

ENVIRONMENTAL QUALITY POLICY COMMITTEE

Thursday, April 7, 2016

10:00 a.m. – 3:00 p.m.

Handlery Hotel, 950 Hotel Circle, San Diego

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 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 – 10:45 a.m., Crystal Ballroom

Upon adjournment, individual policy committee meetings will begin

- I. Welcome and Introductions**
- II. Public Comment**
- III. Carlsbad Desalination Plant (Handout)** *Informational*
Speaker: Denise Vedder, San Diego County Water Authority
- IV. Revisit the 2015 Annual Conference Resolution #4: Compensation for Prolonged Electrical Power Outages (Attachment A)** *Action*
Speaker: Jason Rhine, League of California Cities
- V. Legislative Agenda (Attachment B)** *Action*
 - 1. AB 1800 (Hadley) Utility Outage Compensation Claims: Annual Posting
 - 2. AB 2709 (Quirk) Mylar Balloons: Power Outages
 - 3. SB 1000 (Leyva) General Plan: Environmental Justice
 - 4. S. 2533 (Feinstein) California Long-Term Provisions for Water Supply and Short-Term Provisions for Emergency Drought Relief Act
- VI. Other Legislative Bills of Interest (Attachment C)** *Informational*
Speaker: Jason Rhine, League of California Cities
- VII. Next Meeting: Thursday, June 2, 2016, League Office, Sacramento**

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.

League of California Cities Staff Analysis on Resolution No. 4

Staff: Jason Rhine
Committee: Environmental Quality

Resolution No. 4: Compensation for Prolonged Electrical Power Outages

Summary:

Resolution No. 4 calls upon the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel Southern California Edison (SCE) to create a program to automatically provide direct compensation to its customers affected by a prolonged electrical power outage under specified circumstances.

Background:

City of Rancho Palos Verdes asserts that the South Bay region of Los Angeles County has longstanding concern regarding the ineffective process by which SCE addresses residents' claims associated with prolonged electrical power outages. The City believes that SCE's aged infrastructure has caused fires and repeated, prolonged electrical power outages. Prolonged electrical power outages can adversely affect residents who have physical challenges and rely on a constant source of power for medical devices; residents who are senior citizens and are particularly susceptible to injury if electrical power outages persist for a long period of time into the evening hours; and, residents who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged electrical power outages.

Investor Owned Utilities (IOUs)

California has six IOUs: Pacific Gas and Electric (PG&E); San Diego Gas and Electric (SDG&E); Southern California Edison (SCE); Bear Valley Electric Service (BVES); Liberty Utilities; and PacificCorp. PG&E, SDG&E, and SCE generate three quarters of the electricity supply in California.

League staff has been able to confirm that PG&E, SCE, SDG&E, PacificCorp, and Liberty Utilities have some form of a power-outage claims process or service-guarantee program. There are relatively few differences between the various claims and service guarantee programs with the exception of PG&E's "Safety Net Program" (see Attachment A, pages 4-5 in EQ Policy Committee packet).

The California Public Utilities Commission (CPUC) regulates IOUs. The CPUC has full authority over the operations of the IOUs and sets and designs their retail rates. The CPUC is comprised of five Governor-appointed Commissioners that are "dedicated to ensuring that customers have safe, reliable utility service at reasonable rates, protecting against fraud, and promoting the health of California's economy."

Publicly Owned Utilities (POU)

In addition to the IOUs, there are more than 46 POUs. Together, they generate about one-quarter of the electricity supply in California. POUs are nonprofit public entities that are managed by locally elected officials and public employees.

Like IOUs, many POUs have some type of claims process to reimburse customers for damages that have occurred during a power outage as a result of negligence. League staff has found it difficult to obtain information regarding individual POU claims processes. This information does not appear or is challenging to find on a POU's website.

Compensation Programs

According to information provided by SCE, SCE has the following customer compensation program:

Service Guarantee Program

SCE shall provide the following four service guarantees to its electric customers and provide a \$30 credit when these service guarantees are not met. Unless otherwise stated below, the four service standards apply only to active service accounts served under the Residential, General Service and Industrial, or Agricultural and Pumping rate schedules.

- **Restoration of Service Within 24 Hours:** SCE will restore electrical service within 24 hours of when SCE first becomes aware of a power outage. The first credit will be applied if the outage exceeds 24 hours. Additional credits will be applied for each succeeding 24-hour period that the customer is without service. Partial credits will not be paid for outage periods less than a full 24-hour increment. *Power outages associated with a moderate, severe, or catastrophic storm condition are exempt from the program.*
- **Missed Appointments:** When an appointment for a field service visit is made with a customer for a specific appointment time, and the customer's presence is required for establishing new service, a billing inquiry, or meter installation, SCE will arrive at the agreed upon appointment within 30 minutes before or after the scheduled time.
- **Notification of Planned Outages:** SCE will provide customers with notification of a planned outage at least three calendar days prior to the event. SCE will notify customers either by US Postal Service mail, by phone, in-person or door-to-door through door hangers, or by e-mail if SCE has the customer's e-mail address on file. If a planned outage is rescheduled to a new date not specified in the original notice to the customer, SCE will provide a new notice at least three calendar days in advance of the rescheduled planned outage.
- **Timely and Accurate First Bill:** SCE will issue an accurate first bill to a new customer of record within 60 days of establishing service. The bill and bill accuracy is defined according to the terms and conditions of SCE's Rule 9 (Rendering and Payment of Bills) and Rule 17 Section A (Adjustment of Bills and Meter Tests Usage) and Section D (Adjustment of Bills for Billing Error). The service guarantee credit process will be initiated once SCE is aware that the first bill was either inaccurate or issued beyond sixty days of establishing service. The first bill for any given customer account is eligible for only one service guarantee credit regardless of whether the bill is late, inaccurate, or both.

According to PG&E's website, PG&E offers the following customer compensation programs:

Compensation for Extended Outages

STORMS MESSAGE: If you are a residential customer and have gone without power for at least 48 hours due to severe storm conditions, you may qualify for a payment under PG&E's Safety Net Program. This program provides for the automatic payment of \$25 - \$100, which is paid about 60 days following the storm outage. In some cases, processing may take 90-120 days (heavy storm season).

Safety Net Program

We understand how inconvenient it is for customers who go without power for 48 hours or longer due to severe events, such as a storm. That is why PG&E created the following:

- PG&E will provide payments to residential customers we determine were without power for more than 48 hours due to a severe storm.
- The payments will range from \$25 up to \$100, depending on the length of the outage.

