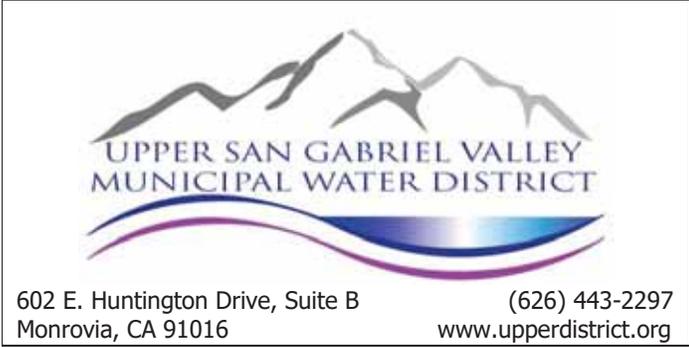


**GOVERNMENT AFFAIRS AND
COMMUNITY OUTREACH
COMMITTEE MEETING
AND
SPECIAL MEETING OF THE
BOARD OF DIRECTORS**

**Tuesday, May 12, 2020
1:00 p.m.**

Committee Members:
Jennifer Santana, Chair
Tony R. Fellow Vice-Chair



SPECIAL NOTICE - Teleconference Accessibility

Pursuant to Executive Order N-29-20 issued by Governor Newsom in response to the COVID-19 outbreak and as a precaution to protect both staff, our constituents, and elected officials, the Upper District will hold its Government Affairs and Community Outreach Committee meeting and special meeting of the Board of Directors via teleconference or the most rapid means of communication available at the time. Instructions to participate in the teleconference are below:

Join Zoom Meeting

<https://us02web.zoom.us/j/89150233312>
Meeting ID: 891 5023 3312 - Password: 000907

One tap mobile

+16699006833,,89150233312# US (San Jose)
+12532158782,,89150233312# US (Tacoma)

Dial by your location

- +1 669 900 6833 US (San Jose)
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- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Germantown)
- +1 312 626 6799 US (Chicago)

Meeting ID: 891 5023 3312

Public comments may be made through teleconference when prompted by the Chair during the public comment period. Public comments may also be provided by emailing Christy@usgvmwd.org in advance of or during the meeting. Please indicate "PUBLIC COMMENT" in the subject line.

If you have difficulty connecting to the teleconference line, please call (626) 443-2297 or email Ruben@usgvmwd.org. It may take a few minutes to join Zoom or connect via telephone so please join early.

*The Government Affairs and Community Outreach Committee meeting is noticed as a joint committee meeting with the Board of Directors for the purpose of compliance with the Brown Act. Members of the Board who are not assigned to the Government Affairs and Community Outreach Committee may attend and participate as members of the Board, whether or not a quorum of the Board is present. In order to preserve the function of the Committee as advisory to the Board, members of the Board who are not assigned to the Government Affairs and Community Outreach Committee will not vote on matters before the Committee.

Communications
1. Call to Order 2. Public Comment
Discussion/Action
3. Legislative Update (<i>memos attached</i>) a. Washington D.C. b. Sacramento 4. Federal and State bill positions (<i>staff memorandum attached</i>)
Oral Reports
5. Review of Upper District's Website
Other Matters
6.
Adjournment

Next Meeting: Tuesday, June 9, 2020 at 1:00 p.m.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

To: Upper San Gabriel Municipal Water District Government Affairs and Community Outreach Committee
From: John Freshman and Ana Schwab
Date: May 7, 2020
RE: Federal Report

Federal Update

Congress is continuing to work on COVID-19 relief packages to assist states, local governments, businesses, and Americans as they cope with the pandemic's impact. Thus far, Congress has passed four COVID-19 response measures and allocated nearly \$4 trillion to combat the disease and aid the economy. As of last week, 33 million workers have filed unemployment claims; comparatively, during the 2008 financial crisis, 15.3 Americans were unemployed.

