



**COMMUNITY AND LEGISLATIVE AFFAIRS  
COMMITTEE MEETING  
OF THE BOARD OF DIRECTORS  
INLAND EMPIRE UTILITIES AGENCY\***

**WEDNESDAY, MARCH 10, 2021  
9:00 A.M.**

**INLAND EMPIRE UTILITIES AGENCY\*  
VIEW THE MEETING LIVE ONLINE AT IEUA.ORG  
TELEPHONE ACCESS: (415) 856-9169 / Conf Code: 635 663 326#**

PURSUANT TO THE PROVISIONS OF EXECUTIVE ORDER N-25-20 ISSUED BY GOVERNOR GAVIN NEWSOM ON MARCH 12, 2020, AND EXECUTIVE ORDER N-29-20 ISSUED BY GOVERNOR GAVIN NEWSOM ON MARCH 17, 2020 AND IN AN EFFORT TO PROTECT PUBLIC HEALTH AND PREVENT THE SPREAD OF COVID-19, THERE WILL BE NO PUBLIC LOCATION FOR ATTENDING IN PERSON.

The public may participate and provide public comment during the meeting by dialing into the number provided above. Alternatively, public comments may be emailed to the Board Secretary/Office Manager Denise Garzaro at [dgarzaro@ieua.org](mailto:dgarzaro@ieua.org) no later than 24 hours prior to the scheduled meeting time. Comments will be read into the record during the meeting.

**CALL TO ORDER**

**PUBLIC COMMENT**

Members of the public may address the Board on any item that is within the jurisdiction of the Board; however, no action may be taken on any item not appearing on the agenda unless the action is otherwise authorized by Subdivision (b) of Section 54954.2 of the Government Code. Those persons wishing to address the Board on any matter, whether or not it appears on the agenda, are requested to email the Board Secretary/Office Manager no later than 24 hours prior to the scheduled meeting time or address the Board during the public comments section of the meeting. Comments will be limited to three minutes per speaker. Thank you.

**ADDITIONS TO THE AGENDA**

In accordance with Section 54954.2 of the Government Code (Brown Act), additions to the agenda require two-thirds vote of the legislative body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted.

\*A Municipal Water District



1. **ACTION ITEMS**

A. **MINUTES**

Approve Minutes of the February 10, 2021 Community and Legislative Affairs Committee meeting.

B. **ADOPT POSITIONS ON VARIOUS STATE BILLS**

Staff recommends that the Committee/Board:

1. Adopt a position of "Oppose" for the following bills: AB 1434 (Friedman) and AB 377 (Rivas); and
2. Adopt a position of "Support" for the following bills: AB 818 (Bloom); SB 240 (Portantino); and SB 273 (Hertzberg).

C. **ADOPT SUPPORT FOR H.R. 535/S.91 SPECIAL DISTRICTS PROVIDE ESSENTIAL SERVICES ACT**

Staff recommends that the Committee/Board adopt a "Support" position for H.R. 535/S. 91, the Special Districts Provide Essential Services Act.

2. **INFORMATION ITEMS**

A. **REGULATORY UPDATE: WATER USE EFFICIENCY (POWERPOINT)**

B. **PUBLIC OUTREACH AND COMMUNICATION (WRITTEN)**

C. **STATE LEGISLATIVE REPORT AND MATRIX – WEST COAST ADVISORS (WRITTEN)**

D. **FEDERAL LEGISLATIVE REPORT AND MATRIX – INNOVATIVE FEDERAL STRATEGIES (WRITTEN)**

E. **CALIFORNIA STRATEGIES MONTHLY REPORT (WRITTEN)**

3. **GENERAL MANAGER'S COMMENTS**

4. **COMMITTEE MEMBER COMMENTS**

5. **COMMITTEE MEMBER REQUESTED FUTURE AGENDA ITEMS**

**ADJOURN**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Board Secretary/Office Manager (909-993-1736), 48 hours prior to the scheduled meeting so that the Agency can make reasonable arrangements.

**DECLARATION OF POSTING**

I, Denise Garzaro, Board Secretary/Office Manager of the Inland Empire Utilities Agency, A Municipal Water District, hereby certify that a copy of this agenda has been posted by 5:30 p.m. to the IEUA Website at [www.ieua.org](http://www.ieua.org) and outside the Agency's main office, 6075 Kimball Avenue, Building A, Chino on Thursday, March 4, 2021.



Denise Garzaro, CMC



ACTION  
ITEM  
**1A**





**MINUTES  
COMMUNITY AND LEGISLATIVE AFFAIRS  
COMMITTEE MEETING  
INLAND EMPIRE UTILITIES AGENCY\*  
AGENCY HEADQUARTERS, CHINO, CA**

**WEDNESDAY, FEBRUARY 10, 2021  
9:00 A.M.**

**COMMITTEE MEMBERS PRESENT via Video/Teleconference**

Jasmin A. Hall, Chair  
Steven J. Elie

**STAFF PRESENT**

Shivaji Deshmukh, General Manager  
Denise Garzaro, Board Secretary/Office Manager  
Wilson To, Technology Specialist II

**STAFF PRESENT via Video/Teleconference**

Christiana Daisy, Deputy General Manager  
Kathy Besser, Executive Manager of External & Government Affairs/AGM  
Randy Lee, Executive Manager of Operations/AGM  
Christina Valencia, Executive Manager of Finance & Administration/AGM  
Jerry Burke, Manager of Engineering  
Andrea Carruthers, Manager of External Affairs  
Don Hamlett, Acting Deputy Manager of Integrated System Services  
Jennifer Hy-Luk, Administrative Assistant II  
Cathleen Pieroni, Manager of Inter-Agency Relations  
Jesse Pompa, Manager of Grants  
Jeanina Romero, Executive Assistant  
Daniel Solorzano, Technology Specialist I  
Teresa Velarde, Manager of Internal Audit

**OTHERS PRESENT via Video/Teleconference**

Michael Boccadoro, West Coast Advisors  
Jean Denton, Innovative Federal Strategies  
Beth Olhasso, West Coast Advisors  
Sarah Persichetti, Innovative Federal Strategies  
Drew Tatum, Innovative Federal Strategies  
Letitia White, Innovative Federal Strategies

**CALL TO ORDER**

Committee Chair Jasmin A. Hall called the meeting to order at 9:00 a.m. She gave the public the opportunity to comment and provided instructions for unmuting the conference line.

There were no public comments received or additions to the agenda.



## **PRESENTATION**

### **2021 FEDERAL OUTLOOK BY INNOVATIVE FEDERAL STRATEGIES**

Innovative Federal Strategies Principal Letitia White and Vice President of Operations and Policy Drew Tatum provided an overview of the composition of the United States House of Representatives and the Senate, noted the committee assignments for those representing the region, addressed current activities and highlighted proposed legislation.

### **1A. ACTION ITEMS**

The Committee:

- ◆ Approved Minutes of the January 13, 2021 Community and Legislative Affairs Committee meeting.

### **2A – 2D. INFORMATION ITEMS**

The following information items were presented or received and filed by the Committee:

- ◆ Public Outreach and Communication
- ◆ State Legislative Report – West Coast Advisors
- ◆ Federal Legislative Report and Matrix – Innovative Federal Strategies
- ◆ California Strategies Monthly Report

### **3. GENERAL MANAGER'S COMMENTS**

There were no General Manager's comments.

### **4. COMMITTEE MEMBER COMMENTS**

There were no Committee member comments.

### **5. COMMITTEE MEMBER REQUESTED FUTURE AGENDA ITEMS**

There were no Committee member requests for future agenda items.

### **ADJOURNMENT**

With no further business, Committee Chair Hall adjourned the meeting at 10:04 a.m.

Respectfully submitted,

Denise Garzaro  
Board Secretary/Office Manager

\*A Municipal Water District

**APPROVED: MARCH 10, 2021**



ACTION  
ITEM  
1B



**Date:** March 17, 2021

**To:** The Honorable Board of Directors

*SD*  
**From:** Shivaji Deshmukh, General Manager

**Committee:** Community & Legislative Affairs

03/10/21

**Executive Contact:** Kathy Besser, Executive Manager of Government & Ext. Affairs/AGM

**Subject:** Adopt Positions on Various State Bills

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**Executive Summary:**

The State legislature began the 2021 session on January 11. By the bill introduction deadline (February 19), 2,369 bills had been introduced for consideration. The bills included in this letter have the potential to impact the Agency and fall within Board-adopted Legislative Policy Principles. Three of the five bills included below were introduced during the 2019-20 legislative session; however, due to the Covid-19 Pandemic they were not able to move forward in the process. The bills have been reintroduced with new bill numbers. The positions taken by the IEUA Board in 2019/20 have been included for your reference.

1. AB 1434 (Friedman) - Urban water use objectives: indoor residential water use
2. AB 377 (Rivas) - Water quality: impaired water
3. AB 818 (Bloom) - Solid waste: premoistened nonwoven disposable wipes (supported AB 1672)
4. SB 230 (Portantino) - State Water Resources Control Board: Constituents of Emerging Concern Program (supported SB 996)
5. SB 273 (Hertzberg) - Water quality: municipal wastewater agencies (supported SB 1052)

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**Staff's Recommendation:**

Adopt a position of "Oppose" for the following bills: AB 1434 (Friedman) and AB 377 (Rivas)

Adopt a position of "Support" for the following bills: AB 818 (Bloom); SB 230 (Portantino); and SB 273 (Hertzberg)

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**Budget Impact** *Budgeted (Y/N): Y* *Amendment (Y/N): Y* *Amount for Requested Approval:*

*Account/Project Name:*

N/A

*Fiscal Impact (explain if not budgeted):*

N/A



**Prior Board Action:**

Adoption of 2021 Legislative Policy Principles.

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**Environmental Determination:**

Not Applicable

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**Business Goal:**

Taking legislative positions is in line with IEUA's business practices goal of advocating for the development of policies, legislation and regulations that benefit the region.

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**Attachments:**

1. AB 1434 (Friedman) - Summary and Bill Text
2. AB 377 (Rivas) - Background and Bill Text
3. AB 818 (Bloom) - AB 1672 Letter of Support (2019-20) and Bill Text
4. SB 230 (Portantino) - Fact Sheet and Bill Text
5. SB 273 (Hertzberg) - Fact Sheet, Joint Coalition Letter (CASA, CMUA, ACWA) and Bill Text



# Adopt Positions of State Bills

Bill Number	Bill Title	Proposed Position
AB 1434 (Friedman)	Urban water use objectives: indoor residential water use	Oppose
AB 377 (Rivas)	Water quality: impaired water	Oppose
AB 818 (Bloom)	Solid waste: premoistened nonwoven disposable wipes	Support
SB 230 (Portantino)	State Water Resources Control Board: Constituents of Emerging Concern Program	Support
SB 273 (Hertzberg)	Water quality: municipal wastewater agencies	Support



# Adopt Position of Federal Bill

Bill Number	Bill Title	Proposed Position
H.R. 535/S. 91 (Rep. Garamendi/Sen. Sinema)	Special Districts Provide Essential Services Act	Support



## Attachment 1

AB 1434 (Friedman) - Summary and Bill Text



## Background

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Subject: Summary of AB 1434 – Urban Water Use Objectives

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In 2018, Governor Brown signed AB 1668 (Friedman) and SB 606 (Skinner/Hertzberg) into law, establishing urban water efficiency standards that retail agencies must meet for indoor and outdoor use. The bills set the current indoor water use standard at 55 gallons per capita per day (GPCD), which will be reduced to 52.5 GPCD in 2025 and further reduced to 50 GPCD in 2030. In September 2017, IEUA staff, at the direction of its Board, sent a letter (Attachment 1) in support of both bills.

In February 2021, AB 1434 (Friedman) was introduced to lower the water use standards that were established in 2018. The bill proposes to reduce the current standard of 55 GPCD to 48 GPCD beginning in 2023, followed by reductions to 44 GPCD in 2025 and 40 GPCD in 2030. The bill also proposes to eliminate requirements that were added to the bills in 2018 by WateReuse that required the California Department of Water Resources to complete a study that will identify best management practices to meet the proposed standards and assess the costs of meeting the changing standards and how it would impact water and wastewater flows and management.

IEUA staff is in communication with member agencies regarding this bill and its potential impacts.



**ASSEMBLY BILL**

**No. 1434**

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**Introduced by Assembly Member Friedman**

February 19, 2021

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An act to amend Section 10609.4 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1434, as introduced, Friedman. Urban water use objectives: indoor residential water use.

Existing law requires the Department of Water Resources, in coordination with the State Water Resources Control Board, and in collaboration with and input from stakeholders, to conduct necessary studies and investigations and authorizes the department and the board to jointly recommend to the Legislature a standard for indoor residential water use. Existing law, until January 1, 2025, establishes 55 gallons per capita daily as the standard for indoor residential water use. Existing law establishes, beginning January 1, 2025, 52.5 gallons per capita daily and, beginning January 1, 2030, 50 gallons per capita daily, as the standards for indoor residential water use, unless the department and the board recommend more appropriate standards for indoor residential water use.

This bill would establish, beginning January 1, 2023, until January 1, 2025, the standard for indoor residential water use as 48 gallons per capita daily. The bill would establish, beginning January 1, 2025, the standard as 44 gallons per capita daily and, beginning January 1, 2030, 40 gallons per capita daily. The bill would eliminate the requirement that the department, in coordination with the state board, conduct



necessary studies and investigations and jointly recommend to the Legislature a standard for indoor residential water use.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 10609.4 of the Water Code is amended  
2 to read:

3 10609.4. (a) ~~(1) Until Beginning January 1, 2023, and until~~  
4 January 1, 2025, the standard for indoor residential water use shall  
5 be ~~55~~ 48 gallons per capita daily.

6 ~~(2)~~  
7 (b) Beginning January 1, 2025, and until January 1, 2030, the  
8 standard for indoor residential water use shall be ~~the greater of~~  
9 ~~52.5~~ 44 gallons per capita daily or a standard recommended  
10 pursuant to subdivision (b): daily.

11 ~~(3)~~  
12 (c) Beginning January 1, 2030, the standard for indoor  
13 residential water use shall be ~~the greater of 50~~ 40 gallons per capita  
14 daily or a standard recommended pursuant to subdivision (b): daily.

15 ~~(b) (1) The department, in coordination with the board, shall~~  
16 ~~conduct necessary studies and investigations and may jointly~~  
17 ~~recommend to the Legislature a standard for indoor residential~~  
18 ~~water use that more appropriately reflects best practices for indoor~~  
19 ~~residential water use than the standard described in subdivision~~  
20 ~~(a). A report on the results of the studies and investigations shall~~  
21 ~~be made to the chairpersons of the relevant policy committees of~~  
22 ~~each house of the Legislature by January 1, 2021, and shall include~~  
23 ~~information necessary to support the recommended standard, if~~  
24 ~~there is one. The studies and investigations shall also include an~~  
25 ~~analysis of the benefits and impacts of how the changing standard~~  
26 ~~for indoor residential water use will impact water and wastewater~~  
27 ~~management, including potable water usage, wastewater, recycling~~  
28 ~~and reuse systems, infrastructure, operations, and supplies.~~

29 ~~(2) The studies, investigations, and report described in paragraph~~  
30 ~~(1) shall include collaboration with, and input from, a broad group~~  
31 ~~of stakeholders, including, but not limited to, environmental groups,~~



- 1 experts in indoor plumbing, and water, wastewater, and recycled
- 2 water agencies.

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## Attachment 2

AB 377 (Rivas) - Fact Sheet and Bill Text



## Background

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Subject: Summary of [AB 377 Water Quality: Impaired Water](#)

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**Introduced by:** Assemblymember Rivas (Hollister)

**Principal Coauthors:** Senator Hertzberg (Van Nuys)

**Sponsored by:** California Coastkeeper Alliance

**Introduced:** February 1, 2021

**Referred:** Committee on Environmental Safety and Toxic Materials

### **Proposed Position: Oppose**

**Summary:** This bill sets forth the goal that “All California surface waters shall be fishable, swimmable, and drinkable by January 1, 2050. To bring all water segments into attainment with this requirement the state board and regional boards shall comply with the requirements of this chapter.”

“Drinkable” applies to waters subject to a regional water quality control plan and means that the waters are drinkable to the extent required by the regional water quality control plan.

### **Issues from bill text:**

Section 13151 – The State Board and regional boards shall **not** do the following:

(1) Authorize an NPDES discharge that causes or contributes to an exceedance of a water quality standard.

*- The issue with the bill is it does not give the definition of water quality standard; therefore, we have to go off any water quality standard.*

(2) Authorize an NPDES permit that uses an alternative compliance determination, safe harbor “deemed in compliance” term, or any other best management practice permit term to authorize a discharge that causes or contributes to an exceedance of a water quality standard in receiving waters.

(3) Authorize a waste discharge requirement or waiver of a waste discharge requirement that uses an alternative compliance determination, safe harbor “deemed in compliance” term, or any other best management practice permit term to authorize a discharge that causes or contributes to an exceedance of a water quality standard in receiving waters.

### **Impacts on IEUA:**

As written, this bill has provided challenges in determining the direct impacts it would have on IEUA. The challenges are due to the bill text currently lacking definitions and intent of the broad provisions this bill presents. The impacts included below are staff’s understanding of the worst-case scenario based on the provisions included in the bill and the concerns brought to our attention from ACWA, CASA and other water agencies.

- It is assumed that this bill has the potential to take away Basin Management Plans and therefore eliminate all flexibility/alternative compliance measures that are currently granted within IEUA’s permits/plans. The bill text states it would remove all authorization of waivers of a waste discharge requirement that uses alternative compliance or best management practices.



- As it relates to IEUA this would change IEUA's current permit authorizations and limits of contaminant discharge levels.
  - The 12-month flow weighted running average total dissolved solids (TDS) and total inorganic nitrogen (TIN) concentrations shall not exceed 550 mg/L and 8 mg/L, respectively. These limitations may be met on an agency-wide basis using flow weighted averages of the discharges from the Discharger's RP-1, RP-4, RP-5 and CCWRF.
- Current plans and permits are approved on a case by case basis by the Regional Water Quality Control Board determined by conditions within that region. The assumption is that this bill is attempting to create a blanket statewide "plan" that all regions would have to follow. This is not realistic or feasible as each region faces their own differing conditions based on the environment in which they are set and the natural contaminants they face.
- It is assumed that this bill could potentially eliminate IEUA's ability to use recycled water for indirect potable reuse within the Chino Basin.
- It is assumed this bill could potentially impact the ability to recharge recycled water at spreading basins if we lose nitrate-nitrogen and TDS maximum benefit water quality objectives.

The above list of potential impacts is not a comprehensive list due to the numerous unknowns that this bill presents.

Staff recommends the IEUA Board approve an "oppose" position on AB 377 due to the substantial negative and costly impacts that this bill could potentially have on IEUA's current permitting and planning approval processes.

**Statements from authors:** *(pulled from the press release)*

AB 377, the California Clean Water Act, will change the way the State and Regional Water Boards enforce compliance with water quality standards and ensure that waterways are taken off the impaired list over time by:

- **Eliminating loopholes.** Currently, many discharge permits direct the permittee to comply with water quality standards but allow for exploitation of a number of loopholes. (A permit holder may never have to provide any evidence that they're actually complying with water quality standards, for example.) AB 377 will not change the terms of existing permits but will ensure that as new or renewed permits are issued, loopholes are eliminated and permittees are brought into compliance with water quality standards.
- **Changing Water Board enforcement procedures,** requiring them to spend more time and effort enforcing against the worst polluters instead of ignoring violations.
- **Directing a larger portion of existing Water Board financial resources toward cleaning up impaired waterways,** without imposing any new fees or costs.

"Roughly 19 out of 20 waterways in California are polluted or 'impaired,'" Asm. Rivas said.

"Clearly, we *need* to do more to protect the health of Californians, communities and the environment. And, as with so many of our other environmental challenges, it's our low-income communities and our communities of color who are hit the hardest by this issue. Access to clean



water is a basic human right, and I am proud to introduce legislation that will give teeth to the original Clean Water Act and create a healthier environment for the entire State.”

