

ENVIRONMENTAL QUALITY POLICY COMMITTEE

Friday, June 9, 2017

10:00 a.m. – 3:00 p.m.

League of California Cities, 1400 K Street, 3rd Floor, Sacramento, CA

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., Room 204, Sacramento Convention Center

Upon adjournment, individual policy committee meetings will begin

Special Order

- I. Joint Discussion with EQ & TCPW (Attachment A)** *Action*
1. SB 231 (Hertzberg) Local government: fees and charges
 2. Stormwater Policy

Regular Order

- II. Welcome and Introductions**
- III. Public Comment**
- IV. Legislative Agenda (Attachment B)** *Action*
SB 5 (de Leon) California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018
- V. Community Choice Aggregation (CCA) Subcommittee (Attachment C)** *Action*
- VI. Update on California WaterFix** *Informational*
Speaker: Nancy Vogel, Deputy Secretary for Communications, Natural Resources Agency
- VII. Climate Change Policy in the Legislature** *Informational*
Speaker: Katie Valenzuela Garcia, Principal Consultant, Joint Committee on Climate Change Policies (Invited)
- VIII. Legislation of Interest Update (Attachment D)** *Informational*

Next Meeting (tent.): Annual Conference, Sacramento, September 13, 9:00 – 11:00 a.m.

Staff will notify committee members after July 21st if the policy committee will be meeting in September.

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
TRANSPORTATION, COMMUNICATIONS & PUBLIC WORKS POLICY COMMITTEE
Storm Water Legislation & League Policy
June 9, 2017

1. 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’ includes systems, 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 are the notion that “Numerous sources predating Proposition 218 reject the notion that the term ‘sewer’ applies only to sanitary sewers and sanitary sewerage. To paraphrase, the sources referred to include the following:

- The definition in the Proposition 218 Omnibus Implementation Act has been in place in Public Utilities Code Section 230.5 since 1970.
- *L.A. County Flood Control Dist. v. Southern California Cal. Edison Co.* (1958) 51 Cal.2d 331, where the California Supreme Court stated that “no distinction has been made between sanitary sewers and storm drains or sewers.”
- Many other cases where the term “sewer” has been used interchangeably to refer to both sanitary and storm sewers in many other cases, including, include, but are 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.

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: (as of 4/19/17)

Support: Water Foundation (sponsor); Association of California Water Agencies; Bay Area Council; Bay Area Stormwater Management Agencies Association; BIA of the Greater Valley; California Association of Sanitation Agencies; California Building Industries Association; California State Association of Counties; California Council for Environmental and Economic Balance; California Sportsfishing Protection Alliance; California Stormwater Quality Association; City/County Association of Governments of San Mateo County; City of Alameda; City of Beverly Hills; City of Campbell; City of Commerce; City of Covina; City of Cupertino; City of Escalon; City of Hawthorne; City of Hermosa Beach; City of Industry; City of Lakewood; City of Lathrop; City of Lawndale; City of Lodi; City of Manteca; City of Norwalk; City of Petaluma; City of Ripon; City of San Gabriel; City of Signal Hill; City of Stockton; City of Tracy; City of Torrance; City of Woodland; County of Contra Costa; County of Marin; County of Los Angeles; County of San Joaquin; County of Santa Clara; County of Sonoma; Environmental Defense Fund; Gateway Water Management Authority; Inland Empire Utilities Agency; Los Angeles Gateway Region Integrated Regional Water Management Authority; Mayors’ and Council Members’ Association of Sonoma County; Metropolitan Water District of Southern California; Natural Heritage Institute San Joaquin County; Santa Clara Valley Water District; Santa Clara County’s Clean Water Program; Save the Bay; Sierra Club California; State Building and Construction Trades Council of California; Town of Tiburon; Tree People

Opposition: BizFed; City of Azusa; City of Claremont; City of Diamond Bar; City of Glendora; City of Los Alamitos; City of Rosemead; City of Sierra Madre; City of West Covina; Howard Jarvis Taxpayers Association

March EQ Committee Recommendation:

After substantial discussion, the committee voted to support SB 231 with a vote of 21-20.