Last week, the Small Business Administration restarted its coronavirus relief loan program, the Paycheck Protection Program, for small businesses with an additional \$310 billion in funding. The first round of funding was exhausted in 13 days. A difference in this round of funding is that the SBA will cap the value of loans individual banks can arrange under the relief program for small businesses. The goal is to ensure that more small, mom-and-pop shop businesses receive funding instead of larger businesses that still qualify under the perimeters.

Both congressional bodies are working with a focused effort on COVID-19 response and mitigation efforts as states begin to relax travel and shelter-at-home restrictions. The House could vote on a Democratic plan for the next multibillion-dollar virus relief package as soon as next week, depending on how negotiations continue. There are debates between lawmakers and the White House on whether to ease statutory budget caps to fund the federal response efforts.

Senate Majority Leader Mitch McConnell indicated that future packages will provide state and local funding. House Speaker Nancy Pelosi and other democratic leaders are pushing for further financial relief to state, local governments, and public agencies, increasing coronavirus testing, and providing more financial assistance to millions of Americans who are now unemployed. There are also discussions of another round of direct cash payments to Americans and a similar benefit for small businesses in upcoming months. Both sides of the aisle are committed to combatting the virus and lessening the impact the shutdown will have on the U.S. economy.

Water Infrastructure Bills

On May 6, the Senate Committee on Environment and Public Works (EPW) held a committee markup and unanimously passed two bipartisan water infrastructure bills, which together would invest \$19.5 billion in the country's water infrastructure. The bills will head to the Senate Floor for a full vote, but it is unclear what the timeline looks like given the fluctuating vote schedule. The bill builds off of the progress made from the committee's water infrastructure legislation, America's Water Infrastructure Act, which was signed by President Trump in 2018.



One of the bills, America’s Water Infrastructure Act of 2020 (AWIA 2020) would provide approximately \$17 billion in new federal authorizations to address infrastructure needs such as, increasing water storage, providing flooding protection, and funding wastewater and irrigation systems repairs, along with other measures. It sets a two year goal for the Army Corps of Engineers to complete its feasibility studies for potential projects

The other bill, Drinking Water Infrastructure Act of 2020, would reauthorize the Safe Drinking Water Act program. The programs aim to help communities, particularly small, rural communities, address drinking water needs. The bill includes \$300 million per fiscal year through 2024 to address cleanup of contaminants, such as PFAS.

The bill also includes PFAS language that would direct the Environmental Protection Agency to develop a national drinking water standard for perfluoroalkyl and polyfluoroalkyl substances (PFAS).

EPA and Army Corps of Engineers – WOTUS rule

On April 21, the Federal Register published the Environmental Protection Agency and the Army Corps of Engineers long awaited, final rule establishing a new definition of “Waters of the United States.” The rule is set to take effect 60 days after its publication, on June 22.

The new rule, called the “Navigable Waters Protection Rule: Definition of Waters of the U.S.,” will narrow the scope of the Federal jurisdiction and protections under the Clean Water Act. The rule will replace the 2015 “Clean Water Rule” that was issued by the Obama Administration and then repealed in December 2019.

The rule will effect public agencies, private property owners, and other sectors within the infrastructure, water , and agricultural sectors. The new rule would remove protections from a majority of the country’s wetlands and 18% of its streams.

Democratic-led states, including California, and coalitions of environmental groups indicated they would challenge the new rule in court. Lawsuits are expected to be filed within the upcoming months.

County of Maui v. Hawai’i Wildlife Fund Decision

Below is the text of the legal alert that BB&K published on the United States Supreme Court decision on *County of Maui v. Hawai’i Wildlife Fund*:

The Supreme Court announced a 6-3 decision in the case of *County of Maui v. Hawai’i Wildlife Fund*. The decision involves whether a federal permit is required under the Clean Water Act when pollutants flow through groundwater before reaching surface waters that are subject to regulation under the Act. The Court held that a permit is required when the discharge to groundwater is the “functional equivalent of a direct discharge” to surface waters.