Eligibility

- The Storm Inconvenience Payment provision of the Safety Net Program applies to residential customers only (rate schedules E-1, E-6, E-7, E-8, E-9, EM, ES, ESR, ET, and EV); customers also may be enrolled in programs such as [CARE](#) and [medical baseline](#).
- Businesses, agricultural accounts, multi-family building common areas, streetlights, and all other customers other than residential customers are ineligible for Storm Inconvenience Payments.
- Storm Inconvenience Payments will not be issued to customers in areas where access to PG&E's electric facilities was blocked (mud slides, road closures or other access issues). Also, if customer equipment prevented restoral or extended customer outage (ex. weatherhead, service drop, etc.).
- The outage must have occurred during a major weather-related event that caused significant damage to PG&E's electric distribution system.
- The outage must have lasted more than 48 hours.
- Storm Inconvenience Payments are in increments of \$25 (\$100 maximum per event). Payment levels are based on the length of the customer's outage:
 - 48 to 72 hours \$25
 - 72 to 96 hours \$50
 - 96 to 120 hours \$75
 - 120 hours or more \$100
- Both bundled-service and direct-access residential customers qualify for Storm Inconvenience Payments.
- Storm Inconvenience Payments will be issued to the customer of record.
- A customer with multiple residential services such as a primary residence and a vacation home is eligible for Storm Inconvenience Payments at each location where there was a storm-related outage of more than 48 hours.
- Customers must have an open account (service agreement) in good standing at the time of the outage and at the time payment is issued (generally 45 to 60 days after the event).
- For master-metered accounts such as mobile home parks, the customer of record will receive the Storm Inconvenience Payment for the master meter only.

Service Guarantee Program

Gas and electricity are essential to keep your life running smoothly, safely and efficiently. When your service is interrupted or in need of repair, you expect a reasonable and timely response. To ensure that we provide this to you, PG&E has implemented service guarantees, which spell out our commitment to prompt customer service for our customers:

- **Guarantee 1: Missed Appointments:** PG&E will meet the agreed upon appointment time set with our customer during contact with our Call Center or automatically credit your account \$30.
- **Guarantee 2: Non-Emergency Investigations:** PG&E will investigate non-emergency situations (check meter) and communicate results to a customer within seven days of a customer's request. Check-meter appointments between October 15 and December 15 of each year will be scheduled within 10 workdays. If an off-site meter test is required, PG&E will communicate the results to the customer within 30 days. If access is required to the customer's premises, then an appointment is necessary. Failure to meet the service guarantee will result in a \$30 credit to the customer's account. An automatic credit to the customer's account would apply only if PG&E misses a scheduled appointment date. If the appointment is scheduled beyond five workdays, the customer must notify PG&E to receive the credit. If PG&E's records show that such scheduling was at the customer's request, the credit does not apply.

- **Guarantee 3: Emergency:** The Emergency Service Guarantee is not currently in effect.
- **Guarantee 4: Complaint Resolution:** PG&E will decide on a course of action to resolve a complaint and communicate it to the customer within three working days. PG&E will communicate the complaints resolution to the customer within 10 working days, or 30 working days when an off-site meter test is required or an on-site home audit is requested. Failure to meet the service guarantee will result in a \$30 credit to the customer's account.
- **Guarantee 5: New Meter Installations:** PG&E will meet the agreed upon date for new service meter installations and service turn-ons or automatically credit your account \$50.
- **Guarantee 6: Electric Service Disruptions:** PG&E will respond to customer calls reporting electric service interruptions within four hours by restoring service; or by informing the customer, upon request, when service restoration is expected; or automatically credit your account \$30.
- **Guarantee 7: Electric Service Restoration:** PG&E will restore electric service within 24 hours, unless the cause is absolutely beyond our control, or we will automatically credit your account \$30 for each 24-hour period you are without service.
- **Guarantee 8: Commencing Bills:** PG&E will issue an accurate commencing bill to a new customer account within 60 days of service initiation, or we will automatically credit your account \$30.
- **Guarantee 9: Planned Interruptions:** PG&E shall provide at least three days' notice of a planned interruption in service. Failure to meet the service guarantee will result in a \$30 credit to the customer's account. This guarantee will require a customer call and PG&E investigation to determine if PG&E's commitment to notify customers 72 hours in advance of planned interruptions was missed. Customers notified of planned service interruptions 72 hours in advance may have their service interrupted on multiple occasions on the date(s).
- **Guarantee 10: Service Termination in Error:** Impacted customers will be eligible for a \$100 credit adjustment if PG&E terminates service in error.

Fiscal Impact:

No Impact on City Funds. Compelling SCE to create automatic direct compensation programs modeled on PG&E's "Safety Net" and "Service Guarantee" programs would have no direct fiscal impact on cities because the "Safety Net" program is limited to residential customers and the "Service Guarantee" program is very similar to SCE's existing program. However, residential customers would receive direct payments in specified circumstances for prolonged electrical power outages.

Comment:

- The City of Rancho Palos Verdes, in sponsoring this resolution, does not believe that SCE has an effective process to address customer damage claims associated with prolonged electrical power outages. According to the resolution, the City of Rancho Palos Verdes would like to compel SCE to create a program to automatically provide direct compensation to its customers affected by prolonged electrical power outages under specified circumstances. Additionally, the program would be modeled upon PG&E "Safety Net" and "Service Guarantee" programs, and shall cover weather-related events and planned and unplanned service disruptions.
- *What is SCE's process to provide relief to customers that have experienced a prolonged electrical power outage?* As part of SCE's four point service guarantee program, customers experiencing an electrical power outages exceeding 24 hours, may qualify for a \$30 credit under specific conditions. *However, prolonged electrical power outages caused by a moderate, severe, or catastrophic storm condition are exempt from the program.*

- *How does PG&E provide relief to customers that have experienced a prolonged electrical power outage?* Like SCE, PG&E has a multi-point service guarantee program that provides customer credits that range from \$30 -\$100 for a wide range of activities. In addition, PG&E has a specific, weather related program, the “Safety Net” program, which provides automatic, direct payment to customers experiencing electrical power outages, in excess of 48 hours.
- *What type of customer compensation program does the Resolution call for?* The Resolution calls for a customer compensation program that expands beyond PG&E’s two existing programs. Under the Resolution, the City of Rancho Palos Verdes would like to compel SCE to adopt a program based on PG&E’s “Safety Net” and “Service Guarantee” programs, and also cover weather-related events and planned and unplanned service disruptions.
- *Do these programs really provide funds to residential customers?* While the Resolution holds PG&E’s programs in high esteem, after hearing from a number of city officials in PG&E’s service territory, it seems that there is a great deal of skepticism around the effectiveness and utilization of their residential compensation programs. Is PG&E’s program really working as described?
- *What about California’s other Investor Owned Utilities (IOU) and municipal utilities?* The Resolution is directed at SCE. However, the committee may want to consider the implications of the Resolution on the other investor owned utilities and municipal utilities.
- *Is legislation the best approach?* The Resolution calls upon the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel SCE to create a program to automatically provide direct compensation to its customers affected by a prolonged electrical power outage. Given that the California Public Utilities Commission regulates all of the investor owned utilities, it may be more appropriate to seek a regulatory change rather than a legislative proposal.
- *More information to come.* The Resolution could have broader implications beyond SCE and PG&E. Prior to the Environmental Quality Policy Committee and General Resolutions Committee meeting at Annual Conference, League staff will provide additional background information on the following:
 - Other IOU electrical power outage compensation programs.
 - Municipal utility electrical power outage compensation programs.
 - Role of the California Public Utilities Commission.

