drains, conduits, outlets for surface or storm waters, and any and all other works, property, or structures necessary or convenient for the collection or disposal of sewage, industrial waste, or surface or storm waters. ‘Sewer system’ shall not include a sewer system that merely collects sewage on the property of a single owner.” [Emphasis added.]

SB 231 contains legislative finding and declarations explaining that the definition of “sewer” should include stormwater based previous statutes that existed before passage of Proposition 218 and based on a California Supreme Court decision. Among the findings:

- The definition in the Proposition 218 Omnibus Implementation Act has been in place in Public Utilities Code Section 230.5 since 1970.
- The California Supreme Court stated in *Los Angeles County Flood Control District v. Southern California Edison Co.* (1958) 51 Cal.2d 331, that “no distinction has been made between sanitary sewers and storm drains or sewers.”
- The term, “sewer” has been used interchangeably to refer to both sanitary and storm sewers in many other cases, including, but not limited to, *County of Riverside v. Whitlock* (1972) 22 Cal.App.3d 863, *Ramseier v. Oakley Sanitary Dist.* (1961) 197 Cal.App.2d 722, and *Torson v. Fleming* (1928) 91 Cal.App. 168.
- Prior legislation has affirmed particular interpretations of words in Proposition 218, specifically AB 2403 (Rendon, 2014), which added findings and declarations relevant interpreting the Proposition 218 and the definition of “water”.

#### **Background:**

*Definition of Sewer.* The question of whether “sewer” includes stormwater was the subject of a lawsuit before the California Court of Appeal. In *Howard Jarvis Taxpayers Association v. City of Salinas* (2002) 98 Cal.App.4th 1351, the Court concluded that stormwater fees did not fall under the sewer exception.

At its core, SB 231 is a “legislative fix” to change what some view as a misinterpretation by the Court in the *Howard Jarvis* decision. As the findings and declarations indicate, the California Supreme Court and other courts had already interpreted “sewer” as including stormwater and therefore the Court in *Howard Jarvis* should also have interpreted the term “sewer” as including stormwater.

*Federal Requirements and State MS4 Permits.* As stormwater washes down city roads, parking lots, lawns and buildings it picks up major pollutants including sediment, oil and grease, metals and other toxins. State and federal clean water laws combine to require cities, counties, and other local governments that own stormwater systems to develop and implement plans to reduce the level of pollutants discharged into federal and state waters. The plan and associated requirements are generally established under the National Pollutant Discharge Elimination System (NPDES).

California’s Municipal Storm Water Permitting Program regulates stormwater discharges from municipal separate storm sewer systems (MS4s). MS4 permits require cities to clean up polluted stormwater runoff to ensure discharges meet water quality standards. Failure to comply can result in fines of up to \$10,000 per contaminant per day.

*Funding Options.* Compliance with the state and federal requirements is costly, with local governments facing annual funding shortfalls. In 2015, the Public Policy Institute of California (PPIC) estimated the funding gap at approximately \$500-800 million annually. Options for cities to pay for projects needed to comply include state water bond funding, federal grant programs, use of local General Funds, or imposition of a fee or charge (which currently requires a two-thirds vote or majority of landowners under Proposition 218).

*State Mandate Claim.* As a result of a claim by 84 cities in Los Angeles County, the California Supreme Court has weighed in on two questions about reimbursable mandates in its 2016 decision on *Department of Finance et al. v. Commission on State Mandates*. This case arises from two conditions imposed by the Regional Water Quality Control Board for approval of the Los Angeles County MS4 Permit. The two conditions are to: (1) install and maintain trash receptacles at transit stops and (2) inspect certain commercial and industrial facilities and construction sites to monitor stormwater runoff for pollutants.

Generally, the Constitution requires reimbursement for state mandates with some exceptions, including when the mandate is required by federal law or when the local agency can pay for the requirement by raising fees. In its decision, the California Supreme Court ruled that the two requirements are reimbursable by the state because they are not required by federal law. However, the Court remanded for further proceedings the question of the ability to raise fees. A decision on the ability to raise fees is unlikely to affect stormwater fees because the fee at issue is a “fee for service”, not a property-related fee. A fee for service is not subject to Proposition 218 and does not require voter approval. The importance of this case lies in the clarification that the federal law exception.

*Existing Policy Review.* During its January 2017 meeting, the Environmental Quality Policy Committee created four subcommittees to review and recommend changes to the environmental quality sections of the *Existing Policy & Guiding Principles* document, including one to review the League’s stormwater policy. See the Existing Policy Subcommittee Report agenda item for further discussion.

*Prior Legislation.* SB 231 is similar to SB 1298 (Hertzberg, 2016). Ultimately, Senator Hertzberg decided that he wanted to personally work more on the language, and he chose not to move SB 1298 at the end of the 2016 Legislative Session.

**Fiscal Impact:**

If SB 231 is enacted, cities would have the ability to levy stormwater fees or charges.

**Existing League Policy:**

The League has a long history of working this issue, beginning with opposing Proposition 218 in 1996. The League was heavily involved in the opposition campaign, including a key role in fundraising against the measure. A review of the League's activities related to Proposition 218 follows:

2008 – League Board of Directors establishes The Water Task Force to examine the League's 1988 Water Policy Guidelines to determine whether changes are needed to more effectively guide the League's response to water policy proposals today. The Task Force Group met throughout 2009 and organized themselves into three working groups to examine the Water Guidelines in light of issues relating to Water Supply, Water Discharges and Water Quality. The Task Force participated in online or conference call discussions regarding proposed changes to the Guidelines. Task Force recommendations were ultimately forwarded to appropriate League Policy Committees for consideration, then final approval by the League Board of Directors.

February 2010 – Water Policy Guidelines adopted. It states that the “League supports legislation to provide funding for stormwater, water and wastewater programs, including a constitutional amendment which would place stormwater fees in the category of water and wastewater fees, for the purposes of Proposition 218 compliance.” (These guidelines have been included in all subsequent versions of the League's *Existing Policy & Guiding Principles*)

September 2013 – League General Assembly adopted a resolution by the LA County Division calling upon the Governor and Legislature to work with the League to provide adequate funding adequate funding to assist local governments in water conservation, groundwater recharge and reuse of stormwater and urban runoff programs.

November 2014 – League Board of Directors adopts annual 2015 Strategic Goals. Number 3 is to “Modernize the Financing of Critical Infrastructure Maintenance and Construction Programs. Provide state and local governments with new and innovative revenue options and resources to finance critical infrastructure maintenance and construction needs for our transportation (streets, roads, rail & transit), water supply, wastewater, stormwater, and other critical infrastructure systems.”

April 2015 – League Board of Directors approved staff recommendation to “authorize the League playing a leadership role in helping finance a statewide public opinion survey on the viability of voter approval of such a constitutional amendment, and, pending sufficient evidence of likely approval by the voters, help with securing legislative support for passage of the measure to be placed on the November 2016 ballot. A commitment of additional League funds should not be made until the final measure is approved, further polled, and determined to be viable.”

November 2015 – League Board of Directors adopts annual 2016 Strategic Goals. Number 1 is to “Increase Funding for Critical Transportation and Water infrastructure. Provide additional state and federal financial assistance and new local financing tools to help meet the critical transportation (streets, bridges, active transportation and transit) and water (supply, sewer, storm water, flood control, etc.) infrastructure maintenance and construction needs throughout California's cities.”

December 2015 – League files California Water Conservation, Flood Control and Stormwater Management Act with the Attorney General. The League ultimately decided not to pursue this measure based on unfavorable polling data.

2016 – Late in the Legislative session, Senator Hertzberg amended SB 1298 to add stormwater to the definition of “sewer” and authorize tiered water rates and lifelines rates for low-income assistance.



League Executive Board decided not to take a position. Individual cities took positions both supporting and opposing this measure.

The League Environmental Quality Policy Committee has had briefings on this issue at every meeting since 2014.

**Comments:**

According to the author, under current law, water agencies are limited in the type of infrastructure they can fund to manage storm and flood waters. Local governments are often underfunded and are constrained from easily charging and financing stormwater projects that we need to manage water supplies and address water pollution in our communities. Stormwater is a key source of local water supply and careful management is necessary now more than ever due to California's continuing cycles of drought.

According to the author, this bill amends state law to clarify the statutory authority of cities, counties, and local water agencies to finance stormwater projects. SB 231 defines "sewer" to include storm drainage, conforming to an existing 25-year-old definition in the California Public Utilities Code and encourages the courts to adopt this definition. This clarification makes it clear that local governments may build projects necessary to manage and reuse stormwater.

Senator Hertzberg has also introduced a companion measure, SCA 4, which states legislative intent to address water affordability and conservation.

**Support-Opposition:**

Support:

Water Foundation (sponsor)  
City of Signal Hill  
Contra Costa County

Opposition:

City of Glendora  
City of West Covina

**Staff Recommendation:**

League staff recommends the Committee discuss SB 231 to determine a position. In contemplating this measure, the Committee may wish to consider one key question:

Existing League policy supports exempting stormwater fees from the onerous two-thirds vote requirement in Proposition 218 to treat stormwater like other essential functions, including sewer and trash collection. Should the Committee support exempting stormwater fees from Proposition 218, does the method of seeking that change matter? In other words, does the committee believe the change should be made via constitutional amendment or is a statutory change acceptable?

**Committee Recommendation:**

**Board Action:**

## **2. SB 541 (Allen) School facilities: water capture design standards**

### **Bill Summary:**

SB 541 will encourage school districts to partner with local municipalities to address stormwater pollution by calling on the State Water Quality Control Board, the State Department of Education and the Office of the State Architect to develop best practices for water capture design standards for all new school construction and reconstruction, including work being done on school grounds.

### **Bill Description:**

SB 541 requires the Department of Education, the State Water Quality Control Board, the State Architect, and the Office of Public School Construction within the Department of General Services to consult and recommend best design practices for water capture design standards for public schools.

Recommendations must be reported to the Governor and the Legislature by January 1, 2019.

The measure defines “water capture” as meaning:

“to control water pollutants, pollutant loads, and water runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bio-retention, and rainfall harvest and use. Water capture may be used in open space, parks, fields, rooftops, streetscapes, parking lots, sidewalks, and medians.”

### **Background:**

*Federal Requirements.* As stormwater washes down city roads, parking lots, lawns and buildings it picks up major pollutants including sediment, oil and grease, metals and other toxins. State and federal clean water laws combine to require cities, counties, and other local governments that own stormwater systems to develop and implement plans to reduce the level of pollutants discharged into federal and state waters. The plan and associated requirements are generally established under the National Pollutant Discharge Elimination System (NPDES).

*State MS4 Permits.* California’s Municipal Storm Water Permitting Program regulates stormwater discharges from municipal separate storm sewer systems (MS4s). MS4 permits require cities to clean up polluted stormwater runoff to ensure discharges meet water quality standards. Failure to comply can result in fines of up to \$10,000 per contaminant per day.

Cities are working with their local park districts to find suitable open space sites to capture and begin to treat stormwater, but in many areas, school sites are among the largest parcels in otherwise fully built-out municipalities. However, because schools are not currently subject to an MS4 permit, there are no standards or best practices for schools to follow to encourage their partnership.

*Existing Policy Review.* During its January 2017 meeting, the Environmental Quality Policy Committee created four subcommittees to review and recommend changes to the environmental quality sections of the *Existing Policy & Guiding Principles* document, including one to review the League’s stormwater policy. See the Existing Policy Subcommittee Report agenda item for further discussion.

### **Fiscal Impact:**

This measure would enhance cities ability to comply with state and federal clean water requirements, thereby reducing the likelihood of noncompliance. Fines for failure to comply with these water quality requirements can be up to \$10,000 per contaminant per day.

**Existing League Policy:**

*Water Infrastructure.* Strategic Goal #1 directs the League to seek additional funding for transportation and water infrastructure. Specifically, this goal directs support for water related needs including supply, sewer, storm water, flood control, beach erosion, as well as maintenance and construction.

*Stormwater.* The League has longstanding policy of working to exempt fees raised for stormwater projects from Proposition 218, which requires either a two-third vote or majority of landowners to approve certain fees. The League's Water Policy Guidelines state that the "League supports legislation to provide funding for stormwater, water and wastewater programs, including a constitutional amendment which would place stormwater fees in the category of water and wastewater fees, for the purposes of Proposition 218 compliance."

**Comments:**

According to the author, school sites offer a unique opportunity to help municipalities capture and treat stormwater. A campus can be retrofitted and managed to capture, treat, store, and use rainwater that falls on school grounds and on the surrounding neighborhood. These retrofits, which could include the addition of rain gardens, bioswales infiltration galleries, cisterns, and planting native plants, will also help to improve the environmental quality of the school sites. Adding more greenspace, shade trees, gardens, and natural features will also offer students more healthy environments that have been shown to improve concentration, reduce stress, and stimulate creativity.

Over the next several decades, municipalities will be raising and spending billions of dollars to address stormwater runoff pollution. Money spent to capture, treat and store stormwater on school sites will have the dual benefit of improving our campuses for generations of schoolchildren to come. However, absent standards and best management practices, school districts are often hesitant to partner with cities and counties to locate stormwater projects.

**Support:**

City of Glendora  
City of Monrovia  
City of Signal Hill

**Opposition:**

Unknown

**Staff Recommendation:**

League staff recommends the Committee discuss SB 541 to determine a position.

**Committee Recommendation:****Board Action:**

**ENVIRONMENTAL QUALITY POLICY COMMITTEE**  
**Existing Policy Subcommittee Reports**  
 March 31, 2017

**Introduction:**

During the January 2017 Environmental Quality Policy Committee meeting, the Committee established four subcommittees to review and propose changes to the League's *Existing Policy & Guiding Principles*. The four Subcommittees focused on existing policy related to CEQA, Community Choice Aggregation, Stormwater, and Delta Water Conveyance. Subcommittees met via webinar in February and March to develop the proposals detailed below.

**1. CEQA Subcommittee****Subcommittee Volunteers:**

Richard O'Brien, Riverbank  
 David Pollock, Moorpark  
 Kendra Carney, Hawaiian Gardens  
 Bill Holland, Hesperia  
 George Moyer, Banning  
 Bryan Briggs, Fairfield  
 Joel Rojas, San Juan Capistrano  
 Sandra Genis, Costa Mesa

Lori Lamson, Apple Valley  
 Pat Eklund, Novato  
 Mireya Turner, Lakeport  
 John Masson, Escondido  
 Rey Leon, Huron  
 Matthew Summers, Ojai  
 Larry Mainez, Highland

**Proposal:**

The Subcommittee proposal is to eliminate the paragraph within the CEQA section entitled "Bounty Hunter Limitations" and substitute it with a paragraph entitled "Good Faith Settlements". See proposed revisions to the attached *Existing Policy & Guiding Principles* document.

**Staff Recommendation:**

League staff recommends the Committee discuss the proposed policy changes to determine whether to recommend these changes to the Board of Directors.

**Committee Recommendation:****Board Action:****2. Community Choice Aggregation Subcommittee****Subcommittee Volunteers:**

Richard O'Brien, Riverbank  
 Tom Butt, Richmond  
 Greg Lyman, El Cerrito

Marjorie Mohler, Yountville  
 Stanley Cleveland, Yuba City  
 Jesse Loren, Winters

**Proposal:**

The Subcommittee proposal is to add a subsection for community choice aggregation within the Utilities section. See proposed revisions to the attached *Existing Policy & Guiding Principles* document.

**Staff Recommendation:**

League staff recommends the Committee discuss the proposed policy additions to determine whether to recommend these changes to the Board of Directors.

**Committee Recommendation:**

**Board Action:**

**3. Stormwater Subcommittee**

**Subcommittee Volunteers:**

Richard O'Brien, Riverbank  
Lisa Ann Rapp, Lakewood  
June Overholt, Glendora  
Laura Emdee, Redondo Beach  
Kathryn Downs, Carson  
Margaret Clark, Rosemead  
Jennifer Mendoza, Lemon Grove  
John Masson, Escondido

Pat Eklund, Novato  
Mary Su, Walnut  
Matthew Summers, Ojai  
Daryl Grigsby, San Luis Obispo  
Allan Bernstein, Tustin  
Tom Stallard, Woodland  
Dana Grossi, Goleta

**Proposal:**

The Subcommittee proposal is to modify two paragraphs within the Financial Considerations section of the League's Water Guidelines. See proposed revisions to the attached *Existing Policy & Guiding Principles* document.

**Staff Recommendation:**

League staff recommends the Committee discuss the proposed policy changes to determine whether to recommend policy changes to the League's Board of Directors.

**Committee Recommendation:**

**Board Action:**

**4. Delta Water Conveyance Subcommittee**

**Subcommittee Volunteers:**

Richard O'Brien, Riverbank  
Allan Bernstein, Tustin  
Justin Mendes, Hanford  
Gabriel Quinto, El Cerrito  
Stanley Cleveland, Yuba City

Mina Layba, Thousand Oaks  
Margaret Clark, Rosemead  
John Masson, Escondido  
Pat Eklund, Novato

**Proposal:**

The Subcommittee proposes to have League staff provide additional resources detailing what changes have taken place since the League's Water Policy Guidelines were established in 2010.

**Staff Recommendation:**

League staff recommends the Committee discuss the proposal to determine whether to direct staff to proceed with the proposal.

**Committee Action:**

## ENVIRONMENTAL QUALITY POLICY COMMITTEE

Proposed Revisions to the  
Summary of Existing Policy and Guiding Principles

# Environmental Quality

## *Scope of Responsibility*

The Committee on Environmental Quality reviews issues related to air, water and water quality, climate change, CEQA, integrated waste management, hazardous materials, coastal issues, and utilities.

## *Summary of Existing Policy and Guiding Principles*

### **Air Quality**

The League supports inclusion of city officials on the governing boards of air districts and opposes efforts to delete such city representation.

The League believes cities should have the authority to establish local air quality standards and programs that are stricter than state and federal standards. The League opposes efforts to restrict such authority.

The League opposes legislation redirecting the funds authorized by Health and Safety Code Section 44223, which are currently used by local governments for locally based air quality programs.

The League opposes air quality legislation that restricts the land use authority of cities.

The League supports the requirement that both public and private diesel garbage trucks be retrofitted to reduce the amount of particulate matter pollution emitted from the trucks. (See also Integrated Waste Management Section below.)

### **Climate Change**

The League recognizes that climate change is both immediate and long term, with the potential for profound environmental, social and economic impacts to the planet and to California.

Through the Global Warming Solutions Act of 2006 (AB 32 (Nuñez), Chapter 488, Statutes of 2006) California has embarked on a plan that requires the reduction of greenhouse gas emissions to 1990 levels by 2020. Although uncertainty remains about the pace, distribution and magnitude of the effects of climate change, the League recognizes the need for immediate actions to mitigate the sources of greenhouse gas emissions and has adopted the following principles:

- Action Plans for Mitigating Greenhouse Gas Emissions. Encourage local governments to complete an inventory of greenhouse gas emissions, set appropriate reduction targets, and create greenhouse gas emission reduction action plans.

- Smart Growth. Consistent with the League's Smart Growth policies, encourage the adoption of land use policies designed to reduce sprawl, preserve open space, and create healthy, vibrant, and sustainable communities.
- Green Technology Investment Assistance. Support tax credits, grants, loans and other incentives to assist the public, businesses, and local agencies that invest in energy efficient equipment and technology, and fuel efficient, low emission vehicles.
- Energy and Water Conservation and Efficiency. Encourage energy efficiency, water efficiency, and sustainable building practices in new and existing public, residential and commercial buildings and facilities. This may include using the U.S. Green Building Council's LEED program or similar systems.
- Increase the Use of Clean Alternative Energy. Promote the use and purchase of clean alternative energy through the development of renewable energy resources, recovery of landfill methane for energy production and waste-to-energy technologies.
- Reduction of Vehicle Emissions in Public Agency Fleets. Support the reduction of vehicle emissions through increased fuel efficiency, use of appropriate alternative fueled vehicles, and/or low emission vehicles in public agency fleets. Encourage the use of appropriate alternative fueled vehicles, and/or low emission vehicles in private fleets.
- Climate Change Impacts. Encourage all levels of government to share information to prepare for climate change impacts.
- Coordinated Planning. State policy should encourage and provide incentive for cities to coordinate and share planning information with neighboring cities, counties, and other governmental entities so that there are agreed upon regional blueprints and strategies for dealing with greenhouse gas emissions.
- Water Supply for New Development. Encourage exchange of water supply information between state and local agencies, including information on the impacts of climate change on state and local water supplies.
- Recycles Content and Green Purchasing Policies. Encourage the adoption and implementation of recycled content and green procurement policies, if fitness and quality are equal, including the adoption of an Environmental Management System and authorization of local agencies to consider criteria other than only cost in awarding contracts for services.

## **Hazardous Materials**

The League supports the ability of local governments to enact local standards or regulations that are stronger than those enacted at the state and federal level. To this end, where the city fire department is the lead agency for regulating and enforcing hazardous materials laws, the League supports the provisions of existing law that permit a local fire department to adopt stronger local requirements, as long as it complies with specified procedures to enact such stronger local standards. The League opposes legislation or regulations that restrict such authority.

The League supports efforts to streamline and coordinate hazardous materials regulation among various levels of government, including city fire and county environmental health departments. The League supports the ability of city fire departments to be administering agencies for any of the major hazardous materials laws or to be the lead agency (the Certified Unified Program

Agency) under the SB 1082 program, and opposes legislation or regulations to restrict such authority.

The League opposes any efforts to restrict the ability of cities to issue building or other permits it is now authorized to issue relative to hazardous materials laws.

The League opposes any proposals that would preempt the ability of a city to deny a land use permit or restrict its ability to issue a conditional use permit for the siting of a hazardous waste facility.

The League opposes legislation that mandates that cities post information on the Internet regarding adoption, amendment or repeal of hazardous materials ordinances. However, the League does not object to legislation that makes such posting voluntary.

The League supports the following principles related to Brownfields Revitalization:

- The League supports state and federal legislation that would create additional fiscal resources and options to restore and develop urban and industrial brownfields contaminated by hazardous materials. The League also supports creative state and federal efforts to encourage revitalization and better use of abandoned urban and industrial brownfields, as long as local governments retain existing land use authority.
- Cities should have the ultimate say on whether a proposed brownfield remediation project is consistent with local land use policy. The proposed use of a project (i.e., parking garage, business park, residential development) should be consistent with a city's general plan and land use authority.
- The clean-up level of a project should be based on its proposed use (i.e., parking garage, as oppose to residential development).
- Mechanisms, such as restrictive covenants of deed restrictions, need to be in place to ensure that if a future use for a property is different than that which was proposed when the site was cleaned up, that the clean-up levels be re-evaluated and additional remediation be required before the new use can be approved.
- Local agencies do not have the desire or generally the expertise to do the technical evaluation for site assessment and remediation plans. Appropriate state agencies should have that responsibility.
- If a property owner plans to develop the site, then the owner should be required to do the necessary site assessment and clean up.

## **Integrated Waste Management**

The League supports continued efforts by local agencies to meet the 25% and 50% recycling and diversion provisions of the Integrated Waste Management Act of 1989 (AB 939) and believes that decisions on how to achieve those requirements are best determined at the local level, rather than by state agencies. The League believes that those jurisdictions that have made a good faith effort to comply with the requirements of AB 939 should not be subject to enforcement penalties. The League opposes the repeal of AB 939, but supports continued efforts to streamline its provisions and to assist in compliance.

The League believes that green waste used as alternative daily cover (ADC) should be eligible for limited AB 939 credit, as long as the ADC meets performance and health and safety criteria established by the California Integrated Waste Management Board (CIWMB), now the California Department of Resources, Recovery & Recycling (Cal Recycle).



The League opposes efforts to dismantle the CIWMB and transfer its functions to a department. This position is based upon the need to have public access to decision makers outside of the administrative process, similar to access that Waste Board members currently provide. The League supports inclusion of a designated local government representative on the CIWMB.

The League continues to support legislation to provide changes to AB 939 (the California Integrated Waste Management Act) that will:

- Place more emphasis on implementation of waste diversion programs and less strict mathematical accounting;
- Require Cal Recycle to evaluate the level of accuracy of the existing system the board uses to measure jurisdictions' achievement of the waste diversion requirements of state law and develop appropriate policies, in consultation with local jurisdictions, to account for any inaccuracies in the system;
- Encourage the development of non-burn transformation technologies by providing full diversion credit for the waste that jurisdictions send to non-burn transformation facilities;
- Require the board to expand its market development activities, including providing more funding for research and development of markets for recyclable materials; and
- Require Cal Recycle to staff its existing regional offices with personnel that can assist jurisdictions in carrying out the requirements of the act.

The League supports legislation and other efforts to increase the markets for recycled materials, including advance disposal fees, minimum content laws, and recycling market development zones. The League opposes legislation that requires local governments to adopt refuse fees based upon variable can rates.

The League supports efforts to strengthen curbside recycling programs and opposes efforts to weaken such programs. The League supports legislation to expand the container types included in the AB 2020-bottle bill program.

The League supports the right of cities under existing law to be designated as Local Enforcement Agencies for solid waste facility permitting, inspection and enforcement, and opposes legislation to restrict this authority or transfer it to state agencies.

The League opposes legislation that would preempt local land use authority over solid waste facilities, would restrict the ability of a city to issue a land use permit for a solid waste facility or would restrict the ability of a city to condition such facilities through the conditional use permit process.