The Court identified time and distance as the primary factors for determining whether a discharge is the “functional equivalent” of a direct discharge, but also cited a number of other factors that would be material to a decision, including:

- the nature of the material through which the pollutants travels,
- the extent to which the pollutant is diluted or chemically changed as it travels,
- the amount of pollutant entering the navigable waters relative to the amount of the pollutant that leaves the point source, the manner by, or area in which, the pollutant enters the navigable waters and the degree to which the pollution (at that point) has maintained its specific identity.

The Court’s decision does not provide a clear answer for when discharges through groundwater require a permit. It does, however, establish a national standard. The “functional equivalent” test is the third standard that has been applied in the Maui case. At the District Court level, the court held that a discharge to groundwater would require a permit if the groundwater acted as conduit and conveyed the discharge to surface waters. The U.S. Ninth Circuit Court of Appeals held that a discharge would require a permit if it was fairly traceable to the original point source. Other circuits adopted alternative standards. “Functional equivalent” is now the law nationally.

The decision can be characterized as a win for Maui because it narrowed the Ninth Circuit’s rationale. Nonetheless the multi-part test adopted by the Court leaves dischargers in a difficult situation. Facilities and infrastructure that have a connection to groundwater may now require federal Clean Water Act permits if pollutants from those facilities flow through groundwater to surface waters. The rationale implicates pipelines that may leak, infiltration basins that have a groundwater connection, and stormwater-related low impact development projects and green infrastructure – among other things.

The Court recognized the difficulty of determining when a permit is required under the “functional equivalent” test and admonished district judges to “exercise their discretion” and “mitigate hardship or injustice when they apply the statute’s penalty provision” in light of “the complexities inherent to the context of indirect discharges through groundwater...” This direction to lower courts may temper an expansive application of the test and its impact on dischargers that were not previously required to obtain a permit. It is also worth noting that the Court viewed the “functional equivalent” test as being more limited than the “fairly traceable” test adopted by the Ninth Circuit.

Final Rule - 85 FR 22250 The Navigable Waters Protection Rule: Definition of “Waters of the United States”

The Environmental Protection Agency and the Department of the Army are publishing a final rule defining the scope of waters federally regulated under the Clean Water Act. The Navigable Waters Protection Rule is the second step in a comprehensive, two-step process intended to review and revise the definition of “waters of the United States” consistent with the Executive Order signed on February 28, 2017, “Restoring the Rule of Law, Federalism, and Economic



BEST BEST & KRIEGER

ATTORNEYS AT LAW

Growth by Reviewing the 'Waters of the United States' Rule." Once effective, it replaces the rule published on October 22, 2019. This final rule implements the overall objective of the Clean Water Act to restore and maintain the integrity of the nation's waters by maintaining federal authority over those waters that Congress determined should be regulated by the Federal government under its Commerce Clause powers, while adhering to Congress' policy directive to preserve States' primary authority over land and water resources. This final definition increases the predictability and consistency of Clean Water Act programs by clarifying the scope of "waters of the United States" federally regulated under the Act.



Aaron Read & Associates, LLC

LEGISLATIVE AND
GOVERNMENTAL REPRESENTATION

April 7, 2020

TO: Government Affairs and Community Outreach Committee, Upper San Gabriel
Valley Municipal Water District

FROM: Steve Baker

SUBJECT: May 12, 2020 Legislative Update

After a six-week hiatus, the legislature is beginning to ease into a new normal and beginning to perform legislative business. Legislators have been encouraged to only pursue the most important issues, ideally those related to the COVID-19 emergency or some other pressing need. The State Assembly began hearings the week of May 4th. The State Senate reconvened May 11th. Both houses are operating in a limited manner to protect legislators, their staff and the public from COVID-19. The Capitol has very limited access. Individuals entering the Capitol must undergo a health screen and then they are escorted to an elevator where they can go to the assigned floor by themselves. Access to hearings is restricted and individual legislators' offices are locked. The Assembly has been having one or two policy committees each day. Supporters, opponents and others are encouraged to call in with testimony under procedures that are established by leadership. A video conference room is also available in the Capitol to allow testimony from pre-approved witnesses. Even with these restrictions, we have been able to weigh in and make legislators, staff and committees aware of the positions taken by the Upper District Board on legislation of interest.

