



## ENVIRONMENTAL QUALITY POLICY COMMITTEE

Friday, April 3, 2020

1:30 p.m. – 4:30 p.m.

Webex Conferencing

Instructions on how to participate in the meeting:

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<https://cacities.webex.com/cacities/onstage/g.php?MTID=e3ba4cf0c47652e5e5dbde4823b2bb9ed>
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## AGENDA

### I. Welcome and Introductions

Speaker: Chair, Allan Bernstein, Councilmember, City of Tustin

### II. Public Comment

### III. General Briefing

*Informational Item*

Speaker: Derek Dolfie, Legislative Representative, League of California Cities

- Update From each of the League of California Cities' Lobbyists

### IV. COVID-19 Update

*Informational Item*

Speaker: Derek Dolfie, Legislative Representative, League of California Cities

- COVID-19 [League Resources](#) Overview
- Status of Legislative Deadlines and 2020 Budget Outlook
- Federal stimulus bills

### V. Legislative Update (Attachment A)

*Informational Item*

Speaker: Derek Dolfie, Legislative Representative, League of California Cities

League staff will update the committee on bills of interest pertaining to environmental quality.

**Next Meeting: Friday, June 5, So. San Francisco Conference Center, 255 S. Airport Blvd, South San Francisco**

**NOTE:** Policy committee members should be aware that lunch is 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 Bills of Interest - April 2020

### Climate Change:

#### **AB 3256 (E. Garcia) Climate Risks: Bond Measure**

This measure is the vehicle for the Assembly's climate resiliency bond measure. This measure would authorize the issuance of \$4 billion in bonds for drought, water, parks, climate, coastal protection, and outdoor access for all programs. It is still in spot form for now.

League Position: Watch

#### **SB 45 (Allen) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020**

This measure is the vehicle for the Senate's climate resiliency bond measure. This measure would authorize the issuance of \$5.51 billion in bonds for wildfire prevention, safe drinking water, drought preparation, and flood protection programs. This measure would be placed on the November 2020 ballot.

League Position: Pending

### Coastal:

#### **SB 1100 (Atkins) Coastal Resources: Sea Level Rise**

This measure creates the California Sea Level Rise Mitigation and Adaptation Act of 2020. The Act would establish new planning, assessment, funding, and mitigation tools for California to address and respond to sea level rise. The Act would also create a California Sea Level Rise State and Regional Support Collaborative to provide state and regional information to the public and support to local, regional, and other state agencies for the identification, assessment, and the mitigation of sea level rise. Lastly, the Act would authorize the Coastal Collaborative to expend, upon appropriation or through bond funding, no more than \$100 million (\$100,000,000) annually in grants to local governments to update local and regional land use plans to take into account sea level rise, and for directly related investments to implement those plans. Priority for funding will be given to those local governments that have agreed most effectively and urgently to plan for and implement actions to address sea level rise.

League Position: Pending

### Emergency/Disaster Preparedness and Response:

#### **AB 291 (Chu) Local Emergency Preparedness and Hazard Mitigation Fund**

This measure would establish a Local Emergency Preparedness and Hazard Mitigation Fund to, upon appropriation, support staffing, planning, and other emergency mitigation priorities to help local governments meet emergency management, preparedness, readiness, and resilience goals. The measure would require the Office of Emergency Services to establish the Local Emergency Preparedness and Hazard Mitigation Fund Committee under the Standardized Emergency Management System Advisory Board.

League Position: **Support**

**AB 1915 (Chu) Electrical Corporations: Deenergization Events**

This measure makes a number of changes to how the California Public Utilities Commission (CPUC) approves wildfire mitigation plans for electrical corporations.

If the CPUC approves a wildfire mitigation plan that allows for a deenergization event, this measure would require the CPUC to adopt rules setting forth the circumstances under which a deenergization event may be undertaken and continued in effect and the appropriate geographic range of a deenergization event. Following a deenergization event, the CPUC will determine whether the electrical corporation complied with the rules established by the CPUC.

If the CPUC determines that the electrical corporation failed to comply with the rules established by the CPUC and the failure resulted in customers of the electrical corporation incurring losses, the CPUC will order the electrical corporation to open an account to pay claims by customers for those losses. Expenses paid from the account by the electrical corporation shall not be recoverable as an expense from ratepayers.

