

**San Diego County Water Authority  
Positions on 2013-2014 Legislation**

<b>Bill Number</b>	<b>Author</b>	<b>Bill Title &amp; Summary</b>	<b>SDCWA Position</b>
<a href="#">AB 115</a>	Perea	<p><b>Safe Drinking Water State Revolving Fund</b></p> <p>Under existing law, the California Department of Public Health is responsible for regulating public water systems, including small water systems, and for administering the Safe Drinking Water Revolving Fund (SDWRF) to provide grants and loans to public water systems to enable them to deliver water meeting drinking water standards. While CDPH has been effective in its regulation of large water systems, it has not been able to administer the SDWRF in a manner that would allow small disadvantaged communities to correct water quality problems in a timely manner. In addition, CDPH is a small part of the Health and Human Resources Agency (CHHSA) and often does not get the attention or resources needed to fulfill its mission.</p> <p>AB 115 is one in a suite of bills designed to help solve water quality problems in disadvantaged communities. AB 115 would make it easier for water suppliers to apply for funds under the Safe Drinking Water Revolving Fund.</p>	Support
<a href="#">AB 145</a>	Perea	<p><b>State Water Resources Control Board: Drinking Water</b></p> <p>Under existing law, the California Department of Public Health is responsible for regulating public water systems, including small water systems, and for administering the Safe Drinking Water Revolving Fund (SDWRF) to provide grants and loans to public water systems to enable them to deliver water meeting drinking water standards. While CDPH has been effective in its regulation of large water systems, it has not been able to administer the SDWRF in a manner that would allow small disadvantaged communities to correct water quality problems in a timely manner. In addition, CDPH is a small part of the Health and Human Resources Agency (CHHSA) and often does not get the attention or resources needed to fulfill its mission.</p> <p>AB 145 would move the Division of Drinking Water and Environmental Management from the Department of Public Health to the State Water Resources Control Board (SWRCB). The intent is to consolidate the state's drinking water regulatory authority and to eliminate inefficiencies. However, the SWRCB is focused on environmental issues. Drinking water regulation should stay where there is a public health focus. The amendment sought would allow the program, if the program is moved, to be a stand-alone program under another agency where it would retain a public health focus, such as Cal EPA.</p>	Oppose unless amended

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<a href="#">AB 380</a>	Dickinson	<p><b>Environmental Quality: Notice Requirements</b></p> <p>Existing law (CEQA) requires lead agencies to provide public notice sufficiently prior to adoption of certain environmental documents, to allow for mandated public review. It also requires that this notice be given to specified parties by at least one of several procedures.</p> <p>AB 380 would revise public notice requirements to include duplicative noticing procedures, requiring all notices to be filed with both the county clerk and the Office of Planning and Research (OPR). The Water Authority currently files certain public notices with the county clerk and, for projects having state, area, or region-wide importance, with OPR. There is concern that OPR does not have the resources to timely process and post notices for every project being approved throughout the state. Without a substantial increase in OPR staffing, this would result in confusion and a posting backlog. Further, it is duplicative to require posting at both OPR and the county clerk; a single posting location would provide consistency. If OPR is to be the designated repository for all notices, the requirement for duplicative posting with the county clerk should be eliminated; OPR should establish an Internet database where public agencies can directly upload the required notices, thus relieving OPR of both posting and staffing issues.</p>	Oppose unless amended
<a href="#">AB 543</a>	Campos	<p><b>California Environmental Quality Act: Translation</b></p> <p>Existing law establishes regulations related to a number of environmental issues, including the preparation and completion of specified environmental review documents for proposed projects that may affect the environment.</p> <p>AB 543 would require that all notices, documents, or executive summaries required by CEQA be translated if the impacted community has a substantial number of non-English speaking people. It is not clear how “substantial number” is defined. This legislation would require lead agencies to incur potentially significant unreimbursed additional costs to provide one or more language translations.</p> <p>The Water Authority’s legislative policy guidelines state that the Water Authority shall oppose legislation that imposes mandated costs or regulatory constraints on local governments without providing subventions to reimburse local governments for such costs. (2013 Legislative Policy Guidelines, Fiscal Policy and Water Rates, Oppose, page 19, item 1.)</p>	Oppose