“California made history in 2012 when it became the first U.S. state to declare that clean drinking water is a human right. Yet, nearly a decade later, some communities still struggle for access to clean water – this is unacceptable,” said Senator Hertzberg. “I have worked for decades to end the state’s drinking water crisis, and I am proud to continue that effort with Assemblymember Rivas on AB 377.”



**ASSEMBLY BILL**

**No. 377**

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**Introduced by Assembly Member Robert Rivas**  
(Principal coauthor: Senator Hertzberg)

February 1, 2021

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An act to add Chapter 3.5 (commencing with Section 13150) to Chapter 3 of Division 7 of the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 377, as introduced, Robert Rivas. Water quality: impaired waters.

(1) Under existing law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality and prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the federal Clean Water Act and the Porter-Cologne Water Quality Control Act. Existing law requires each regional board to formulate and adopt water quality control plans for all areas within the region, as provided.

This bill would require all California surface waters to be fishable, swimmable, and drinkable by January 1, 2050, as prescribed. The bill would prohibit the state board and regional boards from authorizing an NPDES discharge, waste discharge requirement, or waiver of a waste discharge requirement that causes or contributes to an exceedance of a water quality standard, or from authorizing a best management practice permit term to authorize a discharge that causes or contributes to an exceedance of a water quality standard in receiving waters. The bill would prohibit, on or after January 1, 2030, a regional water quality control plan from including a schedule for implementation for achieving a water quality standard that was adopted as of January 1, 2021, and



would prohibit a regional water quality control plan from including a schedule for implementation of a water quality standard that is adopted after January 1, 2021, unless specified conditions are met. The bill would prohibit an NPDES permit, waste discharge requirement, or waiver of a waste discharge requirement from being renewed, reissued, or modified to contain effluent limitations or conditions that are less stringent than those in the previous permit, requirement, or waiver.

(2) Existing law authorizes the imposition of civil penalties for violations of certain waste discharge requirements and requires that penalties imposed pursuant to these provisions be deposited into the Waste Discharge Permit Fund, to be expended by the state board, upon appropriation by the Legislature, for specified purposes related to water quality. For violations of certain other waste discharge requirements, including the violation of a waste discharge requirement effluent limitation, existing law imposes specified civil penalties, the proceeds of which are deposited into the continuously appropriated State Water Pollution Cleanup and Abatement Account, which is established in the State Water Quality Control Fund.

This bill would require, by January 1, 2030, the state board and regional boards to develop an Impaired Waterways Enforcement Program to enforce all remaining water quality standard violations that are causing or contributing to an exceedance of a water quality standard. To ensure any water segments impaired by ongoing pollutants are brought into attainment with water quality standards, the bill would require the state board and regional boards, by January 1, 2040, to evaluate the state's remaining impaired waters using a specified report. The bill would require, by January 1, 2040, the state board and regional boards to report to the Legislature a plan to bring the final impaired water segments into attainment by January 1, 2050. The bill would create the Waterway Attainment Account in the Waste Discharge Permit Fund and would make moneys in the Waterway Attainment Account available for the state board to expend, upon appropriation by the Legislature, to bring remaining impaired water segments into attainment in accordance with the plan. The bill would create in the Waterway Attainment Account the Waterway Attainment Penalty Subaccount, composed of penalties obtained pursuant to the Impaired Waterways Enforcement Program, and would make moneys in the subaccount available for the state board to expend, upon appropriation by the Legislature, for purposes of the program. The bill would require, by January 1, 2040, and subject to a future legislative act, 50% of the annual



proceeds of the State Water Pollution Cleanup and Abatement Account to be annually transferred to the Waterway Attainment Account. The bill would require the state board, upon appropriation by the Legislature, to expend 5% of the annual proceeds of the State Water Pollution Cleanup and Abatement Account to fund a specified state board program.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) Water is a necessity of human life, and every Californian  
4 deserves access to clean and safe water. Yet climate change  
5 jeopardizes the quality and safety of our water. Climate change is  
6 impacting the state's hydrology to create water resource  
7 vulnerabilities that include, but are not limited to, changes to water  
8 supplies, subsidence, increased amounts of water pollution, erosion,  
9 flooding, and related risks to water and wastewater infrastructure  
10 and operations, degradation of watersheds, alteration of aquatic  
11 ecosystems and loss of habitat, multiple impacts in coastal areas,  
12 and ocean acidification.

13 (2) Many aspects of climate change and associated impacts will  
14 continue for centuries, even if anthropogenic emissions of  
15 greenhouse gases are reduced or stopped. Given the magnitude of  
16 climate change impacts on California's hydrology and water  
17 systems, the state's climate change response should include  
18 attainment of water quality standards to allow the state's  
19 watersheds to resiliently adapt to forthcoming and inevitable  
20 climate change stressors.

21 (3) The federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.)  
22 was enacted on October 18, 1972, to establish the basic structure  
23 for regulating discharges of pollutants into the waters of the United  
24 States and regulating quality standards for surface waters. The  
25 objective of the federal Clean Water Act is to restore and maintain  
26 the chemical, physical, and biological integrity of the nation's  
27 waters. To achieve that objective, Congress declared a national  
28 goal that the discharge of pollutants into navigable waters be  
29 eliminated by 1985.



1 (4) California has long been a national and international leader  
2 on environmental stewardship efforts, including the areas of air  
3 quality protections, energy efficiency requirements, renewable  
4 energy standards, and greenhouse gas emission standards for  
5 passenger vehicles. The program established by this act will  
6 continue this tradition of environmental leadership by placing  
7 California at the forefront of achieving the nation's goal of making  
8 all waterways swimmable, fishable, and drinkable.

9 (5) The State Water Resources Control Board, along with the  
10 nine California regional water quality control boards, protect and  
11 enhance the quality of California's water resources through  
12 implementing the federal Clean Water Act, as amended, and  
13 California's Porter-Cologne Water Quality Control Act (Division  
14 7 (commencing with Section 13000) of the Water Code).

15 (6) The State Water Resources Control Board's mission is to  
16 "preserve, enhance, and restore the quality of California's water  
17 resources and drinking water for the protection of the environment,  
18 public health, and all beneficial uses, and to ensure proper water  
19 resource allocation and efficient use, for the benefit of present and  
20 future generations."

21 (7) Under Section 303(d) of the federal Clean Water Act (33  
22 U.S.C. 1313(d)), California is required to review, make changes  
23 as necessary, and submit to the United States Environmental  
24 Protection Agency a list identifying water bodies not meeting water  
25 quality standards (303(d) list). California is required to include a  
26 priority ranking of those waters, taking into account the severity  
27 of the pollution and the uses to be made of those waters, including  
28 waters targeted for the development of total maximum daily loads  
29 (TMDLs).

30 (8) As of the most recent 2018 303(d) list, nearly 95 percent of  
31 all fresh waters assessed in California, and over 1,400 water bodies,  
32 are listed as impaired, with only 114 TMDLs have been approved  
33 since 2009 in California. Of 164,741 assessed miles of rivers and  
34 streams, 82 percent were impaired. Of 929,318 assessed acres of  
35 lakes, reservoirs, and ponds, 93 percent were impaired. Of 575,000  
36 assessed acres of bays, harbors, and estuaries, 99 percent were  
37 impaired. Of 2,180 assessed miles of coastal shoreline, 93 percent  
38 were impaired. Of 130,084 assessed acres of wetlands, 99 percent  
39 were impaired.



(b) (1) In honor of the federal Clean Water Act's 50-year anniversary, it is the intent of the Legislature in enacting this act to recommit California to achieve the national goal to restore and maintain the chemical, physical, and biological integrity of the state's waters by eliminating the discharge of pollutants into impaired waterways.

(2) It is further the intent of the Legislature in enacting this act to require that the State Water Resources Control Board and the California regional water quality control boards meet the national goal of achieving swimmable, fishable, and drinkable waters by no later than January 1, 2050.

SEC. 2. Chapter 3.5 (commencing with Section 13150) is added to Chapter 3 of Division 7 of the Water Code, to read:

CHAPTER 3.5. STATE WATERS IMPAIRMENT

13150. All California surface waters shall be fishable, swimmable, and drinkable by January 1, 2050. To bring all water segments into attainment with this requirement, the state board and regional boards shall comply with the requirements of this chapter.

13151. (a) The state board and regional boards shall not do either of the following:

(1) Authorize an NPDES discharge that causes or contributes to an exceedance of a water quality standard.

(2) Authorize an NPDES permit that uses an alternative compliance determination, safe harbor "deemed in compliance" term, or any other best management practice permit term to authorize a discharge that causes or contributes to an exceedance of a water quality standard in receiving waters.

(b) The state board and regional boards shall not do either of the following:

(1) Authorize a permit that does not include monitoring sufficient to demonstrate compliance with water quality standards and, unless infeasible, that does not include end-of-discharge pipe monitoring.

(2) Authorize a permit unless it establishes criteria for, and requires, monitoring to evaluate compliance with water quality standards.



1 (c) The state board and regional boards shall not do either of  
2 the following:

3 (1) Authorize a waste discharge requirement or waiver of a  
4 waste discharge requirement for a discharge that causes or  
5 contributes to an exceedance of a water quality standard.

6 (2) Authorize a waste discharge requirement or waiver of a  
7 waste discharge requirement that uses an alternative compliance  
8 determination, safe harbor “deemed in compliance” term, or any  
9 other best management practice permit term to authorize a  
10 discharge that causes or contributes to an exceedance of a water  
11 quality standard in receiving waters.

12 (d) The state board and regional boards shall not issue an  
13 enforcement order pursuant to Chapter 12 (commencing with  
14 Section 1825) of Part 2 of Division 2 or Article 1 (commencing  
15 with Section 13300) of Chapter 5 that includes a compliance  
16 schedule deadline that extends beyond January 1, 2030, to a  
17 discharger for a discharge that is causing or contributing to an  
18 exceedance of a water quality standard.

19 13152. (a) Notwithstanding Section 13242, on and after  
20 January 1, 2030, a regional water quality control plan, including  
21 the program of implementation, shall not include a schedule for  
22 implementation for achieving a water quality standard that was  
23 adopted in an approved regional water quality control plan as of  
24 January 1, 2021. It is the intent of the Legislature in enacting this  
25 requirement to ensure that all water quality standards in effect as  
26 of January 1, 2021, are fully implemented and achieved by January  
27 1, 2030.

28 (b) The state board and regional boards shall only include in a  
29 regional water quality control plan a schedule for implementation  
30 of a water quality standard that is adopted after January 1, 2021,  
31 if all of the following conditions are met:

32 (1) The schedule for implementation of the water quality  
33 standard is the shortest time necessary, and in no instance exceeds  
34 five years.

35 (2) The schedule for implementation is necessary for the  
36 permittee to undertake physical construction that is necessary to  
37 achieve compliance with the water quality standard.

38 (3) The water quality standard is not substantially similar to a  
39 water quality standard that was in effect as of January 1, 2021.



1 (c) An NPDES permit, waste discharge requirement, or waiver  
2 of a waste discharge requirement shall not be renewed, reissued,  
3 or modified to contain effluent limitations or conditions that are  
4 less stringent than the comparable effluent limitations or conditions  
5 in the previous permit, requirement, or waiver.

6 (d) The state board and regional boards shall not authorize an  
7 NPDES permit, waste discharge requirement, or waiver of a waste  
8 discharge requirement that does not include a complete  
9 antidegradation analysis as set out in State Water Resources  
10 Control Board Resolution No. 68-16 and Administrative Procedures  
11 Update 90-004.

12 13153. (a) (1) By January 1, 2030, the state board and regional  
13 boards shall develop an Impaired Waterways Enforcement Program  
14 to enforce all remaining water quality standard violations pursuant  
15 to Chapter 12 (commencing with Section 1825) of Part 2 of  
16 Division 2 and Article 1 (commencing with Section 13300) of  
17 Chapter 5 that are causing or contributing to an exceedance of a  
18 water quality standard.

19 (2) An enforcement action taken pursuant to the program shall  
20 result in sufficient penalties, conditions, and orders to ensure the  
21 person subject to the enforcement action is no longer causing or  
22 contributing to an exceedance of a water quality standard.

23 (3) A discharger shall remain liable for a violation of a water  
24 quality standard until sampling at the point of discharge  
25 demonstrates that the discharge is no longer causing or contributing  
26 to the exceedance.

27 (4) Penalties obtained pursuant to the program shall be deposited  
28 into the Waterway Attainment Penalty Subaccount, which is hereby  
29 created in the Waterway Attainment Account. Moneys in the  
30 subaccount shall be available for the state board to expend, upon  
31 appropriation by the Legislature, for purposes of the program.

32 (b) (1) By January 1, 2040, to ensure any water segments  
33 impaired by ongoing legacy pollutants and nonpoint source  
34 pollution are brought into attainment with water quality standards,  
35 the state board and regional boards shall evaluate the state's  
36 remaining impaired waters using the most current integrated report.

37 (2) The state board and regional boards shall, by January 1,  
38 2040, report to the Legislature in compliance with Section 9795  
39 of the Government Code a plan to bring the final impaired water  
40 segments into attainment by January 1, 2050.



(3) The requirement for submitting a report imposed under paragraph (2) is inoperative on January 1, 2044, pursuant to Section 10231.5 of the Government Code.

(c) (1) The Waterway Attainment Account is hereby created in the Waste Discharge Permit Fund. Moneys in the Waterway Attainment Account shall be available for the state board to expend, upon appropriation by the Legislature, to bring remaining impaired water segments into attainment in accordance with the plan submitted pursuant to paragraph (2) of subdivision (b), subject to subdivision (d).

(2) (A) By January 1, 2040, subject to a future legislative act, 50 percent of the annual proceeds of the State Water Pollution Cleanup and Abatement Account shall be annually transferred to the Waterway Attainment Account.

(B) This paragraph shall become inoperative January 1, 2051, or when all water segments are in attainment with water quality standards, whichever comes first.

(d) Moneys in the Waterway Attainment Account shall be expended by the state board, upon appropriation by the Legislature, to bring impaired waterways into attainment with water quality standards to the maximum extent possible. Moneys in the account shall only be expended on the following:

(1) Restoration projects, including supplemental environmental projects, that improve water quality.

(2) Best management practice research innovation and incentives to encourage innovative best management practice implementation.

(3) Source control programs.

(4) Identifying nonfilers.

(5) Source identification of unknown sources of impairment.

(6) Enforcement actions that recover at least the amount of funding originally expended, which shall be deposited into the Waterway Attainment Account.

(e) The state board shall, upon appropriation by the Legislature, expend 5 percent of the annual proceeds of the State Water Pollution Cleanup and Abatement Account to fund the state board's SWAMP - Clean Water Team Citizen Monitoring Program in order to inform the integrated report.

13154. This chapter does not affect the process by which voluntary agreements are entered into to assist in the



1 implementation of new water quality standards lawfully adopted  
2 by the state board.

3 13155. For purposes of this chapter, the following definitions  
4 apply:

5 (a) “Best management practice” means a practice or set of  
6 practices determined by the state board or a regional board for a  
7 designated area to be the most effective feasible means of  
8 preventing or reducing the generation of a specific type of nonpoint  
9 source pollution, given technological, institutional, environmental,  
10 and economic constraints.

11 (b) “Drinkable” applies to waters subject to a regional water  
12 quality control plan and means that the waters are drinkable to the  
13 extent required by the regional water quality control plan.

14 (c) “Integrated report” means the state report that includes the  
15 list of impaired waters required pursuant to Section 303(d) of the  
16 federal Clean Water Act (33 U.S.C. 1313(d)) and the water quality  
17 assessment required pursuant to Section 305(b) of the federal Clean  
18 Water Act (33 U.S.C. 1315(b)).

19 (d) “NPDES” means the national pollutant discharge elimination  
20 system established in the federal Clean Water Act (33 U.S.C.A.  
21 Sec. 1251 et seq.).

22 (e) “Regional board” means a California regional water quality  
23 control board.

24 (f) “Regional water quality control plan” means a water quality  
25 control plan developed pursuant to Section 13240.

26 (g) “State board” means the State Water Resources Control  
27 Board.

28 (h) “State Water Pollution Cleanup and Abatement Account”  
29 means the State Water Pollution Cleanup and Abatement Account  
30 created pursuant to Section 13440.

31 (i) “Supplemental environmental project” means an  
32 environmentally beneficial project that a person subject to an  
33 enforcement action voluntarily agrees to undertake in settlement  
34 of the action and to offset a portion of a civil penalty.

35 (j) “Waste Discharge Permit Fund” means the Waste Discharge  
36 Permit Fund created pursuant to Section 13260.

37 (k) “Waterway Attainment Account” means the Waterway  
38 Attainment Account created pursuant to paragraph (1) of  
39 subdivision (c) of Section 13153.



- 1     *(l)* “Waterway Attainment Penalty Subaccount” means the
- 2     Waterway Attainment Penalty Subaccount created pursuant to
- 3     paragraph (4) of subdivision (a) of Section 13153.



## Attachment 3

AB 818 (Bloom) - AB 1672 Letter of Support 2019/20 and Bill Text





6075 Kimball Avenue • Chino, CA 91708  
P.O. Box 9020 • Chino Hills, CA 91709  
TEL (909) 993-1600 • FAX (909) 993-1983  
www.ieua.org

April 17, 2019

The Honorable Richard Bloom  
State Capitol, Room 2003  
Sacramento, CA 95814

**RE: Support for AB 1672 (Bloom): Product Labelling: flushable wipes.**

Dear Assemblymember Bloom:

On behalf of the Inland Empire Utilities Agency (IEUA), I am pleased to express support for your bill, AB 1672 (Bloom) which would establish labeling requirements and performance standards for wet wipes so that Californians will know whether a product can be discarded safely into their plumbing.

IEUA is a wholesale water and wastewater treatment agency located in western San Bernardino County, serving approximately 875,000 residents in a 242-square mile service area.

In recent years, wet wipes have gained popularity as they're designed for a variety of daily household purposes, and some are advertised as "flushable," which encourages residents to dispose of wipes products generally by their toilet instead of in the trashcan. Because many wet wipes are not compatible with sewer systems and infrastructure, flushing these products results in their getting caught in pipes or accumulating with fats, oils, and grease and becoming larger obstructions that cause costly backups, or further down the sewer line, weaving together and creating giant rags which get stuck in pump systems and motors and damage expensive agency equipment.

Over the last decade, wet wipes have been an increasing problem for property owners, sewer systems, and ratepayers, since wipes often do not break down after being flushed. These challenges are being experienced by agencies around the state, and AB 1672 would ensure wet wipes packaging clearly communicates whether the product safely can be discarded through a toilet or will not break apart like toilet paper and should not be flushed.

For these reasons, IEUA is pleased to support AB 1672 and thanks you for introducing the bill.

Sincerely,  
INLAND EMPIRE UTILITIES AGENCY

Paul Hofer  
Board President

*Water Smart – Thinking in Terms of Tomorrow*

Paul Hofer  
President

Jasmin A. Hall  
Vice President

Kati Parker  
Secretary/Treasurer

Michael Camacho  
Director

Steven J. Elie  
Director

Kirby Brill  
Interim General Manager



**ASSEMBLY BILL**

**No. 818**

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**Introduced by Assembly Member Bloom**

February 16, 2021

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An act to add Part 9 (commencing with Section 49650) to Division 30 of, and to repeal Section 49652 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 818, as introduced, Bloom. Solid waste: premoistened nonwoven disposable wipes.

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste.

This bill would require, except as provided, certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022, to be labeled clearly and conspicuously with the phrase “Do Not Flush” and a related symbol, as specified. The bill would prohibit a covered entity, as defined, from making a representation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes, as provided. The bill would establish enforcement provisions, including authorizing a civil penalty not to exceed \$2,500 per day, up to a maximum of \$100,000 per violation, to be imposed on a covered entity who violates those provisions.