April Board Action:

Send back to a joint meeting of the Environmental Quality and Transportation, Communication and Public Works policy committees.

Staff Recommendation:

League staff recommends the committees discuss SB 231 and determine a position. In contemplating this issue, 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. Environmental Quality Stormwater Policy

Summary:

The Environmental Quality policy committee proposes to amend the water policy guidelines related to stormwater.

Description of Proposal:

The proposal is to modify two paragraphs within the Financial Considerations section of the League's Water Guidelines.

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.

Any agency that regulates water, **wastewater or 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.

Background:

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. The stormwater subcommittee proposal was approved by the EQ policy committee during its March meeting.

Existing League Policy:

The League's *Existing Policy & Guiding Principles* contain specific California Water Guidelines that were developed over the course of two years and approved in 2010. Development of these guidelines 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.

For additional information, see the analysis of SB 231 above.

March EQ Committee Recommendation:

The committee voted 38-0 to approve the proposed modifications of both paragraphs.

April Board Action:

Send back to a joint meeting of the Environmental Quality and Transportation, Communication and Public Works policy committees.

Staff Recommendation:

League staff recommends the committees discuss the proposed change to the League's California Water Guidelines to determine a recommendation.

Committee Recommendation:

Board Action:

ENVIRONMENTAL QUALITY POLICY COMMITTEE
Legislative Agenda
 June 9, 2017

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 \$3.5 billion bonds with funds to be directed to parks, drought and drinking water projects, 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 \$3.5 billion in General Obligation bonds. SB 5 provides the following funding allocations:

Parks and Conservancies

1. \$200 million to grants on a per capita basis to local governments. Each city would receive a minimum allocation of \$125,000.
2. \$15 million for grants to cities and districts in urbanized counties (population of 500,000 or more) providing park and recreation services within jurisdictions of 200,000 or less in population.
3. \$800 million for grants for the creation of neighborhood parks in park poor communities. Of this, \$48 million would be allocated to local park improvement grants to correct historic under-investments in the Central Valley, Inland Empire, gateway, and desert communities.
4. \$20 million for regional park districts, counties, open-space districts, joint powers authorities, and eligible nonprofits for restoration and preservation of trails, sports complexes, low-cost accommodations, and serving youth and communities of color.
5. \$150 million for low-cost overnight accommodations to enhance access to state park facilities.
6. \$30 million to the California Natural Resources Agency for competitive grants to provide non-motorized infrastructure development that promote new or alternative access to parks to encourage health-related active transportation.
7. \$20 million for competitive grants for cities, counties, and districts in counties with populations of less than 500,000 people.
8. \$125 million to the Natural Resources Agency for River Parkway program grants and the Urban Streams Restoration Program. Of this, \$50 million is reserved for the Santa Monica Mountains Conservancy, \$25 million for the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, and 3 million for the Lower American River Conservancy.
9. \$282 million to state conservancies and the Salton Sea Authority.
10. \$100 million for coastal and ocean resources to the Ocean Protection Trust Fund for a grant program, the State Coastal Conservancy, and the San Francisco Bay Area Conservancy Program.
11. \$468 million for climate adaptation and resiliency projects. Eligible projects include improvements to adapt to climate change, improve and protect coastal and rural economies, agricultural viability, wildlife corridors, or habitat, recreational opportunities, or drought tolerance, landscape resilience, and water retention.

Drinking Water and Drought Preparedness

12. \$500 million to supplement existing water programs funded by Proposition 1, subject to appropriation by the Legislature. Funding would be allocated across four Proposition 1 programs:
 - a. \$125 million for aid to communities with contaminated water supplies.

- b. \$125 million for integrated regional management plans and regional priorities, including urban and agricultural water runoff, and multibenefit stormwater management.
- c. \$125 million to prevent or reduce groundwater contamination.
- d. \$125 million for recycled water projects.

Flood Protection and Repair

- 13. \$750 million for flood protection. Of this funding, three allocations are further specified:
 - 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.