The League does not oppose legislation that assesses fees on solid waste that is disposed of out of state, as long as the fees reflect the pro-rata portion of in-state costs.

The League opposes legislation that would authorize the Director of Cal Recycle to consider landfill capacity as a reason for denying concurrence of a solid waste facility permit and also opposes legislation that would prohibit a public agency from being certified as a Local Enforcement Agency if the public agency is also an operator of a solid waste facility.

The League opposes legislation that would authorize the Director of Cal Recycle to consider environmental justice as a basis for concurring or denying a solid waste facility permit. The League has adopted the policy that issues of environmental justice are best addressed at the local level through the local land use and public hearing process and through existing federal and state policy.

While the League supports the retrofit of public and private diesel fueled garbage trucks to reduce particulate matter air pollution (see Air Quality section), the League opposes funding such retrofits in a way that would either interfere with the existing franchise relationship between local governments and haulers or would impose a surcharge on landfills.

## **Electronic Waste**

The League supports legislation implementing the concept of manufacturer responsibility for electronic waste (e-waste). This includes, but is not limited to, encouraging or providing incentives for e-waste recycling, requiring manufacturers of computer, cathode-ray tube (CRT), photovoltaic modules (solar panels) and other electronic products considered universal wastes, to operate or fund comprehensive, extended producer responsibility programs. Such programs should require products to be sustainably designed and labeled, offer financial incentives to consumers to properly dispose e-wastes, encourage recycling, reuse and collection programs by manufacturers, incentives to consumers to redeem or recycle e-waste, and fund a convenient collection infrastructure.

The League supports statewide and manufacturer education programs to educate consumers about e-waste and recycling efforts.

The League supports an advance disposal fee on computer and other electronic products in order to fund such manufacturer responsibility programs and local collection and recycling programs.

The League supports national efforts to address the e-waste problem.

## **Household Hazardous Waste**

The League opposes legislation that requires local jurisdictions to collect household hazardous waste in a specific collection manner, including mandatory curbside collection.

## **Extended Producer Responsibility (EPR)**

The League supports legislation implementing producer responsibility. This includes, but is not limited to, mandating or providing incentives including funding for comprehensive producer responsibility programs for hazardous and universal wastes and products and packaging for which disposal or recycling is problematic for local governments.

## **Single-Use Carryout Bags**

The League supports in concept legislation that charges a fee for all consumers for single-use carryout bags at the point of sale; however, the League does not have a position on the amount of the fee except that it should be set to modify consumer behavior.

Cities should be eligible for moneys generated from any fee placed upon single-use carryout bags, provided those dollars are used by the city to mitigate the effects of single-use carryout bags on the storm water, solid waste diversion, visitor education and awareness, and water quality in the city. Any application for funding provided to cities by single-use carryout bag fees should be streamlined, simple and not overly burdensome.

The League supports CEQA exemptions for single-use carryout bag bans or a programmatic EIR.

The League opposes any bill that would preempt local governments from individually banning or placing a fee on single-use carryout bags distributed within the city.

## **Utilities**

The League supports the constitutional right of municipal utilities to operate outside the jurisdiction of the California Public Utilities Commission (PUC) and opposes any legislation that would erode the ability of municipal utilities to operate, or place them under PUC control.

The League opposes legislation that dictates the mix of generating sources (i.e., hydro, coal, biomass, wind, etc.) used by municipal utilities.

The League opposes any legislation that interferes with local utility rate setting authority and opposes any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to the city's general fund.

The League is neutral on legislation requiring municipal electric utilities to include a "renewable portfolio standard" (RPS) in their mix of sources of electricity, as long as the requirement is the same as that which applies to investor owned utilities. The League opposes legislation that requires municipal electric utilities to meet an RPS that is stronger than that applied to investor owned utilities.

The following principles will guide the League's position regarding exit fees to avoid cost shifting for newly formed municipal utilities or extensions of existing municipal utilities:

- A mechanism or venue other than the PUC should be used to determine and impose the exit fees in order to prevent PUC jurisdiction over municipal utilities. For example, exit fees might be best evaluated and incorporated by the courts as part of eminent domain and the condemnation proceeding used when a city wishes to take over the IOU's distribution system.
- The League does not object to fair exit fees to avoid cost shifting for customers that were actually served by an investor-owned utility.
- Exit fees should consist of payments of a fair share of the DWR bond costs, a fair portion of the IOU under collections and a fair share of the remaining amount of the CTC (competition transition charge, left over from AB 1890).
- Exit fees should not be charged to newly annexed municipal utility territory that was never served by an IOU (so called "greenfields").
- In addition, the League believes photovoltaic systems should be completely exempt from any type of exit fee.

### **Community Choice Aggregation**

**Local Energy Autonomy. The League supports programs that increase local control over the purchase and development of renewable energy resources, as an effective means of increasing consumer access to renewable energy at stable, competitive rates, and decreasing statewide greenhouse gas emissions.**

**The League supports cities' exercise of the right to form or join existing Community Choice Aggregation (CCA) entities, as an effective method increasing local control over**

**power supply. Accordingly, the League supports legislation and regulatory policies that support CCA autonomy in policymaking and decision-making, and opposes legislation and regulatory policies that unfairly disadvantage CCAs or CCA customers, or reduce or undermine local decision-making autonomy by the CCA or its governing board.**

**The League supports continuing development of local renewable energy resources and supply, including protection of local autonomy to administer energy efficiency and install and utilize integrated distributed energy resources.**

**Consumer Protection. The League supports complete transparency of all energy procurement practices, stranded costs, and departing load charges. The League supports fair competition in statewide energy markets for CCAs and municipal or other publicly-owned utilities. The League supports legislation and regulatory policies that protect CCA customers from improper cost allocation. The League opposes legislation that conflicts with or diminishes CCA procurement autonomy.**

**Energy Efficiency. The League supports effective leveraging of energy efficiency programs tailored to address local needs and concerns.**

## **Electric Industry Restructuring**

The League supports restructuring of the electricity services industry, provided it meets the following criteria:

- **Support the Concept.** The League of California Cities supports the concept of electric industry restructuring if it results in lower electricity rates that continue permanently into the future. The League does not support or oppose any specific form of restructuring and believes the program ultimately implemented must satisfactorily address the adopted criteria listed below. Any new industry restructure should be based on a thorough economic analysis of the full costs and potential benefits of the alternatives under consideration.
- **Equitable Benefits.** Any restructuring program should result in all ratepayers directly sharing in the benefits equitably.
- **Municipal Utilities.** Any restructuring program should maintain the concept of municipal utilities. No restructuring proposal should abridge the existing authority of municipal utilities to operate or abridge the ability of cities to form municipal utilities in the future.
- **Franchise Authority.** Cities should continue to have the authority to issue franchises and any program should be at least revenue neutral relative to revenue currently received from franchises.
- **Aggregation.** Under any restructuring program agreed upon by the PUC or the Legislature, cities should have the opportunity to become aggregators for municipal operations or the community at large. As an aggregator, a city would be able to combine the electric loads of various users and negotiate the purchase of electricity for those users.
- **Stranded Investments.** The problem of stranded investments should be resolved in a way that keeps investors, ratepayers, and generators financially whole. Any policy to deal with stranded investments for large energy producers (i.e., nuclear power) should be applicable to all other producers (i.e., independent power producers).

- Wheeling. Any program should facilitate the wheeling of electricity between generators and users.
- Alternative Sources. Consistent with existing League policy that supports the development of alternative energy sources, any restructuring program should incorporate support for alternative energy in order to enhance the mix of energy sources available in California, both for environmental and strategic energy security reasons.
- Biomass. The unique problems of the biomass industry, as they relate to California's solid waste infrastructure, should be fairly resolved in any deregulation program.
- Social and Environmental Impacts. Consistent with existing League policy, California should not abandon its energy programs that provide social and environmental benefits.

In addition to those policy guidelines, the League agrees that cities that are aggregators should be required to follow the same consumer protection standards as other aggregators, that participation in aggregation by an electricity user should be voluntary, and that cities should have the opportunity to serve as aggregators for their municipal operations or for those residential or commercial customers who wish to participate in a city-sponsored aggregation program.

Finally, the League believes that any federal action in the area of electricity restructuring must not preempt legislation and actions in states that choose to restructure their utility industry if such federal action relates to state and local government home rule authority. This includes authority related to regulation of rights-of-way, franchises, taxing utilities and services, or to aggregate.

In response to the energy crisis of 2001, the League adopted the following principles related to energy:

- Land Use Control. Local control over land use should be inviolate. The League will oppose legislation that restricts local land use control beyond that which is already in existing law.
- Municipal Utilities. The autonomy of municipal utilities should not be eroded. The League will oppose any legislation that harms municipal utilities.
- Energy Prices and Rates. The League is concerned about the impacts of escalating energy prices on the overall economic health of our state, including city budgets. Although at this time the League will not get involved in individual bills dealing with technical aspects of pricing, the League believes that any solution to address the short and long term energy price situation should meet several key criteria.
  - The League believes energy prices should encourage conservation and reward those who reduce energy use (i.e., tiered rates).
  - The League is concerned about the impacts of escalating energy prices on low income residents and small businesses. The League supports energy pricing structures and other mechanisms to soften the impacts on this segment of our community.
  - In designing rates, the state should be aware of the operational constraints of some businesses and thus their potential inability to take advantage of conservation pricing. Thus, the state should provide other incentives to conserve to businesses that cannot take advantage of other options.
- Conservation in City Facilities. Support legislation that provides direct funding for conservation and demand reduction projects in city facilities.

- Work to obtain the greatest level of funding for local governments, and work with all authors and the Administration in crafting legislation that will be most effective and beneficial to local governments.
- Siting Energy Facilities– Incentives to Local Governments. Funding should be available to cities to streamline the siting process at the local level.
  - Eligible projects to receive incentive payments would not only cover new electricity generating facilities, but also projects to expand existing generation facilities, to replace them with more efficient facilities, or to build renewable projects, including photovoltaics, fuel cells or cogeneration.
  - In order to stimulate the development of these facilities, it will be necessary to provide additional long-term community benefits that the local government can demonstrate to its citizens.
  - Any city or county that approves siting of a privately developed generating facility should receive 100% of the property tax of that facility. To stimulate development of projects such as cogeneration facilities, the standby charges for the facility should be waived.
  - The state should provide additional financial assistance to cities and counties for such projects, which could include the cost of transmission line extension.
  - The League will work to ensure that there are no negative impacts on municipal utilities from efforts to streamline energy facility siting.
- Power Plant Siting – Other Issues. Support legislation that increases the threshold at which a city is the lead permitting agency for an energy facility from 50 to 100 MW (or above). Oppose legislation that decreases this threshold.
  - Take no position on proposals to streamline the facility approval process, except to suggest appropriate revisions to reflect technical comments from city experts on local government review and comment-related provisions.
  - Explore exempting cities with municipal utilities completely from the Energy Commission review process for all power plants proposed within their jurisdiction, regardless of the size of the facility (i.e., the municipal utility city would have lead agency authority, regardless of the size of the facility).
- Environmental Regulation of Power Plants. The League should not get directly involved in legislative discussions and should not take a position on legislation to relax, suspend, or eliminate environmental regulation, with several exceptions.
  - If environmental standards are relaxed, suspended, or eliminated, the League should seek legislation to ensure that cities do not bear the burden of meeting the shortfall in environmental protection. For example, suspended or reduced waste discharge requirements for a power plant may result in increased hot or salty cooling water discharged from a power plant into a bay or stream. Publicly owned treatment works should not be required to meet a higher discharge level to offset the power plant discharge or fined as an indirect result of the increased water pollution that would result. Similar arguments can be made for air pollution burdens. There should be some sunset included for environmental waivers for re-powering of existing facilities and all new plants should be required to meet the BACT (best available control technology) standard.
- Public Power Options. Support all bills that enhance the public power options available to cities and counties.
  - Condition support and/or sponsorship upon the correct language being written. Work with municipal utilities and others to ensure the provisions are drafted properly.

- The League should not support legislation that would give up the existing, limited authority of cities to regulate cable and telecommunications companies as a trade-off to make it easier to form a municipal electric utility.
- Interruptible Rates. The League should take no position on legislation dealing with changes to interruptible rates, but should watch the subject carefully.
  - The League should comment on legislation, as appropriate, to express concern that resolution of the issue should seek equity in how it handles classes of ratepayers and communities. Legislation should take into consideration economic gains previously made by customers on interruptible rates and should provide assistance for those caught in extreme situations.
- Rotating Outages – Exemptions. The League should not get directly involved in bills dealing with which type of customers are exempt from rotating block outages and should not take a position on these bills. However, the League should work with police and fire chiefs to ensure that police and fire facilities are appropriately protected either legislatively or administratively, if proposals move ahead to expand the range of exempted facilities.
  - The League should seek legislative or administrative resolution giving advance notification to those businesses, such as some agricultural businesses, that use hazardous materials that could pose a danger if the plant is not shut down properly.
  - The League should seek grant or loan funding for essential services (i.e., police/fire, water/waste water) to purchase new or replace existing backup generators that are more energy efficient and less polluting.
- Wholesale Regional Price Caps – Federal Legislation. The League should not take a position on federal legislation to give the Secretary of Energy authority to impose regional wholesale price caps on electricity. This is a mixed bag and the League should stay out of the issue.
- Price Gouging by Electricity Suppliers. The League should send a letter to the Governor and Attorney General supporting their ongoing efforts to determine whether wholesale market abuse occurred and asking that appropriate action be taken to remedy the problem if illegal activity occurred.

## **California Environmental Protection Act (CEQA)**

### **Procedures and Notices**

Fair Argument Test. The League strongly opposes the elimination of the fair argument test as the threshold for determining whether to prepare an Environmental Impact Report (EIR). There are a number of other reforms that will reduce CEQA's complexity while preserving the fair argument test's role as a planning tool. These include funding for Master EIRs and eliminating attorneys fees for petitioners.

Master EIR Funding. The League strongly supports the development of a funding source for Master EIRs. Both of the proposals contained in the Little Hoover Commission report would meet the needs of cities.

Exemption for Modified Project Renewals. The League opposes exempting the renewal or reissuance of a permit, license, or other entitlement where there is a change in the project.

Centralized Responsible Agency Notification. The League opposes shifting the responsibility to notify responsible agencies from the lead agency to the State Clearing House.

Centralized Responsible Agency Notification. The League opposes making identification of Responsible Agencies at the Notice of Preparation stage by other than the Lead Agency (e.g., the Office of Planning and Research) conclusive so that agencies not identified would be barred from later commenting on projects.

Responsible Agency Documentation. The League supports requiring that Responsible Agency comments be supported by specific referenced documentation.

Substitution of Environmental Impact Statements. The League opposes allowing an Environmental Impact Statement to be substituted for an Environmental Impact Report in any situation other than military base closures because the National Environmental Policy Act does not contain CEQA's duty to mitigate.

Duty to Respond to Comments. The League opposes shielding lead agencies from responding to comments received more than 30 days after a Notice of Preparation (NOP) or received verbally.

Timelines for CEQA Contracts. The League supports eliminating subdivision (b) of Public Resources Code Section 21151.5, which mandates the timeline for entering into CEQA contracts.

Arbitration of Disputes. The League supports adding an arbitration option to the requirement that each county over 200,000 designate a "CEQA judge." Among the issues that will need further refinement are whether an alternative dispute resolution process should be a condition precedent to litigation, whether the alternative dispute resolution process would be binding on participants, and how to limit the alternative dispute resolution process to CEQA adequacy issues rather than community mitigation issues.

~~**Bounty Hunter Limitations. The League supports discouraging lawsuits that have little merit by eliminating the availability of section 1094.5 fee recovery to petitioners or by authorizing cities to collect their fees and costs where they prevail.**~~

**Good Faith Settlements. The League supports discouraging lawsuits that have little merit by (1) eliminating the application of a multiplier analysis to the amount of attorneys fees awarded in a lawsuit that is subject to a settlement agreement; and (2) by precluding the adoption of measures or project conditions as part of a settlement agreement that do not mitigate a significant effect on the environment.**

Recirculation Standards. The League supports raising the threshold for recirculation of EIRs so that only new "significant unavoidable impacts" would necessitate recirculation.

Basis for Statements of Overriding Considerations. The League supports clarifying that the basis for Statements of Overriding Considerations is information contained in the record.

Compliance with Local Public Notice Requirements. The League supports legislation to require all projects proposed by state or local public agencies, including universities, community colleges, schools, counties, cities, and special districts, to comply with the identical local public notice requirements that would be applicable to projects sponsored by private developers in the jurisdiction where the project is located.

Tolling Agreements. The League supports tolling agreements; but acknowledges and relies on existing published case law that already allows for the use of tolling agreements in CEQA cases.



Concurrent Preparation of Administrative Record. The League opposes legislation that would require concurrent preparation of the administrative record and the electronic posting of administrative record unless (1) the full costs of concurrent preparation and electronic posting as determined by the lead agency are paid for by the applicant or other member of the public who requests these processes; and (2) a lead agency that is unable to comply with such a request, because of either lack of personnel or lack of technological capability is not required to provide these processes.

Court Remedies. The League supports legislation that would clarify a courts ability to fashion a remedy that is specific to the project and limited to only those aspects of the project held invalid under CEQA.

## **Definition of a Project**

Effect on the Environment. The League supports narrowing the definition of “project” to prevent CEQA lawsuits on non-environmental matters.

School Operations Exemption. The League supports exempting any school closure or student transfers from CEQA.

Categorical Exemption for Nonindustrial Infill Projects. The League supports expanding categorical exemptions to include development projects in urbanized areas that are consistent with general plans, zoning and cumulative impact projections analyzed in a Master EIR. Such projects should be limited infill and nonindustrial.

## **Significant Environmental Effect**

Significance Thresholds. The League opposes the creation of a new mandate requiring each city to develop boilerplate significance thresholds. The League also opposes a single statewide set of standards for determining significance at the local level. Instead, the League supports requiring that each EIR contain significance thresholds formally adopted by the lead agency for the project.

Safe Harbor. The League supports the concept of “safe harbor”, which means that if a project complies with certain locally adopted standards, then a project could not be challenged in court based upon those impacts on the environment.

Aesthetics. The Leagues opposes any effort to limit a local agency’s ability to challenge the aesthetic impact of a project under CEQA.

Consideration of Socio-Economic Factors. The League opposes adding social, economic, recreational or other factors to be considered when analyzing the significance of environmental impacts.

Indirect Effects. The League opposes amending the definition of effects to eliminate the analysis of indirect and cumulative environmental effects.

Cumulative Effects. The League supports the elimination of EIRs for projects with solely cumulatively significant impacts where the impact has been addressed by a comprehensive plan that identifies specific mitigation measures.

Cumulative Effects. The League opposes exempting projects that are subject to their own subsequent environmental review from consideration as a reasonably foreseeable future project when analyzing cumulative impacts.

Statement of Overriding Considerations. The League supports transparency in CEQA decision-making but opposes a public comment period for the notice of draft Statement of Overriding Considerations.

## **Alternatives**

Alternative Site Requirement. The League supports eliminating the alternative site requirement for all private projects.

Level of Detail. The League supports requiring that projects of statewide, regional or area-wide significance describe at least two feasible project alternatives with a level of detail equal to the proposed project.

No Project Alternative. The League opposes the elimination of the “no project alternative.”

Environmental Impact Report (EIR). The League opposes the elimination of the fair argument test as the threshold for determining whether to prepare an Environmental Impact Report (EIR). The League strongly supports the development of a funding source for Master EIRs. The League supports adding an arbitration option to the requirement that each county over 200,000 population designate a “CEQA judge.”

## **Coastal Issues**

The League opposes legislation that would permit the state to impose conditions on Local Coastal Plans developed by cities and counties.

The League supports efforts to curb frivolous appeals to local coastal decisions.

The League supports the Federal Coastal Protection Act, which prohibits additional offshore development through the year 2002. This position was based, in part, on concern about the impacts to on-shore support facilities and services by offshore development activities.

The League opposes legislation that grants authority to the Coastal Commission that is inconsistent, duplicative and overlapping with the authority of other regulatory agencies, such as regional water quality control boards or other agencies, or that grants the Coastal Commission authority outside the coastal zone.

The League affirms its commitment to local control by requesting the Coastal Commission to defer to the elected officials of a City with respect to choices in the implementation of a Local Coastal Plan that complies with the requirements of state law and regulation.

## **Miscellaneous**

Mitigation Monitoring Program. The League supports efforts to ensure compliance with Mitigation Monitoring Programs, but opposes any effort to require local agencies to report on

compliance or add other procedures regarding the implementation of Mitigation Monitoring Programs.

The League encourages cities to consider the Ahwahnee Water Principles for Resource-Efficient Land Use when making future land use decisions. (<http://www.lgc.org/about/ahwahnee/h2o-principles/>)

The League encourages state agencies to provide leadership in developing voluntary, model statewide residential green building guidelines that will provide information to local jurisdictions on how to evaluate and use different green building strategies. Additionally, the League encourages cities to adopt voluntary residential green building guidelines as a reference guide, to evaluate available green building programs and adopt those best suited for their communities, and to explore incentives to encourage green building by private developers of residential construction projects.

The League supports the right of cities to serve as lead agencies for the purposes of the Surface Mining and Reclamation Act (SMARA).

Consistent with policy adopted by the National League of Cities, the League believes the appropriate venue for addressing the issue of “regulatory takings” is within the evolving judicial interpretations of the Fifth Amendment of the U.S. Constitution.

- The League opposes any federal or state regulation, statute or constitutional amendment which would place restrictions on federal, state and local government actions regulating private property or requiring additional compensation beyond the continually evolving judicial interpretation of the Fifth Amendment of the U.S. Constitution.
- The League will oppose any legislation that includes such a provision, regardless of what else is included in the legislation (i.e., legislation that designates a listing of an endangered species as a “regulatory taking”).

The League supports flexibility for state and local governments to enact environmental and other standards or mandates that are stronger than the federal standards. However, the League reserves the right to question or oppose stronger standards on the merits. The League also opposes legislation that prohibits state and local governments from enacting stricter standards.

The League supports the ability of local governments to voluntarily develop and approve species habitat plans for their communities, in conjunction with willing property owners. The League opposes requiring local governments to amend their general plans to include species habitat plans developed by others but not approved by the local government.

The League supports legislation and regulation that authorizes the land application of biosolids that meet specified statewide health and safety standards. The League supports legislation that permits enactment of stronger local ordinances only if they are based upon protecting public health and safety and good science. The League opposes legislation that preempts outright stronger local ordinances, regardless if they are based on protecting public health and safety and good science.

The League supports legislation that imposes “Sinclair”- type fees on products in order to fund the cost of prevention or mitigation of the pollution or environmental and health impacts of such products. The League opposes legislation that would restrict the imposition of such fees at the state or local levels.

The League supports legislation that exempts public works projects, within the existing right of way, from CEQA if approved by the city in which the project takes place.

The League supports partnering with the Legislature and the Governor to address the devastating environmental impacts of illegal marijuana grows on both private and public lands and the associated threats to public safety. The League supports the creation of responsive solutions with adequate funding support and effective State and federal government leadership to address this widespread problem.

**Note:** The League will review new legislation to determine how it relates to existing League policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by the League during the previous two years, there may be new, evolving policies under consideration or adopted by the League that are not reflected in the current version of this document. However, all policies adopted by the League Board of Directors or the League's General Assembly become League policy and are binding on the League, regardless of when they are adopted and whether they appear in the current version of "Summary of Existing Policies and Guiding Principles."

League of California Cities  
**California Water Guidelines**

**February 2010**

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**NOTE:** The League of California Cities most recently updated and revised the California Water Guidelines in 2010. The effort began in 2008 with the formation of the Water Task Force, which was comprised of members from the League’s 16 Regional Divisions and all interested city officials. After months of meetings and conference calls, the Water Task Force submitted the California Water Guidelines revisions to the Board of Directors. Upon formal adoption by the Board, the California Water Guidelines were incorporated in the Environmental Quality Policy Committee’s scope of responsibility. For additional information, please see the California Water Guidelines introduction on the following page.

## *Introduction*

The *California Water Guidelines* were first adopted by the League of California Cities (The League) in 1988. The League and the County Supervisors Association of California (CSAC) developed the guidelines. Together, at the time, the two organizations represented 58 counties and 449 cities.

Much has changed in the realm of water policy in the more than 20 years that have passed since the Guidelines were first adopted. The number of counties has remained at 58, but California has gained an additional 31 cities and the population of the state has increased to more than 38 million people, creating increased demands on water supply. There is growing recognition that there are better ways of managing the flow of water within California's many watersheds and through the Delta, to prevent harmful environmental impacts while still ensuring a reliable supply of water to its citizens. Climate change is seen as having an increasingly important impact on water supply and water quality. Water shortages place renewed emphasis on the importance of water reclamation, water recycling and other means of nurturing and protecting an essential resource.

In 2003, the League Board created the League Water Quality Task Force to identify and evaluate waste water and storm water regulatory issues of concern to cities and to recommend steps that the League should take to address those concerns. The Task Force drafted new League policy on water quality and the League's Board of Directors adopted their report on July 18, 2003.

In 2008, the League formed a new Water Task Force to consider updates and revisions to the Water Guidelines the League drafted and adopted 20 years earlier. The League's 16 Regional Divisions designated voting members; but membership on the Task Force was open to all interested city officials, and meetings were open to all interested parties.