The bill would establish, until January 1, 2027, the California Consumer Education and Outreach Program, under which covered entities would be required, among other things, to participate in a collection study conducted in collaboration with wastewater agencies



for the purpose of gaining understanding of consumer behavior regarding the flushing of premoistened nonwoven disposable wipes and to conduct a comprehensive multimedia education and outreach program in the state. The bill would require covered entities to annually report to specified legislative committees and the State Water Resources Control Board on their activities under the program and would require the state board to post the reports on its internet website.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. It is the intent of the Legislature in enacting this  
2 act to create labeling requirements for premoistened nonwoven  
3 disposable wipes that will enable consumers to easily identify  
4 which premoistened nonwoven disposable wipes are composed of  
5 petrochemical-derived fibers and therefore are not safe to dispose  
6 of using sanitary sewer systems, in order to protect public health,  
7 the environment, water quality, and public infrastructure used for  
8 the collection, transport, and treatment of wastewater.

9 SEC. 2. Part 9 (commencing with Section 49650) is added to  
10 Division 30 of the Public Resources Code, to read:

11  
12 PART 9. PREMOISTENED NONWOVEN DISPOSABLE  
13 WIPES  
14

15 49650. For purposes of this part, the following definitions  
16 apply:

17 (a) "Covered entity" means the manufacturer of a covered  
18 product that is sold in the state or offered for sale in the state.  
19 "Covered entity" includes a wholesaler, supplier, or retailer that  
20 is responsible for the labeling or packaging of a covered product.

21 (b) "Covered product" means a consumer product sold in the  
22 state or offered for sale in the state that is either of the following:

23 (1) A premoistened nonwoven disposable wipe marketed as a  
24 baby wipe or diapering wipe.

25 (2) A premoistened nonwoven disposable wipe that is both of  
26 the following:

27 (A) Composed entirely of or in part of petrochemical-derived  
28 fibers.



(B) Likely to be used in a bathroom and has significant potential to be flushed, including baby wipes, bathroom cleaning wipes, toilet cleaning wipes, hard surface cleaning wipes, disinfecting wipes, hand sanitizing wipes, antibacterial wipes, facial and makeup removal wipes, general purpose cleaning wipes, personal care wipes for use on the body, feminine hygiene wipes, adult incontinence wipes, adult hygiene wipes, and body cleansing wipes.

(c) “High contrast” means satisfying both of the following conditions:

(1) Is provided by either a light symbol on a solid dark background or a dark symbol on a solid light background.

(2) Has at least 70 percent contrast between the symbol artwork and background using the following formula:

(A)  $(B1 - B2) / B1 * 100 = \text{contrast percentage}$ .

(B) B1 = the light reflectance value of the lighter area and B2 = the light reflectance value of the darker area.

(d) (1) “Label notice” means the phrase “Do Not Flush” and the size of the label notice shall be equal to at least 2 percent of the surface area of the principal display panel in size.

(2) For covered products regulated pursuant to the Federal Hazardous Substances Act (15 U.S.C. Sec. 1261 et seq.) by the United States Consumer Product Safety Commission under Section 1500.121 of Title 16 of the Code of Federal Regulations, if the label notice requirements in paragraph (1) would result in a type size larger than first aid instructions pursuant to the Federal Hazardous Substances Act, then the type size for the label notice shall, to the extent permitted by federal law, be equal to or greater than the type size required for the first aid instructions.

(3) For covered products required to be registered by the United States Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.), if the label notice requirements in paragraph (1) would result in a type size on the principal display panel larger than a warning pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, then the type size for the label notice shall, to the extent permitted by federal law, be equal to or greater than the type size required for the “keep out of reach of children” statement under the Federal Insecticide, Fungicide, and Rodenticide Act.



1 (e) (1) “Principal display panel” means the side of the product  
2 package that is most likely to be displayed, presented, or shown  
3 under customary conditions of display for retail sale.

4 (2) In the case of a cylindrical or nearly cylindrical package,  
5 the surface area of the principal display panel constitutes 40 percent  
6 of the product package as measured by multiplying the height of  
7 the container by the circumference.

8 (3) In the case of a flexible film package in which a rectangular  
9 prism or nearly rectangular prism stack of wipes is housed within  
10 the film, the surface area of the principal display panel is measured  
11 by multiplying the length by the width of the side of the package  
12 when the flexible packaging film is pressed flat against the stack  
13 of wipes on all sides of the stack.

14 (f) “Symbol” means the “Do Not Flush” symbol, or a gender  
15 equivalent thereof, as depicted in the INDA/EDANA Code of  
16 Practice Second Edition and published within “Guidelines for  
17 Assessing the Flushability of Disposable Nonwoven Products,”  
18 Edition 4, May 2018. The symbol shall be sized equal to at least  
19 2 percent of the surface area of the principal display panel, except  
20 as specified in clause (iii) of subparagraph (B) of paragraph (1) of  
21 subdivision (a) of Section 49651.

22 49651. (a) Except as provided in subdivisions (b), (c), (d), and  
23 (f), a covered product manufactured on or after July 1, 2022, shall  
24 be labeled clearly and conspicuously in adherence with the  
25 following labeling requirements:

26 (1) In the case of cylindrical or near cylindrical packaging  
27 intended to dispense individual wipes, a covered entity shall  
28 comply with one of the following options:

29 (A) Place the symbol and label notice on the principal display  
30 panel in a location reasonably viewable each time a wipe is  
31 dispensed.

32 (B) Place the symbol on the principal display panel, and either  
33 the symbol or label notice, or the symbol and label notice in  
34 combination, on the flip lid, subject to the following:

35 (i) If the label notice does not appear on the flip lid, the label  
36 notice shall be placed on the principal display panel.

37 (ii) The symbol or label notice, or the symbol and label notice  
38 in combination, on the flip lid may be embossed, and in that case  
39 are not required to comply with paragraph (6).



1 (iii) The symbol or label notice, or the symbol and label notice  
2 in combination, on the flip lid shall cover a minimum of 8 percent  
3 of the surface area of the flip lid.

4 (2) In the case of flexible film packaging intended to dispense  
5 individual wipes, a covered entity shall place the symbol on the  
6 principal display panel and dispensing side panel and place the  
7 label notice on either the principal display panel or dispensing side  
8 panel in a prominent location reasonably visible to the user each  
9 time a wipe is dispensed. If the principal display panel is on the  
10 dispensing side of the package, two symbols are not required.

11 (3) In the case of refillable tubs or other rigid packaging intended  
12 to dispense individual wipes and be reused by the consumer for  
13 that purpose, a covered entity shall place the symbol and label  
14 notice on the principal display panel in a prominent location  
15 reasonably visible to the user each time a wipe is dispensed.

16 (4) In the case of packaging not intended to dispense individual  
17 wipes, a covered entity shall place the symbol and label notice on  
18 the principal display panel in a prominent and reasonably visible  
19 location.

20 (5) A covered entity shall ensure the packaging seams, folds,  
21 or other package design elements do not obscure the symbol or  
22 the label notice.

23 (6) A covered entity shall ensure the symbol and label notice  
24 have sufficiently high contrast with the immediate background of  
25 the packaging to render it likely to be seen and read by the ordinary  
26 individual under customary conditions of purchase and use.

27 (b) For covered products sold in bulk at retail, both the outer  
28 package visible at retail and the individual packages contained  
29 within shall comply with the labeling requirements in subdivision  
30 (a) applicable to the particular packaging types, except the  
31 following:

32 (1) Individual packages contained within the outer package that  
33 are not intended to dispense individual wipes and contain no retail  
34 labeling.

35 (2) Outer packages that do not obscure the symbol and label  
36 notice on individual packages contained within.

37 (c) If a covered product is provided within the same packaging  
38 as another consumer product for use in combination with the other  
39 product, the outside retail packaging of the other consumer product



1 does not need to comply with the labeling requirements of  
2 subdivision (a).

3 (d) If a covered product is provided within the same package  
4 as another consumer product for use in combination with the other  
5 product and is in a package smaller than three inches by three  
6 inches, the covered entity may comply with the requirements of  
7 subdivision (a) by placing the symbol and label notice in a  
8 prominent location reasonably visible to the user of the covered  
9 product.

10 (e) A covered entity, directly or through a corporation,  
11 partnership, subsidiary, division, trade name, or association in  
12 connection to the manufacturing, labeling, packaging, advertising,  
13 promotion, offering for sale, sale, or distribution of a covered  
14 product, shall not make any representation, in any manner,  
15 expressly or by implication, including through the use of a product  
16 name, endorsement, depiction, illustration, trademark, or trade  
17 name, about the flushable attributes, flushable benefits, flushable  
18 performance, or flushable efficacy of a covered product.

19 (f) (1) If a covered product is required to be registered by the  
20 United States Environmental Protection Agency under the Federal  
21 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et  
22 seq.) and the Department of Pesticide Regulation under Division  
23 6 (commencing with Section 11401) of the Food and Agricultural  
24 Code, then the covered entity shall submit a label compliant with  
25 the labeling requirements of subdivision (a) no later than January  
26 1, 2023, to the United States Environmental Protection Agency,  
27 and upon its approval, to the Department of Pesticide Regulation.

28 (2) If the United States Environmental Protection Agency or  
29 the Department of Pesticide Regulation does not approve a product  
30 label that otherwise complies with the labeling requirements of  
31 subdivision (a), the covered entity shall use a label with as many  
32 of the requirements of this section as the relevant agency has  
33 approved.

34 (g) A covered entity may include on a covered product words  
35 or phrases in addition to those required for the label notice if the  
36 words or phrases are consistent with the purposes of this part.

37 49652. (a) The California Consumer Education and Outreach  
38 Program is hereby established. As part of the program, covered  
39 entities, in collaboration with other covered entities, shall do all  
40 of the following:



1 (1) Participate in a collection study conducted in collaboration  
2 with wastewater agencies for the purpose of gaining understanding  
3 of consumer behavior regarding the flushing of covered products  
4 as a key input into the design of a consumer education and outreach  
5 program. The collection study shall be jointly coordinated by the  
6 California Association of Sanitation Agencies and a group of  
7 covered entities.

8 (2) Conduct a consumer opinion survey to identify baseline  
9 consumer behavior and awareness regarding the flushing or other  
10 disposal of covered products.

11 (3) Measure effectiveness of the consumer education program  
12 on consumer awareness of the symbol and label notice and  
13 consumer attitudes about disposal of covered products by  
14 conducting a subsequent consumer awareness survey comparing  
15 the baseline data provided by the 2022 survey with survey data  
16 from subsequent years. The surveys to determine the effectiveness  
17 and ongoing success of the consumer education program shall take  
18 place annually until December 31, 2026.

19 (b) Covered entities, either independently or in collaboration  
20 with other covered entities or other organizations, shall conduct a  
21 comprehensive multimedia education and outreach program in the  
22 state. At a minimum, the education and outreach program shall do  
23 both of the following:

24 (1) Promote consumer awareness and understanding of and  
25 compliance with the symbol and label notice requirements. Covered  
26 entities shall provide wastewater agencies with the consumer  
27 education messaging for the symbol and the label notice. The  
28 wastewater agencies may include the messaging as part of their  
29 routine communications with customers within their service area.

30 (2) Provide education and outreach in Spanish and English.

31 (c) Covered entities shall take reasonable steps to ensure that  
32 they do not promote products outside of the scope of this part as  
33 part of the education and outreach program.

34 (d) Covered entities shall take reasonable steps to ensure that  
35 their education and outreach program does not conflict with the  
36 programs of other covered entities or groups of covered entities.

37 (e) Covered entities, either independently or in collaboration  
38 with other covered entities, shall report to the Senate Committee  
39 on Environmental Quality, the Assembly Committee on  
40 Environmental Safety and Toxic Materials, and the State Water



1 Resources Control Board on their activities under this section on  
2 an annual basis. The State Water Resources Control Board shall  
3 post the reports on its internet website.

4 (f) The California Consumer Education and Outreach Program  
5 shall conclude on December 31, 2026.

6 (g) This section shall remain in effect only until January 1, 2027,  
7 and as of that date is repealed.

8 49653. (a) A person who violates Section 49651 may be  
9 enjoined in any court of competent jurisdiction.

10 (b) (1) A covered entity who violates Section 49651 may be  
11 liable for a civil penalty not to exceed two thousand five hundred  
12 dollars (\$2,500) per day, up to a maximum of one hundred  
13 thousand dollars (\$100,000) for each violation. That civil penalty  
14 may be assessed and recovered in a civil action brought in any  
15 court of competent jurisdiction.

16 (2) In assessing the amount of a civil penalty for a violation of  
17 Section 49651, the court shall consider all of the following:

18 (A) The nature, circumstances, extent, and gravity of the  
19 violation.

20 (B) The violator's past and present efforts to prevent, abate, or  
21 clean up conditions posing a threat to the public health or safety  
22 or the environment.

23 (C) The violator's ability to pay the proposed penalty.

24 (D) The effect that the proposed penalty would have on the  
25 violator and the community as a whole.

26 (E) Whether the violator took good faith measures to comply  
27 with this part and when these measures were taken.

28 (F) The deterrent effect that the imposition of the penalty would  
29 have on both the violator and the regulated community as a whole.

30 (G) Any other factor that justice may require.

31 (c) Actions may be brought pursuant to this section by the  
32 Attorney General in the name of the people of the state, by a district  
33 attorney, by a city attorney, by a county counsel, or by a city  
34 prosecutor in a city or city and county having a full-time city  
35 prosecutor.

36 (d) (1) Civil penalties collected pursuant to this section shall  
37 be paid to the office of the city attorney, county counsel, city  
38 prosecutor, district attorney, or Attorney General, whichever office  
39 brought the action.



1 (2) Moneys collected by the Attorney General pursuant to this  
2 subdivision shall be deposited into the Unfair Competition Law  
3 Fund established pursuant to Section 17206 of the Business and  
4 Professions Code.

5 49654. (a) The provisions of this part are severable. If any  
6 provision of this part or its application is held invalid, that  
7 invalidity shall not affect other provisions or applications that can  
8 be given effect without the invalid provision or application.

9 (b) The Legislature finds and declares that this part addresses  
10 a matter of statewide concern rather than a municipal affair as that  
11 term is used in Section 5 of Article XI of the California  
12 Constitution. Therefore, this part applies to all cities, including  
13 charter cities. This part supersedes and preempts all rules,  
14 regulations, codes, ordinances, and other laws adopted by a city,  
15 county, city and county, municipality, or local agency regarding  
16 the labeling of covered products.



## Attachment 4

### SB 230 (Portantino) - Fact Sheet and Bill Text



# **SB 230 (Portantino)**

## **Statewide Constituents of Emerging Concern**

### **Drinking Water Program**

#### **PROBLEM**

Constituents of Emerging Concern (CECs) are a diverse group of chemicals and microorganisms that are not currently regulated in drinking water. They can be detected in very small amounts. Over the years, CECs have received growing public attention as potential pollutants in drinking water supplies. Yet, the full extent and risk of their presence is not well understood.

The Metropolitan Water District of Southern California and the California Municipal Utilities Association are co-sponsoring legislation in response to this growing issue that would establish a CEC Drinking Water Program at the State Water Resources Control Board (State Water Board). The program would set up a unified, consistent and science-based approach for assessing the public health and drinking water consequences of CECs, while identifying which CECs warrant further action.

#### **BACKGROUND**

Currently CECs can become regulated by the State Water Board in one of three ways: adoption of federal standards, after the Office of Environmental Health Hazard Assessment sets a public health goal, or by legislative mandate. In addition, the State Water Board can set notification levels and response levels as precautionary measures for contaminants that have not yet undergone or completed the regulatory standard setting process. All these processes have their own unique challenges and inefficiencies. The federal process relies upon the Contaminant Candidate List and the Unregulated Contaminant Monitoring Rule to identify and collect data on CECs -- this process can take several years before a final regulatory decision is made and may not focus on issues

specific to California. Similarly, the regulatory development process in California can be lengthy due to a lack of technical and financial resources. And while legislative approaches can address public concerns, they can be made without complete information on occurrence and health effects.

#### **SUMMARY**

Senate Bill 230 would require the State Water Board to establish and then maintain an ongoing, dedicated program for CECs to proactively improve the understanding of their occurrence and public health significance in drinking water sources. The state board would create a Science Advisory Panel to gather and develop information for the program. The bill would require the program to provide opportunities for public participation through periodic stakeholder meetings and workshops.

The bill would establish in the State Treasury the CEC Action Fund, which upon appropriation would be administered by the State Water Board. Monies in the fund could be used to establish and maintain the panel, collect occurrence data, develop standardized analytical methods to detect CECs, and support research to fill information gaps.

In addition, the bill authorizes the Board, upon appropriation to provide financial assistance to certain public water systems upon a showing that the costs of testing drinking water in compliance with this act would impose a financial hardship, with eligibility preference given to public water systems serving fewer than 10,000 individuals.

Office of Senator Anthony J. Portantino

SB 996– Fact Sheet

Contact: Tara McGee– (916) 651-4025 or [Tara.McGee@sen.ca.gov](mailto:Tara.McGee@sen.ca.gov)



## **EXISTING LAW**

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The California Safe Drinking Water Act requires the State Water Board to administer provisions relating to drinking water to protect public health. The State Water Board's duties include, but are not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable and safe supply of drinking water, enforcing the Federal Safe Drinking Water Act, and adopting and enforcing regulation.

## **SUPPORT**

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California Municipal Utilities Association  
(Sponsor)

Metropolitan Water District of Southern California (Sponsor)

**Version:** 1/19/2021





**Introduced by Senator Portantino**

January 19, 2021

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An act to add Article 3.6 (commencing with Section 116416) to Chapter 4 of Part 12 of Division 104 of the Health and Safety Code, relating to drinking water.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 230, as introduced, Portantino. State Water Resources Control Board: Constituents of Emerging Concern Program.

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. The state board's duties include, but are not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable and safe supply of drinking water, enforcing the federal Safe Drinking Water Act, and adopting and enforcing regulations.

This bill would require the state board to establish, maintain, and direct an ongoing, dedicated program called the Constituents of Emerging Concern Program to assess the state of information and recommend areas for further study on, among other things, the occurrence of constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The bill would require the state board to convene, by an unspecified date, the Science Advisory Panel to review and provide recommendations to the state board on CEC for further action, among other duties. The bill would require the state board to provide an annual report to the Legislature on the ongoing work conducted by the panel.

The bill would establish in the State Treasury the CEC Action Fund and would require moneys in the fund to be used, upon appropriation



by the Legislature, for costs associated with implementing and administering the program, as specified.

The bill would authorize the state board, upon appropriation by the Legislature, to provide financial assistance to certain public water systems upon a showing that the costs of testing drinking water in compliance with CEC monitoring requirements based on the recommendations of the panel would impose a financial hardship.

The bill would impose requirements on the state board in connection with the program, including, among others, maintaining a program internet website and making relevant research, reports, and data available to the public.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The United States Environmental Protection Agency
- 4 identifies potential contaminants through the federal Unregulated
- 5 Contaminant Monitoring Rule program.
- 6 (b) California adopts federally required monitoring from the
- 7 federal Unregulated Contaminant Monitoring Rule program.
- 8 (c) California establishes drinking water standards through the
- 9 State Water Resources Control Board, after the Office of
- 10 Environmental Health Hazard Assessment establishes a public
- 11 health goal.
- 12 (d) California administratively establishes notification levels
- 13 and response levels as precautionary measures for contaminants
- 14 that have not yet undergone or completed the regulatory standard
- 15 setting process.
- 16 (e) The process to identify, monitor, and consider a contaminant
- 17 for regulation may take many years.
- 18 (f) Analytical methods and technologies continue to advance
- 19 and allow detection of compounds at increasingly lower levels.
- 20 (g) The public's concern and engagement with constituents of
- 21 emerging concern has increased in recent years.
- 22 (h) The Legislature has implemented separate requirements for
- 23 certain chemicals.