Existing League Policy:

In response to the energy crisis of 2001, the League of California Cities established extensive policy and guiding principles related to the electric industry. However, there is no existing policy that pertains to prolonged power outages or compensating customers for damages incurred during a prolonged power outage.

ENVIRONMENTAL QUALITY POLICY COMMITTEE
Legislative Agenda
April 7, 2016

1. AB 1800 (Hadley) Utility Outage Compensation Claims: Annual Posting

Bill Summary:

AB 1800 would require each electrical corporation and local publicly owned electric utility to annually post on its Internet Web site specified information relating to utility outage compensation claims for the previous year.

Bill Description:

Specifically, this measure would require all investor owned utilities (IOUs) and publicly owned electric utilities (POUs) to annually post all of the following information, from the previous year, on its Internet Website:

- Applications still open from the previous year
- New applications received
- The number of incomplete applications received
- Total number of incomplete applications that were still left incomplete by the end of the year
- Pool of total applicants awaiting determination or judgment at the end of the year
- Progress on processing applications
- Current average time taken to process applications
- The number of applications approved
- The percentage of applications approved
- The number of applications denied
- The average number of days it took to close approved applications
- The average number of days it took to close denied applications
- The number of denied applications that were subsequently appealed
- The number of successful appeals from denied applications
- For the Successful appeals, the average number of days between the submission of the appeal and the closing of the appeal
- The average amount paid for successful claims

Background:

At the League's 2015 Annual Conference, the City of Rancho Palos Verdes submitted a resolution calling upon the Governor and the Legislature "to work with the League of California Cities to enact legislation or to otherwise compel Southern California Edison (SCE) to create a program to automatically provide direct compensation to its customers affected by a prolonged electrical power outage under specified circumstances."

The City of Rancho Palos Verdes has asserted that the South Bay region of Los Angeles County has longstanding concern regarding the ineffective process by which SCE addresses residents' claims associated with prolonged electrical power outages. The city believes that SCE's aged infrastructure has caused fires and repeated, prolonged electrical power outages. Prolonged electrical power outages can adversely affect residents who have physical challenges and rely on a constant source of power for medical devices; residents who are senior citizens and are particularly susceptible to injury if electrical power outages persist for a long period of time into the evening hours; and, residents who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged electrical power outages.

The Environmental Quality Policy Committee discussed Resolution #4 and recommend to the General Resolutions Committee that the measure be returned to the Environmental Quality Policy Committee in 2016 for further discussion and consideration. The General Resolutions Committee approved the recommendation.

Fiscal Impact:

Unknown costs to POUs to report required information on their Internet Website.

Existing League Policy:

In response to the energy crisis of 2001, the League of California Cities established extensive policy and guiding principles related to the electric industry. However, there is no existing policy that pertains to prolonged power outages or compensating customers for damages incurred during a prolonged power outage.

Comments:

According to the author, every year customers of IOUs and POUs file claims for reimbursement for outages due to negligence. Outages and service interruptions are inconvenient at best, deadly at worst. They can lead to spoiled food and prescription medication, damage to products due to energy interruptions, or failure in necessary equipment for senior citizens and those with physical challenges. Customers file claims for reimbursement but there is currently no way to know what percentage of claims are being approved and denied, or how quickly, or the rationale behind these decisions. Without readily accessible claims data, many customers assume all claims are denied.

“AB 1800 will give utility ratepayers the information necessary to know if their claims for reimbursement are being fairly and expeditiously processed, and will inspire more confidence in the claims process,” states Assemblyman David Hadley.

Support-Opposition:

Support:

City of Rancho Palos Verdes
Palos Verdes Peninsula Chamber of Commerce

Opposition:

California Municipal Utility Association

Staff Recommendation:

League staff recommends the Committee discuss AB 1800 to determine a position.

Committee Recommendation:

Board Action:

2. AB 2709 (Quirk) Crimes: Balloons

Bill Summary:

AB 2709 would make it a crime to sell or distribute any balloon made from electrically conductive material (commonly known as foil balloons or Mylar balloons) or balloons attached to electrically conductive material. The bill would also make it a crime to release such a balloon outdoors. Both would be punishable by a fine of up to \$250 for a first offense.

Bill Description:

AB 2709, as introduced on February 19, 2016, would:

- Effective Jan. 1, 2018, remove existing prohibitions on selling or distributing balloons made of electrically conductive material, which include a ban on sales of such balloons without attaching both a weight and warning about the risk if the balloon comes into contact with power lines;
- Make it a crime to sell or distribute any balloon made from electrically conductive material or attached to electrically conductive material;
- Make a first violation punishable by a fine not to exceed \$250 and a second offense a misdemeanor (existing law makes a first and second offense punishable by up to a \$100 fine and a third offense a misdemeanor);
- Make it a crime to release such a balloon outdoors regardless of whether the release is part of a public or civic event, promotional activity or product advertisement;
- Make such a release punishable by a fine not to exceed \$250;
- Exempt manned hot air balloons, balloons used in governmental or scientific research projects, as is the case under existing law, while also exempting balloons not designed to be buoyant in ambient air when filled with any gas.

Background:

In 1990, the Legislature passed SB 1990 in an effort to reduce balloon caused power outages by regulating the sales and use of balloons constructed of electrically conductive materials and filled with a gas lighter than air. Under the law, it is illegal to release outdoors balloons made of conductive material as part of an event or promotional activity. Persons or businesses selling such balloons are required to attach a weight and a warning about the risks of balloons coming into contact with power lines.

Despite these prohibitions, utility companies report that metallic balloons cause hundreds of outages when these balloons are released, weights are not attached, or weights are removed. In 2015, Southern California Edison experienced 924 power outages (6% of all of that particular utility's outages) due to metallic balloons – a 40% increase from five years ago. In 2014, the Los Angeles Department of Water and Power experienced 233 power outages caused by balloons or 9% of its outages that year.

According to a supporter of the bill, the City of Glendale, its municipal utility, Glendale Water & Power, has experienced 17 outages caused by Mylar balloons over the past 14 months. Duration and cost vary by outage, but the city says they resulted in 370,355 customer minutes interruption at a cost of \$70,000 – a figure that does not include the direct expenses of customers and business losses.

In addition to inconveniencing customers, outages can impede emergency services, shut down businesses and schools, and pose a health threat from downed power lines for utility workers making repairs, and to patients in care facilities and those who use home medical devices. Mylar balloons are also non-biodegradable and threaten both land and marine animals that eat balloons or become entangled in balloon strings, according to the U.S. Fish and Wildlife Service.

AB 2709 seeks to eliminate unnecessary balloon-caused outages by banning the sale and release of metallic balloons. It exempts balloons that do not float in the air. The bill would go into effect January 1, 2018, giving businesses time to remove metallic balloons from their inventories and find balloons made of material that does not conduct electricity, according to the author.

Fiscal Impact:

No identified local government costs.

Existing League Policy:

None.

Comments:

In 2008, SB 1499 attempted to ban by 2010 the sale of all foil-lined balloons to reduce power outages. At that time, the author, Senator Jack Scott estimated the money that businesses had lost to such outages, \$120 million over the previous year. As an example, Pacific Gas & Electric Co. reported 211 outages in 2007 caused by balloons, affecting 143,000 customers.