The Task Force first met in Sacramento in April 2009 and organized three working groups (Water Use, Water Supply and Water Discharges). Members of the working groups held numerous meetings by conference call over the next two months. Subsequent meetings of the full Task Force were held in June and September 2009 before the revised Guidelines were submitted to the League policy committees in January 2010, for review and approval. The Guidelines were formally approved by the League Board of Directors in February 2010.

The California Water Guidelines are designed to be used by policy makers at all levels of government in developing future water policy for the state of California. The League encourages city, county and state officials, as well as representatives from other organizations, to review the guidelines as water policies and programs are developed.

## I. CALIFORNIA WATER: GENERAL PRINCIPLES

1. Water needs are projected to increase significantly in the future. While water is a renewable resource, it is also a finite one.
2. The League supports the development of additional groundwater and surface water storage, including proposed surface storage projects now under study if they are determined to be feasible, including but not limited to: environmentally, economically, and geographically relating to point of origin. Appropriate funding sources could include, but are not limited to user fees, bonds and federal funding.
3. Local, state and federal agencies should prepare plans for short-term water emergencies as well as long-term cooperative water management plans and policies, such as the Integrated Regional Water Management Plan (IRWMP) process.
4. All water development projects must be economically, environmentally and scientifically sound.
5. Critical California water issues cannot be solved without the cooperation of the state and federal governments. Communication and cooperation among policy groups with emphasis on finding statewide consensus is supported.
6. Adequate water quality requirements for wastewater discharge into surface water and groundwater to safeguard public health and protect beneficial uses should be supported. Beneficial water quality is fundamental to the health and welfare of California and all of its citizens.
7. The long-term viability of rivers and streams for instream uses such as fishery habitat, recreation and aesthetics must be protected.
8. The League encourages all cities to work with counties, water agencies, and special districts to facilitate water conservation, recycling and reuse efforts.
9. The League supports state water policy that allows undertaking aggressive water conservation and water use efficiency while preserving, and not diminishing, public and constitutional water rights.
10. The League supports land use as an important strategy for water supply and water quality benefits.

## II. WATER CONSERVATION

1. **Statewide Goal.** The League supports the development of a statewide goal to reduce water use by 20% by 2020 through the implementation of fair and equitable measures consistent with these principles.
2. **Statewide Effort.** Accomplishing water conservation and water use efficiency goals will require statewide action by all water users, including residential, commercial, industrial and agricultural water users, local and regional planning agencies, state and federal agencies, chambers of commerce, and business, commercial and industrial professional and trade associations.
3. **Comprehensive Solutions.** Water conservation and water use efficiency must be part of a

comprehensive solution that includes local resource development and infrastructure improvements, including storage and conveyance, as part of a statewide system that promotes economic and environmental sustainability.

4. **Monitoring, Reporting, and Accountability.** The League supports the implementation of programs to assure prudent measurement and monitoring of water use to provide accountability and transparency toward the accomplishment of water conservation and water use efficiency goals.
5. **Protect Water Rights.** Implementation of water conservation and water use efficiency programs must be consistent with existing state law in that the act of conservation cannot be allowed to undermine the water rights of the entities implementing the water conservation or water use efficiency program, or interfere with existing water conservation or water use efficiency projects.
6. **One Size Does Not Fit All.** Water conservation and water use efficiency programs must have the flexibility to adjust to widely varying local circumstances recognizing that one size does not fit all. The League encourages each city to develop its own ordinance outlining its conservation plan.
7. **Urban Water Conservation and Water Use Efficiency.** In urban areas, the League advocates for the implementation of residential and commercial retrofit programs, innovative pricing strategies, water efficient landscaping, including implementation of urban Best Management Practices (BMPs).
8. **Agricultural Water Use Efficiency.** In agricultural areas, the League advocates incentive based programs.

### **III. WATER RECYCLING**

1. Wherever feasible, water recycling should be practiced in urban, industrial and agricultural sectors. This includes increasing the use of recycled water over 2002 levels by at least one million acre-feet/year (afy) by 2020 and by at least two million afy by 2030.
2. Potable water should include as much use of reclaimed water and water conservation by 2030 as possible.
3. Increased recycling, reuse and other refinements in water management practices should be included in all water supply programs.

### **IV. WATER QUALITY**

#### **1. General**

- a) The League supports the development of objectives and standards to assure high quality water throughout California. Surface and groundwater should be protected from contamination.
- b) The League supports the development of economic protocols and guidelines to assist local governments and water boards in determining reasonably achievable, cost effective and environmentally sound regulations.
- c) The League supports the ability of cities to enact discharge and water quality requirements or standards that are stricter than state or federal standards, and opposes efforts to restrict such authority.



- d) When addressing contamination in a water body, water boards should place priority emphasis on clean-up strategies targeting sources of pollution, rather than in stream or end-of-pipe treatment.
- e) The League encourages water boards to address cross-media pollution of water, including but not limited to the problems of atmospheric deposition of water pollutants.
- f) The League encourages all state offices, departments and boards to comply with state policy for water quality control, including compliance with the Basin Plans.

## **2. Water Board Reforms**

- a) The League generally supports the concept of water board reform.
- b) Any water board reforms should recognize the inherent differences between cities and regions in California.
- c) Water board reform should recognize the symbiotic relationship between regional water quality control boards and local governments.
- d) The League supports the retention of designated local government representatives on the regional boards and inclusion of a designated local government representative on the State Water Board.
- e) The League supports streamlining the board process, including delegating permit authority to the executive officers, with rights of appeal, and giving greater authority to the State Water Board over regional board policies and decisions.

## **3. Basin Plan Updates**

- a) The League supports the option of local agencies developing funding for basin plan updates.
- b) The League supports comprehensive updates to the basin plans that recognize the unique and varied nature of stormwater. Basin plans need to recognize the unique and varied nature of stormwater, both wet weather and dry weather runoff.
- c) Basin plan updates should comply with the Porter-Cologne requirements to recognize economic impacts, local drainage conditions and scientific consensus, including source control and atmospheric deposition strategies.

## **4. National Pollutant Discharge Elimination System (NPDES) Permits**

- a) The League supports reform of the States Water Board's administration of the federal NPDES program.
- b) The League encourages the water boards to issue permits that are reasonably achievable, based on the unique conditions of a city or region.
- c) The League supports regulations and legislation that promotes watershed management, that appropriately spreads the responsibility for clean water beyond the requirements that apply to point-source dischargers, municipal storm drain systems and publically-owned treatment works.
- d) The League generally opposes legislation that requires the use of numeric limits in waste discharge permits, especially in storm water permits, because of the difficulties in meeting them, problems with exceeding them, and the cost and potential enforcement impacts.

- e) The League supports development of a standard definition of “maximum extent practicable.”

#### **5. Total Maximum Daily Load (TMDL)**

- a) The League supports development of reasonably achievable, environmentally sound and cost-effective TMDL's based on monitoring and sound science and addressing local water conditions.
- b) Although the League is supportive of local agency development of TMDL funding, greater emphasis needs to be given to state and federal funding of the TMDL program, including providing increased funding to local government for implementation.
- c) The League supports implementation of TMDLs through alternatives to the NPDES permits, consistent with the Clean Water Act and policy, such as Memorandums of Agreement between local governments and the water boards.

#### **6. Water Quality Recommended Legislation/ Policies**

- a) Ex-Parte Communication
  - The League supports public access to decision makers, including during the time that new proposed permits and permit terms are being proposed. The League also supports access to pending permittees, outside of the administrative process.
- b) Maximum Extent Practicable (MEP)
  - The League supports legislation to define MEP.
- c) Safe Harbor
  - The League supports legislation that provides immunity from fines or third-party litigation for a local government that is in compliance with maximum extent practicable iterative best management practices requirements and NPDES stormwater permit conditions.
- d) Mandatory Minimum Penalty (MMP)
  - The League supports legislation to modify the MMP provision of the existing law to make them fair and equitable for local governments. This would include eliminating the provisions relied upon to compound penalties for single violations and providing economic hardship exemption for small cities (50,000 in population or less) where there has been no significant adverse impacts on the public or the environment from the alleged violation.
- e) Economic Analysis
  - The League supports legislation to develop economic protocols and guidelines to assist local government and the water boards in determining reasonably achievable, cost effective and environmentally sound regulations, as outlined in Porter-Cologne Sections 13000 and 13241.
- f) Basin Plans
  - The League supports legislation allowing local agencies to participate in funding basin plan updates.
- g) Water Softeners

- The League supports the right for cities to enact ordinances that restrict the use of water softeners.
- h) Local Discharge Prohibitions
- The League supports legislation that would enable cities to adopt ordinances that limit or regulate industrial discharges into local sewers and storm drains, based on limits in municipal discharge permits.

## **7. General Water Quality Guidelines**

- a) Protection and maintenance of objectives and standards to assure high quality water throughout California is essential. Beneficial uses of surface and groundwater should be protected from contamination, even when treatment methods are available to meet drinking water standards.
- b) Local, state and federal governments and the private sector should provide for the safe management of hazardous materials, including mining leachates, to avoid pollution and degradation of both surface water and groundwater.
- c) Adequate research funding to determine appropriate public health standards for water should be supported.
- d) Additional research and education in the application and use of herbicides and pesticides and alternatives to their usage as well as research to reduce industrial and household hazardous wastes should be supported.
- e) The importance of water quality of bays, estuaries, groundwater, and other bodies of water important to municipalities, including the problem of salt water intrusion, should be recognized.

## **V. AREAS OF ORIGIN**

1. Ultimate reasonable and beneficial water needs of all areas of origin should be assured. State law should continue to provide that only water surplus to the reasonable and beneficial needs of the areas of origin may be exported. The League supports preserving the principle of protecting the water rights of areas of origin.
2. Areas of origin protections should apply to all water sources, including groundwater.
3. Reasonable and beneficial water needs of the areas of origin should include instream needs or uses, including recreation and sediment flushing.
4. Areas of origin should be afforded financial assistance, such as the Davis-Grunsky type bonds, in developing new water facilities.
5. Projects that export water from areas of origin should not increase the cost of new local water development projects.
6. Those features of new projects that are required by state and/or federal agencies to enhance area of origin recreation, fish, wildlife, and water quality should be the financial responsibility of the state and/or federal government.
7. New policies and programs should not undermine or alter the water rights of the entities implementing the policies or programs.

## **VI. WATER STORAGE**

1. The League believes that California needs to develop additional water storage and therefore believes that the construction and retention of economically feasible and environmentally sound flood control, storage and multi-use projects that will meet present and future needs should be supported.
2. The development of additional surface facilities and use of groundwater basins to store surface water that is surplus to that needed to maintain State Water Resource Control Board (SWRCB) Bay-Delta estuary water quality standards should be supported.
3. The League encourages project developers to mitigate the negative impacts of water storage projects on fishery and wildlife resources, adjacent lands, water quality and recreation.

## **VII. CONVEYANCE SYSTEMS**

### **1. Statewide**

- a) Conveyance facilities including, but not limited to, the Sacramento River, whether man-made or natural, should be constructed and/or operated to minimize seepage and erosion problems and, where practicable, to restore or maintain river functions and to protect previously existing riparian habitats. They should be constructed to mitigate these problems and other adverse impacts on adjacent lands.
- b) The owner or purveyor of the water conveyance system should be responsible for correcting adverse impacts, i.e., erosion, seepage and sediment problems upon waterways, either anthropogenic or natural.
- c) Environmentally-sound methods of erosion-control should be encouraged along river banks to protect adjacent lands from flood or other erosive flows provided any adverse impacts on fish and wildlife habitat are mitigated.
- d) Local distribution systems should be interconnected with regional systems, where feasible, to assist in maximizing the use of local ground and surface waters during droughts and emergencies.
- e) Solving the water quality, levee stability and fishery problems in the Sacramento-San Joaquin Delta is a primary step in developing any plan to meet the state's water needs.
- f) The League acknowledges that the use of the Sacramento River as a conveyance system presents problems of erosion and seepage which must be addressed in the operation of existing projects and the design of future projects.

### **2. Delta**

- a) Conveyance of water across the Delta should be through existing channels wherever possible. Delta transfer system improvements should be constructed and operated so as to minimize or, if possible, eliminate reverse flows in the lower San Joaquin River.
- b) Construction of Delta transfer facilities should not proceed until the Department of Fish and Game and the Department of Water Resources have entered into an agreement to implement measures to offset the State Water Project's impacts on the Delta fisheries and other ecological concerns in the Bay-Delta estuary, which are shown to be adversely affected by the proposed transfer facilities.
- c) Implementation of an integrated program of rehabilitation and maintenance of Delta

levees involving federal, state, local and user interests for the purposes of protecting the islands, waterways and other features including, but not limited to, highways, railways, water conduits, natural gas storage, etc., should be supported. Costs and responsibilities should be fairly allocated among beneficiaries of such a program.

- d) Until an integrated Delta levee program is initiated, the Delta levee maintenance program, (by former California Sen. Howard Way), California Water Code Sections 12980-12991, should be funded and implemented.
- e) Any Delta governance and/or water management structure should include local government representation from the Delta region.
- f) When assessing conveyance projects, the League encourages cities to consider the guidelines outlined in other areas of this document.
- g) Protection, as well as enhancement where practicable, of Delta water quality, while providing adequate future supplies for all segments of the state, should be required.
- h) Standards balancing the protection of all beneficial uses of Bay-Delta waters, including water flowing into or exported from the Delta, must be adopted by the SWRCB and enforced to protect the environmental health of the Bay-Delta system. Pollution from point and non-point sources into the Bay and Delta shall be controlled as stringently as practicable.
- i) Programs and facilities to assure safe drinking water for importing regions dependent on the Delta should be supported.
- j) The SWRCB should assure the continued monitoring for contaminants in the Delta.

## **VIII. FLOOD MANAGEMENT**

1. The League believes that our citizens have a reasonable expectation that their federal, state and local governments will work to protect them from flooding.
2. The League believes that flood protection and management is a statewide issue, involving flood infrastructure issues related to levees, urban/suburban/rural creeks, streams and rivers, and alluvial fans.
3. The League believes that it is important to recognize that levee failures in the Sacramento-San Joaquin River Delta have water quality, water supply and economic impacts that may have statewide effects beyond the local or regional levee break situation.
4. Flood control issues require cooperative planning, evaluation and solutions that utilize a regional and statewide perspective, such as the state IRWMP process.
5. In assessing problems and proposing solutions, it is important to consider the differences between infill development and new, greenfield development.
6. The public safety and health of California citizens and the economic health of California communities and our state depend upon good flood protection. This includes the potentially devastating impacts of floods on homes and businesses.
7. The League supports efforts to improve communication, cooperation and better coordinated planning between different government agencies involved in flood management. The League believes that there must be a genuine partnership between state and local agencies in addressing flood control issues.

8. The League believes cities must ask the right questions and have the means to obtain accurate information prior to approving development in floodplains. This involves educating elected officials and staff about whether their city is located in a floodplain, the local flood control infrastructure, the agencies that are responsible for providing flood protection, the status of levees and other structures that provide flood protection, emergency response and evacuation protocols, and how their city would be impacted by flooding.
9. The League believes that city officials should understand that a 100-year flood zone does not mean a low, once-in-100-years risk of flooding. The designation actually means that there is a 1 percent chance of flooding in any given year. This translates to a 26 percent chance of flooding over the life of a typical 30-year mortgage.
10. The League supports a 200-year flood standard for cities in the Sacramento-San Joaquin and Central Valleys.
11. The League generally endorses the recommendations of the State's Flood Control Task Force, especially those recommendations involved in updating the CEQA Checklist and General Plan Guidelines and building codes.
12. The State, Army Corps of Engineers (ACOE) and Federal Emergency Management Agency (FEMA) should work collaboratively with state and local governments regarding flood issues.

## **IX. GROUNDWATER**

1. The SWRCB, through the regulatory process of its regional boards, should ensure the highest possible quality and safety of groundwater by preventing contamination from point and non-point sources, especially for usable water.
2. Local drilling, sealing and abandonment ordinances for water supply and monitoring wells for the protection of groundwater and public health should be supported.
3. The principle that local entities within groundwater basins (i.e., cities, counties, special districts, and the regional water quality control boards) working cooperatively should be responsible for and involved in developing and implementing basin wide groundwater, basin management plans should be supported. The plans should include, but not be limited to: a) protecting groundwater quality; b) identifying means to correct groundwater overdraft; c) implementing better irrigation techniques; d) increasing water reclamation and reuse; and e) refining water conservation and other management practices.
4. An active state and federal role in cleaning up contaminated groundwater basins should be supported.
5. State and federal involvement, if requested, in developing groundwater management plans should include technical assistance for defining the characteristics of groundwater resources.
6. Financial assistance from state and federal governments should be made available to requesting local agencies to develop and implement their groundwater management plans.
7. Planned, joint use of surface and groundwater and development of incentives for such conjunctive use for increased efficiency should be encouraged.
8. Early development of a cost-sharing formula among all beneficiaries to fund groundwater replenishment projects should be supported.

9. The importation of additional supplemental water, consistent with Section VI Conveyance Systems, as one means of eliminating groundwater overdraft in the critically overdrafted basins should be supported.

## **X. FISH AND WILDLIFE**

1. Protection, maintenance, and restoration of fish and wildlife habitat and resources and their beneficial uses including recreational and commercial uses, should be supported. Where feasible, enhancement of fish and wildlife habitats should be provided.
2. Water projects shall mitigate for adverse impacts on fish and wildlife resources. Mitigation measure shall be on-site, if feasible; otherwise, as close as practicable to the area of adverse impact. Where practicable, such projects should incorporate programs designed to eliminate unnecessary barriers or impediments to fish migration, to stabilize areas of streambank erosion, to increase spawning and rearing habitat for fish, and to maintain riparian vegetation for cover and temperature control.
3. Protection and restoration of documented fish habitat should be supported.

## **XI. DRAINAGE**

### **1. Agricultural Drainage**

- a) Finding long-term, economically feasible and environmentally sustainable solutions to agricultural drainage problems is essential and in the public interest. Solutions must be safe and environmentally acceptable in order to protect:
  - Viability of agricultural lands;
  - Rivers, estuaries and groundwater from potential degradation from agricultural drainage; and
  - Water quality for public consumption. Drainage of agricultural lands must be part of current and future agricultural water project planning and implementation.
- b) Both state and federal funding should be provided to investigate: a) further improvement in irrigation and drainage management 'practices and conservation; b) evaporation ponds; c) deep-well injection; and d) desalination and other treatment technologies. An equitable cost-sharing formula for implementing solutions to existing and future drainage problems shall include state and federal governments and irrigation project beneficiaries.

### **2. Other (Run-Off)**

- a) Finding safe and environmentally acceptable solutions to problems caused by run-off from non-point sources is essential and in the public interest.
- b) Similarly, finding safe and environmentally acceptable solutions to other drainage and run-off problems, such as those caused by mining, dairying and forest practices, is essential and in the public interest.
- c) Equitable cost sharing among appropriate public and private bodies for implementing solutions to urban and other run-off problems should occur.

## **XII. RECREATION**

1. Water development projects should minimize adverse impacts to existing recreational uses, and provide new recreational opportunities where feasible.
2. The state and federal governments and the recreational users should bear the recreational development costs of water projects.
3. Operation and maintenance costs of recreational facilities developed in conjunction with water projects should be provided from on-site user fees and other applicable sources. Other costs incurred as a result of these recreational activities, such as law enforcement and emergency rescue, should receive appropriate assistance from state and federal sources.

## **XIII. NEW TECHNOLOGY**

Development of new technology in water use, reuse, desalination, detoxification and so forth is encouraged. This should be primarily funded by the federal and state governments. Public-private partnerships in this research also should be encouraged. A high priority should be given to the protection of public health. New technology should be evaluated based on sound science.

## **XIV. FINANCIAL CONSIDERATIONS**

1. It is recognized that:
  - a) The development and operation of water supply, water conveyance, flood control and stormwater management, water storage, and wastewater treatment facilities is frequently beyond the capability of local areas to finance;
  - b) Since most facilities have widespread benefits, it has become traditional for federal, state, and local governments to share their costs; and
  - c) It is necessary that such sharing be continued and that different institutional arrangements including cost sharing formulas among all beneficiaries, public-private partnerships, and user fees should be explored.
2. The requiring agency (whether it be state, federal, or otherwise) should pay for the features of projects or programs that are required that agency.
3. The League supports legislation to provide funding for stormwater, water and wastewater programs, including a **voter approved** constitutional amendment which would place stormwater fees in the category of water and wastewater fees, for the purposes of Proposition 218 compliance.
4. Any agency that regulates water, **wastewater and stormwater** with regard to local governments needs to be **actively** involved in the **development of a new revenue source for the local government to** ~~appropriate city with regard to how the city will~~ pay for the new regulatory burden imposed by the agency.



## **APPENDIX A**

### **State Water Resources Control Board Water Quality Improvement Initiative (2008)**

1. Water Quality Improvement Initiative Item #1 (WQI 1): The League supports applying the 10% rule “One Per Region Basis”
2. WQI 2: The League supports staggering the regional water board terms
3. WQI 3: The League has no recommendation on reducing the size of the regional water board from nine members to seven, with the exception that at least one person on the regional board should have local government experience.
4. WQI 4: The League supports delegating permitting authority to the regional water board executive officer and that the executive officer should take his or her direction from the State Water Resources Control Board (SWRCB).
5. WQI 5: The League is opposed to regional water board’s having full time chairs.
6. WQI 6: The League is opposed to the creation of a statewide council of full-time regional water board chairs. (Note: Water Discharge Subcommittee members believe that it may be helpful to combine a number of regional boards into larger regional boards to address areas that are similar (ex: Los Angeles and Orange County). A large regional board could bring more consistency to basin plan management. Any inconsistencies between the regional boards should be addressed by the state Board.)
7. WQI 7: The League supports the implementation of biennial priority setting based on the Strategic Plan, with six month updates by the regional water boards.
8. WQI 8: The League is opposed to allowing the SWRCB to make the TMDL environmental process subject to NEPA instead of CEQA.
9. WQI 9: The League supports requiring a TMDL to be affirmatively approved by the State Water Board or upon petition.
10. WQI 10: The League supports requiring the regional water board to consider costs of TMDL compliance.
11. WQI 11: The League supports authorizing the SWRCB to make changes to TMDLs, rather than remanding these decisions back to the regional water boards (Note: Subcommittee members believe that this policy should be tied into WQI#9).
12. WQI 12: The League has no position on confirmation of regional water board conflict of interest rules with the Political Reform Act – (Note: the Subcommittee asked for a legal opinion. The question is: what are the current conflict of interest rules pursuant to AB 1234. Staff and members believe that this provision is similar to what already exists for other state boards [example: Waste Board].)
13. WQI 13: The League has no position on the establishment of civil penalties for fraudulent information with regard to reporting by permittees.
14. WQI 14: The League is generally opposed to any removal of notice and hearing requirements prior to the SWRCB referring a case to the State Attorney General for additional action.
15. WQI 15: The League has no recommendation on additional authorization of district and city attorneys to pursue civil violations (for cities over 750,000 in population).

16. WQI 16: The League believes the state should limit the number of mandatory minimum penalties (MMP) to one violation, and the population limit to qualify under the MMP law as a small, disadvantaged community for a single missing report should move from 10,000 to 50,000 (in accordance with federal law).
17. WQI 17: The League has no recommendation on early payment of MMP violations.
18. WQI 18: The League supports enhanced ability of the Regional Water Boards to administratively enforce state Underground Storage Tank (UST) Requirements.
19. WQI 19: The League supports enhanced oversight of UST testers.
20. WQI 20: The League supports moving the SWRCB Enforcement Report deadline to July 1.
21. WQI 21: The League supports the SWRCB developing and implementing performance measures
22. WQI 22: The League supports improved data management systems for the SWRCB.
23. WQI 23: The League generally has no recommendation on the standardization of NPDES permits and believes that this issue should be worked out with the individual regional water boards.
24. WQI 24: The League generally has no recommendation regarding the update of SWRCB Strategic Plan.
25. WQI 25: The League supports SWRCB conducted training of regional water boards, provided the SWRCB both conducts the training and sets consistent standards statewide.

## **APPENDIX B**

### **GLOSSARY**

Affordable: A word used increasingly to express concern whether recipients of water will be able to meet the cost. Whether people view water as affordable will depend on many factors.

Agricultural Drainage: Usually refers to installed drains to permit removal of water which accumulates within plant root zone. May be essential to maintain favorable salt balance for plant growth. May contain selenium, salinity, pesticides, herbicides, etc.

Area and County of Origin Protections: Refers to legislative provisions for protecting water rights of these areas.

Area of Origin Law: Applies to a watershed or area wherein water originates, or an area immediately adjacent thereto which can be conveniently supplied with water there from. Because this law was enacted as part of the Central Valley Project Act, it applies to the Sacramento River watershed. The Burns- Porter Act subsequently defined the Sacramento-San Joaquin Delta to be part of the watershed of the Sacramento River. Gives area of origin preferential rights regarding operation of federal Central Valley Project and to contract for State Water Project water and to certain rights to construct projects or make diversions, provided use is reasonable and beneficial. (California Water Code Sections 11128, 11460-11463).