Other Provisions

- 14. Authorizes up to 10% for planning and monitoring necessary for successful application of a grant.
- 15. Most of the proposed bond requires that at least 20% of the funds available be allocated for projects serving severely disadvantaged communities.
- 16. Provides that up to 10% of the funds may be allocated for technical assistance to disadvantaged communities.
- 17. Allows up to 5% of the funds to be used for community access projects that include transportation, multilingual translation, workforce development, communication, and other activities.

Background:

Assembly Proposal for Parks Funding. AB 18 (E. Garcia) is the Assembly’s park bond proposal. AB 18 is a \$3.105 billion bond proposal that dedicates a larger share of the funding to parks. AB 18 allocates \$425 million to cities and counties to be allocated on a per capita basis, with cities guaranteed to receive a minimum of \$200,000. AB 18 also contains \$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:

Each city would receive a minimum of \$125,000 for local park rehabilitation and improvement. Cities would also be eligible for a number of the grant programs included in the bond. A 20% local match is required for most of the grant programs provided for by this measure, with notable exceptions for the per capita allocation and disadvantaged communities.

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.

Both the Community Services and Environmental Quality Policy Committee will consider SB 5.

Support-Opposition (as of 5/26/17):

Support: 7th Generation Advisors; American Heart Association; Azul; Bay Area Ridge Trail Council Bike San Gabriel Valley; California Association of Local Conservation Corps; California Bicycle Coalition; California Climate & Agriculture Network; California Greenworks; California League of Conservation Voters; California ReLeaf; California Trout; Carbon Cycle Institute; Climate Resolve; Community Conservation Solutions; Community Hiking Club; Community Nature Connection; Conservation Corps of Long Beach; Environmental Defense Center; Environmental Defense Council Environmental Working Group; Friends of the Los Angeles River; Grassland Water District; Groundwork Richmond; Hills for Everyone; Humane Society of the United States; Kounkuey Design Initiative; Laguna Greenbelt; Land Trust of Santa Cruz County; Landscape Designers Association; Los Angeles Neighborhood Initiative; Lutheran Office of Public Policy; Marin Carbon Project; Mono Lake Committee

Mountains Recreation & Conservation Authority; Mountains Restoration Trust; Move LA; National Parks Conservation Association; Natural Resources Defense Council; Ocean Conservancy; Pacoima Beautiful; Palos Verdes Peninsula Land Conservancy; Pesticide Action Network; Planning and Conservation League; Plastic Pollution Coalition; Pogo Park; PolicyLink; River LA; San Diego Humane Society; Santa Clara Valley Open Space; Save The Bay; Surfrider Foundation; The Nature Conservancy; The Trust for Public Land; Transform; Wholly H2O; Wishtoyo Chumash Foundation

Opposition: None

Staff Recommendation:

League staff recommends the Committee discuss SB 5 to determine a position. The Committee may wish to give particular consideration to two aspects of the bill: (1) the increase in per capita parks funding, based on Committee discussion in March and (2) the funding for water infrastructure, consistent with Strategic Goal #1.

Committee Recommendation:

Board Action:

ENVIRONMENTAL QUALITY POLICY COMMITTEE
Community Choice Aggregation Policy
 June 9, 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.

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.

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.

March Committee Recommendation:

The Committee recommended adopting the proposal by a voice vote. A brief discussion among committee members centered around the need for aggregators to decide the mix of sources.

League policy has tended to support community choice aggregation and the mix of policies in this proposal. This proposed additional guidance further codifies and further defines the policy.

April Board Action:

Motion to send the proposed policy back to Committee with direction to clarify the following points:

- Further define how to address the potential for cost shifting from CCA customers to non-CCA customers or oppose such cost allocation policies that do so in order to protect CCA and non-CCA customers alike
- Clarify the conflict in adopting a policy that promotes "stable rates" considering there is an annual Power Charge Indifference Adjustment (PCIA) rate review that may change rates applied to CCAs
- Consider further including within the policy a statement that ensures proper and transparent rates are provided to ratepayers, including truth in advertising and that energy procurement practices generate additional renewable energy generation

Staff Recommendation:

League staff recommends the committees discuss the proposed change to the League's policy.