League Position: Pending

**AB 1916 (Chu) Deenergization: Notification: Languages**

This measure would require an electrical corporation, by July 1, 2021, to conduct a survey of its customers asking each customer the language in which the customer prefers to receive direct communications from the electrical corporation and to list any medical needs that would require accommodation during a deenergization event. This measure would also require an electrical corporation to provide direct communications and updates regarding the intentional deenergization of the electrical corporation's distribution and transmission system to each affected customer in the preferred language of that customer. Additionally, this measure would require, as part of an electrical corporation's wildfire mitigation plan, mitigating protocols that consider impacts on customers who rely on medical equipment that operates on electricity or who have a medical condition where they may be at risk from that medical condition during a deenergization event.

League Position: Watch

**AB 2178 (Levine) Emergency Services**

This measure would amend the California Emergency Services Act to include deenergization, defined as a planned public safety power shutoff, within those conditions constituting a state of emergency and a local emergency. Similar to SB 862 (Dodd).

League Position: Watch

**AB 2182 (Rubio) Emergency Backup Generators: Water and Wastewater Facilities: Exemption**

This measure would exempt the operation of an alternative power source, such as a backup generator, to provide power to a critical facility from any local, regional, or state regulation regarding the operation of that source. This measure would also authorize providers of essential public services, in lieu of compliance with applicable legal requirements, to comply with the maintenance and testing procedure set forth in the National Fire Protection Association Standard for Emergency and Standby Power System, NFPA 110, for alternative power sources designated by the providers for the support of critical facilities. This measure is sponsored by the California Association of Water Agencies (ACWA) and is similar to SB 1099 (Dodd), which is sponsored by the California Municipal Utilities Act (CMUA), and SB 1185 (Moorlach), which is author sponsored.

League Position: Pending

**SB 378 (Wiener) Electrical Corporations: Deenergization Events: Procedures: Allocation of Costs: Reports**

This measure requires electrical corporations, such as Pacific Gas and Electric; Southern California Edison; and San Diego Gas and Electric; to collect more data on their electrical corporation equipment and ensure that costs accrued by local governments and customers during a utility-initiated power shutoff are recovered in a timely manner. This measure also establishes a civil penalty imposed on electrical corporations during a de-energization event as determined by the California Public Utilities Commission (CPUC). Electrical corporations must also notify cities and counties as early as possible of any utility-initiated power shutoff, and provide all specific local information.

League Position: **Support**

**SB 431 (McGuire) Mobile Telephony Service Base Transceiver Station Towers: Communications Infrastructure: Performance Reliability Standards**

This measure would require the CPUC, in consultation with the Office of Emergency Services, by July 1, 2021, to develop and implement performance reliability standards, for all mobile telephony service base transceiver station towers, and for all infrastructure providing mobile telephony service, Voice over Internet Protocol service, Internet Protocol enabled service, and cable television service that is located within a commission-designated Tier 2 or Tier 3 High Fire Threat District, or that affects those towers or that infrastructure within such a district. It is also similar to SB 925 (Glazer).

League Position: Watch

**SB 862 (Dodd) Planned Power Outage: Public Safety**

This measure would do the following:

- Amend the California Emergency Services Act to include a deenergization event within a sudden and severe energy shortage constituting a state of emergency and a local emergency;
- Require an electrical corporation, as a part of its wildfire mitigation plan, to include protocols that deal specifically with access and functional need individuals, including those individuals who are enrolled in the California Alternative Rates for Energy program;
- Require an electrical corporation to coordinate with local governments in its service territory to identify sites within those jurisdictions where community resource centers can be established and operated during a deenergization event and the level of services that will be available at those centers.
- Require the electrical corporation to perform additional duties in coordination with local governments, including performing any necessary electrical upgrades to ensure that a mobile backup generator can be located at, and provide the necessary electricity for, the community resource center during a deenergization event; and
- Is similar to AB 2178 (Levine).