County of Origin Law: Prohibits State Water Resources Control Board from assignment of rights which will deprive a county in which the water originates of such water necessary for the development of the county. (California Water Code Section 10505).

Delta Protection Act: Establishes that an adequate supply of water in the Delta is necessary to the peace, health, safety and welfare of the people of the state, except that delivery of such water is subject to County of Origin and Area of Origin laws. (California Water Code Sections 12200-12220).

**California Wild and Scenic Rivers Act and Federal Wild and Scenic Rivers Act:** Establish certain rivers or sections of rivers are to be preserved in their free-flowing condition. The California law (California Public Resources Code Sections 5093.50-5093.65) allows domestic water diversion for residents of counties through which the river flows, provided there is no adverse effect upon the free-flowing character of the river. California law finds that the free-flowing state of such rivers is a reasonable and beneficial use within the meaning of the state constitution.

**Atmospheric Deposition:** The transfer of pollutants suspended in the air to the earth's surface. Pollutants move directly from the atmosphere into water bodies through precipitation, falling particles, or the absorption of gases into water. They also may be deposited over land and transported to water bodies via runoff. Atmospheric deposition is believed to be a significant source of various pollutants to many water bodies.

**Basin Plan:** The Regional Water Quality Control Plan adopted by a regional water quality control board for that board's area of responsibility in California. (See Cal. Water Code Section 13240). The basin plan establishes water quality standards, uses and other criteria for surface and ground waters.

**Best Management Practices (BMPs):** Methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint source discharges, including urban runoff. BMPs include structural and nonstructural controls, and operation and maintenance procedures, which can be applied before, during, and/or after pollution producing activities.

**California Toxics Rule (CTR):** A federal rule adopted by the U.S. EPA on May 19, 2000, which established numeric criteria for various priority pollutants for California. The rule can be found at 65 Federal Register 31682-31719, and was codified in the Code of Federal Regulations at 40 CFR 131.38.

**Characteristics of Groundwater Resource:** Include quality, quantity, rate of renewal and yield.

**Clean Water Act (CWA):** A comprehensive water quality statute (33 USC 1241 et seq.). The CWA was first adopted by Congress in 1972 and later amended in 1987 to apply to stormwater/urban runoff. The CWA was designed to restore and maintain the chemical, physical, and biological integrity of the nation's waters to support "the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water."

**Coliform:** A group of related bacteria that are generally benign to humans. They are natural and common inhabitants of the soil and ambient waters (e.g., lakes, rivers, and estuaries), as well as the gastrointestinal tracts of animals.

**Compensation:** Full replacement for unavoidable fish and wildlife resource losses in terms of habitat area and long term renewability of the quality and quantity of such resources. In the interest of clarification, compensation does not mean monetary payment as a substitute for replacement of resources losses.'

**Conjunctive Use of Surface and Groundwater:** Planned joint use of surface and groundwater. This usually involves maximizing use of surface water in wet years (with minimum groundwater pumping) and using any surplus surface water to recharge groundwater, and in dry years augmenting surface supplies by drawing on the stored groundwater.

**Conservation:** Fish and wildlife resource loss prevention, mitigation and compensation.

**Conservation (of Water):** Means efficient use of water. Also means reducing water losses, or eliminating waste; storing water for water use; preserving water quality.

**Contamination:** An impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. (California

Water Code Section 13050) (See “Pollution”).

Contamination Sources:

Point Discharge: Source is identifiable, as from a pipe or drain ditch.

Non-Point Discharge: Sources are more diffuse and not easily identified with well defined outlets; includes runoff from agricultural or forested land, general urban runoff, except where collected in identifiable drains.

Cross-Media Pollution: The contribution or “flux” of pollution from one environmental medium to another. (For instance, the transfer of pollutants from the atmosphere to water.)

Davis-Grunsky Bond: This legislation established a bond fund to facilitate financing of projects in counties with limited financial resources.

Demand/Need: “Demand” usually refers to a statement of water requirements which may be projected on the basis of past water use practices. In contrast, “need” is intended to refer to water that is truly needed to satisfy purpose if water is efficiently utilized.

Delta: Refers to the Sacramento-San Joaquin Delta. 700,000 acres of islands, waterways, levees and lands into which the natural runoff flows from the Sacramento, San Joaquin, Mokelumne and Consumnes river systems before either being exported or entering the San Francisco Bay and, then, the Pacific Ocean.

Desalination: A process designed to treat brackish or sea water to make it useful for potable or non-potable use.

Enhancement: Development or improvement of fish and wildlife resource values of the area affected by a project beyond that which would occur without the project.

Enterococcus: A non-coliform bacteria group used as an indicator of the presence of fecal material in drinking and recreational waters. USEPA believes that enterococci have a better correlation with swimming-associated gastrointestinal illness in both marine and fresh waters than coliform organisms, and “die off” more slowly in saltwater.

Environmentally Safe: Not a precise technical term, but used to mean actions which have little or no adverse impact.

Economically Sound/Feasible: Not a precise technical term, but one that refers to a balance of costs and benefits. Formerly emphasis was placed on calculating benefit-cost ratios. Uncertainties and possible abuses in such calculations have raised questions concerning usefulness of such calculations. Problems include what types of benefits to involve as well as what costs to involve. Many, including environmentally related benefits and costs, cannot be adequately quantified.

Fish and Wildlife Issues: See Compensation, Conservation, Enhancement, Fish and Wildlife resources, Instream uses, Loss prevention measures, Mitigation, Preservation, Protection, and Restoration.

Fish and Wildlife Resources: Birds, mammals, fishes, amphibians, reptiles, invertebrate animals, endangered, threatened or rare native plants, their habitat area and all types of aquatic and land vegetation and other factors of the environment upon which resources are dependent. (See Fish and Game Code Section 45 for definition of fish).

Flood Irrigation: Used to describe what is more appropriately called basin and border irrigation in which land prepared as basins or land bordered by small levees is irrigated with relatively large streams of water.

Groundwater Management: The process of controlling extraction of groundwater and/or planned

recharge to manage the supply and/or quantity of groundwater. Objectives of groundwater management may include minimizing (or preventing) adverse effects such as groundwater overdraft or quality degradation. (Also see conjunctive use and water management practices).

**Groundwater Overdraft:** Where, over a period of time, groundwater extraction exceeds natural or artificial recharge.

**Indicator Bacteria:** Bacteria that are used to assess the microbiological quality of water because, although not typically disease causing themselves, they may indicate the presence of several waterborne disease-causing organisms. The concentration of indicator bacteria is used as a measure of water safety for body-contact and for consumption of water.

**Instream Uses:** Include fish, wildlife, recreation, aesthetics, hydro-power production, dilution of contamination, waste discharge, and sediment transport.

**Local Entities:** Includes cities, counties, water districts, joint powers, etc.

**Loss Prevention Measures:** Designing and implementing measures to avoid immediate and long term impacts to fish and wildlife resources.'

**Maximum Extent Practicable (MEP):** The vaguely defined standard set forth in the CWA to be included in Municipal NPDES Permits to be complied with by municipal dischargers in order to reduce the discharge of pollutants from their municipal separate storm sewer systems. CWA Section 1342 (p)(3)(B)(iii) requires that permits for discharges from municipal storm sewers "shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and systems, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants."

**Mitigation:** Measures to lessen or reduce adverse effects on fish and wildlife resources through use of structural and non-structural loss prevention measures in project design and operations. (See CEQA Guidelines Section 15370)<sup>1</sup> NEPA regulations have a functionally similar definition. NEPA definition includes restoration as a mitigation measure, however.

**National Pollutant Discharge Elimination System (NPDES):** The program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing wastewater and stormwater discharge permits, and imposing and enforcing pretreatment requirements, under CWA.

**Non-Point Source Discharge:** Pollution caused by rainfall or snowmelt moving over and through the ground. As the water moves, it picks up and conveys natural and human-made pollutants, depositing them into water bodies and groundwater. Atmospheric deposition and hydromodification are also nonpoint sources of pollution.

**Numeric Limits:** Numeric or numerically expressed narrative restrictions on the quantity, discharge rate, concentration, or toxicity units of a pollutant or pollutants that may be discharged from an NPDES permitted location or outfall.

**Pathogens:** Disease-causing bacteria, viruses, and protozoans that are transmitted to people when they consume contaminated water.

**Pollution:** An alteration of the quality of the waters of the state by waste to a degree which unreasonably affects: (1) such waters for beneficial uses, or (2) facilities which serve such beneficial uses. Pollution may include contamination. (California Water Code Section 13050: Please see "Contamination").

**Porter-Cologne Water Quality Control Act (Porter-Cologne):** The California equivalent of the federal Clean Water Act. This legislation established that the State Water Resources Control Board (State Water Board) has the ultimate authority over state water rights, water quality policy, and the nine regional

water quality control boards (regional water boards) which oversee water quality on a day-to-day basis in their geographic regions.

**Preservation:** Maintenance and protection of fish and wildlife resources at levels that existed prior to the commencement of a (the current) project. Preservation is achieved through mitigation for avoidable resource losses and/or compensation for unavoidable resource losses and/or compensation for unavoidable resource losses. The term “preservation” is synonymous with “conservation” as used in the U.S. Fish and Wildlife Coordination Act. Preservation does not assume that restoration will occur, but it could.

**Project Beneficiaries:** Those who gain value in some fashion from any of the following: water supply, flood control, power generation, recreation, salinity repulsion, wildlife.

**Protection:** Department of Fish and Game appears to use this term when referring to legal enforcement by wardens. (See Preservation and Conservation).

**Real Water Savings:** Simply means there is an “actual” savings of water which could be put to other use.

**Reasonable and Beneficial:** Depends on facts and circumstances of each case. What is a beneficial use at one time may, because of changed conditions, become a waste of water at a later time. (Tulare Irrigation District v. Lindsay-Strathmore Irrigation District). The courts have determined the law requires an evaluation of the ascertainable facts in view of the increasing need for water conservation within California.

Beneficial uses include: storing water underground if thereafter to be applied to beneficial purposes; use of water for recreation and preservation and enhancement of fish and wildlife resources.

**Reclaimed Water:** Wastewater that has been cleaned so that it can be used for most purposes except drinking.

**Recycled Water:** Municipal and/or industrial wastewater that has been treated to a sufficiently high level that it can be reused usually for non-potable purposes such as irrigating landscape and refilling aquifers.

**Restoration:** Means to return to “original” conditions. (Selection or “original” or base condition is often source of debate.)

**Reverse Flows:** Where direction of flow in a channel is reversed, as in the case of channels in South Delta which normally drain towards San Francisco Bay, but where pumping for export may cause flow reversal, drawing more saline water further into the Delta.

**Sediment Transport:** Sediment of various particle sizes may be carried by moving water. The size of particles transported by water increases as velocity rises.

**Stormwater:** Water that accumulates on land as a result of storms, and can include runoff from urban areas such as roads and roofs.

**Surplus Water:** When used as a technical term in water contracts, this is the water that is available after entitlement water has been delivered. The amount of surplus water varies from year to year, generally according to amounts of runoff. Surplus water ordinarily is less expensive to the user than entitlement water. Reference is also made to water which is surplus to reasonable and beneficial uses of area of origin and Bay/Delta.

**System Expansion:** Extension of existing infrastructure exclusively to serve new customers in presently unserved areas and/or increase in water supply exclusively for the same purpose.

**Total Maximum Daily Load (TMDL):** A calculation of the maximum amount of a pollutant that an impaired water body can receive and still meet applicable water quality standards. A TMDL is to include allocations for the maximum load a particular source of a pollutant may discharge to the subject water body. TMDLs are required pursuant to Section 1313(d) of the CWA for water bodies that have first been listed as being impaired for the particular pollutant or pollutants at issue.

**Triennial Review:** A review of water quality standards in basin plans that is required at least once every three years by Section 1313(c) (1) of the CWA and periodically under Section 13240 of the Porter-Cologne Water Quality Control Act.

**Ultimate:** Imprecise meaning. Depends on time frame.

**Usable Groundwater:** Refers to groundwater which can be pumped within the cost and technical constraints appropriate to the situation.

**Water Banking:** Not a precise term. Generally refers to storing presently surplus water in groundwater basins or in surface storage facilities.

**Water Management Practices:** Relate to the varied objectives of irrigation, municipal and industrial use. These objectives may not be compatible. In general, management practices are developed to maximize economic returns and/or to minimize (or prevent) adverse environmental impacts including water quality degradation. Conservation of supply, reuse, treatment for use and waste disposal, and the planned conjunction use of surface and groundwater are all aspects of water management. (Also see Conjunctive use and Groundwater management).

**Water Quality Standards and Objectives:** The regional water quality boards set “objectives” in their basin planning process which are equivalent to what EPA calls “standards”. The “standards” include numerical narrative criteria and plans to implement these criteria.

**Water Reclamation:** Usually refers to removing contaminants in water so that the water can be discharged into a receiving water without creating problems for fish, wildlife and other aspects of environment. Also, refers to water which has been treated to remove contaminants as required to permit its reuse particularly for irrigation of landscaped or agricultural areas.

**Way Bill (Program):** Delta Levee Maintenance Program. Declares the Sacramento-San Joaquin Delta, characterized by islands and meandering waterways, as a unique resource of major statewide significance. Reasons are stated. Declares the system of levees is the key to preserving the physical characteristics of the Delta. Finds there is an urgent need for a higher degree of levee maintenance and rehabilitation throughout the Delta and ‘that the state has an interest in providing technical and financial assistance. Establishes that local agencies maintaining non-project (private) levees shall be eligible for reimbursement from the General Fund. Reimbursement shall be at 50% of cost. (California Water Code Sections 12980-12991).

**303(d) List of Impaired Waterbodies:** The State is required to prepare a list of water bodies that are polluted, under Section 303(d) of the CWA. Inclusion of a water body on the 303(d) list generally leads to the development of a total maximum daily load (TMDL) for the water body.

*Prepared by Robert M. Hagan, Extension Water Specialist, Marcia Kreith, Program Representative, University of California Cooperative Extension, July 1987 and Ken Farfsing, City Manager, City of Signal Hill, October 2009.*

## **Sources:**

**Some of the preceding definitions were derived from the following sources:**

California Wetlands Information System Website: Porter-Cologne Act

Los Angeles MS4 Permit: Basin plan, best management practices, maximum extent practicable, NPDES permit

RWA: Cross-media pollution

Southern California Coastal Waters Research Project (SCCWRP) Website: Atmospheric deposition

State Water Board Website: Numeric Limits, Triennial Review,

U.S. EPA Website: California Toxics Rule, Clean Water Act, coliform, enterococcus, TMDLs

U.S. Geological Service (USGS) Website: Indicator bacteria, pathogen



March 2017

**Legislation of Interest**[AB 18](#)

([Garcia, Eduardo](#) D) California Clean Water, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.  
Introduced: 12/5/2016  
Last Amend: 2/23/2017  
Status: 3/20/2017-Read third time. Urgency clause adopted. Passed. Ordered to the Senate. In Senate. Read first time. To Com. on RLS. for assignment.  
Location: 3/20/2017-S. DESK  
Summary: Would enact the California Clean Water, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of \$3,105,000,000 pursuant to the State General Obligation Bond Law to finance a clean water, climate, coastal protection, and outdoor access for all program. This bill contains other related provisions.  
League Position: Support

[AB 68](#)

([Mathis](#) R) School facilities: schoolsite acquisition.  
Introduced: 12/14/2016  
Last Amend: 2/21/2017  
Status: 2/22/2017-Re-referred to Com. on ED.  
Location: 1/19/2017-A. ED.  
Summary: Current law requires the governing board of a school district, before commencing the acquisition of real property for a new schoolsite in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, to make certain findings, including that the school district will attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect the pupils and employees at the schoolsite. This bill would require a rural school district to make an additional finding that the school district has provided notice to the planning commission having jurisdiction and that the planning commission has approved the acquisition of the property for the schoolsite or for an addition to the present schoolsite in accordance with specified provisions.  
League Position: Watch

[AB 79](#)

([Levine](#) D) Electrical generation: hourly greenhouse gas emissions: electricity from unspecified sources.  
Introduced: 1/4/2017  
Last Amend: 3/6/2017  
Status: 3/21/2017-Read second time and amended.  
Location: 3/15/2017-A. NAT. RES.  
Summary: Would require, by January 1, 2020, the State Air Resources Board, in consultation with the Independent System Operator, to adopt a methodology for the calculation of hourly emissions of greenhouse gases associated with electricity from unspecified sources, a term defined in current law but revised for this purpose, purchased within California balancing authority areas, as defined, and for electricity imported into California from other subregions of the Western Electricity Coordinating Council. The bill would require California balancing authorities to assist the State Air Resources Board by providing all relevant data needed for purposes of developing the methodology and calculating the hourly emissions of greenhouse gases.  
League Position: Watch

[AB 151](#)

([Burke](#) D) California Global Warming Solutions Act of 2006: market-based compliance mechanisms: scoping plan: report.  
Introduced: 1/11/2017  
Last Amend: 3/2/2017  
Status: 3/6/2017-Re-referred to Com. on NAT. RES.  
Location: 3/2/2017-A. NAT. RES.  
Summary: Would require the State Air Resources Board to report to the appropriate policy and fiscal committees of the Legislature to receive input, guidance, and assistance before adopting guidelines and regulations implementing the scoping plan and a regulation ensuring statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030. This bill contains other related provisions and other existing laws.  
League Position: Watch

[AB 161](#)

([Levine](#) D) Department of Finance: infrastructure investment.  
Introduced: 1/13/2017  
Status: 1/30/2017-Referred to Com. on P.E., R., & S.S.  
Location: 1/30/2017-A. P.E., R. & S.S.  
Summary: Would authorize the Department of Finance to identify infrastructure projects in the state for which the

department will guarantee a rate of return on investment for an investment made in that infrastructure project by the Public Employees' Retirement System. The bill would create the Reinvesting in California Special Fund as a continuously appropriated fund and would require the moneys in the fund to be used to pay the rate of return on investment. The bill would require the rate of return on investment to be subject to the availability of moneys in the fund.

League Position: Watch

[AB 176](#)

([Salas D](#)) Water project: Friant-Kern Canal.

Introduced: 1/18/2017

Status: 3/21/2017-From committee: Do pass and re-refer to Com. on APPR. (Ayes 14. Noes 0.) (March 21). Re-referred to Com. on APPR.

Location: 3/21/2017-A. APPR.

Summary: Current law requires the Department of Water Resources, upon appropriation by the Legislature, to provide funding for a project that substantially conforms to the project description for the Reverse Flow Pump-back Facilities on the Friant-Kern Canal Restoration Project, as specified, provided that certain conditions are met. Current law requires that the appropriation be no more than \$7,000,000. This bill would appropriate \$7,000,000 from the General Fund to the department for this project. This bill contains other related provisions.

League Position: Watch

[AB 178](#)

([Eggman D](#)) California Beverage Container Recycling and Litter Reduction Act.

Introduced: 1/18/2017

Status: 3/21/2017-From committee chair, with author's amendments: Amend, and re-refer to Com. on NAT. RES. Read second time and amended.

Location: 3/20/2017-A. NAT. RES.

Summary: The Division of Recycling in the Department of Resources Recycling and Recovery administers the California Beverage Container Recycling and Litter Reduction Act. The act finds and declares that experience in this state and others demonstrates that financial incentives and convenient return systems ensure the efficient and large-scale recycling of beverage containers. This bill would remove the reference to experience in this state and others, and instead find and declare that financial incentives and convenient return systems ensure the efficient and large-scale recycling of beverage containers.

League Position: Watch

[AB 184](#)

([Berman D](#)) Sea level rise planning: database.

Introduced: 1/19/2017

Status: 3/21/2017-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 1.) (March 20). Re-referred to Com. on APPR.

Location: 3/21/2017-A. APPR.

Summary: Current law requires that various public agencies and private entities provide to the Natural Resources Agency, on a biannual basis, sea level rise planning information, as defined, that is under the control or jurisdiction of the public agencies or private entities, and requires the agency to determine the information necessary for inclusion in the database, as prescribed. Existing law repeals these provisions on January 1, 2018. This bill would eliminate the January 1, 2018, repeal date of those provisions.

League Position: Watch

[AB 188](#)

([Salas D](#)) Vehicle retirement.

Introduced: 1/19/2017

Status: 1/30/2017-Referred to Com. on TRANS.

Location: 1/30/2017-A. TRANS.

Summary: Current law creates the enhanced fleet modernization program to provide compensation for the retirement of passenger vehicles and light-duty and medium-duty trucks that are high polluters. This bill would require the State Air Resources Board, no later than March 2018, to update the guidelines for the enhanced fleet modernization program to make applicable to light-duty pickup trucks the same standard for miles per gallon that is applicable to minivans, as specified.

League Position: Watch

[AB 193](#)

([Cervantes D](#)) Air Quality Improvement Program: Clean Reused Vehicle Rebate Project.

Introduced: 1/19/2017

Status: 1/30/2017-Referred to Com. on TRANS.

Location: 1/30/2017-A. TRANS.

Summary: Would require the state board to establish the Clean Reused Vehicle Rebate Project, as a part of the Air Quality Improvement Program, to provide rebates or other incentives for the acquisition of an eligible used vehicle, as defined; the replacement or refurbishment of a battery and related components for an eligible used vehicle or an extended warranty for the battery or related components; or an extended service warranty to cover unexpected vehicle repairs not covered by the manufacturer's warranty related to unique problems in eligible used vehicles, as specified.

League Position: Watch

[AB 196](#)

([Bigelow R](#)) Greenhouse Gas Reduction Fund: water supply and wastewater systems.

Introduced: 1/19/2017

Last Amend: 3/6/2017

Status: 3/21/2017-From committee: Do pass and re-refer to Com. on NAT. RES. (Ayes 14. Noes 0.) (March 21).

Re-referred to Com. on NAT. RES.

Location: 3/21/2017-A. NAT. RES.

Summary: Current law requires moneys from the Greenhouse Gas Reduction Fund to be allocated for the purpose of reducing greenhouse gas emissions in this state and satisfying other purposes. Current law authorizes specified investments, including water use and supply, if the investment furthers the regulatory purposes of the California Global Warming Solutions Act of 2006 and is consistent with law. This bill would authorize the use of the moneys in the fund for electric pump efficiency, water and wastewater systems, pump and pump motor efficiency improvements, and drinking water transmission and distribution systems' water loss if the investment furthers the regulatory purposes of the act and is consistent with law.

League Position: Watch

[AB 239](#)

([Ridley-Thomas D](#)) California Environmental Quality Act: urbanized areas.

Introduced: 1/30/2017

Status: 2/6/2017-Referred to Com. on NAT. RES.

Location: 2/6/2017-A. NAT. RES.

Summary: CEQA defines the terms "urban area" and "urbanized area" to mean, among other things, an unincorporated area that is completely surrounded by one or more incorporated cities and the population density of the unincorporated area at least equals the population density of the surrounding city or cities. This bill would instead specify that the population density of the unincorporated area be at least 1,000 persons per square mile.

League Position: Watch

[AB 245](#)

([Gomez D](#)) Hazardous waste: facilities.

Introduced: 1/30/2017

Status: 3/8/2017-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 1.) (March 7). Re-referred to Com. on APPR.

Location: 3/8/2017-A. APPR.

Summary: Would require the Department of Toxic Substances Control, within 90 days of receiving a renewal application for a hazardous waste facilities permit, to hold a public meeting for specified purposes relating to the renewal in or near the community in which the hazardous waste facility is located. This bill contains other related provisions and other existing laws.

League Position: Watch

[AB 246](#)

([Santiago D](#)) Hazardous waste: facilities: permits: fence-line monitoring systems.

Introduced: 1/30/2017

Last Amend: 3/9/2017

Status: 3/13/2017-Re-referred to Com. on APPR.

Location: 3/9/2017-A. APPR.

Summary: Would, as a condition for a new hazardous waste facilities permit or a renewal of a hazardous waste facilities permit, require an applicant to install and maintain a fence-line monitoring system to measure and record emissions along the border of the facility. The bill would provide that this requirement applies only for a permit to operate a hazardous waste facility that treats or disposes of hazardous waste. Because a violation of this requirement would be a crime, the bill would impose a state-mandated local program.

League Position: Watch

[AB 247](#)

([Garcia, Cristina D](#)) Public health: childhood lead poisoning: Lead Advisory Taskforce.

Introduced: 1/30/2017

Last Amend: 3/9/2017

Status: 3/13/2017-Re-referred to Com. on APPR.

Location: 3/9/2017-A. APPR.

Summary: Would require, by April 1, 2018, the Office of Environmental Health Hazard Assessment to convene a Lead Advisory Taskforce, with a prescribed membership, to review and advise, as provided, regarding policies and procedures to reduce childhood lead poisoning in the state. The bill would require the taskforce to publish on the Office of Environmental Health Hazard Assessment's Internet Web site a recommended regulatory agenda on or before April 1, 2020, that would identify sources of lead and ensure that regulatory standards are protective of health in the state, as specified, and to update the regulatory agenda on or before April 1, 2022.

League Position: Watch

[AB 248](#)

([Reyes](#) D) Hazardous waste: facilities: permits.

Introduced: 1/30/2017

Status: 3/8/2017-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (March 7). Re-referred to Com. on APPR.

Location: 3/8/2017-A. APPR.