1 (i) A unified, consistent, and science-based framework is desired  
2 to more rapidly assess the public health and drinking water  
3 consequences of a broad spectrum of constituents of emerging  
4 concern.

5 (j) Proactive measures to support existing regulatory processes  
6 are needed without interfering with or duplicating other state efforts  
7 on constituents of emerging concern.

8 (k) Paragraph (1) of subdivision (b) of Section 116350 of the  
9 Health and Safety Code gives the State Water Resources Control  
10 Board the responsibility to conduct research relating to the  
11 provision of a dependable, safe supply of drinking water.

12 (l) A Constituents of Emerging Concern Action Fund should  
13 be established to maintain a program to improve the timeliness of  
14 understanding the occurrence and public health effects of  
15 constituents of emerging concern and to support the creation of a  
16 science advisory panel to assist the State Water Resources Control  
17 Board in its considerations for prioritizing and making regulatory  
18 determinations for constituents of emerging concern.

19 SEC. 2. Article 3.6 (commencing with Section 116416) is  
20 added to Chapter 4 of Part 12 of Division 104 of the Health and  
21 Safety Code, to read:

22  
23 Article 3.6. Constituents of Emerging Concern Program  
24

25 116416. For purposes of this article, the following definitions  
26 apply:

27 (a) “CEC” means a constituent or constituents of emerging  
28 concern.

29 (b) “Panel” means the Science Advisory Panel convened  
30 pursuant to Section 116418.

31 (c) “Program” means the Constituents of Emerging Concern  
32 Program established pursuant to Section 116417.

33 116417. (a) The state board shall establish, maintain, and direct  
34 an ongoing, dedicated program called the Constituents of Emerging  
35 Concern Program to assess the state of information and recommend  
36 areas for further study on all of the following:

37 (1) The occurrence of CEC in drinking water sources and treated  
38 drinking water.

39 (2) Fate, transport, and biodegradation of CEC.

40 (3) Water treatment and laboratory analyses.



1 (4) The potential effects on public health of CEC in drinking  
2 water sources and treated drinking water.

3 (b) Nothing in this article limits the state board's existing  
4 authority to act on CEC.

5 116418. (a) The state board shall convene by \_\_\_\_ the Science  
6 Advisory Panel for CEC in drinking water sources and treated  
7 drinking water.

8 (b) The panel shall include at least seven members comprised  
9 of experts from the fields of public health sciences, water and  
10 wastewater engineering, toxicology, epidemiology, chemical  
11 sciences, and biological sciences.

12 (c) The panel shall review and provide recommendations to the  
13 state board on CEC for further action in accordance with Section  
14 116419.

15 (d) The state board may adjust panel membership numbers and  
16 composition, as necessary.

17 (e) The panel is not subject to Section 116725 or 116730.

18 116419. (a) The panel's advisory duties may include all of the  
19 following activities at the state board's request, in consultation, as  
20 needed, with the Office of Environmental Health Hazard  
21 Assessment and the Department of Toxic Substances Control:

22 (1) Review existing data for CEC collected by the state board  
23 and nationwide by the United States Environmental Protection  
24 Agency's Unregulated Contaminant Monitoring Rule program and  
25 recommend to the state board further actions based on state-specific  
26 conditions and the state's CEC initiatives.

27 (2) Identify CEC candidates based on potential public health  
28 effects.

29 (3) Incorporate recommendations from other ongoing state  
30 efforts evaluating CEC.

31 (4) Evaluate and recommend a framework for standardizing  
32 and validating detection methods, new screening methods,  
33 monitoring approaches, and reporting procedures for CEC.

34 (5) Recommend a framework for a risk-based screening program  
35 for CEC and appropriate indicators and surrogates that consider  
36 their occurrence in drinking water sources and treated drinking  
37 water supplies, contribution and fate in the environment, and  
38 potential for human exposure.

39 (6) Recommend a process to ensure CEC data is integrated with  
40 existing state databases.



1 (7) Review the results of any screening program and provide  
2 recommendations to assist the state board in prioritizing,  
3 monitoring, and making regulatory determinations for CEC.

4 (b) The state board shall provide an annual report to the  
5 Legislature in compliance with Section 9795 of the Government  
6 Code on the ongoing work conducted by the panel. The state board  
7 shall complete a public review of an annual report before  
8 submitting it to the Legislature.

9 (c) Nothing in this section duplicates, changes, or interferes  
10 with the state board's ongoing efforts on CEC in recycled water.

11 116420. If the state board imposes CEC monitoring  
12 requirements based on the recommendations of the panel, the state  
13 board may provide financial assistance, upon appropriation by the  
14 Legislature for this purpose, to a public water system upon a  
15 showing that the costs associated with testing drinking water in  
16 compliance with those requirements would impose a financial  
17 hardship. These funds shall be dedicated for use by public water  
18 systems serving fewer than 10,000 individuals and located in  
19 disadvantaged communities.

20 116421. The Legislature finds and declares that the program  
21 is intended to help inform the state board in making regulatory  
22 determinations for CEC and is not intended to supersede any  
23 requirements related to setting a maximum contaminant level or  
24 a public health goal as prescribed in Section 116365.

25 116422. (a) The CEC Action Fund is hereby established in  
26 the State Treasury. The state board shall administer the CEC Action  
27 Fund.

28 (b) All moneys deposited in the CEC Action Fund shall be used,  
29 upon appropriation by the Legislature, in support of all of the  
30 following:

31 (1) Costs associated with establishing and maintaining the panel,  
32 developing standardized methods and a risk-based screening  
33 program, collecting occurrence data, and reporting on those  
34 activities.

35 (2) Costs associated with developing standardized analytical  
36 methods internally by the state board or through external contracts  
37 or grants.

38 (3) Costs associated with contracts or grants to public or private  
39 external research organizations to fill research gaps.



1 (4) Other state board costs associated with implementing and  
2 administering the program.

3 (c) The state board shall provide for the deposit into the CEC  
4 Action Fund of federal contributions, voluntary contributions,  
5 gifts, grants, bequests, transfers by the Legislature from the General  
6 Fund, and funding from authorized general obligation bond acts.  
7 All moneys remitted to the state board pursuant to this section  
8 shall be deposited in the CEC Action Fund.

9 116423. (a) The program shall provide opportunities for public  
10 participation. The state board may use models used by other panels  
11 or programs administered by the state board for community and  
12 stakeholder outreach pursuant to this section. Public participation  
13 shall include, but not be limited to, conducting periodic stakeholder  
14 meetings and workshops to solicit relevant information, data,  
15 suggestions, and feedback for the development and implementation  
16 of the program.

17 (b) The state board shall maintain a program internet website  
18 and make relevant research, reports, and data available to the  
19 public.

20 (c) The state board shall provide an annual program update, as  
21 an informational item, at a regularly noticed meeting of the state  
22 board.



## Attachment 5

SB 273 (Hertzberg) - Fact Sheet, Joint Coalition Letter (CASA, CMUA, ACWA) and Bill Text





## **Senate Bill 273**

### **Stormwater Capture and Diversion Authority**

*Introduced on January 29, 2021*

#### **SUMMARY**

SB 273 authorizes municipal wastewater agencies to enter into voluntary agreements with entities responsible for stormwater management – including municipal, industrial, and commercial stormwater dischargers – to more effectively manage stormwater and dry weather runoff.

#### **ISSUE**

From 2012 to 2016, California experienced the most severe drought on record. The historic event provided a window into the looming challenges facing California’s entire water sector. Climate projections show that extremely high temperatures, coupled with times of heavy precipitation, will become even more common. In order to meet the challenges of an unpredictable and water-scare future, a diversified and flexible water portfolio is essential.

Stormwater is a highly valuable resource that, if carefully managed, can augment state and local water supply. The capture and treatment of stormwater and dry weather runoff has significant environmental benefits, and can be used to augment recycled water supplies for groundwater recharge, landscape and agricultural irrigation, and surface water augmentation. While local governments would benefit from utilizing innovative approaches to stormwater capture and reuse, they often face several barriers to funding and maintaining stormwater projects.

Municipal wastewater agencies, responsible for sewage and industrial wastes, are equipped with the existing infrastructure, capacity, and water quality expertise that could assist with gaps in stormwater management. However, current law grants explicit stormwater capture authority to a just few specific municipal wastewater agencies that have sought the explicit ability to do so through piecemeal legislation.

Recognizing the need for action, the Newsom Administration’s Water Resiliency Proposal, released in July 2020, specifically recommends providing statewide authority for wastewater facilities to accept stormwater and incentivize stormwater permittees to divert their captured stormwater at times when wastewater facilities have the capacity to accept such diversions.<sup>1</sup>

#### **SB 273 (Hertzberg)**

SB 273 supplements the existing authority of all municipal wastewater agencies to enter into projects to divert and treat stormwater and dry weather runoff. Any agreement, project, or use of this authority is completely voluntary for all entities involved. The bill will therefore promote regional interagency cooperation, improve water quality, and make efficient use of publicly owned infrastructure by removing onerous barriers that prevent stormwater capture, treatment and recycling.

#### **SUPPORT**

California Association of Sanitation Agencies (Sponsor)

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<sup>1</sup> California Department of Water Resources, *California Water Resilience Portfolio*, July 2020, Page 20.





**CMUA**  
CALIFORNIA MUNICIPAL UTILITIES  
ASSOCIATION



February 19, 2021

The Honorable Mike McGuire, Chair  
Senate Governance and Finance Committee  
State Capitol, Room 408  
Sacramento, CA 95814

RE: SB 273 (Hertzberg): Support

Dear Senator McGuire,

The California Association of Sanitation Agencies (CASA) and undersigned organizations strongly support SB 273, which would authorize any wastewater treatment entity in California to undertake voluntary programs and projects to divert and treat industrial, commercial, and municipal stormwater and dry weather runoff. CASA is statewide trade association representing a variety of public agencies that provide essential public services to millions of Californians, including wastewater collection, treatment, and disposal, as well as water recycling, biosolids management, and renewable energy deployment.

Wastewater treatment in California is provided by a variety of types of governmental entities based on differing community needs and history. Our members include cities, counties, joint powers authorities, and a variety of independent and dependent special districts such as municipal utility districts, water districts, community services districts, sanitation districts, sanitary districts, and county sanitation districts. Each of these types of districts has specific statutory authority that governs the provision of wastewater service in their communities.

For a very long time (and for good reason) wastewater and stormwater have been managed through separate systems in the vast majority of California jurisdictions. Wastewater is managed by the wastewater provider through the sanitary sewer systems, and stormwater is managed by municipalities under a separate permit in a stormwater system. One of the reasons this has historically been the case is to ensure the large influx of stormwater during major wet weather events doesn't overwhelm the sanitary sewer system, which can produce overflows and threaten the system's ability to protect water quality through effective treatment.

As California's demand for potable water continues to increase, so too does the desire to offset the use of potable water with other sources of underutilized supply, such as stormwater and recycled water. Additionally, there has been a significant regulatory focus in recent years on the water quality implications associated with stormwater discharges, and accordingly, regulatory requirements have evolved to limit the introduction of pollutants from stormwater into receiving waters. Compliance with the regulatory requirements for stormwater discharges, which falls on industrial sites and local governments, can be quite burdensome.

At the same time, many communities are beginning to embrace the "one-water" approach to water management and are considering their best options for optimizing water quality and supply in their watersheds. In recent years, some municipalities with stormwater management responsibility have turned to their wastewater treatment providers to assist with stormwater discharge obligations given their existing treatment systems and expertise. Where projects like these are viable, local control and voluntary agreements



can provide mutually beneficial arrangements to jointly achieve local water quality objectives, and in the right circumstances, can supplement local recycled water supply.

However, some types of special districts are arguably limited in their authorizing acts to providing only wastewater treatment and disposal and could be precluded from entering into projects involving the diversion and treatment of stormwater or dry weather runoff. While this limitation has never prompted a legal challenge, it has resulted in several wastewater districts seeking explicit legislative approval to enter into projects of this nature (SB 485 (Hernandez, Chapter 678, Statutes of 2015), AB 810 (Campbell, Chapter 209, Statutes of 2001), and AB 1892 (Harman, Chapter 79, Statutes of 2002). Notably, the Governor's Water Resilience Portfolio explicitly proposes the approach outlined in this bill as a priority action for supporting cities and counties to make stormwater a growing share of their supply (Proposal 5.4).

SB 273 would extend the authority to voluntarily enter into projects involving the diversion and treatment of stormwater or dry weather runoff to all wastewater providers in California. Furthermore, it would ensure that exercise of this authority requires full voluntary agreement between all of the governmental entities involved in a proposed project, and affords the protocols and protections required by existing law for these kinds of projects (including existing ratepayer processes). Together, we believe this legislation promotes regional water management innovation and creates an additional tool for local control.

For these reasons we strongly support SB 273 and we respectfully request your "aye" vote when it is heard in the Senate Governance and Finance Committee.

Sincerely,



Jessica Gauger  
Director of Legislative Advocacy  
California Association of Sanitation Agencies



Danielle Blacet-Hyden  
Deputy Executive Director  
California Municipal Utilities Association



Julia Hall  
Senior Legislative Advocate  
Association of California Water Agencies

CC: Tammy Trinh, Office of Senator Hertzberg



**Introduced by Senator Hertzberg**

January 29, 2021

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An act to add Chapter 11.5 (commencing with Section 13910) to Division 7 of the Water Code, relating to water quality.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 273, as introduced, Hertzberg. Water quality: municipal wastewater agencies.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of stormwater by municipalities and industries in accordance with the National Pollutant Discharge Elimination System permit program and the Porter-Cologne Water Quality Control Act. Existing law requires regulated municipalities and industries to obtain a stormwater permit.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified.

This bill would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating 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 bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of



2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Chapter 11.5 (commencing with Section 13910)  
2     is added to Division 7 of the Water Code, to read:

3  
4             CHAPTER 11.5. MUNICIPAL WASTEWATER AGENCIES

5  
6     13910. The Legislature finds and declares all of the following:

7     (a) Fostering regional cooperative efforts to improve water  
8     quality and local sustainable water supply is fundamental for  
9     developing California's 21st century water portfolio.

10    (b) Stormwater capture, treatment, and use as a water supply is  
11    increasingly viewed as an innovative opportunity to improve water  
12    quality where it is viable and economically feasible.

13    (c) Municipal wastewater agencies have existing infrastructure,  
14    capacity, and expertise that could be used to assist in meeting the  
15    state's water quality and water supply goals when circumstances  
16    allow, while allowing wastewater agencies to still meet their  
17    primary goals of meeting water quality requirements for wastewater  
18    discharge and avoiding sanitary sewer overflows. However, in  
19    some circumstances municipal wastewater agencies may need  
20    explicit legislative authority before they can pursue certain types  
21    of projects.

22    (d) In order to promote regional interagency cooperation,  
23    improve the quality of the waters of the state, and make efficient  
24    use of publicly owned infrastructure, it would be beneficial if  
25    municipal wastewater agencies had the authority to enter into



1 voluntary agreements for stormwater projects in the future, where  
2 cost effective and regionally suitable.

3 13911. (a) A municipal wastewater agency may enter into  
4 agreements with entities responsible for stormwater management,  
5 including, but not limited to, municipal, industrial, and commercial  
6 stormwater dischargers subject to this division, for the purpose of  
7 managing stormwater and dry weather runoff.

8 (b) A municipal wastewater agency may acquire, construct,  
9 expand, operate, maintain, and provide facilities for any of the  
10 following purposes:

11 (1) The diversion of stormwater and dry weather runoff from  
12 the stormwater system to the wastewater collection or treatment  
13 system.

14 (2) The management and treatment of stormwater and dry  
15 weather runoff.

16 (3) The discharge of treated urban runoff and stormwater to the  
17 stormwater drainage system or receiving waters.

18 (4) The beneficial reuse of captured urban runoff and  
19 stormwater.

20 13912. (a) A municipal wastewater agency may do any of the  
21 following:

22 (1) To the extent permitted by federal law, authorize the  
23 discharge of stormwater or dry weather runoff captured at industrial  
24 and commercial sites to the wastewater collection or treatment  
25 system subject to any requirements that may be imposed by the  
26 municipal wastewater agency or public agency that owns and  
27 operates the tributary collection system.

28 (2) In order to carry out the powers granted, and the purposes  
29 established, under this chapter, exercise any of the powers  
30 otherwise granted to it by law, including, but not limited to,  
31 enforcing compliance with local, state, and federal water quality  
32 requirements through the implementation of the municipal  
33 wastewater agency's industrial pretreatment programs and ensuring  
34 that the project or program is consistent with local watershed  
35 priorities, obligations, and circumstances.

36 (3) Levy taxes, fees, and charges consistent with the municipal  
37 wastewater agency's existing authority in order to fund projects  
38 undertaken pursuant to this chapter.

39 (b) The exercise of any new authority granted under this chapter  
40 is subject to and shall comply with the Cortese-Knox-Hertzberg



1 Local Government Reorganization Act of 2000 (Division 3  
2 (commencing with Section 56000) of Title 5 of the Government  
3 Code).

4 13913. (a) An agreement, project, or use of authority  
5 authorized under this chapter shall be completely voluntary for all  
6 participating entities.

7 (b) Nothing in this chapter shall be construed to interfere with  
8 any existing programs or projects, authorities, or obligations for  
9 municipal wastewater agencies or stormwater dischargers.

10 (c) It is the intent of the Legislature in enacting this chapter  
11 merely to allow local agencies interested in pursuing the types of  
12 projects described in this chapter to proceed without additional  
13 legislative changes to their authorizing statutes.

14 13914. Nothing in this chapter shall be construed to alter or  
15 interfere with any of the following:

16 (a) Existing water rights to water from any source, including  
17 any adjudicated rights allocated by a court judgment or order,  
18 including any physical solution, rights issued by the state or a state  
19 agency, and rights acquired pursuant to any federal or state statute.

20 (b) Existing water rights law.

21 (c) Any rights, remedies, or obligations that may exist pursuant  
22 to Article 1 (commencing with Section 1200) or Article 1.5  
23 (commencing with Section 1210) of Chapter 1 of Part 2 of Division  
24 2 of this code, Chapter 10 (commencing with Section 1700) of  
25 Part 2 of Division 2 of this code, or Chapter 8.5 (commencing with  
26 Section 1501) of Part 1 of Division 1 of the Public Utilities Code.

27 13915. For purposes of this chapter, the following definitions  
28 apply:

29 (a) “Local agency” includes, but is not limited to, a city, county,  
30 special district, joint powers authority, sanitary district, sanitation  
31 district, county sanitation district, community services district, and  
32 municipal utility district.

33 (b) “Municipal wastewater agency” means a local agency that  
34 chooses to exercise any authority granted under this chapter.

35 SEC. 2. If the Commission on State Mandates determines that  
36 this act contains costs mandated by the state, reimbursement to  
37 local agencies and school districts for those costs shall be made



1 pursuant to Part 7 (commencing with Section 17500) of Division  
2 4 of Title 2 of the Government Code.

O



INFORMATION  
ITEM  
2A



# Regulatory Update: Water Use Efficiency





# Changes in Water Use Efficiency Regulatory Policy

## 2007: AB 1420

**Urban water suppliers** must demonstrate implementation of DMMs in 2010 UWMPs to be eligible for State grant and loan funding

## 2009: SB X7-7

**Retail agencies** must set a 20% reduction in gpcd water use by 2020 (and 10% reduction by 2015) for State grant and loan eligibility. **Water suppliers** must meet the goals

## 2018: SB 606/AB 1668

**Urban retail water suppliers** must calculate a WUO by 11/2023 and every year thereafter. Penalties for not meeting WUO are up to \$10,000/day (after a grace period)



# Calculating an Urban Water Use Objective

Indoor Residential



+

Outdoor Residential



+

Outdoor CII



+

Water Losses



Indoor Standard =  
 $55 \text{ GPCD} * \text{Pop.} * 365 \text{ days}$

GPCD will reduce to 52.5 by  
2030 and 50 after 2030

Outdoor Target =  
 $(\text{Act. Evaporation} - \text{Eto}) * (\text{Landscape Area}) * (\text{Evaporation Adj. Factor})$

DWR will provide residential  
landscape area measurements for  
each agency by Jan 2021

CII Outdoor Standard is TBD

DWR will develop  
recommendations via a stakeholder  
process.