Opponents of SB 1499 included florists, event planners and small businesses. They argued that the California Public Utilities Commission could not say with certainty how many outages were caused by balloons and even if balloons were responsible for upwards of 250 outages, as utilities said, balloon-caused outages represented a fraction of what at that time were about 6,000 outages per year statewide. Opponents said that such a ban would cost businesses an estimated \$100 million in balloon sales and a potential loss in flowers and other merchandise of up to \$900 million.

Gov. Arnold Schwarzenegger vetoed SB 1499, but not because of the contents of the bill. He wrote that he did so because the 2008-09 state budget had been delayed, resulting in a need to address only high-priority bills.

According to The Balloon Council, an industry group, four other states have passed balloon laws: Connecticut, Florida, Tennessee and Virginia. Those bills banned balloon releases of 10 or more balloons, depending on the state. While the council notes that those state laws address latex balloons, not metallic balloons, Florida and Tennessee require that the released balloons be biodegradable.

Support-Opposition:

Support:

City of Glendale.

Opposition:

None on file.

Staff Recommendation:

League staff recommends that the Committee discuss AB 2709 to determine a position.

Committee Recommendation:

Board Action:

3. SB 1000 (Leyva) Land Use: General Plans: Environmental Justice

Bill Summary:

SB 1000 would require a new stand-alone environmental justice element within the general plan.

Bill Description:

This measure requires that upon the adoption or revision of the general plan, a city, county, or city and county, shall adopt a new general plan element that identifies disadvantaged communities (as identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or as defined in Section 79505.5 of the Water Code) within the jurisdiction of the city, county, or city and county.

For the purposes of this measure, a disadvantaged community is either of the following:

- CalEnviroScreen – a formula that takes into account geographic, socioeconomic, public health, and environmental hazard criteria.
- Water Code – a community with an annual median household income that is less than 80 percent of the statewide annual median household income (\$49,546 when using 2014 figures)

The environmental justice element shall identify objectives and policies to reduce the health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public amenities, food access, healthier homes and physical activity. The environmental justice element shall also identify objectives and policies to promote civil engagement in the public decision-making process.

SB 1000 contains the following new definitions:

- “Public amenities” include, but are not limited to, public facilities, adequate public services, and infrastructure, including, but not limited to, sewers, water supply, transit infrastructure, including, but not limited to, sidewalks and walkways, bike paths, signage, roads, streets, and public lighting.
- “Public facilities” include, but are not limited to, community centers, drinking water supply facilities, waste and storm water treatment systems, public transportation facilities, and other publicly owned facilities that provide services to communities.
- “Public services” include, but are not limited to, the operation and maintenance public facilities, public transportation, and fire protection.

Background:

The General Plan is a document that sets forth the goals, policies and directions a city or county will take in managing development. The general plan is the “blueprint” for future development. California law requires each local government to adopt a local general plan, which must contain at least seven elements: Land Use, Transportation, Housing, Conservation, Noise, Open Space and Safety.

- Land Use: designates the type, intensity and general distribution of uses of land for housing, business, industry, open space, education, public buildings and grounds, waste disposal facilities and other categories of public and private uses.
- Circulation: correlates with the land-use element and identifies the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities.
- Housing: comprehensive assessment of current and projected housing needs for all economic segments of the community. In addition, the housing element embodies policies for providing adequate housing and includes action programs for that purpose. By statute, the housing element must be updated every four, five or eight years.

- Conservation: addresses the conservation, development, and use of natural resources, including water, forests, soils, rivers and mineral deposits.
- Open Space: details plans and measures for the long-range preservation and conservation of open-space lands, including open space for the preservation of natural resources, the managed production of resources, agriculture, outdoor recreation, and public health and safety.
- Noise: identifies and appraises noise problems within the community and forms the basis for land use distribution.
- Safety: establishes policies and programs to protect the community from risks associated with seismic, geologic, flood, and wildfire hazards, as well as other concerns such as drought.
- Air Quality: establishes policies and programs to reduce impacts to air quality in the San Joaquin Valley Air Pollution Control District. Air quality is an optional element in other areas of the state.

General Plans may also contain other optional elements identified by the community: health, equity (environmental justice and community resilience), community development, water, and resiliency are some examples of additional elements that can be added, at the discretion of the local government, to a general plan or used to help frame general plans.

Fiscal Impact:

SB 1000 could have significant fiscal impacts to cities. According to a 2011 article in “Western City” magazine, “Some county general plans cost upward of \$10 million, and large cities’ general plans sometimes run into the millions. The City of Sacramento spent about \$4 million on its plan update, and Ontario spent \$3 million, plus staff time for both cities. The City of Santa Monica spent \$2.3 million plus staff time. The more expensive general plans typically take the city in a new direction and include extensive analyses beyond the required environmental impact report (EIR). The cities of Ontario and Sacramento both executed these types of plans. A city of 100,000 might expect to spend \$800,000–\$900,000 on a general plan. The EIR is actually one of the most expensive components of the entire process and can cost \$200,000 on the low end. Even a city of just 5,000 may spend at least \$400,000–\$500,000 on its general plan.”

Existing League Policy:

Housing, Community and Economic Development

- General Plans -- The League supports the use of the general plan as a guide to meeting community planning needs. A city’s general plan should guide the individual city’s land use planning and strategic decision-making. A city’s general plan should not be subject to mandatory review by regional or state agencies. General plan requirements should be flexible and provide guidance to local communities without requiring inappropriate levels of detail or mandating new topics or elements. The League supports guidance by expert state agencies in a consultation format but opposes granting mandatory review, certification or other approval authority to another level of government.
- Coordinated Planning For Regional Impacts -- Coordinate planning with neighboring cities, counties, and other governmental entities so that there are agreed upon regional strategies and policies for dealing with the regional impacts of growth on transportation, housing, schools, air, water, wastewater, solid waste, natural resources, agricultural lands and open space.

Comments:

Over the years, the League has supported efforts to require more coordinated planning to address very specific environmental hazards like floods and wildfires. In 2015, the League opposed SB 379 (Jackson), which required cities to address climate-resiliency strategies in the safety element of their general plan,

when next they revisit their local hazard mitigation plan on or after January 1, 2017, or if they do not have an adopted local hazard mitigation plan, beginning January 1, 2022.

Are cities currently addressing health equality or social equality in their general plans? Yes, according to a recent informal survey of our membership (92 participants), many cities have or will take action in the near future. The survey results show that:

- 6 cities have optional stand-alone health and/or environmental justice elements.
- 23 cities have or are in the process of “blending” health and/environmental justice concerns into existing elements.
- 25 cities plan to incorporate or utilize the optional stand-alone health and/or environmental justice in their next general plan update.

The Governor’s Office of Planning and Research (OPR) Annual Planning Survey results show similar data. According to its survey (250 city and county respondents), nearly 40% have either (1) a stand-alone element addressing social or health equity or (2) incorporate health or social equity into other elements.