In the Assembly, there are several hearings that are scheduled to consider water related bills. The Assembly Water Parks and Wildlife Committee will meet on May 13th. The Assembly Water Parks and Wildlife committee will meet the morning of May 14th, while the Assembly Environmental Safety and Toxic Materials Committee will meet the afternoon of the 14th. Perhaps the biggest bill up those days will be AB 3256 (Garcia) which was recently amended to put a \$7 billion bond on the November 2020 ballot to fund wildfire prevention, safe drinking water, drought preparation and flood control.

In the Senate, the Senate Natural Resources and Water Committee is currently planning to hold two committees, May 19th and 26th. In the meantime, the six week COVID related legislative recess is causing scheduling challenges to fit everything in. As a result, the legislature will cancel the bulk of their previously scheduled summer break and return July 12th instead of August 3rd.

The Governor is scheduled to release his "May Revise" on May 14th. The Department of Finance, the Legislative Analyst's Office and the two budget committees are warning folks that the state's budget situation has rapidly deteriorated causing the elimination of current year surpluses and the expenditure

of a significant amount of money that had been socked away in the rainy day fund. Additionally, the delay of the tax filing deadline into the new budget year coupled with millions of Californian's filing for unemployment will complicate this year's budget even more. The DOF has said folks can anticipate a baseline budget they hope can pass by the June 15th deadline with an August budget revision latter in the session.

Through all of this we continue to review bill amendments, communicate Upper District's position on priority legislation and work to keep Tom and Patty up to date on issues. As always, let us know if you have questions.

SB:bb
02.060.20



MEMORANDUM

DATE: February 6, 2020
TO: Tom Love, General Manager
FROM: Francisco Leal
RE: Legislative Update – May 2020

The Assembly returned to the Capital last week. The Senate is expected to return next week.

Safe Clean Water Program

This program is funded by a 2.5 cent tax per square foot of impermeable area of a parcel. The funds generated are to be used to improve and protect water quality, reduce pollution entering waterways and to capture rain/stormwater.

Dates: Public comments for the draft Fund Transfer Agreements, both Municipal Program and Regional Program ended on April 21, 2020. The application period for the tax reduction, exemptions, and appeals programs ended on May 1st, 2020 for the FY 2019-20 and 2020-21. The call for projects deadline is July 31, 2020.

As I have reported previously the deadline for the call for projects for FY20-21 was December 15, 2019. The WASC committee members then met in January and February 2020 to review and vote on the completed feasibility studies to send to the Scoring Committee for consideration.

The Scoring Committee met in late January and February to score the proposed projects. Attached are the scoring sheets for projects in the Upper San Gabriel River Watershed Area and the Rio Hondo Watershed Area that were approved by the Scoring Committee.

Due to the COVID 19 outbreak, meetings for the Regional Program Governance Committee meetings, including those for the Scoring Committee, the Watershed Area Steering Committees, and Regional Oversight Committee were stopped while procedures were implemented to allow online meetings. The Regional Oversight Committee is scheduled to meet next on May 20, 2020. The Rio Hondo Watershed Committee met yesterday, May 6th. The Upper San Gabriel River Watershed Area Committee will next meet on May 18, 2020.

MEMORANDUM



ITEM 4.

DATE: May 12, 2020
TO: Government and Community Affairs Committee and Board of Directors
FROM: General Manager
SUBJECT: Federal and State Legislative Bill Summaries

RECOMMENDATION

Approve staff recommendations for legislative bill positions: H.R. 1435, H. R. 5539, H.R. 2570, AB 2560, AB 3256, AB 3279, SB 950, and SB 1044. which are consistent with Upper District's 2019-20 Legislative Policy Principles adopted by the Board in February 2019.