League Position: Pending

**SB 925 (Glazer) Mobile Telephony Service Base Transceiver Station Towers: Performance Reliability Standards**

This measure would require the CPUC, in consultation with the Cal OES, to develop and implement performance reliability standards for all mobile telephony service base transceiver station towers. These standards include establishing a minimum operating life for backup battery power systems of no less than 72 hours. This measure is also similar to SB 431 (McGuire).

League Position: Watch

**SB 1099 (Dodd) Emergency Backup Generators: Critical Facilities: Exemption**

This measure would require air districts to adopt a rule, or revise its existing rules, to allow critical facilities with a permitted emergency backup generator to use that emergency backup generator during a deenergization event or other loss of power, and to test and maintain that emergency backup generator without having that usage, testing, or maintenance count toward that emergency backup generator's time limitation on actual usage and routine testing and maintenance. This measure would prohibit air districts from imposing a fee on the issuance or renewal of a permit issued for those critical facility emergency backup generators. This measure is sponsored by CMUA and is similar to AB 2182 (Rubio), which is sponsored by ACWA, and SB 1185 (Moorlach), which is author sponsored.

League Position: Pending

**SB 1160 (Stern) Public Utilities: Electrical and Communication Infrastructure: Undergrounding**

This measure would require the CPUC to revise Tariff Rule 20A to authorize and fund the undergrounding of electrical and communication infrastructure within high fire-threat districts and the wildland-urban interface. This measure is consistent with our new League policy on the Rule 20 program.

League Position: **Support**

**SB 1215 (Stern) Electricity: Microgrids: Grant Program**

This measure would do the following:

- Establish the Local Government Deenergization Event Resiliency Program to be administered by Cal OES, to support state and local government efforts to enhance public safety, protect vulnerable populations and individuals, and improve resiliency in response to deenergization events;
- Establish the Local Government Deenergization Event Resiliency Fund (Fund) and would continuously appropriate the moneys in the Fund for specific expenditures;
- Transfer an unspecified sum from the General Fund to the fund;
- Allocate unspecified sums from the fund to local governments, joint powers authorities, and special districts for various purposes relating to microgrid projects;
- Requires Cal OES to offer planning grants and technical assistance to local governments to assist in identifying microgrid projects within their jurisdictions, as provided, and would require an identified microgrid project to satisfy specified requirements; and
- Require the CPUC to collect and make publicly accessible a statewide database of critical facilities and critical infrastructure, and related critical circuits, and identify whether it serves a high fire-threat district or vulnerable transmission area.

League Position: **Support**

**Energy and Utilities:****SB 917 (Wiener) California Consumer Energy and Conservation Financing Authority: Eminent Domain: Northern California Energy Utility District: Northern California Energy Utility Services**

This measure would turn Pacific Gas & Electric from an investor owned utility into a publicly owned utility called the Northern California Energy Utility District.

League Position: Watch

**SB 1314 (Dodd) Community Energy Resilience Act of 2020**

This measure, called the Community Energy Resilience Act of 2020, would require the Strategic Growth Council (SGC) to develop and implement a grant program for local governments to develop community energy resilience plans. Specifically, this measure would:

- Set forth guiding principles for energy resilience plan development, including equitable access to reliable energy and integration with other existing local planning documents;
- Require a plan to ensure a reliable electricity supply is maintained at critical facilities and identify areas most likely to experience a loss of electrical service;
- Require the SGC to establish a stakeholder review board to provide statewide oversight for purposes of the grant program;
- Require a local government, as a condition of receiving grant funding, to submit its plan and a report of project expenditures to the stakeholder review board within six months of completing the plan; and
- Require the stakeholder review board to annually report specified information about the grant program to the Legislature.

League Position: Pending

**Solid Waste and Recycling:****SB 54 (Allen)/AB 1080 (Gonzalez) Solid Waste: Packaging and Products**

These identical measures would direct the California Department of Resources Recycling and Recovery (CalRecycle) to establish a comprehensive framework to address plastic pollution and waste by:

- Adopting regulations by January 1, 2024 that require producers, which includes the people who manufacture single-use packaging or priority single use products, to achieve a 75 percent reduction of waste generated from single-use packaging and priority single-use plastic products in the California market by 2030;
  - “Single-use packaging” means the packaging of a product when the packaging is routinely recycled, disposed of, or discarded after its contents have been used or unpackaged, and is typically not refilled; and
  - “Priority single-use plastic products” are defined as single-use food service ware, including plates, bowls, cups, utensils, stirrers, and straws.
- Requiring producers to source reduce single-use packaging and priority single-use products to the maximum extent feasible;
- Requiring producers to make single-use packaging and priority single-use products recyclable or compostable by 2030; and
- Developing criteria, via an implementation plan with stakeholder input, to determine which packaging materials qualify to be labeled as recyclable or compostable. This implementation plan will also include the development of incentives and policies to encourage in-state manufacturing using recycled material generated in California as a way to shift towards a more circular economy.