Is a new unfunded state mandate needed to force cities to consider health equality or social equality in their general plans? One could argue that the existing OPR Guidelines for an optional health and equity (environmental justice and community resilience) element have proven to be effective given the number of communities that have already undertaken such planning.

Is a standalone environmental justice element better than blending environmental justice planning throughout the appropriate elements? Based on our recent poll, the vast majority of cities preferred to blend environment justice planning rather than create a separate, standalone element.

Support-Opposition:

Support:

Center for Community Action and Environmental Justice (Sponsor)
California Environmental Justice Alliance (Sponsor)

Support if amended:

American Planning Association, California Chapter

Opposition:

None on file.

Staff Recommendation:

League staff recommends the Committee discuss SB 1000 to determine a position.

Committee Recommendation:

Board Action:

4. S. 2533 (Feinstein) California Long-Term Provisions for Water Supply and Short-Term Provisions for Emergency Drought Relief Act

Bill Summary:

S.2533 would provide \$1.3 billion in funding to help communities most at risk of running out of clean water; support long-term solutions including water storage, desalination and recycling; protect threatened and endangered species; and facilitate the movement of water to communities most in need while adhering to all environmental laws.

Bill Description:

Specifically, this measure would:

- Provide assistance for drought-stricken communities: The bill increases the WaterSMART authorization by \$150 million, some of which can now be used for a new Bureau of Reclamation program to help rural and disadvantaged communities that are running out of water. These grants can be used for short-term solutions like emergency bottled water and long-term solutions like water treatment facilities.
- Help communities fund water projects: The bill authorizes \$200 million for the Reclamation Infrastructure Finance and Innovation Act, known as RIFIA. This loan-guarantee program will help water districts and municipalities fund long-term solutions to store water and provide clean water. The bill also authorizes \$10 million through 2019 for EPA's WaterSense program to provide information on water-efficient products that reduce household water use.
- Water recycling projects: The bill authorizes \$200 million for the Bureau of Reclamation's Title XVI water recycling program and streamlines the program by eliminating the hurdle of congressional authorization for individual projects. The bill also increases the authorization of the Bureau of Reclamation's WaterSMART program by \$150 million (from \$350 million to \$500 million) for long-term water conservation, reclamation and recycling projects.
- Water storage projects: The bill authorizes \$600 million for water storage projects in California and other Western states. These funds may be used on federal projects like Shasta as well as non-federal projects like Sites, Temperance Flat and Los Vaqueros. The bill also establishes deadlines for the Bureau of Reclamation to complete feasibility studies to build or raise dams. These funds run through 2025.
- Water desalination projects: The bill identifies 27 desalination projects in California—which could produce more than 330,000 acre-feet of water—that the Secretary of the Interior must consider funding in addition to other qualifying projects. The bill also reauthorizes the Desalination Act and authorizes \$100 million for feasibility studies and project design as well as desalination research. These funds run through 2020.
- Protecting endangered and threatened fish and wildlife: Authorizes \$55 million for a number of short-term, low-cost proposals to protect and assist in the protection and recovery of fish populations, including Delta salmon and smelt:
 - Trapping and barging: Authorizes \$4 million to trap and barge fish to reduce mortality rates on migration through the Delta.
 - Predator species: Addresses key stressors on fish populations including limiting invasive species like striped bass and removing predator habitat, to be paid for by participating water districts.
 - Spawning habitat: Authorizes \$21 million to assist in protection and recovery of fish, including the addition of improved spawning habitat.
 - Water system management: Authorizes \$20 million for federal agencies to manage the water system more precisely using updated science and tools, including smelt distribution studies.

- Actions to benefit refuges: Authorizes \$2 million annually for five years for improved conveyance of water to refuges to help restore and protect critical wetland habitat for wildlife, one of the goals of the Central Valley Project Improvement Act.
- Operate Pumps at higher levels: During a State-declared drought, improve data to operate pumps at higher levels when smelt and other endangered fish are not present and reduce pumping levels when they are nearby. The bill includes eight provisions to allow more water to be captured and stored during the drought. These provisions would last for the duration of the governor’s drought declaration or two years, whichever is longer.
 1. Improved data to operate pumps at higher levels when no fish are present and reduce pumping levels when fish are nearby.
 - Requiring daily boat monitoring to survey for smelt near the pumps when turbidity levels are high, so that pumping reductions are made based on the facts.
 - Authorizing studies to identify smelts’ location in the Delta on a real-time basis.
 - Authorizing a Delta Smelt Distribution Study to identify how many smelt are in different parts of the Delta in drier and wetter years. This is critical to know what limitations the agencies can impose on pumping.
 2. Allow agencies to keep the additional water they are able to pump during winter storms.
 - The bill authorizes agencies to increase pumping during winter storms, using their best judgment to determine when and by how much.
 - Once the storms end, the agencies would no longer be required to “pay back” water already pumped unless there was an environmental reason, such as harm to fish.
 - This so-called “payback” has led to the loss of tens of thousands of acre-feet of water. Payback currently requires agencies to reduce subsequent water pumping by an equal amount of water as was captured during the storms, which means the loss of tens of thousands acre-feet that could instead be stored or transferred for use throughout the state.
 3. Agencies must explain reductions in pumping under the Delta Smelt Biological Opinion.
 - The bill does not impose any mandated pumping levels, instead leaving those pumping levels up to the discretion of the water agencies. But the bill does require officials to justify the levels at which they pump under the smelt biological opinion.
 4. Agencies must maximize water supplies consistent with applicable laws and biological opinions.
 - Federal agencies should be capable of doing more than one thing at once: they should try to both protect species and provide reliable water supplies.
 - The bill makes very clear that the agencies cannot harm fish in violation of the biological opinions—but within this environmental protection mandate the agencies should try to increase water supplies.
 - This requirement complements the additional requirement that agencies must explain any harm to fish resulting from a reduction in water supplies.
 5. Open Delta Cross-Channel Gates more often.
 - The bill requires the Secretary of the Interior and the Secretary of Commerce to take actions to ensure the Delta Cross Channel Gates remain open to the greatest extent possible, consistent with state and federal law.
 - Keeping the gates open for longer helps both Delta farmers and communities and South of Delta communities. Keeping the gates open means that water from the Sacramento River is used to control salinity instead of releasing water from the Central Valley Project (like Folsom or San Luis) that would otherwise be pumped south.
 - When the gates are closed, water no longer flows directly from the Sacramento River into the interior Delta.

- The gate's closures means that the agencies must either reduce pumping or use stored water to "flush" salty water back out through the Delta.
6. Extending the time period for water transfers by five months. The bill extends by five months the time period when transfers may take place. The current transfer window of July through September is extended to April through November. This would allow water transfers to be available during the spring planting season. All transfers must remain consistent with the biological opinions and their adaptive management provisions.
 7. The 1:1 transfer ratio. The strong El Niño means more water is likely to be available for voluntary transfers from willing sellers with extra water to buyers downstream who need water. This provision helps facilitate those transfers in April and May by allowing a 1:1 transfer ratio. In past years, agencies have reduced the likelihood of transfers by requiring water users to send more water downstream than can be pumped out (up to a 4:1 ratio). By allowing for a 1:1 ratio—while adhering to environmental law and biological opinions—more water transfers can be accomplished, providing water to users who truly need it.
 8. Expediting review of transfers and the construction of barriers. Environmental reviews of water transfers and the installation of temporary barriers must be completed within 60 days, unless an environmental impact statement is required.