Loss Target =  
 $(\text{Loss Standard per Connection}) * (\text{Number of Connections})$

State to adopt water loss standards  
for urban retail water providers by  
1 July 2020.

+ Variances + Recycled Water Bonus

= Water Supplier's Unique Water Use Objective



# Status of State Agencies Workgroups

Workgroup	Status	Deadline
Wholesale Water Loss	✓ Completed report to the legislature	
Urban Water Management Plan Guidebook (DWR)	<ul style="list-style-type: none"> <li>Kick-off: March 10, 2020</li> <li>Draft Guidebook Workshop: 9/16/20</li> </ul>	Early 2021 UWMPs due 7/1/2021
Annual Water Supply and Demand Assessment (DWR Guidance)	<ul style="list-style-type: none"> <li>Kick-off: March 9, 2020</li> <li>Webinar 1/27/2021</li> </ul>	Must be submitted with UWMP 7/1/21
Landscape Area Workgroup	<ul style="list-style-type: none"> <li>Kick-off: February 26, 2020</li> <li>Last mtg: 2/12/2021</li> </ul>	Jan. 1, 2021 to provide water suppliers w/data
Water Use Studies Workgroup (indoor water use study, variances, CII BMPs)	<ul style="list-style-type: none"> <li>Kick-off: November 2019</li> <li>Study not yet published</li> </ul>	Jan. 1, 2021
Standards, Methodologies, and Performance Measures Workgroup	<ul style="list-style-type: none"> <li>Kick-off: October 28, 2020</li> <li>Last mtg: 2/24/2021</li> </ul>	DWR recommendations to SWRCB by October 21, 2021
Data Streamlining Workgroup	<ul style="list-style-type: none"> <li>Not yet kicked off</li> </ul>	No deadline



# Data Sources – Supplier Landscape Area (LAs)

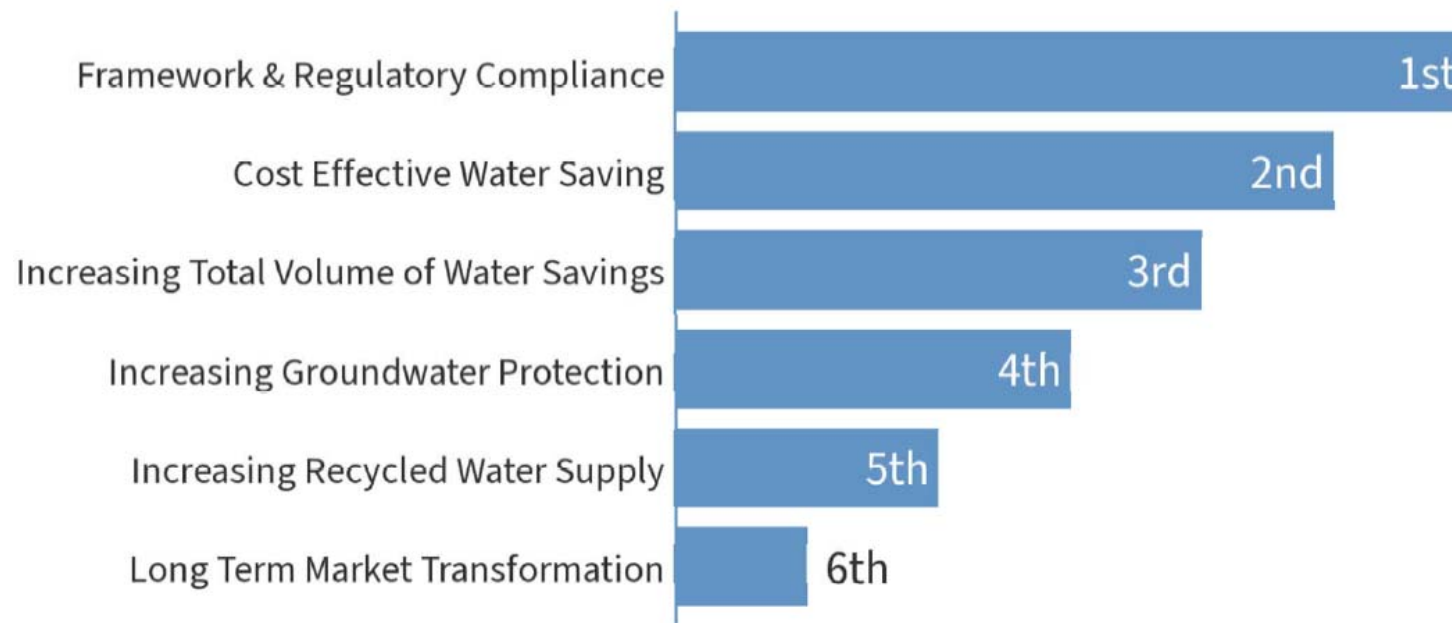
- LAs data is provided to suppliers by DWR
- DWR produced three classes of supplier level aggregated landscape areas
  - Irrigable-Irrigated (LAs-II)
  - Irrigable-Not-Irrigated (LAs-INI)
  - Not Irrigable (LAs-NI)
- Irrigable landscape area is the sum total of LAs-II and LAs-INI
  - Irrigable = LAs-II + LAs-INI
- All retail water suppliers will receive their landscape area by the end of March 2021
- LAM Stakeholder meeting in April 2021





# Recent Survey of IEUA Member Agency WUE Priorities

## What are Your Agency's Overall Objectives for WUE?







## IEUA Established Forum for Regional WUE Advocacy

“Divide and Conquer” meetings

Share Info

Regional Analysis

Comment Regionally, as appropriate





INFORMATION  
ITEM  
2B



**Date:** March 17, 2021

**To:** The Honorable Board of Directors

*ADD*  
**From:** Shivaji Deshmukh, General Manager

**Committee:** Community & Legislative Affairs

03/10/21

**Executive Contact:** Kathy Besser, Executive Manager of Government & Ext. Affairs/AGM

**Subject:** Public Outreach and Communication

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**Executive Summary:**

- March 7-13, Groundwater Awareness Week
- March 15-22, Fix a Leak Week
- March 22, World Water Day

The Agency celebrated Engineers Week throughout the last week of February by sharing an update on the progress the Agency's engineers have made on the RP-5 Expansion and highlighted three of IEUA's engineers. Staff held a virtual field trip during Engineers Week. With more than 80 fifth grade students in attendance, staff gave an overview of IEUA and completed a foil boat activity incorporating STEAM components.

Staff launched the Water Scout Badge Program for Boy Scouts and Girl Scouts and began promoting it on the Agency's social media channels. The program, which is offered as a resource under Owlle's Virtual Adventures, offers scouts the opportunity to earn a Fun Badge upon completion.

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**Staff's Recommendation:**

This is an informational item for the Board of Directors to receive and file.

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**Budget Impact** *Budgeted (Y/N): Y    Amendment (Y/N): N    Amount for Requested Approval:*

*Account/Project Name:*

*Fiscal Impact (explain if not budgeted):*



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**Prior Board Action:**

N/A

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**Environmental Determination:**

Not Applicable

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**Business Goal:**

IEUA is committed to providing a reliable and cost-effective water supply and promoting sustainable water use throughout the region.

IEUA is committed to enhancing and promoting environmental sustainability and the preservation of the region's heritage.

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**Attachments:**

Attachment 1 - Background



## Background

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Subject: Public Outreach and Communication

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### March

- March 4, World Engineering Day
- March 5, Employee Appreciation Day
- March 7-13, Groundwater Awareness Week
- March 12, International Grant Professionals Day
- March 15-22, Fix a Leak Week
- March 22, World Water Day

### Media and Outreach

- Staff continues to publish reels on the @IEUAWater and @chinocreekwetlands social media profiles. Recently, the @chinocreekwetlands reels profile showcased just under 2,000 views per reel for the most recently published.
- The Agency continues to remind the public of what can and cannot be flushed through the *No Wipes in the Pipes* campaign. External Affairs staff is working with the Collections team to develop additional messaging and campaign images for outreach purposes, as well as content for messaging on proper FOG disposal.
- The Agency recognized World Wetlands Day on social media by educating the public on the importance of wetlands and published a video taking viewers on a virtual tour of the Chino Creek Wetlands and Educational Park.
- Staff began promoting the Agency's annual Water is Life Student Art Poster Contest through videos and story posts on social media.
- The Agency celebrated Engineers Week throughout the last week of February by sharing an update on the progress the Agency's engineers have made on the RP-5 Expansion, hosting a virtual field trip in which staff led an engineer-themed activity and highlighted three of IEUA's engineers.
- Staff recognized Skip the Straw Day on social media by sharing a post on the importance of practicing sustainability in order to contribute to a healthy environment.
- The Agency continues to publish content on LinkedIn and has gained 36 followers since January 2020 with 712 page views in the last 30 days.
- February: 21 posts were published to the IEUA Facebook page, 23 posts were published to IEUA's Instagram grid, 23 tweets were sent on the @IEUAWater Twitter handle, and seven posts were published to the IEUA LinkedIn page.
  - The top three Facebook posts, based on reach and engagement, in the month of February were:
    - 2/7 Super Bowl Sunday (What Cannot Be Flushed)
    - 2/2 World Wetlands Day: Virtual Chino Creek Wetlands and Educational Park Tour
    - 2/14 Valentine's Day (Appreciation Post)
  - The top three Twitter tweets, based on reach and engagement, in the month of



February were:

- 2/7 Super Bowl Sunday (What Cannot Be Flushed)
- 2/17 Water Word Wednesday
- 2/22 Engineers Week: Thank You Post
- The top three Instagram posts, based on reach and engagement, in the month of February were:
  - 2/7 Super Bowl Sunday (What Cannot Be Flushed)
  - 2/2 World Wetlands Day
  - 2/23 Engineers Week: RP-5 Expansion Progress Time-lapse
- The top three LinkedIn posts, based on impressions and reactions, in the month of February were:
  - 2/3 Employee Recognition Post: Senior Engineer Joshua Aguilar SAWPA Blog Feature
  - 2/1 Employee Recognition Post: Deputy Manager of Strategic Planning & Resources Pietro Cambiaso on California Public Utilities Commission's Clean Energy Finance Workshop Panel
  - 2/8 News Release: Agency Receives Five Awards from CWEA
- An education ad ran in the *Chino Valley Champion's Chino Connection Magazine* section on February 20.
- A Nextdoor ad ran on February 25 featuring the new Water Scout Badge Program.

For the month of February, there were 13,604 searches for a park in IEUA's service area on Yelp, where Chino Creek Wetlands and Educational Park was viewed 1,043 times on a mobile device.

#### Education and Outreach Updates

- Staff held a virtual field trip during National Engineers Week. With more than 80 fifth grade students in attendance, staff gave an overview of IEUA and completed a foil boat activity incorporating STEAM components.
- Staff launched the Water Scout Badge Program for Boy Scouts and Girl Scouts and began promoting it on the Agency's social media channels. The program, which is offered as a resource under Owlle's Virtual Adventures, offers scouts the opportunity to earn a Fun Badge upon completion.
- Staff is promoting the Agency's 2021 "Water is Life" Student Art Poster Contest. Staff is developing an efficient digital submission process. The deadline to submit posters for the 2021 contest has been extended to April 1.
- The Garden in Every School® program is moving forward with the installation of a water-wise garden at St. Joseph School (Upland). CBWCD has installed irrigation lines and raised garden beds, and students have been watching their garden installation via ZOOM. Kindergarten students returned to campus Monday, February 22. First through six grades will return to on-campus learning Monday, March 1. Safety measures remain in place while CBWCD is onsite. St. Joseph included IEUA's Plant Factory How-To video on YouTube as part of their garden curriculum. Randall Pepper Elementary School (Fontana) and Loving Savior of the Hills (Chino Hills) remain on hold.
- Solar Cup 2021 is underway. The first virtual challenge is a "Blender Challenge" consisting of two parts. The first involves playing a video game that was created for this



year's Solar Cup. Students played the game as many times as possible to earn points. The second part showed students how to build the game using 3D modeling and animation using Blender and the Armory 3D game engine programs. Students have learned skills to enhance the game and/or build another computer game of their own design. Students earned points for different models created. The first challenge deadline was February 24. Chino Hills High School, the winner of last year's competition, is participating in this year's program.

#### Agency-Wide Membership Updates

- Randy Lee, Executive Manager of Operations/AGM, attended the NWRI Board of Directors Meeting January 12.
- Richard Lao, Senior Environmental Resources Planner, attended the Southern California Alliance of Publicly Owned Treatment Works (SCAP) Air Quality Committee Meeting on January 13.
- Richard Lao, Senior Environmental Resources Planner, attended the California Association of Sanitation Agencies (CASA) Water Regulatory Working Group Committee Meeting on January 21.
- Richard Lao, Senior Environmental Resources Planner, attended the California Association of Sanitation Agencies (CASA) Air Quality, Climate Change, and Energy Workgroup Meeting on January 26.



INFORMATION  
ITEM  
2C





**February 26, 2021**

**To:** Inland Empire Utilities Agency

**From:** Michael Boccadoro  
Beth Olhasso

**RE:** February Report

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Overview:

It's that time of year when water managers start to look very closely at the sierra snowpack, reservoir storage and drought numbers—and the numbers aren't looking good. With San Luis Reservoir, the main south-of-Delta storage facility for the State Water Project, at 69 percent of average for this time of the year and 58 percent capacity and Oroville at 55 percent of average and 38 percent capacity, there is cause for worry. Adding further to the concern, the statewide snowpack is at just 54 percent of April 1 average and 64 percent of normal. Finally, all but the very northwest tip of the state is experiencing some sort of drought conditions with over 30 percent of the state experiencing extreme or exceptional drought. Water managers throughout the state are hoping for a "March Miracle" to help salvage the water year.

Recently, the Department of Water Resources (DWR) held the second Water Studies workgroup meeting to discuss "variance" recommendations in the developing water-use efficiency standards for the State Water Board to consider. It was discussed that the "principles of Model Water Efficient Landscape Ordinance (MWELO)" for outdoor irrigation using recycled water will be recommended at 1.0ET adjustment factor. The need for a variance beyond 1.0ET when using high TDS recycled water was also discussed.

On February 17, the California Public Utilities Commission released a white paper, "Utility Costs and Affordability of the Grid of the Future: An Evaluation of Electric Costs, Rates and Equity Issues." Generally, the paper projects potentially significant utility customer cost increases due to the state's efforts to harden the grid against wildfire and the pursuit of zero-emission transportation, a critical component to meet its greenhouse gas and climate goals.

Activity has really picked up in Sacramento with the February 19 bill introduction deadline now passed, the universe of legislation is now better known, and bills are starting to be set for committee hearings. There have been 1,560 Assembly bills and 808 Senate bills introduced for the first year of the two-year session. As expected, there is significant legislative effort to address issues concerning wildfire, COVID-19 relief, and affordable housing, among others. Additionally, there are quite a few bills that have been re-introduced from last year that were shelved because of the pandemic including flushable product labeling, creating a process for the SWRCB to regulate constituents of emerging concern, the Climate Resilience Bond and others. New measures have also been introduced that would lower the Gallons Per Capita Daily (GPCD) targets for indoor water use, and a bill that would drastically change the process by which waste discharge permits are issued. Policy committees will start to meet and hear bills ahead of the April 30 deadline for bills to be out of their first house policy committee.

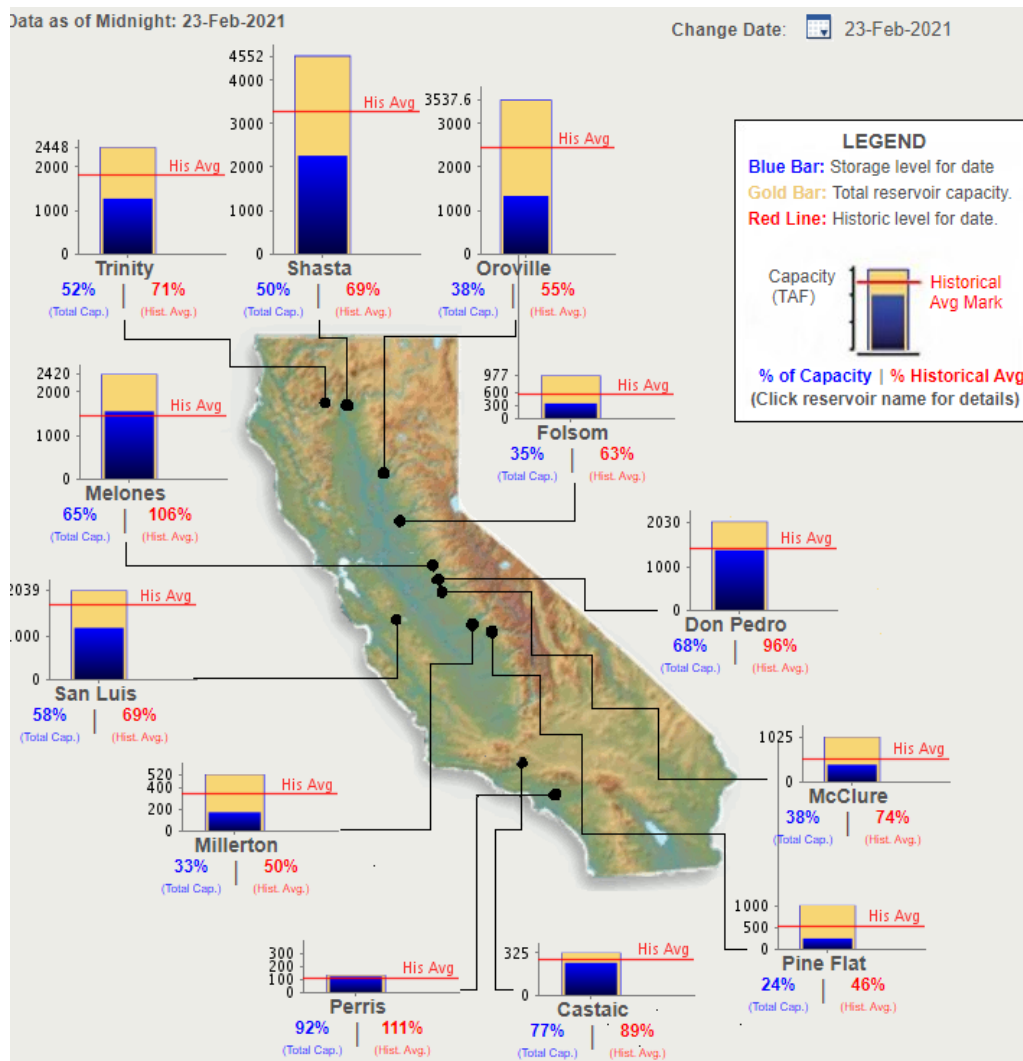


# Inland Empire Utilities Agency

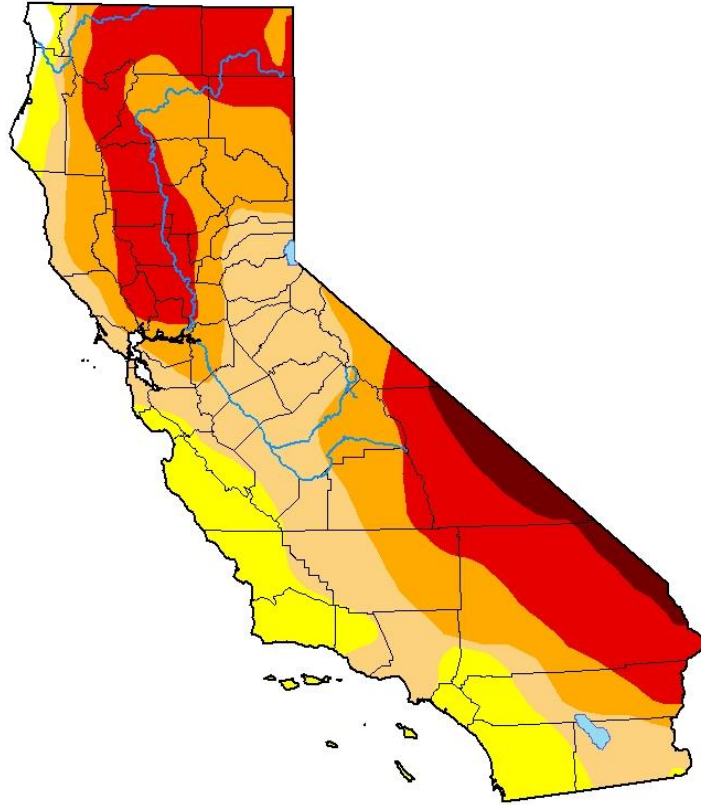
## Status Report – February 2021

### *Water Supply Conditions*

It's that time of year when water managers start to look very closely at the sierra snowpack, reservoir storage and drought numbers—and the numbers aren't looking good. With San Luis Reservoir, the main south-of-Delta storage facility for the State Water Project, at 69 percent of average for this time of the year and 58 percent capacity and Oroville at 55 percent of average and 38 percent capacity, there is cause for worry. Additional concern is warranted with the statewide snowpack at just 54 percent of April 1 average and 64 percent of normal. Finally, all but the very northwest tip of the state is experiencing some sort of drought conditions with over 30 percent of the state experiencing extreme or exceptional drought. Water managers throughout the state are hoping for a "March Miracle" to help salvage the water year.