Summary: Would require, for a hazardous waste facilities permit that will expire on or before July 1, 2020, the owner or operator of a facility intending to extend the term of that permit to submit a complete Part A and Part B application for a permit renewal at least 6 months before the fixed term of the permit expires. The bill would require, for a hazardous waste facilities permit that will expire after July 1, 2020, the owner or operator to submit a complete Part A and Part B application for a permit renewal at least 2 years before the fixed term of the permit expires.

League Position: Watch

[AB 249](#)

([Gomez](#) D) Hazardous waste: civil penalties.

Introduced: 1/30/2017

Status: 3/8/2017-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (March 7). Re-referred to Com. on APPR.

Location: 3/8/2017-A. APPR.

Summary: Under the current Hazardous Waste Control Law, a person who does not comply with an order for a violation to be corrected is subject to a civil penalty of not more than \$25,000 for each day of noncompliance. In lieu of an administrative penalty, current law makes any person who intentionally or negligently makes a false statement or representation for purposes of compliance with the hazardous waste control laws, violates a provision of the hazardous waste control laws, disposes or causes the disposal of a hazardous waste at an unauthorized site, or treats or stores a hazardous waste at an unauthorized site liable for a civil penalty not to exceed \$25,000, as specified. This bill would increase these administrative and civil penalties to \$37,500 and would make nonsubstantive changes in these provisions.

League Position: Watch

[AB 271](#)

([Caballero](#) D) Property Assessed Clean Energy program.

Introduced: 2/1/2017

Status: 2/13/2017-Referred to Coms. on L. GOV. and REV. & TAX.

Location: 2/13/2017-A. L. GOV.

Summary: Would, as an alternative to the Notice of Intent to Remove Delinquent Special Tax Installment from the Tax Roll requirement, would authorize the local agency or legislative body to provide notice of the removal of the delinquent voluntary contractual assessment or special tax, if it arises from a contract entered into on or after January 1, 2018, through the adoption of a resolution or ordinance requiring the county tax collector to remove all delinquent voluntary contractual assessments and special taxes securing PACE bonds and arising from contracts entered into on or after January 1, 2018, from the county's secured tax roll during the annual fiscal yearend closing, whether or not a foreclosure action has been ordered.

League Position: Watch

[AB 277](#)

([Mathis](#) R) Water and Wastewater Loan and Grant Program.

Introduced: 2/1/2017

Last Amend: 3/13/2017

Status: 3/21/2017-Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 14. Noes 0.) (March 21). Re-referred to Com. on APPR.

Location: 3/21/2017-A. APPR.

Summary: Would, to the extent funding is made available, authorize the State Water Resources Control Board to establish the Water and Wastewater Loan and Grant Program to provide funding to eligible applicants for specified purposes relating to drinking water and wastewater treatment. This bill would authorize a county or qualified nonprofit organization to apply to the board for a grant to award loans or grants, or both, to an eligible applicant. The bill would authorize the board to use a funding source that is authorized for and consistent with the purposes of the program.

League Position: Watch

[AB 278](#)

([Steinorth](#) R) California Environmental Quality Act: exemption: existing transportation infrastructure.

Introduced: 2/2/2017

Status: 3/15/2017-Coauthors revised.

Location: 2/13/2017-A. NAT. RES.

Summary: Would exempt from the provisions of CEQA a project, or the issuance of a permit for a project, that consists of the inspection, maintenance, repair, rehabilitation, replacement, or removal of, or the addition of an auxiliary lane or bikeway to, existing transportation infrastructure and that meets certain requirements. The bill would require the public agency carrying out the project to take certain actions.

League Position: Watch

[AB 304](#)

([Eggman](#) D) Public Utilities Commission: proceedings: intervenor compensation.

Introduced: 2/6/2017

Status: 3/20/2017-Coauthors revised.

Location: 2/13/2017-A. U. & E.

Summary: Current law provides compensation for reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs for participation or intervention in any proceeding of the Public Utilities Commission. Current law specifies that no state, federal, or local government agency, publicly owned public utility, or entity that, in the commission's opinion, was established or formed by a local government entity for the purpose of participating in a commission proceeding is eligible to receive that compensation, except as specified. This bill would authorize public school districts, county offices of education, and community college districts, and the authorized representatives of those entities, to receive that compensation.

League Position: Watch

[AB 313](#)

([Gray D](#)) Water.

Introduced: 2/6/2017

Status: 2/21/2017-Referred to Com. on W.,P., & W.

Location: 2/21/2017-A. W.,P. & W.

Summary: Current law establishes the State Water Resources Control Board in the California Environmental Protection Agency consisting of 5 members appointed by the Governor, including one member required to be an attorney admitted to practice law in this state who is qualified in the fields of water supply and water rights and one registered civil engineer under the laws of this state qualified in the fields of water supply and water rights. This bill would revise the qualifications for the membership to the board by eliminating those requirements for qualification in the field of water rights.

League Position: Watch

[AB 319](#)

([Stone, Mark D](#)) Recycling: single-use plastic beverage container caps.

Introduced: 2/6/2017

Status: 2/21/2017-Referred to Com. on NAT. RES.

Location: 2/21/2017-A. NAT. RES.

Summary: The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state, to generally meet one of specified criteria. This bill would prohibit a retailer, on and after January 1, 2020, from selling or offering for sale a single-use plastic beverage container with a cap that is not tethered to or contiguously affixed to the beverage container. The bill would define terms for purposes of these provisions.

League Position: Watch

[AB 321](#)

([Mathis R](#)) Groundwater sustainability plans.

Introduced: 2/7/2017

Status: 3/20/2017-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 2/21/2017-A. W.,P. & W.

Summary: The Sustainable Groundwater Management Act requires that all groundwater basins that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. This bill would require the groundwater sustainability agency to solicit the participation of farmers, ranchers, and other qualified professionals within the groundwater basin prior to and during the development and implementation of the plan.

League Position: Watch

[AB 355](#)

([Chu D](#)) Water pollution: enforcement.

Introduced: 2/8/2017

Last Amend: 3/16/2017

Status: 3/20/2017-Re-referred to Com. on E.S. & T.M.

Location: 2/21/2017-A. E.S. & T.M.

Summary: Current law permits the State Water Resources Control Board or regional board, in lieu of assessing all or a portion of the mandatory minimum penalties against a publicly owned treatment works serving a small community, as defined, to elect to require the publicly owned treatment works to spend an equivalent amount towards completion of a compliance project proposed by the publicly owned treatment works if the state board or regional board makes certain findings. This bill, for purposes of the exception, would instead define publicly owned treatment works serving a small community as a publicly owned treatment works serving a population of 20,000 persons or fewer or a rural county, with a financial hardship.

League Position: Watch

[AB 366](#)

([Oberholte R](#)) Water supply: new residential development: building permits.

Introduced: 2/8/2017

Last Amend: 3/14/2017



Status: 3/21/2017-VOTE: Do pass as amended.

Location: 2/21/2017-A. W.,P. & W.

Summary: Current law prohibits a city, including a charter city, or a county from issuing a building permit for the construction of a new residential development where a source of the water supply is water transported by a water hauler, bottled water, a water-vending machine, or a retail water facility. This bill would exempt from the prohibition on the issuance of a building permit (1) developments where the source of water supply as described above is not significant and (2) developments of one detached single-family dwelling unit on a parcel that existed before January 1, 2017, if the water provided to the parcel will be obtained from a legal source and delivered by a licensed water hauler.

League Position: Watch

[AB 388](#) ([Mullin D](#)) Greenhouse Gas Reduction Fund.

Introduced: 2/9/2017

Last Amend: 3/2/2017

Status: 3/6/2017-Re-referred to Com. on NAT. RES.

Location: 2/21/2017-A. NAT. RES.

Summary: The California Global Warming Solutions Act of 2006 authorizes the state State Air Resources Board to include the use of market-based compliance mechanisms. Current law requires all moneys, except for fines and penalties, collected by the state board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund. Current law continuously appropriates 60% of the annual proceeds of the fund for transit, affordable housing, sustainable communities, and high-speed rail purposes. This bill would provide that proceeds of the fund may be appropriated to reduce greenhouse gas emissions by the reuse of dredged material for wetland restoration, flood protection, and carbon sequestration.

League Position: Watch

[AB 397](#) ([Gipson D](#)) Public utilities: facility modernization.

Introduced: 2/9/2017

Status: 3/15/2017-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 2/21/2017-A. U. & E.

Summary: Would require the Public Utilities Commission to require an electrical or gas corporation to give preference to the modernization of its facilities serving disadvantaged communities if the corporation is authorized to collect ratepayer funds for the modernization of its facilities. This bill contains other related provisions and other existing laws.

League Position: Watch

[AB 398](#) ([Garcia, Eduardo D](#)) Greenhouse Gas Reduction Fund: report.

Introduced: 2/9/2017

Status: 3/13/2017-Coauthors revised.

Location: 2/21/2017-A. NAT. RES.

Summary: Current law requires the Department of Finance to annually submit a report to the appropriate committees of the Legislature on the status of the projects funded with moneys from the Greenhouse Gas Reduction Fund. This bill would require the department to include additional information in its annual report to the Legislature, including, among other things, the greenhouse gas emissions reductions attributable to each project and the geographic location, industry sector, and number of employees of the business entities, as defined, receiving moneys from the fund.

League Position: Watch

[AB 421](#) ([Santiago D](#)) Hazardous substances: liability: responsible parties.

Introduced: 2/9/2017

Status: 3/14/2017-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 2/21/2017-A. E.S. & T.M.

Summary: Current law, the Carpenter-Presley-Tanner Hazardous Substance Account Act, imposes liability for hazardous substance removal or remedial actions. The act defines "responsible party" and "liable person" for its purposes to mean those persons described in a specified provision of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, which includes persons who are, in specified ways, responsible for the disposal of hazardous substances. This bill would require that, for purposes of that definition, for a cause of action that accrued on or after January 1, 1982, "disposal," as it is used in that federal provision, includes emissions into the air.

League Position: Watch

[AB 438](#) ([Caballero D](#)) Surface mining: greenhouse gases.

Introduced: 2/13/2017

Status: 2/27/2017-Referred to Com. on NAT. RES.

Location: 2/27/2017-A. NAT. RES.

Summary: Would require a city or county acting as a lead agency under the Surface Mining and Reclamation Act of 1975 to notify the State Air Resources Board when an application for a new permit or to renew a permit for a surface mining operation for construction aggregate operations is filed with the city or county. The bill would require the state board to

prepare and provide to the city or county a low-carbon infrastructure supply chain analysis, as specified, to assist the city or county in its decisionmaking role under the Surface Mining and Reclamation Act of 1975.

League Position: Watch

[AB 444](#) ([Ting](#) D) Medical waste: home-generated sharps waste.

Introduced: 2/13/2017

Status: 2/27/2017-Referred to Com. on E.S. & T.M.

Location: 2/27/2017-A. E.S. & T.M.

Summary: The Medical Waste Management Act, among other things, authorizes a local agency to approve, as part of a medical waste management program, a location as a point of consolidation for the collection of home-generated sharps waste, which, after collection, is transported and treated as medical waste. The act requires sharps containers at a home-generated sharps consolidation point that are ready for disposal to not be held more than 7 days, except as provided. This bill would extend the time period that sharps containers at a home-generated sharps consolidation point may be held from 7 to 14 days.

League Position: Watch

[AB 465](#) ([Ting](#) D) Urban agricultural incentive zones.

Introduced: 2/13/2017

Status: 2/27/2017-Referred to Coms. on AGRI. and L. GOV.

Location: 2/27/2017-A. AGRI.

Summary: The Urban Agriculture Incentive Zones Act authorizes, under specified conditions and until January 1, 2019, a city, county, or city and county and a landowner to enter into a contract to enforceably restrict the use of vacant, unimproved, or otherwise blighted lands for small-scale production of agricultural crops and animal husbandry. This bill would extend the authorization for a city, county, or city and county and a landowner to enter into those contracts to January 1, 2029.

League Position: Watch

[AB 466](#) ([Bocanegra](#) D) Los Angeles River Tributaries and Watershed Working Group.

Introduced: 2/13/2017

Last Amend: 3/14/2017

Status: 3/21/2017-Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 0.) (March 21). Re-referred to Com. on APPR.

Location: 3/21/2017-A. APPR.

Summary: Would require the Secretary of the Natural Resources Agency to appoint, in consultation with the Los Angeles County Board of Supervisors to the extent the board wishes to consult, a local working group to develop a revitalization plan for the Los Angeles River tributaries and watershed, called the Los Angeles River Tributaries and Watershed Working Group. The bill would require the secretary to consider requests from local agency representatives to participate in the working group and would authorize the working group to include specified representatives.

League Position: Watch

[AB 474](#) ([Garcia, Eduardo](#) D) Hazardous waste: spent brine solutions.

Introduced: 2/13/2017

Status: 3/21/2017-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 7. Noes 0.) (March 21). Re-referred to Com. on APPR.

Location: 3/21/2017-A. APPR.

Summary: Current law exempts from certain requirements of the Hazardous Waste Control Law wastes from the extraction, beneficiation, or processing of ores and minerals that are not subject to regulation under the federal Resource Conservation and Recovery Act of 1976, including spent brine solutions used to produce geothermal energy that meet specified requirements. This bill would exempt spent brine solutions that are byproducts of the treatment of groundwater to meet California drinking water standards from those same requirements if certain conditions are met, including that the spent brine solutions are transferred for dewatering via a closed piping system to lined surface impoundments regulated by the California regional water quality control boards.

League Position: Watch

[AB 509](#) ([Frazier](#) D) Tire recycling: California tire regulatory fee and waste tire program.

Introduced: 2/13/2017

Status: 2/27/2017-Referred to Com. on NAT. RES.

Location: 2/27/2017-A. NAT. RES.

Summary: Would require, until January 1, 2024, upon a specified finding by the Department of Resources Recycling and Recovery, a waste tire generator that is a retail seller of new tires to end user purchasers to pay a California tire regulatory fee and to remit that fee to the state on a quarterly schedule for deposit in the California Tire Recycling Management Fund. The bill would require the department to track revenue from the California tire regulatory fee separately and would prohibit

those funds from being used for activities other than those specified.

League Position: Watch

[AB 520](#)

([Harper R](#)) Local government: energy source materials.

Introduced: 2/13/2017

Status: 2/27/2017-Referred to Coms. on L. GOV. and NAT. RES.

Location: 2/27/2017-A. L. GOV.

Summary: The California Constitution authorizes cities and counties to make and enforce within their limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws, and further authorizes cities organized under a charter to make and enforce all ordinances and regulations in respect to municipal affairs, which supersede inconsistent general laws. This bill would prohibit a local agency, as defined, from prohibiting the shipment or storage of any energy source material, including, but not limited to, coal, within its jurisdiction. The bill would declare that its provisions constitute a matter of statewide concern.

League Position: Watch

[AB 523](#)

([Reyes D](#)) Electric Program Investment Charge: allocation.

Introduced: 2/13/2017

Status: 2/27/2017-Referred to Com. on U. & E.

Location: 2/27/2017-A. U. & E.

Summary: Would require the Energy Commission to allocate at least 25% of the moneys in the Electric Program Investment Charge Fund for technology demonstration and deployment at sites located in disadvantaged communities, as defined. The bill would require the Energy Commission to allocate at least 10% of the moneys in the fund for technology demonstration and deployment at sites located in, or benefiting, low-income communities, as defined. The bill would require the Energy Commission to give preference for funding to clean energy projects under the EPIC program that benefit residents of low-income or disadvantaged communities.

League Position: Watch

[AB 524](#)

([Bigelow R](#)) Personal income taxes: deduction: removal of dead or dying trees.

Introduced: 2/13/2017

Status: 3/20/2017-In committee: Hearing postponed by committee.

Location: 2/27/2017-A. REV. & TAX

Summary: Would, for taxable years beginning on or after January 1, 2018, allow a deduction for expenses paid or incurred by a taxpayer in the taxable year in connection with the removal of a dead or dying tree on real property owned by the taxpayer, as specified. This bill contains other related provisions.

League Position: Watch

[AB 546](#)

([Chiu D](#)) Land use: local ordinances: energy systems.

Introduced: 2/14/2017

Status: 2/27/2017-Referred to Coms. on L. GOV. and U. & E.

Location: 2/27/2017-A. L. GOV.

Summary: Would, on or before September 30, 2018, for a city, county, or city and county with a population of 200,000 or more residents, or January 31, 2019, for a city, county, or city and county with a population of less than 200,000 residents, require the city, county, or city and county to make all documentation and forms associated with the permitting of advanced energy storage, as defined, available on a publicly accessible Internet Web site, as specified.

League Position: Watch

[AB 554](#)

([Cunningham R](#)) Desalination: statewide goal.

Introduced: 2/14/2017

Status: 3/21/2017-VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations]

Location: 2/27/2017-A. W.,P. & W.

Summary: Would establish a goal to desalinate 300,000 acre-feet of drinking water per year by the year 2025 and 500,000 acre-feet of drinking water per year by the year 2030.

League Position: Watch

[AB 555](#)

([Cunningham R](#)) Carl Moyer Memorial Air Quality Standards Attainment Program.

Introduced: 2/14/2017

Status: 3/21/2017-From committee chair, with author's amendments: Amend, and re-refer to Com. on NAT. RES. Read second time and amended.

Location: 3/20/2017-A. NAT. RES.

Summary: The Carl Moyer Memorial Air Quality Standards Attainment Program, which is administered by the State Air Resources Board authorizes the state board to provide grants to offset the incremental cost of eligible projects that reduce emissions from covered vehicular sources. The program also authorizes funding for a fueling infrastructure demonstration program and for technology development efforts that are expected to result in commercially available technologies in the near-term that would improve the ability of the program to achieve its goals. This bill would make technical,



nonsubstantive changes to these provision.  
League Position: Watch

[AB 574](#) ([Quirk D](#)) Potable reuse.  
Introduced: 2/14/2017  
Status: 2/27/2017-Referred to Coms. on E.S. & T.M. and W.,P., & W.  
Location: 2/27/2017-A. E.S. & T.M.  
Summary: Current law required the State Department of Public Health to develop and adopt uniform water recycling criteria for surface water augmentation, as defined, by December 31, 2016. Current law defined the terms “direct potable reuse,” “indirect potable reuse for groundwater recharge,” and “surface water augmentation” for these purposes. This bill would remove certain references to “direct potable reuse,” “indirect potable reuse for groundwater recharge,” and “surface water augmentation,” and would instead specify the four different types of potable reuse projects as “potable reuse through groundwater augmentation,” “potable reuse through reservoir augmentation,” “potable reuse through raw water augmentation,” and “potable reuse through treated water augmentation.”  
League Position: Watch

[AB 577](#) ([Caballero D](#)) Disadvantaged communities.  
Introduced: 2/14/2017  
Last Amend: 3/9/2017  
Status: 3/13/2017-Re-referred to Com. on E.S. & T.M.  
Location: 2/27/2017-A. E.S. & T.M.  
Summary: Current law defines a disadvantaged community as a community with an annual median household income that is less than 80% of the statewide annual median household income for various purposes, that include, but are not limited to, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, eligibility for certain entities to apply for funds from the State Water Pollution Cleanup and Abatement Account, and authorization for a community revitalization and investment authority to carry out a community revitalization plan. This bill would expand the definition of a disadvantaged community to include a community with an annual per capita income that is less than 80% of the statewide annual per capita income.  
League Position: Watch

[AB 582](#) ([Garcia, Cristina D](#)) Vehicles: emissions: surveillance.  
Introduced: 2/14/2017  
Status: 3/21/2017-From committee: Amend, and do pass as amended and re-refer to Com. on TRANS. (Ayes 8. Noes 1.) (March 20).  
Location: 3/21/2017-A. TRANS.  
Summary: Would require the State Air Resources Board to enhance its surveillance of emissions from new motor vehicles to detect defeat devices or other software used to evade the surveillance of emissions, as specified. The bill would authorize the state board to impose a fee on the manufacturers of new motor vehicles to cover the state board’s costs associated with the enhanced surveillance. By expanding an existing continuous appropriation, this bill would make an appropriation.  
League Position: Watch

[AB 594](#) ([Irwin D](#)) Water supply planning: California Environmental Quality Act: photovoltaic or wind energy generation facility.  
Introduced: 2/14/2017  
Status: 2/27/2017-Referred to Coms. on W.,P., & W. and L. GOV.  
Location: 2/27/2017-A. W.,P. & W.  
Summary: Current law requires a city or county that determines that a project, as defined, is subject to the California Environmental Quality Act to identify any public water system that may supply water for the project and to request those public water systems to prepare a specified water supply assessment. If no public water system is identified, the city or county is required to prepare the water supply assessment. Current law, until January 1, 2018, exempts from the definition of “project” a proposed photovoltaic or wind energy generation facility that would demand no more than 75 acre-feet of water annually. This bill would indefinitely exempt from the definition of “project” a proposed photovoltaic or wind energy generation facility that would demand no more than 50 acre-feet of water annually.  
League Position: Watch

[AB 615](#) ([Cooper D](#)) Air Quality Improvement Program: Clean Vehicle Rebate Project.  
Introduced: 2/14/2017  
Last Amend: 3/13/2017  
Status: 3/21/2017-From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 0.) (March 20). Re-referred to Com. on APPR.  
Location: 3/20/2017-A. APPR.  
Summary: Current law, until July 1, 2017, requires the State Air Resources Board, for the purposes of the Clean Vehicle Rebate Project, to, among other things, offer rebates only to applicants who purchase an eligible vehicle and have a

specified maximum gross annual income; increase rebate payments by \$500 for low-income applicants, as defined; and prioritize rebate payments for low-income applicants. This bill would no longer limit the application of those provisions to until July 1, 2017.

League Position: Watch

[AB 630](#) ([Cooper D](#)) Vehicles: retirement and replacement.  
Introduced: 2/14/2017  
Status: 3/21/2017-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 4.) (March 20). Re-referred to Com. on APPR.  
Location: 3/20/2017-A. APPR.  
Summary: Would establish the Plus Up Program to be administered by the State Air Resources Board to focus on achieving reductions in the emissions of greenhouse gases, improvements in air quality, and benefits to low-income state residents through the replacement of high-polluting motor vehicles, as specified. The bill also would require the state board, no later than July 1, 2018, to update the guidelines for the enhanced fleet modernization program, as specified.  
League Position: Watch

[AB 663](#) ([Bloom D](#)) Coastal resources: housing.  
Introduced: 2/14/2017  
Status: 3/2/2017-Referred to Coms. on NAT. RES. and H. & C.D.  
Location: 3/2/2017-A. NAT. RES.  
Summary: The California Coastal Act of 1976 requires any person wishing to perform or undertake any development in the coastal zone, as defined, to obtain a coastal development permit, except as provided. The act requires that lower cost visitor and recreational facilities be protected, encouraged, and, where feasible, provided. This bill would also require housing opportunities for persons of low and moderate income to be protected, encouraged, and, where feasible, provided.  
League Position: Watch

[AB 672](#) ([Jones-Sawyer D](#)) Utility services.  
Introduced: 2/15/2017  
Status: 3/14/2017-In committee: Set, first hearing. Hearing canceled at the request of author.  
Location: 3/2/2017-A. JUD.  
Summary: Current law authorizes an electrical, gas, or water corporation, or any electrical, gas, or water system operated by a public agency, to bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts, among other things, the diversion of utility services by any means whatsoever. Current law authorizes the utility to recover as damages 3 times the amount of actual damages, plus the cost of the suit and reasonable attorney's fees, in any civil action brought pursuant to these provisions. This bill, instead, would authorize the prevailing party to recover actual damages, plus the costs of the suit and reasonable attorney's fees.  
League Position: Watch

[AB 684](#) ([Stone, Mark D](#)) California Coastal Commission: ex parte communications: database.  
Introduced: 2/15/2017  
Last Amend: 3/20/2017  
Status: 3/21/2017-Re-referred to Com. on NAT. RES.  
Location: 3/2/2017-A. NAT. RES.  
Summary: The California Coastal Act of 1976 prohibits a commission member and an interested person from conducting an ex parte communication unless the member fully discloses and makes public the ex parte communication by providing a full report of the communication to the executive director of the commission within 7 days after the communication or, if the communication occurs within 7 days of the next commission hearing, to the commission on the record of the proceeding at that hearing. This bill would, as of July 1, 2018, delete the requirement that the commission member provide a full report of the communication to the executive director of the commission within 7 days after the communication or, if the communication occurs within 7 days of the next commission hearing, to the commission on the record of the proceeding at that hearing.  
League Position: Watch

[AB 725](#) ([Levine D](#)) State beaches and parks: smoking ban.  
Introduced: 2/15/2017  
Status: 3/21/2017-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 4.) (March 21). Re-referred to Com. on APPR.  
Location: 3/21/2017-A. APPR.  
Summary: Current law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco product within 25 feet of a playground or tot lot sandbox area. This bill would make it an infraction for a person to smoke, as defined, on a state coastal beach or in a unit of the state park system or to dispose of used cigar or cigarette waste on a state coastal beach or in a unit of the state park system. The bill would establish a state-mandated local program by creating a new crime.  
League Position: Watch

[AB 726](#) ([Holden D](#)) Electricity: natural gas: rates: notification of energy usage and billing information.