Background:

In order to help provide some relief from California's historic drought, Senator Feinstein has diligently worked for more than two years to put forward a bill that would secure additional federal funding for critical water infrastructure, increase water diversions out of the delta during periods of high flow conditions, and protect endangered Delta smelt and winter run salmon.

At the heart of the issue is California's aging and outdated water delivery system. The Central Valley Project and the State Water Project are the two key systems that move water from Northern California to Southern California. Both were largely complete by the 1970s, when 16 million people lived in California. Today, the state is home to nearly 40 million people, but we have essentially the same water system we had four decades ago.

Further complicating the water delivery system, California has been in persistent drought since 2011. On January 17, 2014, Governor Brown declared a State of Emergency throughout California due to severe and prolonged drought conditions. Shortly thereafter, the State Water Resources Control Board (SWRCB) adopted the first ever statewide mandatory water conservation standard, which consisted of a 25% reduction in urban water use. With the prospect of yet another year of drought, the SWRCB has extending the water conservation mandate until October of 2016.

Despite early predictions of a "Godzilla" El Nino, the 2015-16 water year looks to be below normal. The most recent snowpack survey that was conducted on March 30, 2016 found the water content of the statewide Sierra snowpack at 87% of normal, a considerable improvement but not enough to say the drought has ended.

Fiscal Impact:

No direct costs to cities. However, cities could benefit from the grant and loan programs that are focused on recycled water infrastructure, desalination and storage projects. Additionally, those communities hardest hit by the drought conditions could receive emergency assistance in the form of bottled water and grants to improve or construct drinking water facilities.

Existing League Policy:

The League has extensive water policy. Below are the most relevant to S. 2533.

California Water: General Principles

- 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.
- All water development projects must be economically, environmentally and scientifically sound.
- 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.
- The long-term viability of rivers and streams for instream uses such as fishery habitat, recreation and aesthetics must be protected.

Water Recycling

- 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.
- Potable water should include as much use of reclaimed water and water conservation by 2030 as possible.
- Increased recycling, reuse and other refinements in water management practices should be included in all water supply programs.

Water Storage

- 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.
- 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.
- 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.

Conveyance Systems

- 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.
- 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.

Delta

- 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.
- 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.

- 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.
- Programs and facilities to assure safe drinking water for importing regions dependent on the Delta should be supported.

Fish and Wildlife

- 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 stream bank erosion, to increase spawning and rearing habitat for fish, and to maintain riparian vegetation for cover and temperature control.
- Protection and restoration of documented fish habitat should be supported.

Comments:

According to the author, S. 2533 is the product of two years of work. It includes provisions from Democrats and Republicans alike. It reflects input from environmental groups, water districts, state agencies, cities, rural communities, fishermen and the agricultural industry. There was also an extensive consultation process with federal agencies, all of which agree that the bill remains consistent with the federal Endangered Species Act, the federal Clean Water Act and the biological opinions (These opinions are produced by the U.S. Fish and Wildlife Service at the request of state and federal government, to ensure the State Water Project and Central Valley Project are consistent with the Endangered Species Act). This has been an open process, and I believe this bill is the best we can do.

It is also important to take into account that this proposal includes \$1.3 million in new federal authorizations that would benefit cities, directly and indirectly, as well as the 25 million Californians and \$36 billion agriculture industry that rely on the Delta for at least some of their water supply.

The vast majority of the provisions contained in S. 2533 are supported by existing League policy and guiding principles. Additionally, much of the measure is consistent with the League's position on Proposition 1 Water Bond (2014). However, S. 2533 does include some provisions that may be controversial, including those that pertain to operating the Delta pumps at higher levels when river flows are more abundant. Even though the measure clearly states it is not in violation of the federal Endangered Species Act, federal Clean Water Act or the biological opinions, some in the environmental community remain opposed to increased pumping in the Delta.

Increasing pumping operations during high river flow conditions (winter storms) could dramatically increase the amount of water shipped south of the Delta into storage facilities for later use by cities and agricultural interests. For example, between January 1, 2016 and March 8, 2016, 180,000-200,000 acre feet of water passed through the Delta that could have otherwise been diverted to storage facilities, like San Luis Reservoir, which currently contains only 57% of its historic average for this time of year, or used for other purposes.

The Delta pumping provisions are short term and only apply during a State declared drought or two years, whichever is longer. Additionally, the pumps cannot operate at higher levels when smelt or other endangered fish are present.

Support-Opposition:

Support: (as of 3/08/2016)

City of Benicia
Redwood City
City of Palo Alto
City of Pismo Beach
City of Pleasanton
City of San Diego
City of Turlock
City of Ventura
City of Indio
Congressman John Garamendi
Congressman Jim Costa
Glenn-Colusa Irrigation District
Monterey Peninsula Water Management District
Monterey Regional Water Pollution Control Agency
North Bay Water Reuse Program
Reclamation District 108
Ducks Unlimited
San Joaquin Valley Water Districts
Central Contra Costa Sanitary District
Delta Diablo District
Goleta Water District
Irvine Ranch Water District
Las Virgenes Municipal Water District
Northern California Water Association
Redwood City
Victor Valley Wastewater Reclamation Authority
West Bay Sanitary District
Orange County Water District
California Water Associations
California Water Service Company
Dublin San Ramon Services District
San Jose Water Company
Santa Clara Valley Water District
Tehama-Colusa Canal Authority

Opposition:

Pacific Coast Federation of Fisherman's Associations
Golden Gate Salmon Association
Coastal Trollers Association

Staff Recommendation:

League staff recommends the Committee discuss S. 2533 to determine a position.

Committee Recommendation:

Board Action:

EQ Other Bills of Interest 2016

Solid Waste

AB 45 (Mullin D) Household hazardous waste.

Status: 2/4/2016-Referred to Com. on E.Q.

Summary: Would require the Department of Resources Recycling and Recovery to adopt one or more model ordinances for a comprehensive program for the collection of household hazardous waste and would authorize a local jurisdiction that provides for the residential collection and disposal of solid waste that proposes to enact an ordinance governing the collection and diversion of household hazardous waste to adopt one of the model ordinances adopted by the department.

AB 1103 (Dodd D) Solid waste: organic waste.

Status: 7/17/2015-Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 7/16/2015)

Summary: Would require a person who transports a certain amount of food waste to be registered by the Department of Resources Recycling and Recovery, except as specified. The bill would require a registered transporter to maintain a record of food waste transported that contains specified documents and information, and to certify, under penalty of perjury, to the accuracy of the record. By expanding the application of the crime of perjury, the bill would impose a state-mandated local program.

SB 970 (Leyva D) Organic food waste diversion.

Status: 3/28/2016-From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.Q.