Committee Recommendation:

Board Action:

ENVIRONMENTAL QUALITY POLICY COMMITTEE
Legislation of Interest
 June 9, 2017

Cap and Trade

AB 151 (Burke D) California Global Warming Solutions Act of 2006: market-based compliance mechanisms: scoping plan: report.

Status: 6/02/2017-Two-year bill

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.

AB 378 (Garcia, Cristina D) Greenhouse gases, criteria air pollutants, and toxic air contaminants.

Status: 6/02/2017-Two-year bill

Summary: The California Global Warming Solutions Act requires the State Air Resources Board, when adopting rules and regulations to achieve greenhouse gas emissions reductions beyond the statewide greenhouse gas emissions limit and to protect the state's most impacted and disadvantaged communities, to follow specified requirements, consider the social costs of the emissions of greenhouse gases, and prioritize specified emission reduction rules and regulations. This bill would require the state board to consider and account for the social costs of the emissions of greenhouse gases when adopting those rules and regulations.

SB 775 (Wieckowski D) California Global Warming Solutions Act of 2006: market-based compliance mechanisms.

Status: 5/8/2017-Two-year bill

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 authorizes the state board to include use of market-based compliance mechanisms. Current law prohibits a state agency from linking a market-based compliance mechanism with any other state, province, or country unless the state agency notifies the Governor. Current law requires the Governor to issue specified findings within 45 days of receiving that notice from a state agency and to provide those findings to the Legislature. This bill would add to the findings required to be issued by the Governor and provided to the Legislature in those circumstances.

CEQA

AB 816 (Kiley R) California Environmental Protection Agency: Natural Resources Agency: Web casts of public meetings and workshops.

Status: 5/30/2017- Senate

Summary: Would require that each department, board, and commission of the Natural Resources Agency, except as specified, and each department, board, and office of the California Environmental Protection Agency Web cast all onsite public meetings, in a manner that enables listeners and viewers to ask questions and provide public comment by telephone or electronic communication commensurate with those attending the meeting. The bill would require the agencies to make the recording of a Web cast available online for no less than 3 years for subsequent viewing by interested members of the public.

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

Status: 5/18/2017-Assembly - Referred to Com. on NAT. RES.

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 agencies offer 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.

SB 771 (De León D) California Environmental Quality Act: continuing education: public employees.

Status: 5/30/2017- Assembly

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.

Coastal Issues

AB 184 (Berman D) Sea level rise planning: database.

Status: 5/23/2017-Senate Com. on N.R. & W.

Summary: Current law requires that various public agencies and private entities provide to the 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. Current law repeals these provisions on January 1, 2018. This bill would postpone that repeal until January 1, 2023.

AB 684 (Stone, Mark D) California Coastal Commission: ex parte communications: database.

Status: 5/31/2017-Senate

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.

AB 725 (Levine D) State beaches and parks: smoking ban.

Status: 5/31/2017-Senate

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.

AB 1129 (Stone, Mark D) Coastal resources: structures: beach access and protection.

Status: 6/02/2017-Two-year bill

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.

SB 386 (Glazer D) State beaches and parks: smoking ban.

Status: 5/30/2017- Assembly.

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.

Energy & Utilities

AB 271 (Caballero D) Property Assessed Clean Energy program.

Status: 5/30/2017- Senate.

Summary: Would authorize the county tax collector to direct the county auditor to remove a delinquent installment based on a PACE assessment from the county's tax rolls, if it arises from a contract entered into on or after January 1, 2018. The bill would require the county tax collector, immediately upon that removal and for each parcel for which the delinquent installment was removed, to provide notice on the tax rolls of the removal. This bill contains other related provisions and other existing laws.

AB 546 (Chiu D) Land use: local ordinances: energy systems.

Status: 5/31/2017-Senate.

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.

AB 920 (Aguiar-Curry D) Electricity: integrated resource plans.