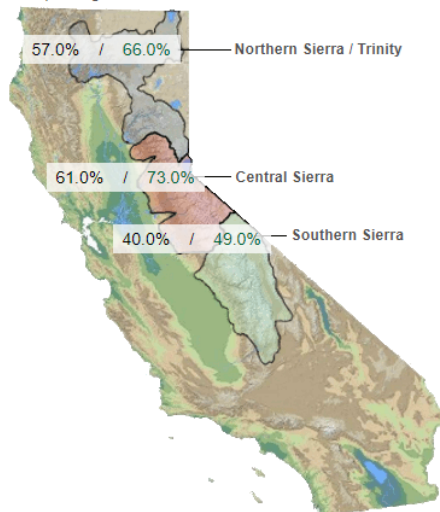




Provided by the California Cooperative Snow Surveys

Data For: 24-Feb-2021

% Apr 1 Avg. / % Normal for this Date



Change Date :



24-Feb-2021

#### NORTH

Data For: 24-Feb-2021

Number of Stations Reporting	32
Average snow water equivalent	16.3"
Percent of April 1 Average	57%
Percent of normal for this date	66%

#### CENTRAL

Data For: 24-Feb-2021

Number of Stations Reporting	42
Average snow water equivalent	17.7"
Percent of April 1 Average	61%
Percent of normal for this date	73%

#### SOUTH

Data For: 24-Feb-2021

Number of Stations Reporting	29
Average snow water equivalent	10.2"
Percent of April 1 Average	40%
Percent of normal for this date	49%

#### STATEWIDE SUMMARY

Data For: 24-Feb-2021

Number of Stations Reporting	103
Average snow water equivalent	15.2"
Percent of April 1 Average	54%
Percent of normal for this date	64%



### ***Water Use Efficiency Legislation Implementation Update***

The state has been working to implement the Water Use Efficiency (WUE) legislation from 2018—specifically the provisions of the WUE law that concern outdoor irrigation using non-potable recycled water.

Recently, the Department of Water Resources (DWR) held the second Water Studies Workgroup meeting to discuss “variance” recommendations in the developing water-use efficiency standards for the State Water Board to consider. It was discussed that the “principles of Model Water Efficient Landscape Ordinance (MWELO)” for outdoor irrigation using recycled water will be recommended at 1.0ET adjustment factor. The need for a variance beyond 1.0ET when using high TDS recycled water was also discussed.

In 2017, WaterReuse California funded a white paper with Southern California Salinity Coalition and National Water Research Institute (NWRI) that discussed the need for a variance from the 1.0ET for recycled water -- [“Accounting for High Salinity in Recycled Water”](#). This white paper explaining the need for the variance request has proved to be critical in the discussions. There is opposition to the recycled water variances by some environmental groups, but it looks like there is a path forward.

The high total dissolved solids (TDS) recycled water variance will specifically be addressed in meetings on 5/13, 6/10, and 7/8 with final recommendations going to the Water Board on October 1, 2021.

### ***CPUC Paper Highlights Energy Increasing Much Faster than Inflation Rate***

On February 17, the California Public Utilities Commission released a white paper, “Utility Costs and Affordability of the Grid of the Future: An Evaluation of Electric Costs, Rates and Equity Issues.” Generally, the paper projects potentially significant utility customer cost increases due to the state’s ongoing pursuit zero emission of transportation and wildfire system hardening as critical components to meet greenhouse gas and climate goals.

Some of the key findings in the paper include findings that California rates are already more than double the national average and since 2013, the rates of all three major Investor Owned Utilities have increased significantly. Southern California Edison is in the best shape with an increase of 6 percent, while Pacific Gas & Electric and San Diego Gas & Electric ring in at 37 percent and 48 percent, respectively. SCE is currently requesting a major increase from the CPUC.

Adding to the concern is that fact that major financial commitments to wildfire mitigation and transportation electrification have not been fully reflected in rates yet. California’s energy rates are some of the highest in the country. The paper’s 10-year forecast shows an annual average increase for SCE of about 3.5 percent, or close to 40 percent during this period.

These findings are likely to intensify debate among lawmakers, regulators and stakeholders over the state’s decarbonization strategies and how varying policies may be impacted by higher utility rates. For example, a 10 cent per kilowatt increase in electricity rates results in about a 15 percent decrease in customer demand for electric vehicles.



### ***Legislative Update***

Activity has really picked up in Sacramento with the February 19 bill introduction deadline passed, the universe of legislation is now better known, and bills are starting to be set for committee hearings. A large number of spot bills are still being flushed out at this time. There have been 1,560 Assembly bills and 808 Senate bills introduced for the first year of the two-year session. As expected, there is significant legislative effort to address issues concerning wildfire, COVID-19 relief, and affordable housing, among others. Additionally, there are quite a few bills that have been re-introduced from last year that were shelved because of the pandemic.

### **Re-Introductions from 2020:**

- AB 818 (Bloom)- Solid Waste: premoistened nonwoven disposable wipes: This is a re-introduction by the California Association of Sanitation Agencies (CASA). They are co-sponsoring the legislation with the disposable wipes industry which could require specific “Do Not Flush” labeling on specific disposable wipes. IEUA Supported this legislation in 2020.
- SB 230 (Portantino)- State Water Resources Control Board: Constituents of Emerging Concern (CECs): This bill is a reintroduction of a bill sponsored by MWD and California Municipal Utilities Association (CMUA) that would require the SWRCB to convene a Science Advisory Panel to review and provide recommendations to the board on further action to regulate CECs in the state. The goal is to have a process by which the board decides to regulate CECs rather than the unpredictable process currently used. IEUA Supported this legislation in 2020.
- SB 273 (Hertzberg) Water Quality: municipal wastewater agencies: This legislation, sponsored by CASA, would authorize a wastewater agency to capture and treat stormwater and use ratepayer funds to do so.
- Climate Bonds:
  - SB 45 (Portantino): Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Act of 2022: This is a reintroduction of Senator Allen’s SB 45 from 2020. It is a \$5.5 Billion bond for the November 2022 ballot.
  - AB 1500 (E. Garcia) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022. This legislation is similar to Asm. Garcia’s bond from 2020. It is a \$6.7 billion bond for the November 2022 ballot.

New bills that will likely be of interest to IEUA include:

- AB 377 (R. Rivas): Water quality: impaired waters. This legislation would require all surface waters to be fishable, swimmable and drinkable by 2050. The bill attempts to do this by taking away regional board discretion to issue waste discharge and MS4 permits in accordance with a larger basin plan in favor of a one size fits all approach to managing water quality.
- AB 1434 (Friedman) Urban water use objectives: indoor residential water use: This legislation would set the standard for indoor water use at 48 gallons per capita daily (GPCD) beginning in 2023, 44 GPCD in 2025 and 40 GPCD in 2030.
- SB 372 (Leyva) medium and heavy-duty fleet purchasing assistance program: zero emission vehicles. The bill, while still a work in progress, seeks to make financing tools available to help



transition medium and heavy-duty truck fleets to zero emission vehicles. The bill currently fails to include off-road or construction equipment as eligible in the program.

Committee hearings are soon to be scheduled ahead of the April 30 policy committee deadline.

Additionally, budget sub committees are meeting to hear and act on the Governor's proposed budget. The Assembly Sub Committee on Resources and Transportation recently met and discussed an appropriation of \$126 million of Prop. 68 funds for Delta habitat restoration, a key piece to help the Bay-Delta Voluntary Agreements move forward. There was no opposition to the funding. The Senate budget subcommittee will consider the funding soon.

In other budget action, recently the California Municipal Utilities Agency (CMUA), the California Special Districts Association (CSDA), the California Association of Sanitation Agencies (CASA) and the Association of California Water Agencies (ACWA) launched an effort to secure \$1 billion in funding to help water, wastewater and public electric customers with their bills. They hope to secure some of the "extra revenue" the state has in the coffers for the 2021-2022 fiscal year.



**IEUA BILLS—February 26, 2021 PROPOSED PRIORITY BILLS**

<b>Bill Number</b>	<b>Author/Sponsor</b>	<b>Title and/or Summary</b>	<b>Summary</b>	<b>IEUA Position</b>
AB 377	Asm. R. Rivas/ CA Coastkeeper	Water quality: impaired waters	Would require all California surface waters to be fishable, swimmable, and drinkable by January 1, 2050, as prescribed. The bill would prohibit the state board and regional boards from authorizing an NPDES discharge, waste discharge requirement, or waiver of a waste discharge requirement that causes or contributes to an exceedance of a water quality standard, or from authorizing a best management practice permit term to authorize a discharge that causes or contributes to an exceedance of a water quality standard in receiving waters. The bill would prohibit, on or after January 1, 2030, a regional water quality control plan from including a schedule for implementation for achieving a water quality standard that was adopted as of January 1, 2021, and would prohibit a regional water quality control plan from including a schedule for implementation of a water quality standard that is adopted after January 1, 2021, unless specified conditions are met.	
AB 818	Asm. Bloom/ CASA	Solid Waste: premoistened nonwoven disposable wipes	Would require, except as provided, certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022, to be labeled clearly and conspicuously with the phrase “Do Not Flush” and a related symbol, as specified. The bill would prohibit a covered entity, as defined, from making a representation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes, as provided. The bill would establish enforcement provisions, including authorizing a civil penalty not to exceed \$2,500 per day, up to a maximum of \$100,000 per violation, to be imposed on a covered entity who violates those provisions.	IEUA Supported near identical bill in 2019/2020 AB 1672 (Bloom)
AB 1434	Asm. Friedman	Urban water use objectives: Indoor water use	Would establish, beginning January 1, 2023, until January 1, 2025, the standard for indoor residential water use as 48 gallons per capita daily. The bill would establish, beginning January 1, 2025, the standard as 44 gallons per capita daily and, beginning January 1, 2030, 40 gallons per capita daily. The bill would eliminate the requirement that	



			the department, in coordination with the state board, conduct necessary studies and investigations and jointly recommend to the Legislature a standard for indoor residential water use.	
AB 1500	Asms. E. Garcia/Mullin	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022	Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,700,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.	
SB 45	Sen. Portantino	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond act of 2022	Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.	
SB 222	Sen. Dodd	Water Affordability Assistance Program	Would establish the Water Affordability Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to low-income ratepayers and ratepayers experiencing economic hardship in California. The bill would make moneys in the fund available upon appropriation by the Legislature to the state board to provide, as part of the Water Affordability Assistance Program established by the bill, direct water bill assistance, water bill credits, water crisis assistance, affordability assistance, and short-term assistance to public water systems to administer program components.	
SB 223	Sen. Dodd	Discontinuation of residential water service	Current law prohibits an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, from discontinuing residential water service for nonpayment	



			until a payment by a customer has been delinquent for at least 60 days. Current law requires an urban and community water system to have a written policy on discontinuation of residential service for nonpayment, including, among other things, specified options for addressing the nonpayment. Current law requires an urban and community water system to provide notice of that policy to customers, as provided. This bill would apply those provisions, on and after July 1, 2022, to a very small community water system, defined as a public water system that supplies water to 200 or fewer service connections used by year-long residents.	
SB 230	Sen. Portantino/ CMUA & MWD	State Water Resources Control Board: Constituents of Emerging Concern	Would require the State Water Resources Control Board to establish, maintain, and direct an ongoing, dedicated program called the Constituents of Emerging Concern Program to assess the state of information and recommend areas for further study on, among other things, the occurrence of constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The bill would require the state board to convene, by an unspecified date, the Science Advisory Panel to review and provide recommendations to the state board on CEC for further action, among other duties. The bill would require the state board to provide an annual report to the Legislature on the ongoing work conducted by the panel.	IEUA supported nearly identical legislation in 2020.
SB 273	Sen. Hertzberg/ CASA	Water quality: municipal wastewater agencies	Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating 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 bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement	IEUA supported near identical legislation in 2020



			would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.	
SB 372	Sen Leyva/ NRDC	Medium and heavy-duty fleet purchasing assistance program: zero-emission vehicles	Would require an unspecified agency to establish a program to make financing tools and nonfinancial supports available to the operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. The bill would require the agency to consult with various state agencies and stakeholders in the development and implementation of the program.	



INFORMATION  
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# INNOVATIVE FEDERAL STRATEGIES, LLC

*Comprehensive Government Relations*

## MEMORANDUM

**To:** IEUA Community and Legislative Affairs Committee

**From:** Letitia White, Jean Denton, Drew Tatum, and Sarah Persichetti

**Date:** February 26, 2021

**Re:** February Monthly Legislative Update

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### **House Democrats' COVID Aid Reconciliation Legislation**

During the month of February, House Committees have met, marked up, and reported out legislative recommendations for a \$1.9 trillion coronavirus relief package that is set to be considered in the House on Friday, February 26.

The Senate will likely consider the legislation during the week of March 1, 2021. The Senate Parliamentarian ruled on Thursday, February 25 that a provision that would raise the federal minimum wage to \$15 per hour violates the "Byrd Rule" requiring that all provisions in reconciliation legislation have a direct budgetary impact. Items that violate the requirements can be removed from the package with a point of order that would take 60 votes to defeat in the Senate.

Since House Democrats do not plan to drop the provision or others that may violate the rule, the legislation will be amended in the Senate. The House will likely consider the Senate's changes during the week of March 8.

Mandatory funding, program changes, and tax policies aimed primarily at mitigating the continuing effects of the Covid-19 pandemic are included in a budget reconciliation package dubbed the American Rescue Plan.

The \$1.9 trillion bill includes provisions that would:

- Provide \$1,400 in direct payments to individuals and dependents.
- Extend pandemic unemployment programs.
- Expand tax credits for families and for employers who offer paid leave.
- Fund state and local government aid, testing and vaccine activities, schools, mass transit systems, restaurants and other small business, child care, housing, nutrition, and more.
- Increase the minimum wage to \$15 an hour over five years.
- Expand subsidies to purchase health insurance under the Affordable Care Act for two years.
- Temporarily increase Medicaid funding to states that expand their programs.



## *Innovative Federal Strategies LLC*

The legislation is being considered under the budget reconciliation process that would allow passage in the Senate with only a simple majority. Both chambers adopted S. Con. Res. 5, which directed 12 committees in the House and 11 in the Senate to report recommendations with an overall cost of \$1.9 trillion to their respective Budget panels.

Below is a summary of provisions included in the legislation as amended by a manager's amendment submitted to the House Rules Committee.

### *STATE & LOCAL AID*

The measure includes \$350 billion to help state, local, tribal, and territorial governments pay for unbudgeted expenses tied to the Covid-19 emergency.

The CARES Act provided \$150 billion for that purpose, limiting the use of funds to cover emergency-related costs incurred from March 1 through December 30, 2020, if the spending wasn't already accounted for in state or local budgets. In follow-up guidance, the Treasury Department said recipients couldn't use the funds to fill revenue shortfalls. Virus relief legislation enacted in December extended the spending deadline to cover costs incurred through Dec. 31, 2021.

The measure would create funds that together would provide an additional \$350 billion in state and local aid, including:

- \$195.3 billion for states and Washington, DC. Each state plus the District of Columbia would receive at least \$500 million. The measure also would provide funds to compensate D.C. for the money it would have received as a state under the CARES Act, which grouped it in with territories. Remaining state funds would be allocated based on the number of unemployed people.
- \$130.2 billion for local governments (divided equally among Cities and Counties). Funding for local governments would include \$65.1 billion for counties, \$45.6 billion for metropolitan cities, and \$19.5 billion for towns with fewer than 50,000 people. The Treasury Department would have to make most payments within 60 days of receiving certification from state and local recipients describing their need and intended use for the funds. States would have to distribute funds to smaller towns within 30 days of receiving a payment from the department, with extensions permitted. States that miss the deadline would have to pay back any undistributed funds. A town couldn't receive more than 75% of its budget as of Jan. 27, 2020.
- \$20 billion for federally recognized tribal governments.
- \$4.5 billion for territories.

Use of Funds: State and local recipients could the funds to:

Respond to the Covid-19 emergency and address its economic effects.

Cover costs incurred due to the emergency.

Replace revenue that was lost, delayed, or reduced relative to revenue projections as of Jan. 27, 2020.

Recipients could transfer funds to private nonprofit groups, public benefit corporations involved in passenger or cargo transportation, and special-purpose units of state or local governments.



### **TAX PROVISIONS**

The bill would provide another round of direct payments of as much as \$1,400 for an individual, \$2,800 for joint filers, and \$1,400 for each qualifying dependent. The payments would begin to phase out for individuals with adjusted gross incomes of \$75,000 and would be zero for AGIs of \$100,000 or more. Those amounts would be doubled for joint filers.

Dependents would include full-time students younger than 24 and adult dependents. Individuals who died before Jan. 1, 2021, wouldn't be eligible for the payments. Payments would be based on 2019 or 2020 tax returns. The Treasury Department could provide payments to individuals who haven't filed based on return information available to the department.

The measure would expand the child tax credit, which provides a credit of as much as \$2,000 for each child younger than 17, for 2021. The bill's changes to the CTC would include making it fully refundable, meaning the entire credit could be provided as a refund if it exceeds an individual's income tax liability, instead of partially refundable under current law; increasing the maximum credit to \$3,600 for each child younger than 6 and \$3,000 for other children; and allowing it to be claimed for 17-year-olds. The increased credit amount would be phased out beginning at an adjusted gross income level of \$75,000 for individuals and \$150,000 for joint filers. Once the credit reaches \$2,000, the current law phase-outs levels, \$200,000 for individuals and \$400,000 for joint filers, would apply.

The bill would temporarily increase the value of the child and dependent care tax credit, which covers 35% of care expenses of as much as \$3,000 for one dependent or \$6,000 for two or more dependents. The measure would, during 2021, make the credit refundable; increase the maximum allowable expenses to \$8,000 for one dependent and \$16,000 for two or more; allow the credit to cover 50% of expenses, and begin phasing out the credit at \$125,000, instead of \$15,000.

The measure would extend through December 31 an employee retention credit established by the CARES Act. Employers would receive refundable credits against the Medicare payroll tax beginning July 1.

The bill would extend through September 30 tax credits for employer-provided paid sick and family leave, which were established under the Families First Coronavirus Response Act. The credits would be taken against the Medicare payroll tax after March 31. The value of the credits would be increased to match the employer's share of Medicare and Social Security taxes on qualifying wages.