Introduced: 2/15/2017  
Last Amend: 3/15/2017  
Status: 3/16/2017-Re-referred to Com. on U. & E.  
Location: 3/2/2017-A. U. & E.  
Summary: Would require an electrical corporation or gas corporation to notify a residential customer in a reasonably expeditious manner when the customer's usage of electricity or gas will cause the customer to be charged for additional electricity or gas consumption at a higher tiered rate during a billing cycle.  
League Position: Watch

[AB 733](#) ([Berman D](#)) Enhanced infrastructure financing districts: projects: climate change.

Introduced: 2/15/2017  
Status: 3/2/2017-Referred to Com. on L. GOV.  
Location: 3/2/2017-A. L. GOV.  
Summary: Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance, and makes related findings and declarations. This bill would additionally authorize the financing of projects that incentivize adapting to the impacts of climate change, including, but not limited to, extreme weather events, sea level rise, flooding, heat waves, wildfire, and drought, and would make conforming changes to the Legislature's findings and declarations.  
League Position: Watch

[AB 759](#) ([Dahle R](#)) Electricity: electrical cooperatives: integrated resource plan.

Introduced: 2/15/2017  
Status: 3/2/2017-Referred to Com. on U. & E.  
Location: 3/2/2017-A. U. & E.  
Summary: Current law requires each load-serving entity to prepare and file an integrated resource plan consistent with certain requirements on a time schedule directed by the commission and subject to Public Utilities Commission review. This bill would provide that, for a load-serving entity that is electrical cooperative, the above requirements only apply if the electrical cooperative has an annual electrical demand exceeding 700 gigawatthours, as determined on a 3-year average commencing January 1, 2013.  
League Position: Watch

[AB 771](#) ([Quirk D](#)) Burning of forest lands: forest land owners.

Introduced: 2/15/2017  
Status: 3/2/2017-Referred to Com. on NAT. RES.  
Location: 3/2/2017-A. NAT. RES.  
Summary: Would require the Department of Forestry and Fire Protection, by July 1, 2018, in consultation with the State Air Resources Board, local air districts, and other relevant organizations and individuals, to develop an Internet Web site that provides the public certain information relating to prescribed burns, including information on the regulations that govern prescribed burns for forest fuel treatment, and to develop a uniform prescribed burn template for forest landowners that provides standardized procedures associated with planning and implementation of a prescribed burn and meets specified objectives.  
League Position: Watch

[AB 797](#) ([Irwin D](#)) Solar thermal systems.

Introduced: 2/15/2017  
Status: 3/2/2017-Referred to Com. on U. & E.  
Location: 3/2/2017-A. U. & E.  
Summary: The Solar Water Heating and Efficiency Act of 2007, until August 1, 2018, requires the Public Utilities Commission, if it determines that a solar water heating program is cost effective for ratepayers and in the public interest, to implement a program to promote the installation of 200,000 solar water heating systems. This bill would revise the program to, among other things, promote the installation of solar thermal systems throughout the state, set the maximum funding for the program between January 1, 2018, and July 31, 2023, at \$250,000,000, reserve 50% of the total program budget for the installation of solar thermal systems in low-income residential housing or in buildings in disadvantaged communities, and extend the operation of the program through July 31, 2023.  
League Position: Watch

[AB 863](#) ([Cervantes D](#)) Affordable Housing and Sustainable Communities Program.

Introduced: 2/16/2017  
Status: 3/2/2017-Referred to Com. on H. & C.D.  
Location: 3/2/2017-A. H. & C.D.  
Summary: Current law continuously appropriates specified portions of the annual proceeds in the Greenhouse Gas Reduction Fund to various programs, including 20% for the Affordable Housing and Sustainable Communities Program administered by the Strategic Growth Council. This bill would require the Strategic Growth Council, in selecting projects for funding under the program, to seek methods for inclusion of local entrepreneurs in the implementation of the projects

and workforce training and certification of workers hired to work on the projects.

League Position: Watch

[AB 885](#)

([Rubio](#) D) Pupil health: drinking water: lead.

Introduced: 2/16/2017

Last Amend: 3/20/2017

Status: 3/21/2017-Re-referred to Com. on ED.

Location: 3/2/2017-A. ED.

Summary: Would require a school, defined to include a public elementary school, a public secondary school, a public preschool located on public school property, and a public day care facility located on public school property, to purchase and install, on or before April 1, 2018, certified water filters at all school faucets, fountains, and other outlets designated for drinking or cooking. The bill would require a school to replace all lead-bearing parts within the school's water delivery system, where feasible and cost effective, on or before January 1, 2020. The bill would require a school, on or before July 1, 2018, to develop and adopt a plan of action relating to these requirements.

League Position: Watch

[AB 914](#)

([Mullin](#) D) Transmission planning: energy storage and demand response.

Introduced: 2/16/2017

Last Amend: 3/20/2017

Status: 3/21/2017-Re-referred to Com. on U. & E.

Location: 3/2/2017-A. U. & E.

Summary: Would require the Public Utilities Commission, in its oversight of large electrical corporations and its participation in the ISO's transmission planning process, to promote the consideration of the use of nonwire alternatives, as defined, as means to address the state's transmission needs before the use of transmission wires. The bill would require the commission to ensure that transmission facility owners take certain actions in the transmission planning process regarding nonwire alternatives.

League Position: Watch

[AB 925](#)

([Frazier](#) D) Williamson Act: contracts.

Introduced: 2/16/2017

Status: 3/2/2017-Referred to Coms. on AGRI. and L. GOV.

Location: 3/2/2017-A. AGRI.

Summary: The Williamson Act requires that each contract both (1) provide for the exclusion of uses other than agricultural and related uses for the duration of the contract and (2) be binding upon, and inure to the benefit of, all successors in interest of the owner, as provided. This bill, if the governing body of the city or county provides, as authorized by law, tax relief in addition to the valuation of the land under specified law, would additionally require that the contract require the owner to provide additional public benefits as consideration for that additional tax relief.

League Position: Watch

[AB 954](#)

([Chiu](#) D) Organic waste: reduction.

Introduced: 2/16/2017

Status: 3/2/2017-Referred to Com. on NAT. RES.

Location: 3/2/2017-A. NAT. RES.

Summary: Would require the Department of Resources Recycling and Recovery to include in the analysis of the progress made on the organic waste reduction targets the status of industry efforts and federal legislation to reduce consumer food waste, including the adoption of uniform labels on food. By adding to the duties of local governments related to organic waste in landfills, this bill would impose a state-mandated local program.

League Position: Watch

[AB 975](#)

([Friedman](#) D) Natural resources: wild and scenic rivers.

Introduced: 2/16/2017

Status: 3/2/2017-Referred to Com. on NAT. RES.

Location: 3/2/2017-A. NAT. RES.

Summary: Current law establishes that it is the policy of the state that certain rivers that possess extraordinary scenic, recreational, fishery, or wildlife values shall be preserved in their free-flowing state, together with their immediate environments, for the benefit and enjoyment of the people of the state. This bill would revise that policy to specify that certain rivers that possess scenic, recreational, fishery, wildlife, historical, cultural, geological, ecological, hydrological, botanical, or other values shall be preserved in their free-flowing state, together with their immediate environments, for the benefit and enjoyment of the people of the state, and would revise the definition of "immediate environments," and define the term "extraordinary value" for purposes of that policy.

League Position: Watch

[AB 1000](#)

([Friedman](#) D) Water conservation: certification.

Introduced: 2/16/2017

Status: 3/2/2017-Referred to Com. on W.,P., & W.

Location: 3/2/2017-A. W.,P. & W.

Summary: Current law requires the State Energy Resources Conservation and Development Commission to establish minimum levels of operating efficiency to promote the use of energy and water efficient appliances. This bill would require the commission to certify innovative water conservation and water loss detection and control technologies that meet certain criteria.

League Position: Watch

[AB 1030](#)

([Ting D](#)) Energy storage systems.

Introduced: 2/16/2017

Status: 3/6/2017-Referred to Com. on U. & E.

Location: 3/6/2017-A. U. & E.

Summary: Would require the PUC to establish a program to incentivize residential and commercial customers to adopt energy storage systems. Because a violation of any order, decision, rule, direction, demand, or requirement of the PUC implementing these requirements would be a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

League Position: Watch

[AB 1036](#)

([McCarty D](#)) Organic waste: composting.

Introduced: 2/16/2017

Status: 3/6/2017-Referred to Com. on NAT. RES.

Location: 3/6/2017-A. NAT. RES.

Summary: Current law requires the California Environmental Protection Agency and the Department of Food and Agriculture, with the Department of Resources Recycling and Recovery, the State Water Resources Control Board, and the State Air Resources Board, to, among other things, assess the state's progress toward developing the organic waste processing and recycling infrastructure necessary to meet the state goals specified in certain state laws and documents. This bill would require those entities to assess the state's progress towards developing the organic waste processing and recycling infrastructure necessary to meet the state goals specified in an additional state law, as provided, and would make other changes in these provisions.

League Position: Watch

[AB 1041](#)

([Levine D](#)) Urban water suppliers: urban water shortage contingency analysis.

Introduced: 2/16/2017

Status: 3/6/2017-Referred to Com. on W.,P., & W.

Location: 3/6/2017-A. W.,P. & W.

Summary: The Urban Water Management Planning Act requires every public and private urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt an urban water management plan and to update its plan once every 5 years on or before December 31 in years ending in 5 and zero, except as specified. This bill would instead require an estimate of the minimum water supply available during each of the following 5 years to be based on the driest 5-year historic sequence for the agency's water supply.

League Position: Watch

[AB 1073](#)

([Garcia, Eduardo D](#)) California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program.

Introduced: 2/16/2017

Status: 3/6/2017-Referred to Coms. on TRANS. and NAT. RES.

Location: 3/6/2017-A. TRANS.

Summary: Would require the State Air Resources Board, when funding a specified class of projects, to allocate, until January 1, 2023, no less than 20% of that available funding to support the early commercial deployment or existing zero- and near-zero-emission heavy-duty truck technology. This bill contains other existing laws.

League Position: Watch

[AB 1088](#)

([Eggman D](#)) Multiunit residential housing: energy programs.

Introduced: 2/17/2017

Status: 3/9/2017-Referred to Coms. on NAT. RES. and H. & C.D.

Location: 3/9/2017-A. NAT. RES.

Summary: Would require the Energy Commission to set a statewide goal by 2030 to scale upgrades and reduce energy burdens for the multiunit residential market, taking into consideration the state's requirements for reducing emissions of greenhouse gases in disadvantaged communities and the climate equity, doubling of energy efficiency, and increased use of renewable energy resources requirements set forth in the Clean Energy and Pollution Reduction Act of 2015.

League Position: Watch

[AB 1091](#)

([Quirk D](#)) Balloons: electrically conductive material.

Introduced: 2/17/2017

Status: 3/6/2017-Referred to Com. on PUB. S.

Location: 3/6/2017-A. PUB. S.

Summary: Current law makes it a crime to release, outdoors, balloons made of electrically conductive material and filled



with a gas lighter than air as part of a public or civic event, promotional activity, or product advertisement. This bill would delete the requirement that the balloon be released as part of a public or civic event, promotional activity, or product advertisement in order to violate the law. By changing the definition of a crime, this bill would impose a state-mandated local program.

League Position: Watch

[AB 1117](#) ([Fong R](#)) California Environmental Quality Act.  
Introduced: 2/17/2017  
Status: 3/6/2017-Referred to Com. on NAT. RES.  
Location: 3/6/2017-A. NAT. RES.  
Summary: Would prohibit a lead agency from being required to evaluate the aesthetic effects of a project subject to CEQA and would prohibit aesthetic effects from being considered significant effects on the environment, except in certain circumstances. This bill contains other related provisions and other existing laws.  
League Position: Watch

[AB 1129](#) ([Stone, Mark D](#)) Coastal resources: structures: beach access and protection.  
Introduced: 2/17/2017  
Last Amend: 3/9/2017  
Status: 3/13/2017-Re-referred to Com. on NAT. RES.  
Location: 3/9/2017-A. NAT. RES.  
Summary: The California Coastal Act of 1976 requires the permitting of revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. This bill would also require that the permitted construction of those structures be consistent with the policies of the act, including policies regarding protection of public access, shoreline ecology, natural landforms, and other impacts on coastal resources, and would define the term "existing structure" for the purposes of those provisions.  
League Position: Watch

[AB 1132](#) ([Garcia, Cristina D](#)) Nonvehicular air pollution: order of abatement.  
Introduced: 2/17/2017  
Status: 3/6/2017-Referred to Com. on NAT. RES.  
Location: 3/6/2017-A. NAT. RES.  
Summary: Current law regulates the emission of air pollutants by stationary sources and authorizes the regional air quality management districts and air pollution control districts (air districts) to enforce those requirements. Current law authorizes the governing boards and the hearing boards of air districts to issue an order for abatement, after notice and a hearing, whenever they find a violation of those requirements. This bill would authorize the air pollution control officer, if he or she determines that a person has violated those requirements and the violation presents an imminent and substantial endangerment to the public health or welfare, or the environment, to issue an order for abatement pending a hearing before the hearing board of the air district.  
League Position: Watch

[AB 1147](#) ([Salas D](#)) Solid waste: disposal.  
Introduced: 2/17/2017  
Status: 3/6/2017-Referred to Coms. on NAT. RES. and JUD.  
Location: 3/6/2017-A. NAT. RES.  
Summary: Current law provides that a violation of the segregated recycling laws may be charged as either a misdemeanor or an infraction, as specified. Current law authorizes a court, in a civil action by a recycling agent against a person alleged to have violated these laws, to either allow treble damages or award a civil penalty, as specified, against the unauthorized person removing the recyclable material, and to allow treble damages or award a higher civil penalty, as specified, against a person for a second violation and subsequent violations. This bill would subject an unauthorized person to these same penalties and damages for collecting, removing, or transporting solid waste generated by another person on residential, commercial, or industrial premises, except in compliance with applicable law, as specified.  
League Position: Watch

[AB 1158](#) ([Chu D](#)) Carpet recycling.  
Introduced: 2/17/2017  
Status: 3/9/2017-Referred to Com. on NAT. RES.  
Location: 3/9/2017-A. NAT. RES.  
Summary: Current law requires a manufacturer of carpets sold in this state to submit, either individually or through a carpet stewardship organization, a carpet stewardship plan that meets specified requirements to the Department of Resources Recycling and Recovery. This bill would create an advisory committee in the department to make recommendations to manufacturers and carpet stewardship organizations on carpet stewardship plans.  
League Position: Watch

- [AB 1179](#) ([Kalra](#) D) Hazardous waste facilities: inspections.  
Introduced: 2/17/2017  
Status: 3/9/2017-Referred to Com. on E.S. & T.M.  
Location: 3/9/2017-A. E.S. & T.M.  
Summary: Would require the Department of Toxic Substances Control to inspect a permitted hazardous waste land disposal facility no less than once per month, inspect a permitted and operating hazardous waste facility no less than 4 times per calendar year, and inspect a permitted hazardous waste facility no less than 2 times per calendar year.  
League Position: Watch
- [AB 1180](#) ([Holden](#) D) California tire fee: Stormwater Permit Compliance Fund.  
Introduced: 2/17/2017  
Status: 3/9/2017-Referred to Coms. on NAT. RES. and E.S. & T.M.  
Location: 3/9/2017-A. NAT. RES.  
Summary: Would increase the California tire fee by \$1.50. The bill would deposit the additional moneys in the Stormwater Permit Compliance Fund, which would be established by the bill, and would make the moneys available to the State Water Resources Control Board Division of Financial Assistance. The bill would continuously appropriate moneys in the fund for competitive grants for projects and programs for municipal storm sewer system permit compliance requirements that would prevent or remediate zinc pollutants caused by tires in the state and for an annual audit of the fund.  
League Position: Support
- [AB 1197](#) ([Limón](#) D) Oil spill contingency plans: spill management teams.  
Introduced: 2/17/2017  
Status: 3/9/2017-Referred to Com. on NAT. RES.  
Location: 3/9/2017-A. NAT. RES.  
Summary: Would authorize a spill management team (SMT), as defined, to apply to the administrator for oil spill response for a classification of that SMT's response capabilities. The bill would require the administrator to establish levels for classifying a SMT based on a SMT's capacity to respond to spills and manage spills effectively, review applications for classifications, and classify the SMT, as specified. The bill would authorize the administrator to charge a reasonable administrative fee to process an application for, or renewal of, a classification.  
League Position: Watch
- [AB 1198](#) ([Dahle](#) R) Net energy metering.  
Introduced: 2/17/2017  
Status: 3/9/2017-Referred to Com. on U. & E.  
Location: 3/9/2017-A. U. & E.  
Summary: Current law requires the Public Utilities Commission to ensure that the standard contract or tariff made available to eligible customer-generators ensures that customer-sited renewable distributed generation continues to grow sustainably and include specific alternatives designed for growth among residential customers in disadvantaged communities. This bill would define "disadvantaged communities" for these purposes.  
League Position: Watch
- [AB 1287](#) ([Acosta](#) R) Solid waste: plastic products.  
Introduced: 2/17/2017  
Status: 3/13/2017-Referred to Com. on NAT. RES.  
Location: 3/13/2017-A. NAT. RES.  
Summary: Current law, until January 1, 2018, requires a manufacturer or supplier of plastic products making an environmental marketing claim relating to the recycled content of a plastic food container product to maintain specified information and documentation in written form in its records in support of that claim, and to provide that information and documentation upon request or on the Internet, as specified. This bill would extend the operation of that provision indefinitely.  
League Position: Watch
- [AB 1288](#) ([Eggman](#) D) Solid waste: charges.  
Introduced: 2/17/2017  
Status: 3/13/2017-Referred to Com. on NAT. RES.  
Location: 3/13/2017-A. NAT. RES.  
Summary: The California Integrated Waste Management Act of 1989 requires the operator of a disposal facility to pay to the State Board of Equalization a fee based on the amount of all solid waste disposed of at each disposal site. The act requires the department to establish the amount of the fee, as specified, and limits the fee to a maximum of \$1.40 per ton. Current law requires the moneys collected from the fee to be deposited in the Integrated Waste Management Account and requires the moneys in the account to be used by the department, upon appropriation, for specified purposes, including, among others, the administration and implementation of the act. This bill would require the department to use the moneys in the account also to maintain a prudent reserve for the administration and implementation of the act.  
League Position: Watch

[AB 1291](#)

([Patterson R](#)) Electricity: rates: baseline quality.

Introduced: 2/17/2017

Status: 3/13/2017-Referred to Com. on U. & E.

Location: 3/13/2017-A. U. & E.

Summary: Current law requires every electrical corporation to file a schedule of rates and charges providing baseline rates that apply to the first or lowest block, which is the baseline quantity, of an increasing block rate structure. Under its existing authority, the commission has established electricity baseline quantities for the summer and winter seasons for the Pacific Gas and Electric Company. The bill would require the commission to establish the electricity baseline quantities for the Pacific Gas and Electric Company, as specified.

League Position: Watch

[AB 1294](#)

([Berman D](#)) Solid waste: plastic products.

Introduced: 2/17/2017

Status: 3/20/2017-Coauthors revised.

Location: 3/13/2017-A. NAT. RES.

Summary: Current law, until January 1, 2018, requires a manufacturer or supplier of plastic products making an environmental marketing claim relating to the recycled content of a plastic food container product to maintain specified information and documentation in written form in its records in support of that claim. Current law provides for the imposition of a civil penalty by a city, county, or the state for a violation of those provisions. This bill would postpone the repeal of the provision concerning recycled content marketing claims until January 1, 2028.

League Position: Watch

[AB 1323](#)

([Weber D](#)) Sustainable water use and demand reduction: stakeholder workgroup.

Introduced: 2/17/2017

Status: 3/13/2017-Referred to Com. on W.,P., & W.

Location: 3/13/2017-A. W.,P. & W.

Summary: Would require the Department of Water Resources to convene a stakeholder workgroup with prescribed representatives invited to participate, including, among others, representatives of the department and the State Water Resources Control Board, no later than February 1, 2018. The bill would require the stakeholder workgroup to develop, evaluate, and recommend proposals for establishing new water use targets for urban water suppliers and to examine and report to the Governor and the Legislature by December 31, 2018, as specified.

League Position: Watch

[AB 1342](#)

([Flora R](#)) Greenhouse Gas Reduction Fund: appropriations.

Introduced: 2/17/2017

Status: 3/13/2017-Referred to Com. on NAT. RES.

Location: 3/13/2017-A. NAT. RES.

Summary: Would continuously appropriate \$100,000,000 from the Greenhouse Gas Reduction Fund to the Department of Forestry and Fire Protection for healthy forest programs that reduce greenhouse gas emissions caused by uncontrolled wildfires, as specified. The bill would continuously appropriate \$100,000,000 from the fund to the Department of Resources Recycling and Recovery for instate organic waste recycling projects that reduce greenhouse gas emissions, as specified.

League Position: Watch

[AB 1358](#)

([Cooley D](#)) State parks: California Admission Day: free admission.

Introduced: 2/17/2017

Last Amend: 3/16/2017

Status: 3/20/2017-Re-referred to Com. on W.,P., & W.

Location: 3/16/2017-A. W.,P. & W.

Summary: Current law requires the Department of Parks and Recreation to administer, protect, develop, and interpret the property under its jurisdiction in the state park system for the use and enjoyment of the public. Current law provides for the department to charge various fees for use of state parks, but requires the department to offer free or reduced-rate admission to eligible persons under certain circumstances. This bill would require the department to grant free admission to the general public to each unit of the state park system on September 9, California Admission Day.

League Position: Watch

[AB 1369](#)

([Gray D](#)) Water quality and storage.

Introduced: 2/17/2017

Status: 2/19/2017-From printer. May be heard in committee March 21.

Location: 2/17/2017-A. PRINT

Summary: Current law requires all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism relative to reduction of greenhouse gas emissions to be deposited in the Greenhouse Gas Reduction Fund. This bill would require the Department of Water Resources to increase statewide water storage capacity by 25% by January 1, 2025, and 50% by January 1, 2050, as



specified.  
League Position: Watch

[AB 1383](#) ([Fong R](#)) California Global Warming Solutions Act of 2006: regulations.  
Introduced: 2/17/2017  
Status: 3/13/2017-Referred to Com. on NAT. RES.  
Location: 3/13/2017-A. NAT. RES.  
Summary: The State Air Resources Board is required to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030. The California Global Warming Solutions Act requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions. This bill would require the state board to take specified actions and make specified findings prior to adopting a regulation under the act.  
League Position: Watch

[AB 1404](#) ([Berman D](#)) California Environmental Quality Act: categorical exemption: infill development.  
Introduced: 2/17/2017  
Status: 3/13/2017-Referred to Com. on NAT. RES.  
Location: 3/13/2017-A. NAT. RES.  
Summary: CEQA requires the Office of Planning and Research to prepare and develop, and the Secretary of the Natural Resources Agency to certify and adopt, guidelines for the implementation of CEQA. CEQA requires the guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and that shall be exempt from CEQA (categorical exemption). Current guidelines for the implementation of CEQA exempts from the requirements of CEQA infill development meeting certain requirements, including the requirement that the proposed development occurs within city limits. This bill would expand the above-categorical exemption to include proposed developments occurring within the unincorporated areas of a county.  
League Position: Watch

[AB 1405](#) ([Mullin D](#)) Electricity: Clean Peak Energy Standard.  
Introduced: 2/17/2017  
Last Amend: 3/20/2017  
Status: 3/21/2017-Re-referred to Com. on U. & E.  
Location: 3/13/2017-A. U. & E.  
Summary: Would require the Public Utilities Commission to determine, by December 31, 2018, the actual percentage of kilowatthours delivered by each load-serving entity during a specified 4-hour period of heavy electricity demand, known in the bill as the peakload time period, that is derived from eligible renewable resources or energy storage systems, collectively referenced in the bill as clean peak resources. The bill would require the commission to ensure that each load-serving entity procure a minimum percentage of kilowatthours delivered during the peakload time period from clean peak resources on at least 15 days during each month in accordance with a specified schedule.  
League Position: Watch

[AB 1414](#) ([Friedman D](#)) Solar energy systems: permits.  
Introduced: 2/17/2017  
Status: 3/20/2017-Referred to Com. on L. GOV.  
Location: 3/20/2017-A. L. GOV.  
Summary: Current law, until January 1, 2018, prohibits permit fees for rooftop solar energy systems that produce direct current electricity, as specified, by a city, county, city and county, or charter city from exceeding the estimated reasonable cost of providing the service for which the fee is charged, which cannot exceed \$500 plus \$15 per kilowatt for each kilowatt above 15kW for residential permits and, for commercial permits, \$1,000 for systems up to 50kW plus \$7 per kW for each kW between 51kW and 250kW, plus \$5 per kW for each kW above 250kW. Current law authorizes permit fees that exceed these charges if, as part of a written finding and adopted resolution or ordinance, the city, county, city and county, or charter city provides substantial evidence, as specified, of the reasonable cost to issue the permit. This bill would extend the applicability of the above-described limit on fees to all solar energy systems and would remove the repeal date, thus continuing these provisions in effect indefinitely.  
League Position: Pending

[AB 1420](#) ([Aguiar-Curry D](#)) Water rights: small irrigation use: lake or streambed alteration agreements.  
Introduced: 2/17/2017  
Status: 3/13/2017-Referred to Com. on W.,P., & W.  
Location: 3/13/2017-A. W.,P. & W.  
Summary: Would require the State Water Resources Control Board to give priority to adopting, on or before June 30, 2021, except as provided, general conditions that permit a registrant to store water for small irrigation use during times of high streamflow in exchange for the registrant reducing diversions during periods of low streamflow, as specified. The bill would require that the actions of the board under these provisions be deemed an action taken for the protection of the environment for purposes of specified California Environmental Quality Act guidelines, if those actions do not result in the

relaxation of streamflow standards.