Summary: Would require the Department of Resources Recycling and Recovery, in consultation with the State Air Resources Board and the State Energy Resources Conservation and Development Commission, by June 1, 2017, to develop a pilot demonstration program to award matching grant funding for cost effective and efficient integrated organic food waste diversion projects at existing wastewater treatment facilities, as provided.

SB 1260 (Allen D) Stormwater resource planning: project funding.

Status: 3/30/2016-Withdrawn from committee. Re-referred to Com. on RLS.

Summary: March 1, 2017, would require the State Water Resources Control Board to include as part of its guidance a list of potential funding sources available to a public agency to fund projects identified in a public agency's stormwater resource plan.

Utilities

AB 1800 (Hadley R) Utility outage compensation claims: annual posting.

Status: 3/28/2016-In committee: Set, second hearing. Hearing canceled at the request of author.

Summary: Would require each electrical corporation and local publicly owned electric utility to annually post on its Internet Web site specified information relating to utility outage compensation claims for the previous year.

AB 2339 (Irwin D) Net energy metering.

Status: 3/30/2016-In committee: Testimony taken. Hearing postponed by committee.

Summary: Would define the "aggregate customer peak demand" for the purposes of calculating the net energy metering program limit for electric utilities that are not large electrical corporations.

AB 2381 (Hernández, Roger D) Electricity: power outages: bill credits.

Status: 3/31/2016-In committee: Set, first hearing. Hearing canceled at the request of author.

Summary: Under current law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. Current law authorizes the commission to fix the rates and

charges for every public utility and requires that those rates and charges be just and reasonable. This bill would require electrical corporations to provide customers that experience outages for a continuous 24-hour period with a \$25 bill credit for each 24-hour period that they were without power. This bill contains other related provisions and other current laws.

Coastal Commission

AB 2002 (Stone, Mark D) Political Reform Act of 1974: California Coastal Commission: communications.

Status: 3/30/2016-From committee: Do pass and re-refer to Com. on NAT. RES. (Ayes 6. Noes 1.) (March 30). Re-referred to Com. on NAT. RES.

Summary: Would revise the definition of "administrative action" to include, with regard to proceedings before the California Coastal Commission, specified actions, plans, and orders, and any other quasi-judicial or quasi-legislative matter requiring commission action. The bill would, however, exclude from these provisions relating to lobbyists an individual who communicates with a member of the California Coastal Commission for compensation to advocate for an outcome in relation to no more than one administrative action during a calendar year and an employee of a local government agency seeking, within the scope of his or her employment, to influence quasi-judicial decisions of the commission.

AB 2658 (Maienschein R) California Coastal Commission: ex parte communications: meetings.

Status: 3/10/2016-Referred to Com. on NAT. RES.

Summary: Would also make provisions prohibiting ex parte communications applicable to communications between a commission staff member and an interested party. This bill contains other related provisions and other existing laws.

CEQA

AB 1647 (Waldron R) Environmental quality: water storage facilities.

Status: 3/14/2016-In committee: Set, first hearing. Hearing canceled at the request of author.

Summary: The California Environmental Quality Act requires the lead agency to determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record. The act exempts certain specified projects from its requirements. This bill would exempt a project to expand the storage capacity of an existing surface water storage facility, or to replace an existing surface water storage facility, that is owned and operated by a public entity if that public entity adopts, by resolution, findings and declarations that the project meets specified criteria.

AB 1749 (Mathis R) California Environmental Quality Act: exemption: recycled water pipeline.

Status: 3/29/2016-Re-referred to Com. on NAT. RES.

Summary: CEQA exempts from its requirements projects consisting of the construction or expansion of recycled water pipeline and directly related infrastructure within existing rights of way, and directly related groundwater replenishment, if the project does not affect wetlands or sensitive habitat, and where the construction impacts are fully mitigated, and undertaken for the purpose of mitigating drought conditions for which a state of emergency was proclaimed by the Governor on a certain date. CEQA provides that this exemption remains operative until the state of emergency has expired or until January 1, 2017, whichever occurs first. This bill would extend that date to January 1, 2019.

AB 2438 (Waldron R) California Environmental Quality Act: exemption: recycled water pipelines.

Status: 3/8/2016-Referred to Com. on NAT. RES.

Summary: Would, until January 1, 2020, additionally exempt from CEQA a project for the construction and installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline, not exceeding 8 miles in length, for the distribution of recycled water within a public street, highway, or right-of-way and would require the lead agency to undertake specified activities, including the filing of a notice of exemption for the project with

the Office of Planning and Research and the office of the county clerk of each county in which the project is located.

SB 1415 (Bates R) California Environmental Quality Act: water projects: exemption.

Status: 3/15/2016-Set for hearing April 6.

Summary: Would exempt from the requirements of CEQA drought-oriented projects, as specified, proposed by one or more public agencies, or a combination of public agencies and private organizations, that have the purpose of mitigating drought conditions for which a state of emergency has been declared by the Governor pursuant to the California Emergency Services Act. This bill contains other existing laws.

SB 1440 (Cannella R) Environmental quality: Water Quality, Supply, and Infrastructure Improvement Act of 2014.

Status: 3/15/2016-April 6 set for first hearing canceled at the request of author.

Summary: Would require a lead agency, in certifying an environmental impact report and in granting approvals for certain water storage projects funded, in whole or in part, by Proposition 1, to comply with specified procedures. Because a public agency would be required to comply with those new procedures, this bill would impose a state-mandated local program. The bill would authorize the lead agency to concurrently prepare the record of proceedings for the project.

Climate Change

AB 2702 (Atkins D) Greenhouse gases: study.

Status: 3/28/2016-Re-referred to Com. on NAT. RES.

Summary: Would require the State Air Resources Board to conduct a study that outlines best practices and policies for meeting state goals to reduce greenhouse gas emissions. The bill also would authorize the state board to collaborate with air pollution control and air quality management districts.

SB 1383 (Lara D) Short-lived climate pollutants.

Status: 3/15/2016-Set for hearing April 6.

Summary: Would require the State Air Resources Board to approve and implement that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030, as specified.

Cap and Trade

AB 1550 (Gomez D) Greenhouse gases: investment plan: disadvantaged communities.

Status: 3/29/2016-Re-referred to Com. on NAT. RES.

Summary: Current law requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. This bill would require the investment plan to allocate a minimum of 25% of the available moneys in the fund to projects located within disadvantaged communities and a separate and additional 25% to projects that benefit low-income households which earn less than 200% of the federal poverty level.

AB 1815 (Alejo D) California Global Warming Solutions Act of 2006: disadvantaged communities.

Status: 3/29/2016-Re-referred to Com. on NAT. RES.

Summary: Current law requires the California Environmental Protection Agency to identify disadvantaged communities and requires the Department of Finance, in consultation with the State Air Resources Board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. Current law requires the 3-year investment plan to allocate a minimum of 25% of the available moneys in the fund to projects that

provide benefits to disadvantaged communities. This bill would require the agency to establish a comprehensive technical assistance program, upon the appropriation of moneys from the Greenhouse Gas Reduction Fund, for eligible applicants, as specified, assisting eligible communities, as defined.