The measure also would increase the wages covered by the paid family leave credit to \$12,000 per worker, from \$10,000, cover 60 days of paid leave for self-employed individuals instead of 50, expand the paid family leave credit to cover a Covid-19 diagnosis or caregiving for a quarantined individual, expand the paid leave credits to cover Covid-19 vaccinations or wait times for test results or diagnoses, and allow government entities that are tax-exempt organizations to claim the credits.



## *Innovative Federal Strategies LLC*

The federal minimum wage would be increased to \$15 an hour from \$7.25 by 2025, starting with an increase to at least \$9.50 in 2021. Beginning in the fifth year after the initial increase, the wage would be annually adjusted to reflect any increases in the median hourly wage for all workers, as determined by the Bureau of Labor Statistics. The bill would stipulate that the minimum wage couldn't decrease.

The measure would modify and extend several pandemic-related unemployment benefits created under the CARES Act and extended under the year-end spending and aid package.

It would increase to \$400 per week, from \$300, the Federal Pandemic Unemployment Compensation. The extra payments would apply to weeks of unemployment after March 14 and through August 29. The bill would extend through August 29 other CARES Act jobless benefits slated to expire on March 14, with changes that would include:

It also would extend through August 29 federal payments to nonprofits and government agencies for 75%, increased from 50%, of the costs of providing unemployment benefits.

### *HEALTH CARE*

Covid-19 vaccines and treatments would be covered until a year after the pandemic ends at no cost to beneficiaries under Medicaid and the Children's Health Insurance Program. The federal medical assistance percentage (FMAP) would be increased to 100% for vaccine costs during that period. Vaccines and treatment would also be covered for the uninsured. Outpatient drugs used for Covid-19 treatment would be included in the Medicaid Drug Rebate Program.

Funding for the Health and Human Services Department to respond to the pandemic would include:

- \$47.8 billion for testing and tracing activities.
- \$8.5 billion for vaccine activities at the Centers for Disease Control and Prevention.
- \$7.66 billion to expand the public health workforce, including grants to state, local, and territorial health departments.
- \$7.6 billion for community health centers.
- \$6.09 billion for tribal health programs.
- \$6.05 billion to support manufacturing and purchasing vaccines.
- \$3.5 billion for block grant programs under the Substance Abuse and Mental Health Services Administration.
- \$1.75 billion for genomic sequencing and surveillance.

The measure would subsidize 85% of premiums for individuals eligible for COBRA continuation coverage if they lose their job. The premium assistance under the measure would be available through September 30 for individuals who were involuntarily separated from their jobs or had their hours reduced. It wouldn't be available once an individual becomes eligible for coverage under another group health plan or Medicare.

The measure would provide \$1 billion under the Temporary Assistance for Needy Families (TANF) program. The bulk of the funding would be allotted to states and Washington, DC,



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based on the number of children in the state and its spending for assistance in 2019. States could use a maximum of 15% of funding for administrative purposes.

The measure would provide about \$24 billion for grants to child care providers to use for payroll, rent, personal protective equipment, mental health support, and other needs. They would have to provide tuition relief to families and couldn't furlough or reduce pay for employees.

The measure would provide \$10 billion to use the Defense Production Act to purchase, produce, and distribute medical supplies and equipment related to Covid-19. That would include tests, face masks, personal protective equipment, and drugs and vaccines to treat or prevent Covid-19. Under the DPA, the president can require manufacturers to prioritize contracts related to national defense and other emergencies. It also authorizes the president to allocate scarce goods and provide incentives such as loans and contracts to help expand production.

The measure would provide:

- \$4.5 billion for the Low Income Home Energy Assistance Program.
- \$1.44 billion for programs under the Older Americans Act, including \$750 million for nutrition programs.
- \$852 million for the Corporation for National and Community Service, including \$620 million for AmeriCorps.
- \$450 million for programs under the Family Violence Prevention and Services Act, including \$198 million for grants to support survivors of sexual assault.
- \$350 million for programs under the Child Abuse Prevention and Treatment Act
- \$50 million for the Title X Family Planning program.

### *SMALL BUSINESS AID*

The measure would increase funding and expand eligibility for the Paycheck Protection Program, and would allow forgiveness for additional expenses. The measure would increase the program's lending authority by \$7.25 billion, to \$813.7 billion, and appropriate the same amount for the Small Business Administration (SBA) to guarantee additional loans.

The measure would expand the eligibility rules to cover most other types of tax-exempt groups, including 501(c)(5) labor organizations, 501(c)(7) social and recreation clubs, and 501(c)(8) fraternal benefit societies. Religious educational groups that might otherwise be barred under SBA rules would be permitted. 501(c)(4) social welfare groups, such as AARP, the ACLU, Americans for Prosperity, and the National Rifle Association, would still be prohibited.

The measure would expand PPP loan forgiveness to include payments made for premiums on behalf of individuals who qualify for COBRA health insurance continuation coverage. The change would apply to loan forgiveness applications received following the measure's enactment.

The measure would provide \$25 billion for a Restaurant Revitalization Fund to be administered by the SBA.



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Eligible recipients would include restaurants, bars, food trucks, and caterers, including businesses in airport terminals and tribally owned entities.

Disqualified businesses would include those run by state or local governments, companies that manage more than 20 locations including affiliates, live venues seeking grants under the year-end Covid-19 relief package, and publicly traded companies.

Additional funding also would be made available for advance payments to eligible entities under the SBA's Economic Injury Disaster Loan (EIDL) program.

The reconciliation measure would provide \$10 billion for the State Small Business Credit Initiative, which would support as much as \$100 billion in small business financing through state and local programs, according to a House Financial Services Committee majority staff memo.

The measure also would provide:

- \$1.25 billion in additional funding for SBA grants to live venues and other cultural institutions under a program in the year-end relief package.
- \$840 million in additional administrative funds for the SBA to carry out the Paycheck Protection Program and other initiatives to aid small businesses during Covid-19.
- \$390 million to administer the SBA's disaster loan program and \$70 million for the cost of additional loans.

### *HOUSING AID*

The reconciliation measure would provide \$20.3 billion for rental assistance payments through the Treasury Department, building off the \$25 billion in the year-end Covid-19 package. Funds would be allocated to states and to localities with at least 200,000 people. Each state plus the District of Columbia would receive at least \$152 million. The measure also would set aside \$305 million for several U.S. territories and \$1.2 billion for "high-need grantees" based on their population of low-income renter households, rental market costs, and employment trends.

Grantees would have to use the funds to provide financial assistance to eligible households, including for rental and utility payments. Total assistance provided to a household under the measure and the year-end package couldn't cover more than 18 months.

Households would qualify for rental assistance if they have:

- At least one member who qualified for unemployment benefits, had their income reduced, or experienced other financial hardship due to Covid-19.
- At least one member who can provide an eviction notice, evidence of unsafe living conditions, or other information to show they're at risk of homelessness or housing instability.
- Household income that doesn't exceed 80% of the area median income.

The measure would provide \$9.96 billion to establish a Homeowner Assistance Fund at the Treasury Department. The department would allocate funds requested by states, territories, and tribes to prevent homeowner mortgage defaults, foreclosures, and displacements. Funds could be used to:



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- Reduce mortgage principal amounts.
- Assist homeowners with mortgage, utilities, tax, and insurance payments.
- Reimburse state and local governments for money spent since Jan. 21, 2020, to prevent housing losses due to Covid-19.

The measure would provide \$5 billion for emergency Section 8 Housing Choice Vouchers. The Housing and Urban Development Department would have to provide the vouchers through public housing agencies to individuals and families who are currently or recently homeless, and to those who are fleeing domestic violence, sexual assault, or human trafficking.

Public housing agencies couldn't reissue the vouchers after September 30, 2023.

An additional \$5 billion would be allocated to state and local governments to provide supportive services for homeless and other at-risk individuals. The funds could be used to:

- Provide tenant-based rental assistance.
- Develop affordable housing.
- Offer services such as housing counseling and homelessness prevention.
- Acquire noncongregate shelter units, such as hotel rooms, that could be converted to permanent housing.

### *AGRICULTURE & NUTRITION*

The measure would extend a 15% increase to monthly benefits under the Supplemental Nutrition Assistance Program (SNAP) through September 30. Created by the year-end spending and coronavirus response package, the increase is scheduled to lapse on June 30.

The measure would provide \$490 million to the Agriculture Department to increase the amount of the cash-value voucher provided under the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) to as much as \$35 during the pandemic. Participating states could apply the increase for as long as four months after opting in. The increased authority for both states and the department would end on September 30.

### *TRANSPORTATION*

The measure would provide \$30.5 billion for grants to transit agencies, which could use the money for operating expenses including payroll costs and purchasing personal protective equipment.

The bill would provide \$8 billion in fiscal 2021 for airports, including airport concessions. Airports that receive funding would be required to retain at least 90% of personnel employed as of March 27, 2020, through September 30.

The Transportation Department could provide a waiver for the requirement if it determines that an airport is experiencing economic hardship or the requirement reduces aviation safety or security.

Airports that don't comply with workforce retention requirements and don't receive a waiver could have money clawed back by the department.



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The measure would provide \$3 billion to create a payroll support program for aviation manufacturers. The measure includes \$15 billion for the airline industry, building on previous tranches of support.

The measure would provide \$1.5 billion for Amtrak in fiscal 2021, including funds to restore the frequency of long-distance routes.

### *EDUCATION*

The measure would provide \$128.6 billion for grants to states to support local educational agencies in addressing learning loss.

Twenty percent of the funding would have to be used for summer learning, after-school programs, or extended-day or extended-year programs, as well as to provide equitable services to students who aren't in public schools. The rest could be used for a number of education-related expenses, including inspection and improvement of school facilities to ensure adequate air quality, providing mental health services, and technology purchases.

Outside of the Education Department, the measure would provide:

- \$850 million for support to schools funded or operated by the Bureau of Indian Education and for tribal colleges and universities.
- \$200 million to the Institute of Museum and Library Services for library improvements.
- \$135 million for grants through the National Endowment for the Arts.
- \$135 million for grants through the National Endowment for the Humanities.

### *VETERANS AFFAIRS*

The measure would provide \$17 billion to the Veterans Affairs Department (VA), including:

- \$13.5 billion for health care, which would include as much as \$4 billion for the Veterans Community Care program.
- \$750 million for State Veterans Homes.
- \$272 million for claims and appeals processing.
- \$100 million for supply chain modernization initiatives.

### *ADDITIONAL PROVISIONS*

FEMA Disaster Relief: The measure would provide \$50 billion for the Federal Emergency Management Agency in fiscal 2021. Funding would remain available through September 30, 2025.

The funding could also be used to provide financial assistance for pandemic-related funeral expenses with a 100% federal cost share.

Economic Adjustment Assistance: The measure would provide \$3 billion for the Commerce Department's Economic Adjustment Assistance Program to assist states and territories with pandemic response efforts. The total amount allocated to eligible recipients would be determined using federal economic data sources, such as unemployment claims and gross domestic product, to measure levels of economic injury.



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The measure would allocate 15% of the funds for communities with job losses in the tourism industry.

**Broadband:** The measure would create an “Emergency Connectivity Fund” in the U.S. Treasury and appropriate \$7.6 billion into it to cover the purchase of broadband service and devices by schools and libraries for use by students, staff, and patrons at other locations.

**Water Assistance:** The package would provide \$500 million for the Low-Income Household Drinking Water and Wastewater Emergency Assistance Program created under the year-end spending deal.

**EPA Programs:** The legislation includes \$100 million for the Environmental Protection Agency, which would be split among grants to address disproportionate environmental harms to minority and low-income populations, and grants under the Clean Air Act.

**Fish & Wildlife:** The measure would provide \$95 million to the U.S. Fish and Wildlife Service, which would be used for wildlife inspections, care of captive endangered species, and research related to wildlife disease outbreaks.

### **Lawmakers to Pursue Ambitious Water Infrastructure Upgrades**

Chairman of the House Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OR) said he is prepared to pursue ambitious goals including more investment in the Clean Water State Revolving Fund (CWSRF).

The fund needs to be reauthorized and modernized this year, lawmakers and witnesses said at a subcommittee hearing on Tuesday, February 23. The 2020 Water Resources Development Act didn’t include a reauthorization of the CWSRF.

The Democratic-led Moving Forward Act, which the House passed last year and is expected to serve as a template for the Biden administration’s major infrastructure proposal, included an authorization of \$40 billion over five years for the CWSRF. That figure would represent a major increase for the fund, which receives about \$2 billion annually.

Separately, the committee plans to soon reintroduce the bipartisan Water Quality Protection and Job Creation Act, which would authorize \$20 billion over five years in wastewater infrastructure through the CWSRF.

“We’re not going to be puny,” said Chairman DeFazio. “At the current level investment, it would take 171 years to bring the existing systems up to a state of good repair, and that doesn’t even include areas that don’t have systems, like tribal territories and others,” the chairman said, calling it unacceptable.

Chairman DeFazio said he believed the Biden administration would “adopt very ambitious goals” in its infrastructure proposal, expected in the coming weeks.



Representative David Rouzer (R-NC), the Ranking Member on the Water Resources and Environment Subcommittee that held the hearing, said eye-popping price tags weren't practical.

"Talk of authorizing enormous dollar amounts is not going to address these needs, since unrealistically high dollar numbers that will never get funded create a false hope, and ultimately solve nothing," he said.

### **Oil and Gas Leasing Pause to be Temporary According to Haaland in Nomination Hearing**

Interior Secretary nominee Representative Deb Haaland (D-NM) said on Wednesday, February 24 that President Biden's pause on new oil and gas leasing is a temporary measure and won't be a "permanent thing."

"This pause ... It's just that, it's a pause. It's not going to be a permanent thing where we're saying we're restricting all these lands from something," Representative Haaland said in response to a question on the moratorium from Senator Mike Lee (R-UT).

The White House last month put a temporary pause without a set end date on granting new leases for publicly owned lands and waters for oil and gas drilling.

The Interior Department has continued to issue new permits on public lands that are already leased, though it instituted a temporary elevated review process, and it has also not stopped current drilling activity.

However, when Biden was on the campaign trail, he pledged to ban new permits for oil and gas on public lands and waters.

Representative Haaland is currently awaiting a confirmation vote, and she needs to win over moderates like Senator Joe Manchin (D-WV) so that she can get confirmed. Manchin announced after her hearing that he would support her nomination, easing her path to confirmation.

She has faced scrutiny from conservatives over her progressive viewpoints like opposition to fracking. Her comments on Wednesday came during her second day of questioning by senators as they consider her nomination.

During the hearing, Senator Steve Daines (R-MT) asked Haaland about Biden's stated goal of conserving 30 percent of lands and waters by 2030 and whether that pertains to all U.S. lands or just public lands.

Representative Haaland, who introduced a similar resolution in the House last year, said the initiative is "not just relegated to public lands."

"The 30 by 30 initiative that President Biden has embraced will be an opportunity for so many Americans to participate in conserving that amount of land and water," she said.



Representative Haaland also faced several questions about positions she took as a lawmaker, but stressed that representing one part of the country as a member of Congress is different from leading a Cabinet department.

“The role of Cabinet secretary is far different from that of a congresswoman,” she said during the hearing. “I’m not just worried about my one district in New Mexico, but the entire country.”

### **House Conservatives Push Back Earmarks as Committee Announces Return**

House conservatives are pushing back against efforts to restore the use of earmarks, as Democrats gear up to revive the practice that allows lawmakers to secure federal funding for specific projects.

During the last week of February the House Freedom Caucus took an official position against earmarks, with members arguing the practice is a pathway toward more corruption in Congress.

Republicans in the lower chamber ended the use of earmarks in 2011, saying they contributed to a number of earlier scandals.

While Democrats and a number of GOP lawmakers argue that reforming the earmark process would help bring the power of the purse back to the legislative branch, critics argue it's ripe for abuse.

“The old system was flawed, leading to corruption and coercion. Congress was right to stop the rampant earmark abuse and work towards a more transparent appropriations process. However, in attempting to correct this spending mechanism, we ceded too much power to the executive branch,” Freedom Caucus Chairman Andy Biggs (R-AZ) said in a statement.

“Congress has become too comfortable with top-line appropriations, letting unelected bureaucrats determine our nation’s spending priorities. We cannot return to the old earmarks rules. However, Congress must reassert its Article I, Section 8 spending authority to control the budget,” he added.

Representative Chip Roy (R-TX), another Freedom Caucus member, argued earmarks are “little more than legislative bribery.”

House Majority Leader Steny Hoyer (D-MD) has said there is bipartisan support for the resurgence of earmarks with safeguards put in place to increase transparency. He said on Wednesday, February 24 that he’s “talked to a lot of Republicans who I expect are going to be requesting earmarks for their districts.”

Representative Mario Díaz-Balart (R-FL), a senior member of the powerful House Appropriations Committee, said he feels it’s a necessary move to restore Congress’s constitutional authority.



“The entire federal spending is earmarks — every penny it. Right now, Congress has ceded all of that authority to the administration, which I think is clearly against the spirit of the Constitution,” he said, adding that there needs to be transparency in the process.

The House Appropriations Committee announced on Friday, February 26 that the Committee will accept requests for “Community Project Funding,” but with several new changes, including:

- Transparency
  - All Requests Online: Members are required to post every Community Project Funding request online simultaneously with their submission to the Committee. The website must be searchable. The House Appropriations Committee will establish an online “one-stop” link to all House Members’ project requests.
  - Early Public Disclosure: To facilitate public scrutiny of Community Project Funding, the Committee will release a list of projects funded the same day as the Subcommittee markup, or 24 hours before full committee consideration if there was no Subcommittee markup.
  - No Financial Interest: Members must certify to the Committee that they, their spouse, and their immediate family have no financial interest in the projects they request. This is an expansion beyond the underlying requirements in House Rules in order to cover immediate families of Members.
- Limited Approach
  - Ban on For-Profit Recipients: There is a ban on directing Community Project Funding to for-profit grantees. Members may request funding for State or local governmental grantees and for eligible non-profits.
  - Cap on Overall Funding: The Committee will limit Community Project Funding to no more than 1 percent of discretionary spending, a recommendation of the bipartisan House Select Committee on the Modernization of Congress.
  - Member Requests Capped: The Committee will accept a maximum of 10 community project requests from each member, though only a handful may actually be funded.
- Rigorous Vetting
  - Mandatory Audit: The Committee will require the Government Accountability Office to audit a sample of enacted community project funding and report its findings to Congress.
- Community Support
  - Demonstrations of Community Engagement: Members must provide evidence of community support that were compelling factors in their decision to select the requested projects. This policy was recommended by the bipartisan House Select Committee on the Modernization of Congress.

### **Lawmakers Push Biden Administration on PFAS**

Six states with drinking water standards for PFAS are now wrestling with what those limits mean when water contamination from Department of Defense sites seep into their community.



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Members of Congress from both parties are starting to vent their frustration at military foot-dragging even as states take different paths to address the contamination. States are taking various approaches from lawsuits, to keeping a watchful eye on the Biden administration.

Senate Majority Leader Chuck Schumer (D-NY) plans to press the issue with the Defense Department. In October, Leader Schumer sent a letter to the Secretary of the Navy to expand PFAS investigations at the former Naval Weapons Industrial Reserve Plant in Calverton, New York. He also asked the Navy to provide public water connections where PFAS levels in private wells exceed the state standard.

Leader Schumer isn't alone. On January 29, a group of 132 Republican and Democratic legislators asked President Joe Biden in a letter to direct federal agencies to act on PFAS. Legislators from both parties also criticized the Defense Department for a lack of action during the task force meeting.

"The federal government is the federal government," Representative Dan Kildee (D-MI) said during a congressional PFAS task force meeting. "We shouldn't have one branch of government regulating PFAS, and the other one trying to avoid regulations. And unfortunately, that's been the position of the DOD and it's not acceptable."

Additionally, Senator Shelley Moore Capito (R-WV) in a letter to the White House on Wednesday, February 17 said the Biden administration has frozen a "significant" action on perfluoroalkyl and polyfluoroalkyl substances (PFAS) drinking water standards with a recent executive order and asked the administration to "promptly" publish the rule in question.

