

**AGENDA
IRVINE RANCH WATER DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING**

October 12, 2020

Due to COVID-19, this meeting will be conducted as a teleconference pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20, which suspend certain requirements of the Ralph M. Brown Act. Members of the public may not attend this meeting in person.

Participation by members of the Board of Directors will be from remote locations. Public access and participation will only be available telephonically/electronically.

To virtually attend the meeting and to be able to view any presentations or additional materials provided at the meeting, please join online via Webex using the link and information below:

Via Web:

<https://irwd.my.webex.com/irwd.my/j.php?MTID=m3631c4c92aebfb67a401c7c36690dfc8>

Meeting Number (Access Code): 126 662 0023

Meeting Password: Rf9E6FKjsu8 (73936355 from phones and video systems)

After joining the meeting, in order to ensure all persons can participate and observe the meeting, please select the "Call in" option and use a telephone to access the audio for the meeting by using the call-in information and attendee identification number provided.

As courtesy to the other participants, please mute your phone when you are not speaking.

PLEASE NOTE: Participants joining the meeting will be placed into the WebEx lobby when the Board enters closed session. Participants who remain in the "lobby" will automatically be returned to the open session of the Board once the closed session has concluded. Participants who join the meeting while the Board is in closed session will receive a notice that the meeting has been locked. They will be able to join the meeting once the closed session has concluded.

CALL TO ORDER 5:00 p.m.

ROLL CALL Directors Reinhart, LaMar, Swan, and Withers, and President Matheis

PUBLIC COMMENT NOTICE

If you wish to address the Board of Directors on any item, please submit a request to speak via the "chat" feature available when joining the meeting virtually. Remarks are limited to three minutes per speaker on each subject. You may also submit a public comment in advance of the meeting by emailing comments@irwd.com before 12:00 p.m. on Monday, October 12, 2020.

ALL VOTES SHALL BE TAKEN BY A ROLL CALL VOTE.

COMMUNICATIONS TO THE BOARD

1. A. Written:

B. Oral:

2. ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Recommendation: Determine the need to discuss and/or take immediate action on item(s).

PRESENTATION

Next Resolution No. 2020-18

3. COMMENDATION FOR THE HONORABLE JOHN M.W. MOORLACH

Recommendation: That the Board adopt a resolution commending the Honorable John M. W. Moorlach for authoring Senate Bill 1386.

Reso. No. 2020-

CONSENT CALENDAR

Items 4-7

4. BOARD MEETING MINUTES

Recommendation: That the minutes of the September 28, 2020 Regular Board meeting be approved as presented.

5. RATIFY/APPROVE BOARD OF DIRECTORS' ATTENDANCE AT MEETINGS AND EVENTS

Recommendation: That the Board ratify/approve the meetings and events for Mary Aileen Matheis, Peer Swan, Doug Reinhart, Steve LaMar, and John Withers, as described.

6. 2020 LEGISLATIVE AND REGULATORY UPDATE

Recommendation: Receive and file.

7. ELECTION OF THE INDEPENDENT SPECIAL DISTRICTS OF ORANGE COUNTY 2021-2022 OFFICERS

Recommendation: That the Board review the candidates for the Independent Special Districts of Orange County (ISDOC) to serve on its Executive Committee for the 2021-2022 term, and authorize IRWD to cast its ballot in favor of Mark Monin (El Toro Water District) for President and authorize the District to submit its ballot to ISDOC no later than the October 23, 2020, deadline.

ACTION CALENDAR

8. 3.7 MG ZONE 1 RESERVOIR FINAL ACCEPTANCE

Recommendation: That the Board accept construction of the 3.7 MG Zone 1 Reservoir, authorize the General Manager to file a Notice of Completion, and authorize the payment of the retention 35 days after the date of recording the Notice of Completion for Project 06401.

9. REVISED IRWD POLICY PRINCIPLES REGARDING PFAS CONTAMINANTS

Recommendation: That the Board adopt the revised IRWD's Policy Principles regarding PFAS Contaminants dated October 12, 2020.

OTHER BUSINESS

Pursuant to Government Code Section 54954.2, members of the Board of Directors or staff may ask questions for clarification, make brief announcements, and make brief reports on his/her own activities. The Board or a Board member may provide a reference to staff or other resources for factual information, request staff to report back at a subsequent meeting concerning any matter, or direct staff to place a matter of business on a future agenda. Such matters may be brought up under the General Manager's Report or Directors' Comments.

10. General Manager's Report

11. Directors' Comments

12. Receive oral update(s) from District liaison(s) regarding communities within IRWD's service area and provide information on relevant community events.