Federal Legislation

H.R. 1435 (Garamendi): Sites Reservoir Protection Act

Introduced: 3/15/2019 **Status:** Referred to Subcommittee Waters Oceans and Wildlife

Summary: Directs the Secretary of the Interior to take actions supporting non-Federal investments in water infrastructure improvements in the Sacramento Valley, and for other purposes.

Analysis: The Sites Project has been identified by the State of California and the federal government as an important component to integrated water management in the Sacramento Valley that, if constructed, would advance the co-equal goals of improving water management and restoring ecological health for beneficial uses of the Sacramento-San Joaquin Delta. The bill calls for coordinated operations of the CVP and the Sites project but omits integration with the State Water Project. MWD and other member agencies are seeking an amendment to specify and require coordination between CVP and SWP facilities that are consistent with the terms of the Delta Coordinated Operating Agreement that maximizes water supply benefits from the proposed Sites Reservoir.

Staff Recommendation: Support if Amended

H.R. 5539 (Pappas): Clean Water Standards for PFAS Act of 2020

Introduced: 1/3/2020 **Status:** Referred to the Subcommittee on Water Resources and Environment

Summary: Requires the Administrator of the Environmental Protection Agency to review and develop effluent standards, pretreatment standards, and water quality criteria for PFAS under the Federal Water Pollution Control Act, to provide Federal grants to publicly owned treatment works to implement standards.

Analysis: The bill requires the USEPA to review and develop effluent standards, pretreatment standards, and water quality criteria for PFAS under the Federal Water Pollution Control Act (aka the Clean Water Act), and appropriates \$100 million for each of fiscal years 2021 through 2025 for individual Federal grants up to \$100,000 for publicly-owned treatment works (POTWs) to implement such standards. Congresswoman Grace Napolitano is a co-sponsor of this bill.

Staff Recommendation: Support

H.R. 2570 (Rouda): PFAS User Fee Act of 2019

Introduced: 5/8/2019 **Status:** Energy and Commerce; Transportation and Infrastructure

Summary: Ensures that polluters pay ongoing water treatment costs associated with contamination from perfluoroalkyl and polyfluoroalkyl substances, and for other purposes.

Analysis: This bill creates a fee to provide support for the treatment of drinking water contaminated with certain perfluoroalkyl or polyfluoroalkyl substances, commonly referred to as PFAS. These substances are man-made and may have adverse human health effects. A variety of products contain the compounds, such as nonstick cookware or weatherproof clothing. The EPA must establish a fee for the manufacture of PFAS. Revenue generated from the fees shall be deposited in a Treasury created “PFAS Treatment Trust Fund”. A grant program must be made available by the EPA to pay for the removal of PFAS from community drinking water systems and wastewater treatment works with priority funding to disadvantaged communities.

Staff Recommendation: Support

State Legislation

AB 2560 (Quirk): Water quality: notification and response levels: procedures.

Introduced: 2/19/20; **Amended:** 5/6/20

Location: Asm. Environmental Safety and Toxic Materials; **Hearing:** 5/14/20

Summary: The bill would require the State Water Resources Control Board (SWRCB) to provide notice and make documents available (studies, research) that were used to determine and establish an MCL, notification level or response level. This would have to be noticed at least 30 days before the meeting required. Additionally, SWRCB will have to submit the “draft” level for external peer review during this process. Before a draft notification or response level is finalized, include, as an informational item, the draft notification or response level at a regularly noticed SWRCB meeting. Currently, there is nothing in place that mandates SWRCB to provide notice and allow for a process where the public can comment on the potential adoption of a level. Basically, this bill would put this process in place.

Analysis: AB 2560 is sponsored by California Municipal Utilities Association (CMUA) and supported by WateReuse and Association of California Water Agencies (ACWA). This would require the SWRCB to follow a transparent review process when developing notification and response levels.