In the letter to White House chief of staff Ron Klain, Senator Capito said Klain's January 20 memo, which froze all new or pending rules until the administration can review them, affected the PFAS rule.

"I have long taken a lead role in bipartisan efforts to address PFAS, and of significant importance to me is the timely action of EPA [the Environmental Protection Agency] to promulgate a National Primary Drinking Water Regulation under the Safe Drinking Water Act," Senator Capito, the ranking member of the Senate Environment and Public Works Committee, wrote in the letter Wednesday.

The letter notes that the EPA finalized a determination to regulate two PFAS substances, perfluorooctanesulfonic acid and perfluorooctanoic acid under the Safe Drinking Water Act on January 15.

"This final regulatory determination was a vital step toward ensuring the protection of public health across the nation, as well as to my constituents specifically. It still has not been published in the Federal Register," Senator Capito wrote.

EPA press secretary Nick Conger confirmed that the rule is currently under review.



“EPA is following the science and the law in accordance with the Biden-Harris Administration’s executive orders and other directives in considering our next steps to address PFAS and to protect public health and the environment,” Conger said in a statement. “EPA is committed to addressing this complex public health challenge.”

### **Lawmakers Eyeing Massive Infrastructure Proposal, with Extra Provisions**

Democrats’ second major legislative initiative later this year will include a massive infrastructure proposal—plus some extra provisions—but it’s unclear if they’ll look to add a corporate tax increase, an immigration plan, or debt limit measures to the package.

President Joe Biden has said an infrastructure package is a high priority. Because congressional Democrats haven’t yet adopted a fiscal year 2022 budget resolution, they could use that resolution to provide reconciliation instructions for an infrastructure measure later this year, enabling senators to pass it with a simple majority. The package may have a significant focus on climate change, too.

House Transportation and Infrastructure Chairman Peter DeFazio (D-OR) has previously proposed a \$1.5 trillion infrastructure package. Progressives think that measure is “an excellent start,” Representative Jayapal said. The Congressional Progressive Caucus proposed a \$2 trillion infrastructure package in 2017.

Progressives think an infrastructure bill should include “family infrastructure,” including investments in 600,000 “long-term care” health workers and childcare, among other things, Representative Jayapal said.

Democrats aren’t sure if a second reconciliation bill should include a rollback of the Trump tax cuts, Representative Jayapal said. President Biden has proposed increasing the corporate tax rate to 28% from the current 21% and increasing the top individual income tax rate to 39.6% from 37%. Progressives also would like to add a wealth tax, Jayapal said.

Adding a tax increase to the package would raise revenue and could offset the cost of some of the more expensive infrastructure proposals, so the decision on taxes would have an effect on the overall cost of the next reconciliation bill.

### **Lawmakers Unveil Conservations Corps Legislation**

On Friday February 19, Representative Joe Neguse (D-CO), House Natural Resources Subcommittee on National Parks, Forests and Public Lands Chair, and Senator Ron Wyden (D-OR) unveiled legislation that was originally introduced in 2020 to fund a conservation workforce.

The aim of the 21st Century Conservation Corps Act would include wildfire prevention, maintenance of public lands, and bolstering the outdoor recreation industry with rural job creation, especially amid the coronavirus pandemic, according to a release.



Highlights of the legislation include:

- Establishes a \$9 billion fund for qualified land and conservation corps to increase job training and hiring specifically for jobs in the woods, helping to restore public lands and provide jobs in a time of need.
- Provides an additional \$3.5 billion for the U.S. Forest Service and \$2 billion for the U.S. Bureau of Land Management to support science-based projects aimed at improving forest health and reducing the risk of catastrophic wildfire.
- Establishes a \$2 billion fund to provide economic relief for outfitters and guides holding U.S. Forest Service and U.S. Department of the Interior special use permits.
- Provides \$2 billion for the National Fire Capacity program, which helps the Forest Service implement FireWise, to prevent, mitigate, and respond to wildfire around homes and businesses on private land.
- Provides \$2 billion for the FEMA Building Resilient Infrastructure and Communities (BRIC) program to improve resiliency for communities impacted by wildfire.
- Provides \$6 billion for U.S. Forest Service, \$6 billion for the National Park Service, and \$2 billion for the Bureau of Land Management maintenance accounts to create jobs, reduce the maintenance backlog, and expand access to recreation.

Representative Jared Huffman (D-CA), one of the original cosponsors of the legislation, “In rural communities, focusing on public health and safety means also preparing communities for wildfire, keeping our forests healthy, and investing in the public lands that support rural economies.”

### **Leaders Face Process Questions on Debt Limit**

Lawmakers have until late summer or early fall to address the debt limit and avert an economic mess, and Democratic leaders will need to decide whether they’ll suspend or raise the measure or seek a path that requires bipartisan support.

The debt ceiling will be reinstated August 1 after a two-year suspension, but Treasury officials are expected to be able to delay a lapse by a few weeks or months using “extraordinary measures” such as delayed payments. That effective deadline will likely be in the late summer or early fall. Failing to raise the debt limit would cause the government to default on payments, and could have “catastrophic” economic repercussions, Treasury officials have warned.

House and Senate Democratic leaders haven’t said how exactly they plan to address the debt ceiling. They could consider two different fast-track procedures in the House and Senate to address the debt limit, but each option has downsides.

House members can use the Gephardt rule, named for former Representative Dick Gephardt (D-MO), to suspend the debt ceiling for a full fiscal year, without actually voting on a debt limit measure. Under the Gephardt rule, which is part of the House rules, a vote to adopt a budget resolution triggers passage — without a vote — of a separate resolution suspending the debt limit for that full fiscal year. Senators would still have to pass the measure. But the maneuver can help House members avoid the political pressure of a vote that’s specifically on the debt ceiling.



House Democrats decided not to use the Gephardt rule when they voted to adopt their fiscal 2021 budget resolution. But they plan to use the rule when they vote later this year on a fiscal 2022 resolution. That would advance a measure to suspend the debt limit through September 30, 2022. A vote on a fiscal 2022 budget resolution would typically come sometime in the spring of 2021.

Democrats could pass a debt limit measure through the Senate with a simple majority rather than 60 votes by using budget reconciliation. But that process specifically allows lawmakers to increase the debt limit, not to suspend it, so leaders would likely have to choose between the Gephardt rule and reconciliation.

Another key variable is whether conservatives want to use a debt ceiling vote as leverage for other priorities. Lawmakers last voted in 2019 to suspend the debt ceiling with bipartisan support. But debt limit negotiations in 2011 led to a standoff that culminated in the passage of the Budget Control Act of 2011. Republicans also withheld support for a 2013 debt limit deal, pushing for a repeal of the Affordable Care Act, a standoff that lawmakers didn't overcome until the end of that year's government shutdown.

Congressional leaders will also have to decide whether to attach a debt limit measure to another must-pass piece of legislation. That decision may be guided by the exact timing of the "X date," when Treasury officials can't keep using extraordinary measures to push back the debt limit deadline. For example, if the effective deadline is close to the September 30 government funding deadline, a debt limit measure could be combined with an appropriations measure to entice more members to vote in favor.

### **U.S. Officially Rejoins Paris Climate Agreement**

The U.S. on Friday, February 19, officially rejoined the Paris climate agreement.

On his first day in office, President Biden signed an executive order that set the country on track to rejoin the global accord, but it took 30 days for the country to formally re-enter.

"Climate change and science diplomacy can never again be 'add-ons' in our foreign policy discussions," Secretary of State Antony Blinken said. "Addressing the real threats from climate change and listening to our scientists is at the center of our domestic and foreign policy priorities."

Under the Paris deal, the world's countries agree to attempt to limit the planet's warming to less than 2 degrees Celsius below pre-industrial levels, with the further goal of limiting warming to 1.5 degrees.

The Trump administration pulled the U.S. out of the agreement, arguing that it was burdensome for business and workers.

But Biden has stressed that he sees an opportunity for jobs as the country moves toward clean energy. He has also argued that climate change is among several crises the country currently faces.



Special envoy John Kerry will be leading much of the administration's climate diplomacy, including at a United Nations conference set for November in Scotland, where countries will formally adopt more stringent climate commitments.

Former President Obama set the goal of reducing the U.S. emissions by between 26 and 28 percent compared to 2005 levels by 2025.

The U.S. has not increased its commitments since Obama joined the agreement, while other countries have set more ambitious goals. Biden administration officials have said that they will announce updated goals before a summit on Earth Day this year.

### **Biden Administration to Prioritize Climate Change in Infrastructure Programs**

The Biden administration is revamping a key infrastructure grant program to prioritize projects that address climate change and racial equity.

The Transportation Department included the new criteria in its announcement February 24 that it will award \$889 million in grants to major freight and highway projects in fiscal 2021 through the Infrastructure for Rebuilding America program.

The Biden administration has repeatedly touted sustainable and equitable infrastructure as major elements of its agenda, in a substantial shift from the Transportation Department under former President Donald Trump, which didn't list either environmental or racial equity issues among its primary considerations.

"We are committed to not just rebuilding our crumbling infrastructure, but building back in a way that positions American communities for success in the future — creating good paying jobs, boosting the economy, ensuring equity, and tackling our climate crisis," Transportation Secretary Pete Buttigieg said in a statement.

This is the first time the grants will consider climate and racial justice issues as criteria, according to the department. The Obama administration evaluated whether projects mitigated "harm to communities and the environment," but the new grant framework elevates the importance of those factors.

The grants are considered discretionary funding, which gives the department more say in how the money is spent than it has for mandatory programs set by Congress.

The department will evaluate projects this year on whether they were planned as part of a larger strategy to address climate change, or if they help to reduce greenhouse gas emissions. Priority projects could involve zero-emission vehicle infrastructure or multimodal options to help people drive less.

On February 25, the White House also rescinded a Trump-era draft guidance that proposed to limit the consideration of greenhouse gas emissions in infrastructure decisions.



The 2019 draft guidance sought to limit consideration of long-term greenhouse gas emissions by preventing consideration of impacts deemed “remote or speculative,” in analyses required by the National Environmental Policy Act (NEPA).

“Today’s action is a first step toward providing greater certainty in the Federal environmental review process, and will help Federal agencies put their decisions on firmer legal and scientific footing,” said a statement from Jomar Maldonado, the associate director for NEPA at the White House’s Council on Environmental Quality (CEQ).

NEPA requires environmental impact analyses to be carried out ahead of projects like pipelines, highways and drilling on public lands.

The 2019 guidance aimed to replace an Obama administration guidance. The Trump administration billed its move as a way to expedite federal permits.

“CEQ’s draft guidance is intended to assist agencies in meeting their obligations under NEPA and to improve the timeliness of permitting decisions for projects to modernize our nation’s infrastructure,” CEQ Chairwoman Mary Neumayr said in a statement at the time.

The Obama guidance, issued in 2016, recommended that agencies use projected greenhouse gas emissions when preparing the analyses as a stand-in for estimating a project’s climate change impacts.

In its statement on February 18, the White House said that it will review and “as necessary, revise and update” the 2016 policy.

In the meantime, it is encouraging agencies to consider all available resources in considering climate change impacts of their actions, including the 2016 guidance “as appropriate and relevant.”

### **Senate Votes 57-43 to Acquit former President Trump in Impeachment Trial**

Former President Donald Trump was acquitted in his second impeachment acquittal on Saturday, February 13 after the Senate did not muster the 2/3 majority necessary to convict him on the single Article of Impeachment of the incitement of insurrection. The vote clears him of charges that he incited the mob that attacked the U.S. Capitol on January 6.

Senators voted 57-42 to convict President Trump of high crimes and misdemeanors for “willfully inciting violence against the Government of the United States,” Falling short of the necessary 67 votes, needed for conviction.

Every Democrat voted to find him “guilty,” the question technically before the Senate, and they were joined by seven GOP senators – Richard Burr (NC), Bill Cassidy (LA), Susan Collins (ME), Lisa Murkowski (AK), Mitt Romney (UT), Ben Sasse (NE), and Pat Toomey (PA).



The vote comes roughly five weeks after the attack on January 6, when a pro-Trump mob stormed the Capitol in an effort to stop the certification of the Electoral College vote by Congress. The Democratic-led House moved to impeach President Trump exactly one week later, with 10 Republicans supporting the effort.

The aftermath of the attack is still visible around the Capitol, where a fenced perimeter surround Capitol Hill and National Guard troops remain stationed around the complex.

The Senate trial, President Trump's second in roughly a year, was filled with historic markers: President Trump is the only president to go through the process twice and the first to face a trial after he left office. Unlike previous trials, Senator Patrick Leahy (D-VT), the president pro tempore of the Senate – and not the chief justice of the Supreme Court – presided.

But the outcome was forecast for weeks as a growing number of GOP senators embraced the argument that it was unconstitutional to convict a president after he has been removed from office by voters. Forty-four Republicans voted that the trial was unconstitutional when the question as put before the Senate prior to presentation of evidence on the article itself.

While the final outcome was largely certain from the beginning, the trial did get injected with last-minute chaos on Saturday, February 13, after the Senate voted to allow witnesses – a step senators on both sides of the aisle had expected they would skip over, instead moving directly to closing arguments and a final vote.

The decision caught Senate Democrats and Trump's team off guard, throwing the chamber into chaos amid an attempt to craft an agreement to bring forward the witnesses. Instead, all sides agreed to essentially backpedal and add a statement into the record from Representative Jaime Herrera Beutler (R-WA), whom Representative Jamie Raskin (D-MD), the lead House impeachment manager, had wanted to depose. Beutler released a statement on Friday night describing a conversation that took place during the Capitol riot between House Minority Leader Kevin McCarthy (R-CA) and then President Trump. In her statement, she said McCarthy recalled how he told Trump that the mob was made up of his supporters.

“That's when, according to McCarthy, the president said: ‘Well, Kevin, I guess these people are more upset about the election than you are.’”

The agreement allowed the Senate to bypass calling additional witnesses, a move that could have delayed the trial for weeks. “It would not change the end result. It would be to everybody's disadvantage to stretch this out another four to six weeks,” said Senator Roy Blunt (R-MO), a member of GOP leadership.



Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
H.R.1319	Rep. John Yarmith (D-KY)	American Rescue Plan Act of 2021 (Coronavirus Relief Legislation) / To provide for reconciliation pursuant to title II of S. Con. Res. 5.	<p>The legislation would</p> <ul style="list-style-type: none"> <li>- Provide an additional \$1,400 to individuals in the form of an economic impact payment.</li> <li>- Provide for the continuation and enhancement of Federal Unemployment Aid.</li> <li>- Provide \$25B in rental assistance</li> <li>- Provide for a 15% SNAP boost</li> <li>- Provide \$25B for childcare providers</li> <li>- Includes the temporary expansion of Child Tax Credits</li> <li>- Would mandate sick leave through 9/30</li> <li>- Includes \$350B in state and local funding</li> <li>- Includes a proposal to raise the federal minimum wage to \$15/hr.</li> </ul>	<p>The House and Senate are seeking to pass the legislation using reconciliation instructions called for in S. Con. Res. 5, the FY21 budget resolution.</p> <p>The House will likely pass the legislation on Friday, February 26 or Saturday, February 27.</p> <p>The Senate will likely pass the legislation during the week of March 1 (with amendments). The House will then need to reconsider it during the week of March 8.</p>
H.R. 365	Rep. Greg Steube (R-FL)	To provide for the rescheduling of marijuana into schedule III of the Controlled Substances Act.		The legislation was introduced on January 19, 2021 and referred to the Committee on Energy and Commerce, and the Committee on the Judiciary.
S. 29	Sen. Amy Klobuchar (D-MN)	A bill to amend the Federal Water Pollution Control Act to reauthorize certain programs relating to nonpoint source management, and for other purposes.		The legislation was introduced on January 22, 2021 and referred to the Committee on Environment and Public Works.



Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
H.R. 59	Rep. Don Young (R-AK)	Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act	The legislation would amend the Magnuson-Stevens Fishery Conservation and Management Act to provide flexibility for fishery managers and stability for fishermen, and for other purposes.	The legislation was introduced on January 4, 2021 and referred to the House Committee on Natural Resources.
H.R. 456	Rep. Salud Carbajal (D-CA)	California Land Protection Act	The legislation would block new fracking or oil and gas drilling on federal lands on California's central and southern coasts.	<p>The legislation was introduced on January 25, 2021, and referred to the House Committee on Natural Resource.</p> <p>Two additional California members, Representatives Brownley and Panetta, are original cosponsors of the legislation.</p>
H.R. 516	Rep. Cori Bush (D-MO)	Environmental Justice Mapping and Data Collection Act	The legislation would create an interagency environmental justice mapping committee, led by the Environmental Protection Agency, that would to identify criteria, find data gaps, create a data repository, and work with communities to create an interactive mapping tool of based on cumulative impacts to locate environmental justice communities.	<p>The legislation was introduced on January 28, 2021, and referred to the House Committees on Energy &amp; Commerce and Natural Resources.</p> <p>The legislation has 41 cosponsors.</p>



Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
XX	Rep. Joe Neguse (D-CO) / Sen. Ron Wyden (D-OR)	21st Century Conservation Corps Act	The aim of the 21st Century Conservation Corps Act would include wildfire prevention, maintenance of public lands, and bolstering the outdoor recreation industry with rural job creation.	The legislation has not yet been introduced.
H.R 501	Rep. Nanette Diaz Barragan (D-CA)	Climate Smart Ports Act	To direct the Administrator of the Environmental Protection Agency to establish a program to award grants to eligible entities to purchase, and as applicable install, zero emissions port equipment and technology, and for other purposes.	The legislation was introduced on January 28, 2021 and referred to the House Committee on Energy & Commerce.
H.R. 1015	Rep. Grace Napolitano (D-CA)	Water Recycling Investment and Improvement Act	The legislation would assist water agencies with the expansion, planning, design, and building of water recycling plants and modernizing water infrastructure in California and other western states.	The legislation was introduced on February 11, 2021, and referred to the House Committee on Natural Resources.
H.R. 737	Rep. David Valadao (R-CA)	RENEW WIIN Act	The legislation would extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California.	The legislation was introduced on February 2, 2021, and referred the House Committee on Natural Resources.  10 members of the California delegation have cosponsored the legislation.



Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
S.91 / H.R.535	Sen. Krysten Sinema (D-AZ) / Rep. John Garamendi (D-CA)	Special Districts Provide Essential Services Act	The legislation would include special districts in the coronavirus relief fund and direct the Secretary of the Treasury to include special districts as an eligible issuer under the Municipal Liquidity Facility.	The legislation was introduced on 1/28 in both the House and Senate. It has been referred to relevant committees in both chambers.
H.R. 895 / S. 209	Rep. David Rouzer (R-NC) / Sen. Jeanne Shaheen (D-NH)	Emergency Assistance for Rural Water Systems Act	To provide for assistance to rural water, wastewater, and waste disposal systems affected by the COVID-19 pandemic, and for other purposes.	The legislation was introduced on February 5, 2021, and referred to the House Committee on Agriculture.



INFORMATION  
ITEM  
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CALIFORNIA STRATEGIES, LLC

Date: February 25, 2021  
To: Inland Empire Utilities Agency  
From: John Withers, Jim Brulte  
Re: California Strategies, LLC February 2021 Activity Report

- 1) This month Jim Brulte and John Withers participated in a senior staff meeting via Microsoft Meetings on February 01 due to the Coronavirus.
- 2) Topics of discussion included
  - a) Census and Redistricting
    - i) A general discussion with staff about various firms that do redistricting, and the expertise needed and the general approach to the effort.
  - b) WSIP
    - i) IEUA has received an additional \$5mil for the project bringing the total to \$212mil. IEUA Board requested update.
  - c) Regional Issues
    - i) SARCCUP issues and status was discussed.
  - d) IEUA Director Outreach and Support
    - i) A discussion on how IEUA senior staff can best support Directors was held.