League Position: Watch

[AB 1431](#)

([Arambula D](#)) Energy efficiency: renewable energy resources.

Introduced: 2/17/2017

Status: 3/16/2017-Referred to Coms. on U. & E. and NAT. RES.

Location: 3/16/2017-A. U. & E.

Summary: Would require the Energy Commission, PUC, Department of Community Services and Development, State Department of Social Services, energy utilities, and 3rd-party administrators, as defined, to collaborate with community partnerships to develop and implement comprehensive and coordinated outreach, education, and delivery of all their programs to promote energy efficiency, including weatherization, or to promote utilization of renewable energy resources, or provide rate assistance that are targeted toward low-income consumers and disadvantaged communities.

League Position: Watch

[AB 1433](#)

([Wood D](#)) Climate Adaptation and Resilience Based on Nature Act.

Introduced: 2/17/2017

Status: 3/13/2017-Referred to Com. on NAT. RES.

Location: 3/13/2017-A. NAT. RES.

Summary: Would create the Climate Adaptation and Resilience Based on Nature Account in the Greenhouse Gas Reduction Fund and would transfer, beginning in the 2017–18 fiscal year, 20% of the annual proceeds of the fund to the account. The bill would, upon appropriation by the Legislature in the annual Budget Act, make available the moneys in the account to the Wildlife Conservation Board for grants and programs that facilitate actions to protect and improve the resilience of natural systems and to reduce emissions of greenhouse gases.

League Position: Watch

[AB 1472](#)

([Limón D](#)) Public lands: assignments and transfers: oil, gas, and mineral leases.

Introduced: 2/17/2017

Last Amend: 3/14/2017

Status: 3/15/2017-Re-referred to Com. on NAT. RES.

Location: 3/13/2017-A. NAT. RES.

Summary: Current law authorizes, with respect to oil, gas, and mineral leases, the assignment, transfer, or sublet as to all or any part of certain leased or permitted lands, as prescribed, subject to approval by the commission, to any person, association of persons, or corporation, who at the time of the proposed assignment, transfer, or sublease, possesses certain qualifications. This bill would authorize the State Lands Commission, in considering an approval of an assignment, transfer, or sublet of a lease under those provisions, to consider whether the proposed assignee, as defined, is likely to comply with all provisions of the assigned lease for the duration of the lease term, as determined by specified factors.

League Position: Watch

[AB 1490](#)

([Gray D](#)) State Water Resources Control Board: school drinking water.

Introduced: 2/17/2017

Status: 3/16/2017-Referred to Coms. on E.S. & T.M. and NAT. RES.

Location: 3/16/2017-A. E.S. & T.M.

Summary: Would require the State Water Resources Control Board, before adopting or approving a water quality control plan, water quality objectives, or a program of implementation, to evaluate impacts on primary drinking water standards and secondary drinking water standards for, and impacts on groundwater basins that provide drinking water to, impacted local education agencies located in whole or in part in a disadvantaged community. The bill, if the state board finds any defined significant effect in this evaluation, would prohibit the state board from adopting a statement of overriding consideration.

League Position: Watch

[AB 1530](#)

([Gonzalez Fletcher D](#)) Urban forestry.

Introduced: 2/17/2017

Status: 3/16/2017-Referred to Com. on NAT. RES.

Location: 3/16/2017-A. NAT. RES.

Summary: The California Urban Forestry Act of 1978 has as a stated purpose the promotion of the use of urban forest resources for purposes of increasing integrated projects with multiple benefits in urban communities. This bill would provide that the purpose of the act is also to promote policies and incentives that advance improved maintenance of urban forest canopy to optimize multiple benefits, among other purposes. This bill contains other related provisions and other current laws.

League Position: Watch

[AB 1552](#)

([Quirk-Silva D](#)) Electricity: distributed generation.

Introduced: 2/17/2017

Status: 3/16/2017-Referred to Com. on U. & E.

Location: 3/16/2017-A. U. & E.

Summary: Would, by July 1, 2018, to the extent authorized by federal law, require the state's 3 largest electrical corporations to stop assessing utility-imposed nonbypassable charges against customers using clean distributed generation resources, as defined, for electricity generated and consumed on-site and instead require those customers to pay all applicable fees based only on electricity purchased from the electrical corporation that is delivered over the electrical grid.

League Position: Watch

[AB 1558](#) ([Garcia, Cristina](#) D) Urban river restoration program.

Introduced: 2/17/2017

Status: 3/16/2017-Referred to Com. on W.,P., & W.

Location: 3/16/2017-A. W.,P. & W.

Summary: Would require the State Water Resources Control Board and the Department of Water Resources, in collaboration, to establish a program to support urban communities in restoring their rivers for multiple benefits. The bill would, if the County of Los Angeles submits a proposal for a project for urban river restoration in the watershed of the Los Angeles River, require the board and the department to consider the proposal as a pilot project.

League Position: Watch

[AB 1562](#) ([Garcia, Eduardo](#) D) Salton Sea restoration.

Introduced: 2/17/2017

Status: 2/19/2017-From printer. May be heard in committee March 21.

Location: 2/17/2017-A. PRINT

Summary: The Salton Sea Restoration Act, to the extent that funding is appropriated to the Department of Fish and Wildlife for Salton Sea restoration activities, authorizes the Department of Water Resources, in coordination and under agreement with the Department of Fish and Wildlife, to undertake certain restoration efforts. The act authorizes the Salton Sea Authority to lead a feasibility study, in coordination and under contract with the Secretary of the Natural Resources Agency, as prescribed. This bill would make nonsubstantive changes to the provision that names the act.

League Position: Watch

[AB 1572](#) ([Aguilar-Curry](#) D) Integrated waste management plans: source reduction and recycling element: review schedule.

Introduced: 2/17/2017

Status: 3/16/2017-Referred to Com. on NAT. RES.

Location: 3/16/2017-A. NAT. RES.

Summary: The California Integrated Waste Management Act of 1989 requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. Those entities are required to divert 50% of all solid waste subject to the element through source reduction, recycling, and composting, except as specified. Current law requires the Department of Resources Recycling and Recovery, until January 1, 2018, to review a jurisdiction's compliance with those diversion requirements every 2 or 4 years. This bill would postpone the repeal of that conditional review schedule, and postpone the corresponding operation of the department's 2-year review schedule, to January 1, 2020.

League Position: Watch

[AB 1583](#) ([Chau](#) D) Proposition 65: enforcement: certificate of merit: factual basis.

Introduced: 2/17/2017

Status: 3/21/2017-From committee chair, with author's amendments: Amend, and re-refer to Com. on E.S. & T.M. Read second time and amended.

Location: 3/16/2017-A. E.S. & T.M.

Summary: The Safe Drinking Water and Toxic Enforcement Act of 1986 provides for enforcement by an action brought by any person in the public interest, if that private action is commenced more than 60 days after the person has given notice of the violation that is the subject of the action to the Attorney General and the district attorney, the city attorney, or the prosecutor in whose jurisdiction the violation is alleged to have occurred, and to the alleged violator. Current law requires factual information sufficient to establish the basis of the certificate of merit to be attached to the certificate of merit that is served on the Attorney General. This bill would require the same factual information sufficient to establish the basis of the certificate of merit to be attached to the certificate of merit that is served on the alleged violator.

League Position: Watch

[AB 1605](#) ([Caballero](#) D) Maximum contaminant levels: nitrate: replacement water.

Introduced: 2/17/2017

Status: 3/16/2017-Referred to Coms. on E.S. & T.M. and JUD.

Location: 3/16/2017-A. E.S. & T.M.

Summary: Would deem a person that causes or permits, or threatens to cause or permit, any waste to be discharged that contributes to the exceedance of the maximum contaminant level for nitrate in drinking water to not have caused pollution or a nuisance or to not be liable for negligence or trespass, as specified, if the person or entity takes certain actions relating to replacement water until the maximum contaminant level for nitrate is no longer exceeded.

League Position: Watch

[AB 1608](#) ([Kalra](#) D) Vibrant landscapes for climate, people, and multiple benefits.

Introduced: 2/17/2017  
Status: 3/16/2017-Referred to Com. on NAT. RES.  
Location: 3/16/2017-A. NAT. RES.

Summary: Would require the Department of Conservation to develop and implement the Vibrant Landscape Program to assist eligible applicants in the development of county and regional plans that integrate the conservation and management of natural and working lands with other sectors to reduce the emissions of greenhouse gases and to provide other environmental cobenefits and to provide funding for land management and conservation activities that reduce the emissions of greenhouse gases and achieve other environmental cobenefits.

League Position: Watch

[AB 1642](#) ([Caballero](#) D) California Coastal Commission: ex parte communications: disclosure.

Introduced: 2/17/2017  
Status: 3/16/2017-Referred to Com. on NAT. RES.  
Location: 3/16/2017-A. NAT. RES.

Summary: The California Coastal Act of 1976 prohibits a commission member or an interested person, as defined, from conducting an ex parte communication unless the commission member fully discloses and makes public that communication within 7 days after the communication or, if the communication occurs within 7 days of the next commission hearing, to the commission on the record of the proceeding at that hearing. The act requires the executive director of the commission to place in the public record any report of an ex parte communication. This bill would require that the executive director place on the commission's Internet Web site and in the official public record any written report of an ex parte communication.

League Position: Watch

[AB 1646](#) ([Muratsuchi](#) D) Hazardous materials: risk management plans: petroleum refineries.

Introduced: 2/17/2017  
Status: 3/20/2017-In committee: Set, first hearing. Hearing canceled at the request of author.  
Location: 3/16/2017-A. E.S. & T.M.

Summary: Would require the risk management plan of a petroleum refinery to be posted on the Internet Web site of the Office of Emergency Services or on the Internet Web site of the UPA that has jurisdiction over the petroleum refinery. In addition to existing requirements for the contents of a risk management plan, the bill would require the plan to provide for a system of automatic notification for residents who live within a 5-mile radius of the petroleum refinery, an audible alarm system that can be heard within a 10-mile radius of the petroleum refinery, and an emergency alert system for schools, public facilities, hospitals, and residential care homes located within a 10-mile radius of the petroleum refinery.

League Position: Watch

[AB 1647](#) ([Muratsuchi](#) D) Petroleum refineries: air monitoring systems.

Introduced: 2/17/2017  
Status: 3/16/2017-Referred to Com. on NAT. RES.  
Location: 3/16/2017-A. NAT. RES.

Summary: Would require an air district to require the owner or operator of a petroleum refinery to install a community air monitoring system, as defined, on or before January 1, 2020, and to install a fence-line monitoring system, as defined, on or before January 1, 2019. By adding to the duties of air districts, this bill would impose a state-mandated local program.

League Position: Watch

[AB 1648](#) ([Muratsuchi](#) D) Refineries: inspectors.

Introduced: 2/17/2017  
Status: 3/16/2017-Referred to Com. on L. & E.  
Location: 3/16/2017-A. L. & E.

Summary: The California Refinery and Chemical Plant Worker Safety Act of 1990 declares the intent of the Legislature for the standards board and the Division of Occupational Safety and Health to promote worker safety through implementation of training and process safety management, as defined, in refineries and other facilities as deemed appropriate. This bill would require the division to increase the number of inspectors for the department's refinery inspector program by an unspecified percentage.

League Position: Watch

[AB 1649](#) ([Muratsuchi](#) D) Interagency Task Force on Refinery Safety.

Introduced: 2/17/2017  
Status: 3/16/2017-Referred to Com. on E.S. & T.M.  
Location: 3/16/2017-A. E.S. & T.M.

Summary: Would create the Interagency Task Force on Refinery Safety, with a specified membership, to be managed by the California Environmental Protection Agency as the lead agency. The bill would provide that the purpose of the task force shall be to examine ways to improve public and worker safety through enhanced oversight of refineries, and to strengthen emergency preparedness in anticipation of any future refinery incident.

League Position: Watch

- [AB 1667](#) ([Friedman](#) D) Urban water suppliers: landscape water meters.  
Introduced: 2/17/2017  
Status: 3/16/2017-Referred to Com. on W.,P., & W.  
Location: 3/16/2017-A. W.,P. & W.  
Summary: Would require an urban water supplier to install dedicated landscape water meters on commercial, institutional, industrial, and multifamily service connections that are located in its service area on or before January 1, 2020, if the property has greater than 1,000 square feet of irrigated landscape, and on or before January 1, 2025, if the property has greater than 500, but less than 1,001, square feet of irrigated landscape.  
League Position: Watch
- [AB 1668](#) ([Friedman](#) D) Water conservation: guidelines.  
Introduced: 2/17/2017  
Status: 3/16/2017-Referred to Com. on W.,P., & W.  
Location: 3/16/2017-A. W.,P. & W.  
Summary: Executive Order B-37-16, among other things, requires the Department of Water Resources to work with the State Water Resources Control Board to develop new water use targets as a part of a permanent framework for urban water agencies. This bill would require the state board, on or before July 1, 2018, in consultation with the department and other appropriate state agencies, to adopt water conservation guidelines that are consistent with a specified report issued in response to Executive Order B-37-16.  
League Position: Watch
- [AB 1669](#) ([Friedman](#) D) Urban water use efficiency.  
Introduced: 2/17/2017  
Status: 3/16/2017-Referred to Com. on W.,P., & W.  
Location: 3/16/2017-A. W.,P. & W.  
Summary: Would, on or before January 1, 2019, would require the State Water Resources Control Board, in consultation with the Department of Water Resources and other appropriate state agencies, to establish and adopt a process to increase urban water use efficiency through incremental urban water use efficiency targets and in that regard to establish an urban water use efficiency target to be achieved by the state by January 1, 2025. The bill would require the state board to update its urban water use efficiency target every 5 years.  
League Position: Watch
- [AB 1671](#) ([Caballero](#) D) Backflow prevention devices.  
Introduced: 2/17/2017  
Status: 3/16/2017-Referred to Com. on E.S. & T.M.  
Location: 3/16/2017-A. E.S. & T.M.  
Summary: Would, on or before January 1, 2020, require the State Water Resources Control Board to update its backflow protection regulations and to adopt regulations establishing the minimum standards for a backflow prevention device tester for purposes of certification by a local health official. This bill contains other existing laws.  
League Position: Watch
- [SB 5](#) ([De León](#) D) California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.  
Introduced: 12/5/2016  
Last Amend: 3/15/2017  
Status: 3/17/2017-Set for hearing March 22.  
Location: 3/7/2017-S. GOV. & F.  
Summary: Would enact the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of \$3,000,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. This bill contains other related provisions.  
League Position: Watch
- [SB 41](#) ([Galgiani](#) D) State Air Resources Board: compliance: regulations.  
Introduced: 12/5/2016  
Last Amend: 3/15/2017  
Status: 3/20/2017-March 29 set for first hearing canceled at the request of author.  
Location: 1/12/2017-S. E.Q.  
Summary: The State Air Resources Board has adopted a regulation to significantly reduce emissions particulate matter, oxides of nitrogen, and other criteria air pollutants from existing diesel trucks and buses operating in the state, commonly known as the Truck and Bus Regulation. This bill would require the state board, until January 1, 2023, to deem a person, as defined, to be in compliance with the Truck and Bus Regulation and would prohibit the state board from requiring a person to expend further moneys to achieve compliance with, or from seeking to enforce against that person, that regulation if



specified conditions are met.  
League Position: Watch

[SB 44](#) ([Jackson D](#)) State lands: coastal hazard and legacy oil and gas well removal and remediation program.  
Introduced: 12/5/2016  
Last Amend: 3/20/2017  
Status: 3/20/2017-Read second time and amended. Re-referred to Com. on EQ.  
Location: 3/14/2017-S. E.Q.  
Summary: Would, upon appropriation of moneys by the Legislature, require the State Lands Commission to, within 2 years, administer a coastal hazard and legacy oil and gas well removal and remediation program, as specified. The bill would authorize the commission to seek and accept on behalf of the state any gift, bequest, devise, or donation whenever the gift and the terms and conditions thereof will aid in actions undertaken to administer that program. The bill would require the commission to annually report to the Legislature the activities and accomplishments of the program.  
League Position: Watch

[SB 49](#) ([De León D](#)) California Environmental, Public Health, and Workers Defense Act of 2017.  
Introduced: 12/5/2016  
Last Amend: 2/22/2017  
Status: 3/21/2017-Set for hearing April 5.  
Location: 3/14/2017-S. E.Q.  
Summary: The Porter-Cologne Water Quality Control Act regulates the discharge of pollutants into the waters of the state. The California Safe Drinking Water Act establishes standards for drinking water and regulates drinking water systems. The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species and generally prohibits the taking of those species. The Protect California Air Act of 2003 prohibits air quality management districts and air pollution control districts from amending or revising their new source review rules or regulations to be less stringent than those rules or regulations that existed on December 30, 2002. This bill would prohibit state or local agencies from amending or revising their rules and regulations implementing the above state laws to be less stringent than the baseline federal standards, as defined, and would require specified agencies to take prescribed actions to maintain and enforce certain requirements and standards pertaining to air, water, and protected species.  
League Position: Watch

[SB 50](#) ([Allen D](#)) Federal public lands: conveyances.  
Introduced: 12/5/2016  
Last Amend: 3/20/2017  
Status: 3/21/2017-Set for hearing April 4.  
Location: 3/14/2017-S. JUD.  
Summary: Would establish, except as provided, a policy of the state to discourage conveyances of federal public lands in California from the federal government. The bill would specify that these conveyances are void ab initio unless the State Lands Commission is provided with the right of first refusal or the right to arrange the transfer to a 3rd party. The bill would require the commission, the Wildlife Conservation Board, and the Department of Fish and Wildlife to enter into a memorandum of understanding establishing a state policy that they will undertake all feasible efforts to protect against future unauthorized conveyances of federal public lands or any change in federal public land designation.

[SB 51](#) ([Jackson D](#)) Professional licensees: environmental sciences and climate change: whistleblower and data protection.  
Introduced: 12/5/2016  
Last Amend: 2/22/2017  
Status: 3/14/2017-Set for hearing March 27.  
Location: 3/8/2017-S. B., P. & E.D.  
Summary: Would require the Secretary for Environmental Protection to ensure that all scientific information and other data otherwise in the public domain is protected against censorship or destruction by the federal government. This bill would include findings and declarations related to the measure, including that the purpose of these provisions is, to the maximum extent feasible under state law, to ensure those persons may report improper governmental activity and to continue to make scientific and other information open to the public without fear of losing their professional licenses or credentials.  
League Position: Watch

[SB 60](#) ([Glazer D](#)) Recycling: beverage containers: convenience zones.  
Introduced: 12/21/2016  
Status: 2/15/2017-February 15 hearing: Testimony taken. Hearing postponed by committee.  
Location: 1/12/2017-S. E.Q.  
Summary: Would, until July 1, 2017, exempt from the requirement that each convenience zone be served by at least one certified recycling center (1) a convenience zone that was served by or exempted because of a recycling center that closed

between January 1, 2016, and March 31, 2016, or that is closed as a result of an action taken by the Department of Resources Recycling and Recovery on or after July 1, 2016, and (2) a convenience zone that is in a jurisdiction with a land use restriction that prevents the siting or operation of a certified recycling center on or after July 1, 2016.

League Position: Watch

[SB 80](#) ([Wieckowski D](#)) California Environmental Quality Act: notices.

Introduced: 1/11/2017

Last Amend: 2/14/2017

Status: 3/9/2017-Set for hearing March 29.

Location: 1/19/2017-S. E.Q.

Summary: The California Environmental Quality Act requires the lead agency to mail certain notices to persons who have filed a written request for notices. The act provides that if the agency offers to provide the notices by email, upon filing a written request for notices, a person may request that the notices be provided to him or her by email. This bill would require the lead agency to post those notices on the agency's Internet Web site. The bill would require the agency to offer to provide those notices by email. Because this bill would increase the level of service provided by a local agency, this bill would impose a state-mandated local program.

League Position: Watch

League Position

Watch

[SB 146](#) ([Wilk R](#)) Water resources: permit to appropriate: protected species.

Introduced: 1/17/2017

Last Amend: 3/20/2017

Status: 3/21/2017-Set for hearing March 28.

Location: 1/26/2017-S. N.R. & W.

Summary: Under current law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Current law prohibits the taking or possession of a fully protected fish, except as provided, and designates the unarmored threespine stickleback as a fully protected fish. This bill would prohibit the board from issuing on or after January 1, 2018, a new permit to appropriate water from any river or stream that has, or is reasonably expected to have, a population of unarmored threespine stickleback.

[SB 174](#) ([Lara D](#)) Diesel-fueled vehicles: registration.

Introduced: 1/23/2017

Status: 3/14/2017-Set for hearing March 28.

Location: 2/2/2017-S. T. & H.

Summary: Current law prohibits a person from driving, moving, or leaving standing upon a highway any motor vehicle, as defined, that has been registered in violation of provisions regulating vehicle emissions. This bill, effective January 1, 2020, would require the Department of Motor Vehicles to confirm, prior to the initial registration or the transfer of ownership and registration of a diesel-fueled vehicle with a gross vehicle weight rating of more than 14,000 pounds, that the vehicle is compliant with, or exempt from, applicable air pollution control technology requirements, pursuant to specified provisions.

League Position: Watch

[SB 212](#) ([Jackson D](#)) Medical waste.

Introduced: 2/1/2017

Status: 3/9/2017-Set for hearing March 29.

Location: 2/9/2017-S. E.Q.

Summary: Current law, the Medical Waste Management Act, administered by the State Department of Public Health, regulates the management and handling of medical waste, as defined. This bill adds to the act a definition of "home-generated pharmaceutical waste" as a prescription or over-the-counter human or veterinary home-generated pharmaceutical that is waste and is derived from a household, including, but not limited to, a multifamily residence or household.

League Position: Watch

[SB 224](#) ([Jackson D](#)) California Environmental Quality Act: baseline conditions.

Introduced: 2/2/2017

Status: 2/16/2017-Referred to Com. on EQ.

Location: 2/16/2017-S. E.Q.

Summary: Would prohibit the lead agency, in determining the baseline physical conditions by which a lead agency determines whether a project has a significant effect on the environment, from considering the effects of certain actions on the environment.