RECOMMENDATION: Support

AB 3256 (Garcia, E): Wildfire Prevention, Safe Drinking Water, Climate Resilience, Drought Preparation, and Flood Protection Bond Act of 2020.

Introduced: 2/21/20; **Amended:** 5/4/20

Location: Asm. Natural Resources; **Hearing:** 5/13/20

Summary: This bill would enact the Wildfire Prevention, Safe Drinking Water, Climate Resilience, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,980,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, climate resilience, drought preparation, and flood protection program.. If passed, this measure would be presented to voters at the November 3, 2020 statewide general election.

Chapter funding breakdown as follows:

Chapter 2	Wildfire Prevention and Climate Risk Reducti	\$1.625B
Chapter 3	Protecting Coastal Lands, Bays and Oceans from Sea Level Rise and other Climate Risks	\$1.1B
Chapter 4	Protecting CA's Water Supply During Drought, Enhancing the State's Flood Protection and Ensuring Safe Drinking Water	\$1.355B
Chapter 5	Protecting Fish, Wildlife, Natural Areas, Working Lands, and Agriculture from Climate Risks	\$1.3B
Chapter 6	Strengthening California's Regional Climate Resilience	\$1.6B

A summary of Chapter 4 funding priorities:

A total of **\$1.355 billion** would be made available upon appropriation for climate resilience related to the delivery of water. Projects funded under this chapter would advance safe drinking water and water supply in multiyear droughts, and provide for protection from flood risks, especially those that are magnified by sea level rise, storm surges, and increased-intensity atmospheric rivers.

- **\$395 million** would be made available to the Department of Water Resources (DWR) for the management and implementation of SGMA.
- **\$360 million** would be made available to the State Water Board for competitive grants or loans to help provide clean, safe, and reliable drinking water to Californians.
- **\$400 million** would be made available for the protection and restoration of rivers, lakes, and streams to improve climate resilience, water supplies, and water quality.
- **\$150 million** would be made available for flood management projects that are components of multiple benefit flood management system improvements that reduce risk to public safety and provide improvement to wildlife habitat. Eligible projects would include projects that benefit groundwater recharge, reduce watershed runoff, and stormwater projects and others.
- **\$50 million** would be made available to the CVFPB for further development of the State Plan of Flood Control, including the San Joaquin River and Sacramento River Valley flood risk management plans.

Analysis: This proposal is one of a small group of climate resilience bonds in the 2019-20 Legislative Session. Upper District has taken a Support position on SB 45 (Allen). The Governor has also released trailer bill language for a similar bond proposal totaling \$4.75B. AB 3256 amendments propose over \$2 billion more in total funding than the \$4.75 billion proposed by the Governor. The AB 3256 total is close to ACWA's proposed total of \$6.95 billion which has been circulated to its member agencies and legislators. If a climate resilience bond moves this year (possibly with a focus on economic stimulus), the final total will be based on polling since the G.O. Bond will go to the voters for approval. Negotiations on a final bond measure will continue in the weeks ahead and how the bond will measure up to COVID priorities is undetermined. ACWA and other agencies are advocating that water infrastructure projects be part of an economic stimulus package. Staff recommends a favorable position and direct advocacy efforts to ensure funding priorities for flood management, stormwater project funding, and funding for water recycling grants and low interest loans as a stand-alone program to be administered by the State Water Resources Control Board (SWRCB).

RECOMMENDATION: Support

AB 3279 (Friedman): California Environmental Quality Act: administrative and judicial procedures.