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<a href="#">AB 762</a>	Patterson	<p><b>Renewable Energy Resources: Hydroelectric Generation</b></p> <p>Under existing Public Utilities Code, the California Renewables Portfolio Standard Program (Program) requires the Public Utilities Commission to implement annual targets for procurement of eligible renewable energy resources. The code identifies eligible hydroelectric facilities as 30 megawatts or smaller that meet the specified criteria. The existing code includes in-line hydroelectric facilities similar to the Rancho Penasquitos Hydroelectric facility, but does not include pumped-storage facilities similar to the Lake Hodges Hydroelectric facility.</p> <p>AB 762 would amend the Public Utilities Code and Program to include eligible hydroelectric generation facilities of any size that meet the specified criteria. The Water Authority currently has no in-line hydroelectric facilities larger than 30 megawatts and does not foresee any future hydroelectric facilities exceeding this threshold. However, it may provide greater opportunity and flexibility for renewable energy opportunities in the future for the Water Authority and its member agencies.</p>	Support
<a href="#">AB 763</a>	Buchanan	<p><b>Aquatic Invasive Plants: Control and Eradication</b></p> <p>Existing law designates the Department of Boating and Waterways (DBW) as the lead agency for controlling certain invasive plants in the Sacramento-San Joaquin Delta, its tributaries and the marsh.</p> <p>AB 763 would additionally designate the Department of Boating and Waterways as the lead agency for cooperating with other state and local agencies, and agencies of the U.S., in identifying, detecting, controlling, and administering programs to manage and eradicate invasive aquatic plants, instead of requiring legislative action each time an agency identifies a new species of invasive aquatic plant. The bill would authorize the DBW to take any action it determines is necessary to implement statewide management and eradication measures for these plants. The bill would require the DBW to consult with various other agencies to prioritize treatment, and determine the best methods of implementing identification, control and eradication methods. The DBW would also be required to notify the Department of Fish and Wildlife (DFW), and the DFW would be required to conduct a risk assessment and to report its findings to the Department of Boating and Waterways. Criteria for consideration would be whether the species may cause environmental damage, may cause harm to the state's economy or infrastructure, or may obstruct navigation and recreational use of waterways or cause potential harm to manmade facilities.</p>	Support

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<a href="#">AB 803</a>	Hueso	<p><b>Recycled Water</b></p> <p>In 2012, WateReuse sponsored AB 2398 to expedite permitting of recycled water in California. The Bill was held in the Senate with a commitment to convene a series of bicameral meetings to identify impediments to recycled water development and develop agreed-upon solutions. AB 803 is proposing legislative solutions in three key areas:</p> <p>1. <u>Update of Titles 17 and 22 through statutory changes:</u> Existing law requires the California Department of Public Health to adopt uniform regulations regarding the use of recycled water. The existing Title 22 and Title 17 regulations are out of date. This legislation avoids the need for a regulatory updating by proposing statutory changes to definitions and compliance procedures in the recycled water regulations to clarify and simplify requirements.</p> <p>2. <u>Alignment of Health and Safety Code and Water Code requirements for reporting spills</u> Existing law has inconsistent requirements for reporting spills of unauthorized discharge of recycled water.</p> <p>3. <u>Point of Compliance for Advanced Treated Purified Water</u> Existing law requires an NPDES permit for discharge to surface waters including the augmentation of drinking reservoirs with advanced treated purified water. AB 803 states that where discharge requirements apply, the compliance point for the water quality of advanced treated purified water can be the point where it enters a raw water conveyance facility, rather than at the point of discharge. This will make it easier to allow the use of existing raw water pipelines to transport advanced treated purified water.</p>	Support
<a href="#">AB 823</a>	Eggman	<p><b>Environment: California Farmland Protection Act</b></p> <p>AB 823 would require a minimum level of mitigation for any residential, commercial, civic, industrial, infrastructure, or other similar project that results in the permanent or long-term conversion of agricultural lands to non-agricultural use. Mitigation would consist of the permanent protection and conservation of land suitable for agricultural use.</p> <p>Agricultural lands are converted to non-agricultural uses for a number of reasons (e.g., increased capital and operating costs, increased regulatory burdens, and competition). Simply preserving farmland does not address the underlying reasons of why land is converted, and there is no mechanism to mandate uneconomic, agricultural land be kept in production. Requiring project applicants to mitigate for actions not under their control is inappropriate. This legislation would require projects to incur substantial additional mitigation costs.</p>	Oppose

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<a href="#">AB 953</a>	Ammiano	<p><b>California Environmental Quality Act</b></p> <p>Existing law establishes regulations related to a number of environmental issues, including the preparation and completion of specified environmental review documents for proposed projects that may affect the environment.</p> <p>AB 953 would revise the definitions of “environment” and “significant effect on the environment” and require the lead agency to include a specific analysis of any significant effects that may result from locating the proposed project near, or attracting people to, existing or reasonably foreseeable natural hazards or adverse environmental conditions.</p> <p>This bill contains some of the provisions similar to those contained in SB 617 discussed below, specifically revisions in certain definitions and required analysis that make environmental documents more susceptible to legal challenge.</p>	Oppose
<a href="#">AB 1258</a>	Skinner	<p><b>Electricity: Hydroelectric Facilities</b></p> <p>The Public Utilities Commission has regulatory authority over public utilities and can establish its own procedures. Under existing law, the Public Utilities Commission is required to open a new proceeding to determine the appropriate targets, if any, for each load-serving entity to procure viable and cost-effective energy storage systems to be achieved by December 31, 2015 and December 31, 2020.</p> <p>AB 1258 would require the Public Utilities Commission to open a new proceeding or expand the scope of an existing proceeding to determine the potential use of hydroelectric facilities and specified pumped storage facilities (Helms, Balsam, Oroville and San Luis pumped storage facilities) to provide energy resources with delivery characteristics that may include dispatchable baseload, firm, and as-available capacity.</p> <p>The Water Authority’s Lake Hodges pumped storage facility and the proposed San Vicente pumped storage project are similar types of facilities to the four pump storage facilities listed above.</p>	Watch