Status: 6/1/2017-Senate

Summary: Would require the Public Utilities Commission, when reviewing each load-serving entity's integrated resource plan, to evaluate the mix of resources in the load-serving entity's total resource and renewable resource portfolios to ensure balanced portfolios with an appropriate mix of peaking, dispatchable, baseload, firm, and as-available capacity and would require the CPUC to assess the need for, and benefits of, existing and new renewable baseload generation and consider whether to establish procurement requirements for renewable baseload generation.

AB 1414 (Friedman D) Solar energy systems: permits.

Status: 5/30/2017- Senate.

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 extend the repeal date to January 1, 2025.

SB 57 (Stern D) Natural gas storage: moratorium.

Status: 5/30/2017- Two-year bill

Summary: The Public Utilities Commission under current law, is authorized to supervise and regulate every public utility in the state. Current law requires the commission, no later than July 1, 2017, to open a proceeding to determine the feasibility of minimizing or eliminating use of the Aliso Canyon natural gas storage facility

located in the County of Los Angeles while still maintaining energy and electric reliability for the region, and to consult with specified entities in making its determination. This bill would require the supervisor to continue that prohibition until a specified root cause analysis of the natural gas leak from the facility that started approximately October 23, 2015, has been completed and released in its entirety to the public.

SB 100 (De León D) California Renewables Portfolio Standard Program: emissions of greenhouse gases.

Status: 5/31/2017-Assembly.

Summary: The Legislature has found and declared that its intent in implementing the California Renewables Portfolio Standard 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 the above-described legislative findings and declarations to state that the goal of the program is to achieve that 50% renewable resources target by December 31, 2026, to achieve a 60% target by December 31, 2030, and for all electricity sold at retail to be generated by eligible renewable energy resources by December 31, 2045.

SB 242 (Skinner D) Property Assessed Clean Energy program: program administrator.

Status: 5/30/2017- Assembly.

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 prohibit a program administrator from approving an assessment contract unless the program administrator makes a good faith determination that the property owner has a reasonable ability to meet the annual payment obligations for the contract, subject to specified requirements.

SB 618 (Bradford D) Load-serving entities: integrated resource plans.

Status: 5/23/2017- Assembly.

Summary: Would require that the integrated resource plan filed by a load-serving entity 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 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. This bill contains other related provisions and other existing laws.

SB 700 (Wiener D) Energy Storage Initiative.

Status: 5/31/2017-Assembly.

Summary: Would require the PUC to establish the Energy Storage Initiative to provide rebates to customers of electrical corporations for the installation of energy storage systems consistent with certain requirements. The bill would require the PUC to conduct a proceeding to determine an annual amount of moneys, within specified bounds, from calendar year 2018 through December 31, 2027, to be collected by electrical corporations to fund the Energy Storage Initiative. The bill would authorize the PUC to modify incentive levels and to limit eligibility based on income levels for residential applicants to ensure market transformation and the achievement of other goals of the Energy Storage Initiative.

Parks & Water Bond

AB 18 (Garcia, Eduardo D) California Clean Water, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.

Status: 3/20/2017-Senate Com. on RLS. for assignment.

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.

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

Status: 5/30/2017- Assembly.

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 \$3,500,000,000 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.

Solid Waste

AB 178 (Eggman D) California Beverage Container Recycling and Litter Reduction Act.

Status: 4/25/2017-Two-year bill

Summary: The California Beverage Container Recycling and Litter Reduction Act defines the term “beverage” for purposes of the act to include certain types of products in liquid, ready-to-drink form, as specified. The act excludes from the definition of “beverage,” among other products, any product sold in a container that is not an aluminum beverage container, a glass container, a plastic beverage container, or a bimetal container. This bill would eliminate reference to the material from which a beverage container is made in defining the terms “beverage” and “beverage container.” Because redemption payments for the previously excluded beverage container material types made subject to the act by this bill would be deposited in a continuously appropriated fund, the bill would make an appropriation.

AB 444 (Ting D) Medical waste: home-generated medical waste.

Status: 5/30/2017- Senate.

Summary: The Medical Waste Management Act generally regulates the management and disposal of medical waste. This bill would authorize the California Environmental Protection Agency to develop a statewide program for the collection, transportation, and disposal of home-generated medical waste, as defined.