AB 2293 (Garcia, Cristina D) Greenhouse Gas Reduction Fund: Green Assistance Program.

Status: 3/30/2016-Re-referred to Com. on NAT. RES.

Summary: Would establish the Green Assistance Program, to be administered by the Secretary for Environmental Protection to, among other things, assist small businesses, small nonprofit organizations, and small cities in applying for moneys from programs using moneys from the fund, as specified.

AB 2722 (Burke D) Transformative Climate Communities Program.

Status: 3/10/2016-Referred to Com. on NAT. RES.

Summary: Would create the Transformative Climate Communities Program, to be administered by the Strategic Growth Council. The bill would appropriate \$250,000,000 from the Greenhouse Gas Reduction Fund to the council to administer the program. The bill would require the council, in coordination with the California Environmental Protection Agency Assistant Secretary for Environmental Justice and Tribal Affairs, to award competitive grants to specified eligible entities for transformative climate community plans in disadvantaged communities, as defined.

Water

AB 1588 (Mathis R) Water and Wastewater Loan and Grant Program.

Status: 3/29/2016-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 13. Noes 0.) (March 29). Re-referred to Com. on APPR.

Summary: Would require the State Water Resources Control Board to establish a program to provide funding to counties to award low-interest loans and grants to eligible applicants for specified purposes relating to drinking water and wastewater treatment. This bill would authorize a county to apply to the board for a grant to award loans or grants, or both, to residents of the county, as prescribed. This bill would create the Water and Wastewater Loan and Grant Fund and provide that the moneys in this fund are available, upon appropriation by the Legislature, to the board to administer and implement the program.

AB 1755 (Dodd D) The Open and Transparent Water Data Act.

Status: 3/2/2016-Re-referred to Com. on W., P., & W.

Summary: Would enact the Open and Transparent Water Data Act. The act would require the Department of Water Resources to establish a public benefit corporation that would create and manage (1) a statewide water information system to improve the ability of the state to meet the growing demand for water supply reliability and healthy ecosystems, that, among things, would integrate existing water data information from multiple databases and (2) an online water transfer information clearinghouse for water transfer information that would include a database of historic water transfers and transfers pending responsible agency approval and a public forum to exchange information on water market issues.

AB 2040 (Melendez R) Outdoor Water Efficiency Act of 2016: personal income tax credits: outdoor water efficiency.

Status: 2/29/2016-Referred to Com. on REV. & TAX.

Summary: The Personal Income Tax Law allows various credits against the taxes imposed by that law. This bill, for taxable years beginning on or after January 1, 2017, and before January 1, 2022, would allow a credit equal to 25% of the amount paid or incurred by a qualified taxpayer for water-efficiency improvements, as defined, on qualified real property in this state, as specified.

AB 2304 (Levine D) California Water Market Exchange.

Status: 3/3/2016-Referred to Com. on W., P., & W.

Summary: Would establish the California Water Market Exchange, governed by a 5-member board, in the Natural Resources Agency. This bill would require the market exchange, on or before December 31, 2017, to create a centralized water market platform on its Internet Web site that provides ready access to information about water available for transfer or exchange.

AB 2525 (Holden D) Water-efficient landscaping.

Status: 3/29/2016-From committee: Do pass and re-refer to Com. on L. GOV. (Ayes 10. Noes 3.) (March 29). Re-referred to Com. on L. GOV.

Summary: Would require the Department of Water Resources to create the California Water Efficient Landscaping Program for the purpose of encouraging local agencies and water purveyors to use economic incentives that promote the efficient use of water, promote the benefits of consistent landscape ordinances, and support and enhance turf replacement. This bill would create the Water Efficient Landscaping Fund and provide that moneys in the fund are available, upon appropriation by the Legislature, to the department for certain purposes.

AB 2594 (Gordon D) Stormwater resources: use of captured water.

Status: 3/31/2016-From committee: Be re-referred to Com. on W., P., & W. Re-referred. (Ayes 8. Noes 0.) (March 31). Re-referred to Com. on W., P., & W.

Summary: Current law, the Stormwater Resource Planning Act, authorizes one or more public agencies to develop a stormwater resource plan that meets specified standards to address the capture of stormwater, as defined, and dry weather runoff, as defined. This bill would authorize a public entity that captures stormwater, in accordance with a stormwater resource plan, before the water reaches a natural channel to use the captured water.

ACA 8 (Bloom D) Local government financing: water facilities and infrastructure: voter approval.

Status: 2/19/2016-From printer. May be heard in committee March 20.

Summary: Would create an additional exception to the 1% limit for a rate imposed by a city, county, city and county, or special district to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of wastewater treatment facilities and related infrastructure, potable water producing facilities and related infrastructure, nonpotable water producing facilities and related infrastructure, and stormwater treatment facilities and related infrastructure, that is approved by 55% of the voters of the city, county, city and county, or special district, as applicable, if the proposition meets specified requirements, and would authorize a city, county, city and county, or special district to levy a 55% vote ad valorem tax. This bill contains other related provisions and other existing laws.

SB 814 (Hill D) Drought: excessive water use: urban retail water suppliers.

Status: 3/31/2016-Withdrawn from committee. Re-referred to Com. on APPR.

Summary: Would declare that excessive water use during a state of emergency based on drought conditions by a residential customer, as specified, is prohibited. This bill would require each urban retail water supplier to establish a method to identify and restrict excessive water use. This bill would authorize as a method to identify and restrict excessive water use the establishment of a rate structure that includes block tiers, water budgets, penalties for prohibited uses, or rate surcharges over and above base rates for excessive water use by residential customers.

SB 1317 (Wolk D) Conditional use permit: groundwater extraction facility.

Status: 3/29/2016-Set for hearing April 12.

Summary: Would, by July 1, 2017, require a city or county overlying a basin designated as a high- or medium-priority basin to establish a process for the issuance of conditional use permits for the development of a groundwater extraction facility in order to prevent a new groundwater extraction facility from contributing to or creating an undesirable result, as prescribed. By increasing the duties of cities and counties, this bill would impose a state-mandated local program.

SB 1233 (McGuire D) Joint powers authorities: Water Bill Savings Act.

Status: 3/28/2016-From committee with author's amendments. Read second time and amended. Re-referred to Com. on 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 imposed and collected by the local agency or its publicly owned utility on behalf of the authority pursuant to a servicing agreement. The bill would authorize the authority to issue bonds to fund the program. The bill would also make technical changes.

Other

AB 2693 (Dababneh D) Contractual assessments: financing requirements: property improvements.

Status: 3/28/2016-Re-referred to Com. on B. & F.

Summary: Current law defines "property assessed clean energy bond," commonly known as a PACE bond, to mean a bond that is secured by a voluntary contractual assessment or by certain special taxes on property, as specified. This bill would delete the reference to bonds secured by special taxes. This bill contains other related provisions and other current laws.

AB 2713 (Chiu D) Land use: local ordinances: energy systems.

Status: 3/28/2016-Re-referred to Com. on L. GOV.

Summary: Would require a city, county, or city and county to approve an application for the installation of advanced energy storage, as defined, through the issuance of specified permits unless the city or county makes specified written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.