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<a href="#">AB 1349</a>	Gatto	<p><b>CalConserve Water Use Efficiency</b></p> <p>In 2009, the legislature adopted SBX 7-7, which requires urban water agencies to reduce per capita water use 20 percent by 2020. AB 1349 would establish a sustainable funding source for loans for water use efficiency projects to reduce urban per capita water use, reduce greenhouse gas emissions through water efficiency, facilitate recycled water, and improve agricultural water use efficiency. The CalConserve Water Use Efficiency Fund would be created in the State Treasury. When appropriated, funds would be deposited into the revolving fund and repaid by loan recipients for future disbursements. The Department of Water Resources would manage the fund and would enter into agreements with local government agencies or investor-owned utilities that provide water or recycled water service, to provide loans for local water use efficiency or recycled water projects.</p>	Support
<a href="#">SB 425</a>	DeSaulnier	<p><b>Public Works Peer Review Act of 2013</b></p> <p>SB 425 would require any public works project valued at greater than \$1 billion to establish a peer review group (PRG) responsible for reviewing: 1) project demand studies; 2) design and engineering models and estimates; and 3) construction, testing and inspection practices. The PRG would conduct all its business in a publicly accessible forum subject to the requirements of the Bagley-Keene Open Meeting Act and would be required to submit documentation similar to a Form 700 statement disclosing financial interests and lack of conflict of interest with the project. The administering agency's process of establishing the PRG would be reviewed by the Bureau of State Audits to verify the selection of the PRG was done according to a transparent process. The bill would prohibit a PRG taking action until a charter is created and agreed upon by the project agency and the relevant legislative body, which could lead to possible project delays.</p> <p>SB 425 is duplicative of industry standard practices for large public works infrastructure projects. It is common to establish boards of senior consultants to advise and guide the project team with the design, construction and operation of large "megaprojects," which are the subject of SB 425, and to dissect a project's elements by a value engineering team to maximize the cost benefit. Value engineering is mandated for large Water Authority projects and boards of senior consultants were employed for the Olivenhain and San Vicente Dam projects. The use of boards of senior consultants and value engineering are recognized as "best practices" in public works and are often utilized on large complex projects. The peer review group as envisioned by this legislation attempts to combine these two industry-accepted practices into one and may not achieve the results anticipated.</p>	Watch

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<a href="#">SB 436</a>	Jackson	<p><b>Environmental Quality: Public Notice</b></p> <p>SB 436 is very similar to AB 380 (Dickinson), discussed above. This bill would revise public notice requirements to include duplicative posting with both the county clerk and the Office of Planning and Research (OPR).</p> <p>For the same reasons listed under AB 380, if OPR is to be the designated repository for all notices, the bill should be amended to remove the requirement for a duplicative posting with the county clerk, and OPR should establish an Internet database where public agencies can directly upload the required notices.</p>	Oppose unless amended
<a href="#">SB 617</a>	Evans	<p><b>Environmental Quality: Public Notice</b></p> <p>Existing law defines “environment” and “significant effect on the environment” for the purpose of factual analysis.</p> <p>SB 617 would revise the definitions of “environment” and “significant effect on the environment” and require the lead agency to include in the Environmental Impact Report (EIR) a detailed statement on any significant effects that may result from locating development near, or attracting people to, existing or reasonably foreseeable natural hazards or adverse environmental conditions. In addition, SB 617 includes noticing provisions similar to those in both AB 380 (Dickinson) and SB 436 (Jackson), discussed above. The bill would authorize the Office of Planning and Research (OPR) to charge a \$10 administrative fee per notice filed.</p> <p>The proposed definition revisions broaden the required analysis to include not only the effects of the project on the environment, but the effects of the environment on the project. This additional analysis provides another layer of complexity that increases uncertainty in assessing the range and magnitude of potential significant effects, thus making environmental documents more susceptible to legal challenges. In addition, for the same reasons listed under AB 380, if OPR is to be the designated repository for all notices, the bill should be amended to remove the requirement for a duplicative posting with the county clerk, and OPR should establish an Internet database where public agencies can directly upload the required notices.</p>	Oppose