AB 1158 (Chu D) Carpet recycling.

Status: 5/30/2017-Senate Com. on RLS. for assignment.

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 that would be required to make recommendations to manufacturers and carpet stewardship organizations on carpet stewardship plans. The bill would require the Director of Resources Recycling and Recovery, the Speaker of the Assembly, and the Senate Rules Committee to appoint members to the advisory committee, as specified.

AB 1288 (Eggman D) Solid waste: management: funding.

Status: 5/22/2017-Senate Com. on RLS. for assignment.

Summary: Current law requires methane emissions reduction goals to include specified targets for reducing organic waste in landfills. Current law requires the Department of Resources Recycling and Recovery, in consultation with the State Air Resources Board, to adopt regulations that achieve the specified targets for reducing organic waste in landfills. This bill would require the department, in adopting those regulations, to conduct at least one public workshop to discuss funding strategies for new and expanded organic waste reduction infrastructure, including, but not limited to, existing public and private funding models and opportunities for new statewide funding sources.

SB 168 (Wieckowski D) Beverage Container Recycling Act of 2017.

Status: 5/26/2017-Two-year bill

Summary: Would require distributors of beverage containers in the state to form a beverage container stewardship organization. The organization would be required to develop and submit a plan and budget for the recovery and recycling of empty beverage containers similar to that described in the Used Mattress Recovery

and Recycling Act, and would require the organization to establish a stewardship fee, to be paid by distributor members of the organization, to assist in covering the costs of implementing the program.

SB 212 (Jackson D) Medical waste.

Status: 5/18/2017-Assembly Com. on E.S. & T.M.

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.

SB 705 (Allen D) Solid waste: expanded polystyrene food service containers.

Status: 5/31/2017-Two-year bill.

Summary: Would enact the Ocean Pollution Reduction Act of 2017. The bill would prohibit a food vendor, as defined, that is subject to specified federal requirements for the posting of calories and nutrients imposed upon restaurants and other retail food establishments, on and after January 1, 2020, from dispensing prepared food to a customer in an expanded polystyrene food service container. The bill would prohibit all food vendors from dispensing prepared food to a customer in an expanded polystyrene food service container on and after January 1, 2022.

Storm Water

AB 1180 (Holden D) CHazardous materials: motor vehicle tires that contain zinc oxide substances.

Status: 5/31/2017-Senate.

Summary: Current law requires the Department of Toxic Substances Control to adopt regulations that establish a process for evaluating chemicals of concern in consumer products, and their potential alternatives, to determine how best to limit exposure or to reduce the level of hazard posed by chemicals of concern, as specified. Current law requires the regulations adopted to specify the range of regulatory responses that the department may take following the completion of the analysis of alternatives. This bill would require the department to revise the 2015–17 Priority Product Work Plan, and subsequent work plans, as necessary, to include motor vehicle tires that contain zinc oxide substances for consideration and evaluation as potential priority products under the Green Chemistry program.

SB 231 (Hertzberg D) Local government: fees and charges.

Status: 5/22/2017-Assembly Com. on L. GOV.

Summary: Articles XIIC and XIID 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 XIIC and XIID 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.

SB 541 (Allen D) School facilities: school facility water capture practices.

Status: 6/1/2017-Assembly.

Summary: Would require the State Department of Education, the State Water Resources Control Board, the regional water quality control boards, and the Division of the State Architect within the Department of General Services, to consult and recommend best design and use practices that include school facility water capture practices that can generally be applied to 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 “school facility water capture practices” for these purposes.

Water

AB 277 (Mathis R) Water and Wastewater Loan and Grant Program.

Status: 5/30/2017- Senate.

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.

AB 560 (Salas D) Safe Drinking Water State Revolving Fund: project financing: severely disadvantaged communities.

Status: Senate.