13. Open Session

14. Adjourn.

Availability of agenda materials: Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the above-named Board in connection with a matter subject to discussion or consideration at an open meeting of the Board are available for public inspection in the District's office, 15600 Sand Canyon Avenue, Irvine, California ("District Office"). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Secretary of the District Office at the same time as they are distributed to Board Members, except that if such writings are distributed one hour prior to, or during, the meeting, they will be available electronically via the Webex meeting noted. Upon request, the District will provide for written agenda materials in appropriate alternative formats, and reasonable disability-related modification or accommodation to enable individuals with disabilities to participate in and provide comments at public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, or alternative format requested at least two days before the meeting. Requests should be emailed to comments@irwd.com. Requests made by mail must be received at least two days before the meeting. Requests will be granted whenever possible and resolved in favor of accessibility.

Note: This page is intentionally left blank.

October 12, 2020
Prepared and
submitted by: C. Compton
Approved by: Paul A. Cook



PRESENTATION

RESOLUTION COMMENDING THE HONORABLE JOHN M. W. MOORLACH
FOR AUTHORIZING SENATE BILL 1386

SUMMARY:

Staff recommends commending State Senator John M.W. Moorlach for his leadership in authoring SB 1386 on behalf of IRWD and for successfully championing the cause of property owners and the California water community through the enactment of SB 1386.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

Not applicable.

RECOMMENDATION:

THAT THE BOARD ADOPT THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-

RESOLUTION OF THE BOARD OF DIRECTORS
OF IRVINE RANCH WATER DISTRICT COMMENDING
THE HONORABLE JOHN M. W. MOORLACH FOR AUTHORIZING SENATE BILL 1386

LIST OF EXHIBITS:

Exhibit "A" – Resolution

Note: This page is intentionally left blank.

EXHIBIT "A"

RESOLUTION NO. 2020-

RESOLUTION OF THE BOARD OF DIRECTORS
OF IRVINE RANCH WATER DISTRICT COMMENDING
THE HONORABLE JOHN M. W. MOORLACH FOR AUTHORIZING SENATE BILL 1386

WHEREAS, Senator John M. W. Moorlach has served the Orange County community well over his distinguished career in public service, serving as the Orange County Treasurer-Tax Collector from 1995 to 2006, representing the 2nd District on the Orange County Board of Supervisors from 2006 to 2015, and representing the 37th District in the California State Senate since 2015; and

WHEREAS, he has been a Certified Public Accountant since 1978, and has provided important insights and leadership on matters of public finance throughout his career in public service; and

WHEREAS, he represents the residents and communities within the service area of the Irvine Ranch Water District in the California State Senate, and has been a champion of the senatorial district that he represents in the California Legislature; and

WHEREAS, when he learned that the Irvine Ranch Water District and 80 other local governments were sued to challenge the long-standing method of funding the water service and that these lawsuits threaten to force all of California's public retail water service providers to charge fire protection agencies directly for property-related water costs, he understood the principles of infrastructure financing that were involved and stepped forward to author SB 1386 to address the issue; and

WHEREAS, Senator Moorlach and his staff in the California State Senate successfully shepherded this legislation through the Legislature, and secured the governor's signature, in the face of unprecedented challenges as the Legislature adapted to considerable limitations resulting from COVID-19; and

WHEREAS, his efforts to see this legislation signed into law are important to ensuring adequate funding to cover the costs of water service that aids in extinguishing fires that threaten property;

NOW, THEREFORE, BE IT RESOLVED, THAT the Board of Directors of the Irvine Ranch Water District wishes to commend and express its sincere appreciation to Senator John M. W. Moorlach for his leadership in authoring SB 1386 on behalf of the District and for successfully championing the cause of property owners and the California water community through the enactment of SB 1386.

SIGNED and APPROVED this 12th day of October, 2020.

President, IRVINE RANCH WATER DISTRICT
and of the Board of Directors thereof

Secretary, IRVINE RANCH WATER DISTRICT
and of the Board of Directors thereof

Note: This page is intentionally left blank.

October 12, 2020
Prepared and
submitted by: L. Bonkowski
Approved by: Paul A. Cook



CONSENT CALENDAR

BOARD MEETING MINUTES

SUMMARY:

Provided are the minutes of the September 28, 2020 Regular Board meeting for approval.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

Not applicable.

RECOMMENDATION:

THAT THE MINUTES OF THE SEPTEMBER 28, 2020 REGULAR BOARD MEETING BE APPROVED AS PRESENTED.

LIST OF EXHIBITS:

Exhibit "A" – September 28, 2020 Minutes

Note: This page is intentionally left blank.

EXHIBIT "A"

MINUTES OF REGULAR MEETING – September 28, 2020

The regular meeting of the Board of Directors of the Irvine Ranch Water District (IRWD) was called to order at 5:00 p.m. by President Matheis on September 28, 2020 via teleconference pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20 due to COVID-19. Members of the public did not attend this meeting in person.

Directors Present: Reinhart, Swan, Withers, LaMar and Matheis.

Directors Absent: None.