League Position: Watch

[SB 231](#) ([Hertzberg](#) D) Local government: fees and charges.  
Introduced: 2/2/2017  
Status: 3/8/2017-Set for hearing April 5.  
Location: 2/16/2017-S. GOV. & F.  
Summary: Articles XIII C and XIII D of the California Constitution generally require that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing. Current law, the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with Articles XIII C and XIII D of the California Constitution and defines terms for these purposes. This bill would define the term “sewer” for these purposes. The bill would also make findings and declarations relating to the definition of the term “sewer” for these purposes.  
League Position: Watch

[SB 234](#) ([Berryhill](#) R) Fishing: local regulation: prohibition  
Introduced: 2/6/2017  
Status: 3/21/2017-Read second time and amended. Re-referred to Com. on JUD.  
Location: 3/21/2017-S. JUD.  
Summary: Under current law, the Department of Fish and Wildlife exercises various functions with regard to the taking of fish and game. Under current law, a city or county has no authority to regulate fish and game except that a city or county may adopt an ordinance that incidentally affects fishing and hunting for the protection of public health and safety. This bill would prohibit a local agency from adopting or enforcing an ordinance to regulate fishing and would provide that this provision is declaratory of existing law.  
League Position: Watch

[SB 242](#) ([Skinner](#) D) Property Assessed Clean Energy program: program administrator.  
Introduced: 2/6/2017  
Last Amend: 3/20/2017  
Status: 3/20/2017-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.  
Location: 2/6/2017-S. RLS.  
Summary: Would require a program administrator that administers a PACE program on behalf of a public agency to comply with certain requirements when approving an assessment contract for the installation of an eligible measure, as well as the administration of that contract, including requiring the contract to comply with specified criteria and requirements. The bill would require a program administrator to obtain a sworn statement, signed under penalty of perjury, containing specified financial information from a property owner and to underwrite an assessment contract, and would prohibit a program administrator from approving an assessment contract if it determines that the property owner is unlikely to be able to make payments on that contract.  
League Position: Watch

[SB 252](#) ([Dodd](#) D) Water wells.  
Introduced: 2/7/2017  
Last Amend: 3/13/2017  
Status: 3/13/2017-From committee with author's amendments. Read second time and amended. Re-referred to Com. on N.R. & W.  
Location: 2/16/2017-S. N.R. & W.  
Summary: Current provisions of the California Constitution declare the policy that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of these waters is to be exercised with a view to the reasonable and beneficial use of the waters in the interest of the people and for the public welfare. Current law establishes various state water policies, including the policy that the use of water for domestic purposes is the highest use of water. This bill would require, in an action alleging liability for interference with a well used primarily for domestic use, reasonableness of each party's beneficial use of water to be determined through consideration of specified factors.  
League Position: Concerns

[SB 262](#) ([Wieckowski](#) D) Climate change: climate adaptation: advisory council.  
Introduced: 2/8/2017  
Status: 3/9/2017-Set for hearing March 29.  
Location: 2/16/2017-S. E.Q.  
Summary: Current law requires the Office of Planning and Research to establish an advisory council, comprised of members for a range of disciplines, to support the office's goals to facilitate coordination among state, regional, and local agency efforts to adapt to the impacts of climate change. This bill would specify that the members on the advisory council serve staggered terms of 4 years. The bill would require the members of the advisory council to select a chairperson from their members.  
League Position: Watch



- [SB 263](#) ([Leyva D](#)) Climate Assistance Centers.  
Introduced: 2/8/2017  
Last Amend: 3/21/2017  
Status: 3/21/2017-From committee with author's amendments. Read second time and amended. Re-referred to Com. on EQ.  
Location: 2/16/2017-S. E.Q.  
Summary: Would require the Strategic Growth Council to establish no less than 10 regional climate assistance centers, as specified. The bill would require the climate assistance centers to provide to target user groups technical assistance in applying for moneys, provide to target user groups assistance and training in project management and implementation, and work with local organizations to formulate policy ideas that accomplish specified goals. The bill would authorize the council and climate assistance centers to solicit and accept nonstate money.  
League Position: Watch
- [SB 265](#) ([Berryhill R](#)) Disaster relief.  
Introduced: 2/8/2017  
Status: 3/14/2017-March 14 set for first hearing canceled at the request of author.  
Location: 2/16/2017-S. G.O.  
Summary: The California Disaster Assistance Act provides that the state share for disaster project allocations to local agencies is no more than 75% of total state eligible costs, except for specified events for which the state share is up to 100% of state eligible costs. This bill would provide that the state share for the removal of dead and dying trees in the County of Tuolumne is no more than 90% of total state eligible costs.  
League Position: Watch
- [SB 276](#) ([Dodd D](#)) Greenhouse Gas Reduction Fund: exemptions.  
Introduced: 2/9/2017  
Status: 3/21/2017-VOTE: Do pass, but first be re-referred to the Committee on [Environmental Quality]  
Location: 2/23/2017-S. AGRI.  
Summary: Current law requires the Department of Food and Agriculture, prior to awarding a grant using moneys from the Greenhouse Gas Reduction Fund, to review the applicant's analysis identifying the potential adverse impacts of a proposed project. Current law prohibits a project from receiving funding from the department unless the applicant has made certain demonstrations to the department. Current law requires the department to prioritize projects based on the criteria pollutant emission benefits achieved by the project. This bill would exempt from those requirements the Healthy Soils Program and the State Water Efficiency and Enhancement Program.  
League Position: Watch
- [SB 370](#) ([Hertzberg D](#)) Energy efficiency.  
Introduced: 2/14/2017  
Status: 3/10/2017-Set for hearing April 4.  
Location: 2/23/2017-S. E. U., & C.  
Summary: Current law requires the PUC, by September 1, 2016, to authorize electrical corporations and gas corporations to provide financial incentives, rebates, technical assistance, and support to their customers to increase the energy efficiency of existing buildings, as specified. This bill would require the PUC to authorize electrical corporations and gas corporations to also provide those services to their customers to increase the energy efficiency of industrial facilities and agricultural equipment.  
League Position: Watch
- [SB 377](#) ([Monning D](#)) Lead-based paint.  
Introduced: 2/14/2017  
Status: 3/15/2017-Set for hearing April 5.  
Location: 2/23/2017-S. E.Q.  
Summary: Would require the State Department of Public Health, by July 1, 2019, to update its regulations governing lead-related construction work, including training and certification for workers and accreditation for trainers in lead-safe work practices, to comply with existing state regulations and the United States Environmental Protection Agency's Lead Renovation, Repair, and Painting Rule, as specified. The bill would require the adoption of those regulations to include fee provisions for those certifications and accreditations to be deposited into the Lead-Related Construction Fund.  
League Position: Watch
- [SB 386](#) ([Glazer D](#)) State beaches and parks: smoking ban.  
Introduced: 2/14/2017  
Status: 3/7/2017-Set for hearing March 28.  
Location: 2/23/2017-S. N.R. & W.  
Summary: Current law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product

within 25 feet of a playground or tot lot sandbox area. This bill would make it an infraction for a person to smoke, as defined, on a state coastal beach or in a unit of the state park system or to dispose of used cigar or cigarette waste on a state coastal beach or in a unit of the state park system. The bill would establish a state-mandated local program by creating a new crime.

League Position: Watch

[SB 427](#)

([Leyva](#) D) Public water systems: lead user service lines.

Introduced: 2/15/2017

Status: 3/15/2017-Set for hearing April 5.

Location: 2/23/2017-S. E.Q.

Summary: Would, by July 1, 2020, require a public water system to provide the timeline for replacement of known lead user service lines in use in its distribution system to the State Water Resources Control Board. The bill, by July 1, 2020, would require a public water system that has identified areas that may have lead user service lines in use in its distribution system to (a) provide to the state board its determination as to whether there are any lead user service lines in use in those areas of its distribution system and provide a timeline to the state board for replacement of those lead use service lines, and (b) provide findings as to whether there are any areas for which it cannot determine the content of the user service lines and a timeline for the replacement of those user service lines.

League Position: Watch

League Position

Watch

[SB 435](#)

([Dodd](#) D) Williamson Act: payments to local governments.

Introduced: 2/15/2017

Status: 3/21/2017-Set for hearing April 19.

Location: 2/23/2017-S. GOV. & F.

Summary: Would, under the Williamson act, reduce the amount per acre paid to a city, county, or city and county under these provisions to \$2.50 for prime agricultural land, \$0.50 for all other land devoted to open-space uses of statewide significance, and, for counties that have adopted farmland security zones, \$4 for land that is within, or within 3 miles of the sphere of influence of, each incorporated city.

[SB 458](#)

([Wiener](#) D) Beverage container recycling: San Francisco Mobile Recycling Program.

Introduced: 2/16/2017

Last Amend: 3/20/2017

Status: 3/20/2017-From committee with author's amendments. Read second time and amended. Re-referred to Com. on EQ.

Location: 3/2/2017-S. E.Q.

Summary: Would authorize the Department of Resources Recycling and Recovery to certify one or more operators to establish the San Francisco Mobile Recycling Program that incorporates all convenience zones in the City and County of San Francisco and would impose similar program requirements. The bill would authorize the department to change the number of recycling center locations required by the program, as specified, as long as convenient recycling opportunities are still available under the program.

League Position: Watch

[SB 465](#)

([Jackson](#) D) Oil and gas conservation.

Introduced: 2/16/2017

Last Amend: 3/20/2017

Status: 3/20/2017-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

Location: 2/16/2017-S. RLS.

Summary: Current law requires the State Oil and Gas Supervisor to supervise the drilling, operation, maintenance, and abandonment of wells and the operation, maintenance, and removal or abandonment of tanks and facilities related to oil and gas production within an oil and gas field, so as to prevent damage to life, health, property, and natural resources, as provided; to permit owners and operators of wells to utilize all known methods and practices to increase the ultimate recovery of hydrocarbons; and to perform the supervisor's duties in a manner that encourages the wise development of oil and gas resources to best meet oil and gas needs in this state. This bill would instead require that the supervisor perform his or her duties a manner so as to encourage the intelligent, safe, and efficient development of oil and gas resources.

League Position: Watch

[SB 498](#)

([Skinner](#) D) Vehicle fleets: electric vehicles.

Introduced: 2/16/2017

Status: 3/21/2017-Set for hearing April 4.

Location: 3/2/2017-S. T. & H.

Summary: Would require the State Air Resources Board, for the purposes of public and private sector vehicle fleets, to develop electric vehicle adoption targets for 2021 and make available to the owners of vehicle fleets research and support

in order to facilitate the adoption of electric vehicles, as specified. This bill contains other existing laws.

League Position: Watch

[SB 513](#) ([Bradford D](#)) Assault and battery of a public utility worker.

Introduced: 2/16/2017

Status: 3/8/2017-Set for hearing March 28.

Location: 3/2/2017-S. PUB. S.

Summary: Would make assault of a utility worker, as defined, engaged in the performance of essential service, and the person committing the offense knows or reasonably should know that the victim is a utility worker engaged in the performance of essential service, punishable by a fine not exceeding \$2,000, or by imprisonment in the county jail not exceeding one year, or by both the fine and imprisonment. This bill contains other related provisions and other existing laws.

League Position: Watch

[SB 518](#) ([De León D](#)) California Clean Energy Jobs Act: citizen oversight board.

Introduced: 2/16/2017

Status: 3/20/2017-April 4 set for first hearing canceled at the request of author.

Location: 3/2/2017-S. E. U., & C.

Summary: Would continue the allocation of any moneys in the Clean Energy Job Creation Fund through fiscal year 2022–23. The bill would extend the operation of the board and of its additional authority and duties to July 1, 2023. This bill contains other existing laws.

League Position: Watch

[SB 520](#) ([Mitchell D](#)) Electricity: intervenor funding.

Introduced: 2/16/2017

Status: 3/9/2017-Set for hearing April 4.

Location: 3/2/2017-S. E. U., & C.

Summary: Would establish a mechanism to provide compensation for reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs of participation in processes of the Independent System Operator (ISO), proceedings of the Federal Energy Regulatory Commission (FERC) that effect California's environment and consumers, and certain proceedings at the State Energy Resources Conservation and Development Commission (Energy Commission).

League Position: Watch

[SB 541](#) ([Allen D](#)) School facilities: water capture design standards.

Introduced: 2/16/2017

Status: 3/14/2017-Set for hearing March 29.

Location: 3/2/2017-S. ED.

Summary: Would require the State Department of Education, the State Water Resources Control Board, and the Division of the State Architect and the Office of Public School Construction within in the Department of General Services, to consult and recommend best design practices that include water capture design standards for all new, reconstructed, or altered public schools, including school grounds. The bill would require these recommendations to be reported to the Governor and the Legislature on or before January 1, 2019. The bill would define "water capture" for these purposes.

League Position: Watch

[SB 564](#) ([McGuire D](#)) Joint powers authorities: Water Bill Savings Act.

Introduced: 2/17/2017

Status: 3/8/2017-Set for hearing April 5.

Location: 3/2/2017-S. GOV. & F.

Summary: Would enact the Water Bill Savings Act, which would authorize a joint powers authority to provide funding for a customer of a local agency or its publicly owned utility to acquire, install, or repair a water efficiency improvement on the customer's property served by the local agency or its publicly owned utility. The bill would require the customer to repay the authority through an efficiency charge on the customer's water bill to be established and collected by the local agency or its publicly owned utility on behalf of the authority pursuant to a servicing agreement.

League Position: Watch

[SB 580](#) ([Pan D](#)) Water development projects: Sacramento-San Joaquin watersheds.

Introduced: 2/17/2017

Status: 3/7/2017-Set for hearing March 28.

Location: 3/2/2017-S. N.R. & W.

Summary: Current law adopts and authorizes federally adopted and approved projects, including a project for flood control along the American and Sacramento Rivers. The projects are authorized at an estimated cost to the state of the sum that may be appropriated by the Legislature for state participation upon the recommendation and advice of the Department of Water Resources or the Central Valley Flood Protection Board. This bill would revise the authorization for the project for flood control along the American and Sacramento Rivers as further modified by a specified report adopted by Congress

League Position: Watch.

[SB 584](#)

([De León](#) D) California Renewables Portfolio Standard Program.

Introduced: 2/17/2017

Status: 3/2/2017-Referred to Com. on RLS.

Location: 2/17/2017-S. RLS.

Summary: The California Renewables Portfolio Standard Program additionally requires each local publicly owned electric utility, as defined, to procure a minimum quantity of electricity products from eligible renewable energy resources to achieve the procurement requirements established by the program. The Legislature has separately declared that its intent in implementing the program is to attain, among other targets for sale of eligible renewable resources, the target of 50% of total retail sales of electricity by December 31, 2030. This bill would revise those legislative findings and declarations to state that the goal of the program is to achieve that 50% target by December 31, 2025, and for all electricity sold at retail to be generated by eligible renewable energy resources by December 31, 2045.

League Position: Watch

[SB 589](#)

([Hernandez](#) D) Municipal separate storm sewer systems: financial capability analysis.

Introduced: 2/17/2017

Status: 3/9/2017-Set for hearing March 29.

Location: 3/2/2017-S. E.Q.

Summary: Would require a regional board or the state board, when approving a municipal separate storm sewer system permit, to establish schedules for compliance with water quality objectives in water quality control plans after consideration of a financial capability analysis, that includes, among other things, a consideration of the financial burden to individual customers and the permittee's financial strength, as prescribed. The bill would require a regional board or the state board to renegotiate a schedule for compliance, alternative compliance pathways, or both if the financial burden to individual customers is high, as prescribed.

League Position: Support

[SB 598](#)

([Hueso](#) D) Public utilities: gas and electric service disconnections.

Introduced: 2/17/2017

Status: 3/9/2017-Set for hearing April 4.

Location: 3/2/2017-S. E. U., & C.

Summary: Would require the Utilities Commission to prioritize provision of universal gas and electric service to every residential household by, among other actions, assessing the impact of a proposed increase in a utility revenue requirement or rates on disconnections for nonpayment. The bill would require the commission to include in a report to the Legislature information on residential and household gas and electric service disconnections, disaggregated by certain customer categories.

League Position: Watch

[SB 602](#)

([Allen](#) D) Pesticides: neonicotinoids: labeling.

Introduced: 2/17/2017

Status: 3/9/2017-Set for hearing March 29.

Location: 3/2/2017-S. E.Q.

Summary: Current law requires the Department of Pesticide Regulation, on or before July 1, 2018, to issue a determination with respect to its reevaluation of neonicotinoids, and to adopt control measures necessary to protect pollinator health within 2 years, as specified. This bill, on and after July 1, 2018, would require labeling, as specified, of commercially available seeds and plants sold at retail establishments, excluding noxious weed seeds and plants, that have been treated with a neonicotinoid pesticide. The bill, by January 1, 2019, would prohibit the noncommercial use of neonicotinoids, except as provided.

League Position: Watch

[SB 615](#)

([Hueso](#) D) Salton Sea restoration.

Introduced: 2/17/2017

Status: 3/7/2017-Set for hearing March 28.

Location: 3/2/2017-S. N.R. & W.

Summary: Would require the Natural Resources Agency, by January 1, 2018, to develop a 10-year plan to implement the memorandum of understanding between the agency and the United States Department of the Interior entered into on August 31, 2016, and its addendum, entered into on January 18, 2017, and would require the agency to address certain issues in the plan. The bill would rename the Salton Sea Restoration Act as the "John J. Benoit Salton Sea Restoration Act."

League Position: Watch

[SB 618](#)

([Bradford](#) D) Load-serving entities: integrated resource plans.

Introduced: 2/17/2017

Status: 3/9/2017-Set for hearing April 4.

Location: 3/2/2017-S. E. U., & C.

Summary: Would require that the integrated resource plan filed by a load-serving entity be reviewed and approved by the Public Utilities Commission. The bill would require that the plans of all load-serving entities contribute to a diverse and

balanced portfolio of resources needed to ensure a reliable electricity supply that provides optimal integration of renewable energy in a cost-effective manner and meets the specified emissions limits for greenhouse gases in proportion to each load-serving entity's load share so that there is no cost shifting among load-serving entities. The bill would declare that these revisions are declaratory of existing law.

League Position: Oppose

[SB 623](#) ([Monning](#) D) Safe and Affordable Drinking Water Fund.

Introduced: 2/17/2017

Status: 3/15/2017-Set for hearing April 5.

Location: 3/2/2017-S. E.Q.

Summary: Current 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. This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the board. By creating a new continuously appropriated fund, this bill would make an appropriation.

League Position: Watch

[SB 660](#) ([Newman](#) D) Vehicle exhaust systems: exemption.

Introduced: 2/17/2017

Status: 3/14/2017-Set for hearing March 28.

Location: 3/9/2017-S. T. & H.

Summary: Current law prohibits the disconnection, modification, or alteration of required motor vehicle pollution control devices, except with respect to an alteration, modification, or modifying device, apparatus, or mechanism that is covered by a resolution of the State Air Resources Board that makes specified findings. Current law also allows aftermarket and performance parts to be sold and installed on motorcycles, concurrent with a motorcycle's transfer to an ultimate purchaser, pursuant to a valid executive order of the state board. This bill would authorize the state board to enter into agreements with private entities and receive contributions from private sources in the form of equipment or money in order to expedite the processing of the above-referenced resolutions and executive orders and the associated applications.

League Position: Watch

[SB 667](#) ([Atkins](#) D) Department of Water Resources: riverine and riparian stewardship improvements.

Introduced: 2/17/2017

Status: 3/14/2017-Set for hearing April 25.

Location: 3/9/2017-S. N.R. & W.

Summary: Current law authorizes the Director of Water Resources to establish a program of flood control and urban creek restoration, known as the Urban Streams Restoration Program, consisting of the development of the capability by the Department of Water Resources to respond to requests from local agencies and organizations for planning and design assistance for efficient and effective urban creek protection, restoration, and enhancement. This bill, upon an appropriation of funds from the Legislature, would require the department to establish a program to implement watershed-based riverine and riparian stewardship improvements by providing technical and financial assistance in support of projects with certain benefits.

League Position: Watch

[SB 692](#) ([Allen](#) D) Transmission: access charge.

Introduced: 2/17/2017

Status: 3/10/2017-Set for hearing April 4.

Location: 3/9/2017-S. E. U., & C.

Summary: Would require the ISO to adopt transmission energy downflow, as specified, as the billing determinant for the transmission access charge throughout its service territory. The bill would require the ISO to apply the transmission energy downflow billing determinant for all voltage categories of transmission facilities. The bill would require the ISO to continue to use the volumetric per kilowatt-hour basis in determining the transmission energy downflow billing determinant until stakeholders receive notice and are provided with an opportunity to comment on alternatives.

League Position: Watch

[SB 701](#) ([Hueso](#) D) State Resources Obligations Act of 2018.

Introduced: 2/17/2017

Status: 3/10/2017-Set for hearing March 28.

Location: 3/9/2017-S. N.R. & W.

Summary: Would enact the State Resources Obligations Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law to finance a program to comply with specified state obligations relating to natural resources. This bill would provide for the submission of these provisions to the voters at the November 6, 2018, statewide general election.

League Position: Watch

[SB 705](#) ([Allen](#) D) Solid waste: disposable food service containers.



Introduced: 2/17/2017

Status: 3/15/2017-Set for hearing April 5.

Location: 3/9/2017-S. E.Q.

Summary: Would enact the Ocean Pollution Reduction Act of 2017, which would prohibit a food provider, on and after January 1, 2021, from dispensing prepared food to a customer in a disposable food service container unless the disposable food service container is accepted for recovery by the recycling or composting program serving the food provider, and would define related terms.

League Position: Watch

[SB 709](#) ([Wiener D](#)) Oil spill response and contingency planning.

Introduced: 2/17/2017

Status: 3/10/2017-Set for hearing March 28.

Location: 3/9/2017-S. N.R. & W.

Summary: Would, if nonfloating oil, such as tar sand, is present, require that the oil spill contingency plan that is filed with and approved by the administrator identifies one oil spill response organization (OSRO) capable of oil spill response activities related to that nonfloating oil. The bill would additionally require the oil spill contingency plan to describe procedures, techniques, and demonstrated technologies effective for responding to a spill of the nonfloating oil.

League Position: Watch

[SB 711](#) ([Hill D](#)) Infrastructure finance: Local-State Sustainable Investment Incentive Program.

Introduced: 2/17/2017

Status: 3/21/2017-April 5 hearing postponed by committee.

Location: 3/9/2017-S. GOV. & F.

Summary: The Bergeson-Peace Infrastructure and Economic Development Bank Act establishes the Infrastructure and Economic Development Bank within the Governor's Office of Business and Economic Development. The bank is authorized, among other things, to issue bonds, approve the issuance of certain bonds, invest moneys, and make loans. This bill, until January 1, 2025, would establish in state government the Local-State Sustainable Investment Incentive Program, which would be administered by the Strategic Growth Council.

League Position: Watch

[SB 720](#) ([Allen D](#)) Government tort liability: immunity: beach fire pits.

Introduced: 2/17/2017

Status: 3/9/2017-Referred to Com. on JUD.

Location: 3/9/2017-S. JUD.

Summary: Would immunize a public entity and its employees for any damage or injury to a person or property as a result of a fire or the remnants of a fire that arises from the use of a fire pit, fire ring, fire circle, or barbecue grill, located in an area designated for that use, at a park, beach, or recreational area, owned or controlled by the entity.

League Position: Watch

[SB 724](#) ([Lara D](#)) Oil and gas: wells and production facilities.

Introduced: 2/17/2017

Status: 3/14/2017-Set for hearing April 25.

Location: 3/9/2017-S. N.R. & W.

Summary: Current law requires the operator of a well to file a written notice of intention to commence drilling with, and prohibits any drilling until approval is given by, the supervisor or district deputy. Under existing law, the notice is deemed approved if the supervisor or district deputy fails to respond to the notice in writing within 10 working days from receipt and is deemed canceled if operations have not commenced within one year of receipt. This bill would extend the time period to commence operations from one year to 24 months before the notice is required to be deemed canceled, and would prohibit the notice from being extended.

League Position: Watch

[SB 740](#) ([Wiener D](#)) Onsite treated water.

Introduced: 2/17/2017

Status: 3/15/2017-Set for hearing April 5.

Location: 3/9/2017-S. E.Q.

Summary: Would require the State Water Resources Control Board, in consultation with other state agencies, to adopt regulations, as specified, for a comprehensive risk-based framework to assist local jurisdictions in developing a program for the oversight and management of onsite treatment of water for nonpotable use. The bill would require the regulations to be flexible to adapt to new water sources, end uses, and advances in approaches and methodologies to estimate the risk of onsite water treatment to public health.

League Position: Watch

[SB 759](#) ([McGuire D](#)) Geothermal well fees.

Introduced: 2/17/2017

Status: 3/14/2017-Set for hearing April 25.

Location: 3/9/2017-S. N.R. & W.

Summary: Current law requires the owner or operator of any geothermal well to pay the appropriate fees before commencing the original drilling of a geothermal well or the redrilling of an abandoned well. Current law establishes the appropriate fees for the drilling of certain shallow geothermal wells. This bill would delete the above fees.

League Position: Watch

[SB 771](#) ([De León](#) D) California Environmental Quality Act: continuing education: public employees.

Introduced: 2/17/2017

Status: 3/10/2017-Set for hearing March 29.

Location: 3/9/2017-S. E.Q.

Summary: Would establish a continuing education requirement for employees of public agencies who have responsibility for overseeing compliance with the California Environmental Quality Act. Because this bill would require a public agency to ensure that this continuing education requirement is met, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

League Position: Watch

[SB 773](#) ([Stern](#) D) Oil and gas: well records.

Introduced: 2/17/2017

Status: 3/14/2017-Set for hearing April 25.

Location: 3/9/2017-S. N.R. & W.

Summary: Current law requires an owner or operator of a well to keep, or cause to be kept, a careful and accurate log, core record, and history of the drilling of the well. Under current law, a person who fails to comply with this and other requirements relating to the regulation of oil or gas operations is guilty of a misdemeanor. This bill would provide that it is the policy of the state that information sufficient to competently and completely characterize each well, including after plugging and abandonment, be maintained by the state.

League Position: Watch

[SB 774](#) ([Leyva](#) D) Hazardous waste: management council.

Introduced: 2/17/2017

Status: 3/15/2017-Set for hearing April 5.

Location: 3/9/2017-S. E.Q.

Summary: Would establish the Hazardous Waste Management Council to serve as an advisory body to the Department of Toxic Substances Control and to the state regarding hazardous waste management issues. The council would consist of 16 members, including 4 members who are directors or chairpersons of specified state departments and boards, or designees of those officials, 3 members appointed by the Speaker of the Assembly, one of whom would be required to be a Member of the Assembly, a Member of the Senate appointed by the Senate Committee on Rules, 2 members appointed by the President pro Tempore of the Senate, 3 members appointed by the Governor, and 3 members appointed by specified local government associations.

League Position: Watch

[SB 775](#) ([Wieckowski](#) D) California Global Warming Solutions Act of 2006: greenhouse gas emissions reduction.

Introduced: 2/17/2017

Status: 3/9/2017-Referred to Com. on EQ.

Location: 3/9/2017-S. E.Q.

Summary: The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act requires the state board to consult with other states, the federal government, and other nations to identify the most effective strategies and methods to reduce greenhouse gases, manage greenhouse gas control programs, and facilitate the development of integrated and cost-effective regional, national, and international greenhouse gas reduction programs. This bill would require the state board also to consult with local agencies for these purposes.

League Position: Watch

[SB 780](#) ([Wiener](#) D) Water Conservation in Landscaping Act.

Introduced: 2/17/2017

Status: 3/10/2017-Set for hearing March 28.

Location: 3/9/2017-S. N.R. & W.

Summary: Would require state and local agencies to adhere to specified principles of the watershed approach in landscaping. The bill would require the Department of Water Resources to develop watershed approach-focused landscaping policies and incentives, including an enhanced model water efficient landscape ordinance, as provided. The bill would also require the Department of Water Resources to promote watershed approach-focused education and training for homeowners, contractors, certified community conservation corps, and other landscape professionals who plan, develop, or implement projects complying with the enhanced model ordinance.

League Position: Watch