League Position: **Support**

**AB 1567 (Aguiar-Curry) Organic Waste: Scoping Plan**

This measure would direct the Strategic Growth Council by December 31, 2021 to prepare and submit to the Legislature a report that provides a scoping plan for the state to meet its organic waste, climate change, and air quality mandates, goals, and targets. This includes developing recommendations on policy and funding support for the beneficial reuse of organic waste consistent with SB 1383 implementation.

League Position: Pending

**AB 1672 (Bloom) Solid Waste: Nonwoven Disposable Products**

This measure would require wet wipes sold in California to be labeled “Do Not Flush” according to voluntary industry labeling standard. This bill is in spot form, but the author is working a deal with industry to get more language in the future.

League Position: Pending

**AB 2612 (Maienschein) Greenhouse Gas Reduction Fund: Recycling: Appropriation**

This measure would annually appropriate \$200 million from the Greenhouse Gas Reduction Fund (GGRF) to CalRecycle to help meet the state’s ambitious solid and organic waste recycling goals through cost-effective investments in infrastructure expansion, market development, technology upgrades to increase the quality of recycled materials, and implementation assistance for local agencies.

Specifically, this measure would:

- Annually appropriate \$100 million for in-state recycling projects that reduce greenhouse gas emissions and help the state achieve its goal that 75 percent of solid waste is source reduced, recycled, or composted; and
- Annually appropriate an additional \$100 million for in-state organic waste recycling projects to meet SB 1383’s requirement to reduce landfill disposal of organic waste 75 percent by 2025. Half of those revenues will be dedicated to local agencies for new program implementation costs.

League Position: **Support**

**SB 1191 (Dahle) Organic Waste: Reduction Goals: Local Jurisdictions: Noncompliance and Penalties**

This measure provides rural jurisdictions and low-population counties with greater flexibility to help the state meet its organic waste disposal reduction targets, avoids public safety problems associated with mandatory food waste collection requirements in bear country, and requires CalRecycle to consider a jurisdiction’s “good faith efforts” to implement its organic waste reduction program before imposing penalties.

League Position: **Support**

**Water:****AB 2364 (Rubio) Municipal Separate Storm Sewer Systems: Financial Capability Analysis**

This measure would require the State Water Resources Control Board to adopt Financial Capability Assessment (FCA) guidelines for Municipal Separate Storm Sewer System (MS4) permittees that consider the costs to local jurisdictions. This measure is sponsored by the San Gabriel Valley Council of Governments and is the same as AB 1093 (Rubio) from 2019.

League Position: **Support**

**SB 1052 (Hertzberg) Water Quality: Municipal Wastewater Agencies**

This measure would establish municipal wastewater agencies, and would authorize a municipal wastewater agency to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff. These agreements would be to acquire, construct, expand, operate, maintain, and provide facilities to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency’s existing authority in order to fund projects undertaken pursuant to the measure. This measure is sponsored by the California Association of Sanitation Agencies (CASA).

League Position: Watch

**SB 1044 (Allen) Firefighting Equipment and Foam: PFAS Chemicals**

This measure, commencing January 1, 2022, would require any person, including a manufacturer, that sells firefighter personal protective equipment to any person or public entity to provide a written notice to the purchaser at the time of sale if the firefighter personal protective equipment contains perfluoroalkyl and polyfluoroalkyl substances (PFAS). This measure would also, commencing January 1, 2022, prohibit a manufacturer of class B firefighting foam from manufacturing, or knowingly selling, offering for sale, distributing for sale, or distributing for use in this state class B firefighting foam to which PFAS chemicals have been intentionally added.

League Position: Pending