Introduced: 2/21/20

Location: Asm. Natural Resources; **Hearing Date:** 5/13/20

Summary: Existing law specifies CEQA authorizes individuals and certain entities to file and maintain with a court an action or proceeding to attack, review, set aside, void, or annul an act that is non-compliance with CEQA requirements. CEQA establishes various statutes of limitations for the CEQA litigation proceedings. Current law under CEQA, requires that the agency prepare a certify a record of proceedings within 60 days after it's been served with an action by a plaintiff or petitioner. AB 3279 authored by Assemblymember Friedman would make a series of changes to this CEQA litigation process. The bill would reduce the court hearings on a CEQA litigation from one year to 270 days of filing. In addition, this bill would reduce the time available for a petitioner to bring a CEQA lawsuit from 90 days to 60 days and reduce the amount of time the court is allowed to complete the briefing from 90 days to 60 days. This bill would also prevent the petitioner from preparing the record of proceedings, unless requested by the agency. This would prevent petitioners from causing unnecessary delays. This bill would also allow courts to issue an interlocutory (provisional) remand order of CEQA documents if it 1) promotes judicial efficiency and 2) reconsideration would agree with due process.

Analysis: ACWA has taken a position of not favor unless amended on the basis that it sets a low standard for interlocutory remand orders. This would shorten the amount of time the CEQA lawsuit must be processed by 155 days which can have a considerable impact on water projects.

RECOMMENDATION: Oppose unless Amended

SB 950 (Jackson): California Environmental Quality Act: housing and land use.

Introduced: 2/10/20; **Amended:** 3/19/20

Location: Sen. Rules

Summary: SB 950 authored by Senator Jackson would require lead agencies to translate certain documents pursuant to CEQA into non-English languages based on the populations served. In accordance with the Dymally-Alatorre Bilingual Services Act, translations are required to be available for all Non-English populations that make up at least 5% of the service area. These documents include but no limited to: 1) notices of public hearings or informational hearings, 2) notices of exemption, 3) notices of preparation, 4) notices of intent or adopt negative declaration, 5) notices of availability, 6) notices of determination 7) where requested, statements of overriding consideration or proposed statements of overriding consideration. The Office of Planning and Research (OPR) is responsible for revising these CEQA requirements and developing guidelines for public agencies to make translation services available at any public hearing at which a notice is required to be translated. In addition, this bill would extend the time for project approval and the public agency would have to publish their responses to comments at least 30 days ahead of any project approval hearing. It would also increase the capacity of the courts to expeditiously process CEQA-related cases, allowing judges to move these cases out of the county or appointing a judge with CEQA expertise.

Analysis: This bill is sponsored by the Planning and Conservation League. ACWA has taken a position of not favor unless amended and have organized a working group comprised of members from the Legal Affairs Committee to help identify provisions that would negatively affect its member agencies. This bill, specifically the amendments relating to written and live translations, would significantly increase both time and costs of preparing these documents for staff and the agency. The live translations would create a logistical challenge for Upper District which serves an area where many non-English languages are spoken. ACWA is seeking an amendment that would improve the availability of a NOD or NOE for water projects by allowing the public/lead agency to physically file in its home county, post on its website and submit to the State clearing house rather than having to file in various counties that the project passes through.

RECOMMENDATION: Oppose

SB 1044 (Allen): Firefighting equipment and foam: PFAS chemicals.

Introduced: 2/18/20

Location: Senate

Summary: The State Fire Marshal is responsible for notifying and overseeing that industrial establishments and property owners having fire protective equipment are conforming to safety standard requirements. SB 1044 authored by Senator Allen would require any manufacturer that sells firefighter personal protective equipment to provide written notice to the purchaser at the time of the sale if the equipment contains PFAS. The manufacturer would be required to save the notices for at least 3 years and submit them to the State Fire Marshal within 60 days upon the request. In addition, this bill would prohibit firefighting foam from being sold if contains PFAS. Violations would result in a civil penalty.

Analysis: ACWA and Metropolitan Water District are supporting this bill. Prohibiting the circulation of products with intentionally added PFAS is a benefit to Upper District as it will restrict its usage in the San Gabriel Valley, thus not furthering contamination to our groundwater. And although this bill only addresses one product containing PFAS, it still attempts to tackle the problem, helping protect our drinking water from contamination and mitigate the problem for the long term.

RECOMMENDATION: Support