Summary: Would, to the extent permitted by federal law, authorize the State Water Resources Control Board to provide grant funding, and principal forgiveness and 0 percent financing on loans, from the Safe Drinking Water State Revolving Fund to a project for a water system with a service area that qualifies as a severely disadvantaged community if the water system demonstrates that repaying a Safe Drinking Water State Revolving Fund loan with interest would result in unaffordable water rates, as defined.

AB 574 (Quirk D) Potable reuse.

Status: Senate Com. on RLS. for assignment.

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, if a specified expert panel found that the criteria would adequately protect public health. 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 “groundwater augmentation,” “reservoir augmentation,” “raw water augmentation,” and “treated drinking water augmentation.”

AB 732 (Frazier D) Delta levee maintenance.

Status: 5/30/2017-Senate.

Summary: Current law establishes a delta levee maintenance program pursuant to which a local agency may request reimbursement for costs incurred in connection with the maintenance or improvement of project or nonproject levees in the Sacramento-San Joaquin Delta. Current law declares legislative intent to reimburse eligible local agencies under this program, until July 1, 2018, in an amount not to exceed 75% of those costs that are incurred in excess of \$1,000 per mile of levee. Existing law, until July 1, 2018, authorizes the board to provide funds to an eligible local agency under this program in the form of an advance in an amount that does not exceed 75% of the estimated state share. This bill would extend until July 1, 2020, the operation of that declaration of legislative intent and the authorization to advance funds.

AB 869 (Rubio D) Sustainable water use and demand reduction: recycled water.

Status: 5/30/2017- Senate.

Summary: Current law imposes various water use reduction requirements that apply to urban retail water suppliers, including a requirement that the state achieve a 20% reduction in urban per capita water use by December 31, 2020. This bill would require recycled water delivered within the service area of an urban retail water supplier or its urban wholesale water supplier for either nonpotable or potable use or that replenishes a groundwater basin and supplements the groundwater supply available to an urban retail water supplier be excluded from the calculation of any urban water use target or reduction in urban per capita water use.

AB 1000 (Friedman D) Water conservation: performance standards for water meters.

Status: 5/31/2017-Senate.

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 authorize the commission to adopt regulations establishing performance standards for water meters installed in residential and nonresidential buildings, including water meters installed pursuant to the Water Measurement Law.

AB 1323 (Weber D) Sustainable water use and demand reduction: stakeholder workgroup.

Status: 5/31/2017-Senate.

Summary: Would, with a specified exception, 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, 2019. 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, 2019, as specified.

AB 1654 (Rubio D) Water shortage: urban water management planning.

Status: 5/31/2017-Senate

Summary: Would require each urban retail water supplier to report annually by June 15 to the Department of Water Resources the status of its water supplies for that year and whether the supplies will be adequate to meet projected customer demand, as prescribed. The bill would require the urban retail water supplier to implement the appropriate responses as described in its water shortage contingency analysis if the urban retail water supplier reports that all available water supplies for the applicable water year will not be adequate to meet projected customer demand.

AB 1667 (Friedman D) Agricultural water management planning.

Status: 5/31/2017-Assembly.

Summary: Current law requires an agricultural water supplier to prepare and adopt an agricultural water management plan with specified components on or before December 31, 2012, and to update that plan on December 31, 2015, and on or before December 31 every 5 years thereafter. This bill would revise the components of the plan and additionally require the agricultural water management plan to quantify the efficiency of agricultural water use, include an annual water budget, describe the agricultural water supplier's water management strategy with specified elements, and include a drought plan describing the actions of the agricultural water supplier for drought preparedness and management of water supplies and allocations during drought conditions.

AB 1668 (Friedman D) Water management planning.

Status: 5/31/2017-Senate.

Summary: Current law, 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 require an urban water management plan to be updated on or before July 1, in years ending in 6 and one, incorporating updated and new information from the 5 years preceding the plan update.

SB 210 (Leyva D) Pupil health: drinking water.

Status: 5/31/2017-Assembly.

Summary: The California Safe Drinking Water Act, requires the State Water Resources Control Board to establish a grant program, in consultation with the State Department of Education, to award grants to local educational agencies for the purposes of improving access to, and the quality of, drinking water in public schools serving kindergarten or any of grades 1 to 12, inclusive, and preschools and child day care facilities located on public school property. The act requires the state board to give priority to certain projects. This bill would require priority be given to projects for schools that have tested their drinking water fixtures, and the results show that the drinking water either does not meet the United States Environmental Protection Agency

drinking water standards for lead or is above the California maximum contaminant level for any other contaminant, as specified.

SB 252 (Dodd D) Water wells.

Status: 5/30/2017- Assembly.

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, reasonableness of each party's beneficial use of water to be determined through consideration of specified factors. This bill contains other related provisions and other existing laws.

SB 427 (Leyva D) Public water systems: community water systems: lead user service lines.

Status: 5/30/2017- Assembly.

Summary: Current law requires, by July 1, 2018, a public water system to compile an inventory of known lead user service lines in use in its distribution system and identify areas that may have lead user service lines in use in its distribution system. This bill would apply the above-described provisions relating to lead user service lines to a community water system, instead of a public water system, and would require, by July 1, 2020, the community water system to provide a timeline for replacement of known lead user service lines in use in its distribution system to the State Water Resources Control Board.

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

Status: 5/30/2017- Assembly.

Summary: Would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are available, upon appropriation, to the State Water Resources Control Board. The bill would require the board to administer the fund and authorize the board to provide for the deposit of federal contributions and voluntary contributions, gifts, grants, or bequests. The bill would require the board to expend moneys in the fund for grants, loans, contracts, or services to assist those without access to safe and affordable drinking water consistent with a fund implementation plan adopted annually by the board, as prescribed.

SCA 4 (Hertzberg D) Water conservation.

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

Summary: The California Constitution requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that the waste or unreasonable use or unreasonable method of use of water be prevented. This measure would declare the intent of the Legislature to amend the California Constitution to provide a program that would ensure that affordable water is available to all Californians and to ensure that water conservation is given a permanent role in California's future.

Other

AB 465 (Ting D) Urban agricultural incentive zones.

Status: 5/31/2017-Senate.

Summary: The Urban Agriculture Incentive Zones Act authorizes, under specified conditions, a city, county, or city and county to establish by ordinance an urban agriculture incentive zone for the purpose of entering into voluntary contracts with landowners to enforceably restrict the use of vacant, unimproved, or otherwise blighted lands for small-scale production of agricultural crops and animal husbandry. Current law prohibits a city, county, or city and county from entering into a new contract or renewing an existing contract under these provisions after January 1, 2019. 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.

AB 1274 (O'Donnell D) Smog check: exemption.

Status: 5/31/2017-Senate

Summary: Would, except as provided, exempt motor vehicles that are 8 or less model-years old from being inspected biennially upon renewal of registration. The bill would assess an annual smog abatement fee of \$24 on motor vehicles that are 7 or 8 model-years old. The bill would require a certain amount of the fee to be deposited into the Air Pollution Control Fund and to be available for expenditure, upon appropriation by the Legislature, to fund the Carl Moyer Memorial Air Quality Standards Attainment Program. The bill would require the balance of the fee to be deposited into the Vehicle Inspection and Repair Fund.

AB 1530 (Gonzalez Fletcher D) Urban forestry.

Status: 5/30/2017- Senate Com. on RLS. for assignment.

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.

SB 234 (Berryhill R) Fishing: local regulation: report.

Status: 5/16/2017-Assembly.

Summary: Would require the Fish and Game Commission to undertake a survey and evaluation of local ordinances that regulate fishing and to submit the survey and evaluation to the Legislature in a report by December 31, 2018.

SB 150 (Allen D) Regional transportation plans.

Status: 5/30/2017- Assembly.

Summary: Current law requires metropolitan planning organizations to adopt a sustainable communities strategy or alternative planning strategy, subject to specified requirements, as part of a regional transportation plan, which is to be designed to achieve certain targets for 2020 and 2035 established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region. This bill would require the State Air Resources Board to update and revise the greenhouse gas emission reduction targets consistent with the scoping plan and an assessment of the portion of the state's overall climate targets that is anticipated to be met by reductions in vehicle miles traveled.