Also Present: General Manager Cook, Executive Director of Technical Services Burton, Executive Director of Water Policy Weghorst, Executive Director of Finance and Administration Clary, Director of Treasury and Risk Management Jacobson, Executive Director of Operations Chambers, General Counsel Collins, Director of Public Affairs Beeman, Director of Human Resources Roney, Director of Water Quality and Regulatory Compliance Colston, Director of Recycling Operations Zepeda, Director of Maintenance Mykitta, Director of Information Services Malone, Director of Water Resources Sanchez, Government Relations Officer/Deputy General Counsel Compton, Secretary Bonkowski, Mr. Bruce Newell, and members of staff and the public.

WRITTEN AND ORAL COMMUNICATIONS: None.

CONSENT CALENDAR

On MOTION by Matheis, seconded by LaMar, and unanimously carried by a roll call vote (5-0) Withers, Matheis, Reinhart, Swan, and LaMar voting aye, and 0 noes, CONSENT CALENDAR ITEMS 3 THROUGH 7 WERE APPROVED AS FOLLOWS:

3. BOARD MEETING MINUTES

Recommendation: That the minutes of the September 14, 2020 Regular Board meeting be approved as presented.

4. RATIFY/APPROVE BOARD OF DIRECTORS' ATTENDANCE AT MEETINGS AND EVENTS

Recommendation: That the Board ratify/approve the meetings and events for Mary Aileen Matheis, Peer Swan, Steve LaMar, and John Withers, as described.

5. AUGUST 2020 TREASURY REPORT

Recommendation: That the Board receive and file the Treasurer's Investment Summary Report, the Summary of Fixed and Variable Rate Debt, and Disclosure Report of Reimbursements to Board members and staff, approve the August 2020 Summary of Payroll ACH payments in the total amount of \$2,119,464, and approve the August 2020 accounts payable Disbursement Summary of warrants 410388 through 411398, Workers' Compensation distributions, wire transfers, payroll withholding distributions and voided checks in the total amount of \$16,863,053.

CONSENT CALENDAR (CONTINUED)

6. SAN JOAQUIN RESERVOIR FILTRATION PROJECT VARIANCE NO. 3

Recommendation: That the Board authorize the General Manager to execute Variance No. 3 in the amount of \$128,503 with Carollo Engineers for the San Joaquin Reservoir Filtration Project, Project 10379.

7. REIMBURSEMENT AGREEMENT BETWEEN IRWD AND THE CITY OF IRVINE FOR FISCAL YEAR 2020-21 ANNUAL STREET REHABILITATION AND SLURRY SEAL PROJECT

Recommendation: That the Board authorize the General Manager to execute the Reimbursement Agreement between Irvine Ranch Water District and the City of Irvine for Adjustment of Street Utilities to Grade for the Fiscal Year 2020-21 Annual Street Rehabilitation and Slurry Seal Project, subject to non-substantive changes.

ACTION CALENDAR

ASSET MANAGEMENT CAPITAL IMPROVEMENT PROGRAM CONSULTANT SELECTION

Using a PowerPoint presentation, Principal Engineer Akiyoshi reported that the Asset Management Capital Improvement Program (CIP) will provide a comprehensive approach for planning capital replacement and rehabilitation (R&R) projects. IRWD currently plans for R&R projects through individual studies, regular operational capital project meetings between Engineering and Operations teams, and updates to the Water Resources, Sewer Treatment, and Sewage Collection Master Plans. Mr. Akiyoshi said that staff anticipates implementing the Asset Management CIP in multiple phases to consolidate capital-related R&R project planning. This will optimize efficiencies, coordination, timing, and financing of capital-related R&R improvements for vertical and linear facilities.

Mr. Akiyoshi said that Phase 1 of the program focuses on developing a five-year risk-based prioritized CIP for pump stations, lift stations, tanks, and wells. The scope of work includes a desktop condition assessment, ranking facilities based on likelihood of failure, developing consequences of failure and levels of service expectations, calculating facilities' remaining useful lives, estimating replacement costs, and producing a five-year prioritized CIP project list.

Mr. Akiyoshi said that staff invited seven consultants to propose on the project and received proposals from five consultants: Black and Veatch, Kennedy Jenks, HDR, GHD, and Brown and Caldwell. Based on team experience, displaying innovative ideas for proposed tools, and articulating a clear approach to risk assessment, three consultants: Black and Veatch, Kennedy Jenks, and HDR were selected for interviews. All the firms presented qualified teams and well-thought-out approaches to the project and scope of work. He said that while all the teams were well qualified, Black and Veatch presented a well-balanced team, clear project approach, and excellent understanding that meets IRWD's goals and objectives for this project.

Following discussion, Director Reinhart said that this item was reviewed and approved by the Engineering and Operations Committee on September 15, 2020. On MOTION by Reinhart, seconded by Swan and unanimously carried by a roll call vote (5-0) Withers, Matheis, Reinhart, Swan, and LaMar voting aye, and 0 noes, THE BOARD AUTHORIZED THE GENERAL MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BLACK & VEATCH IN THE AMOUNT OF \$423,281 AND APPROVED THE ADDITION OF PROJECTS 11686, 11687, AND 11688, EACH IN THE AMOUNT OF \$225,500 FOR A TOTAL OF \$676,500, TO THE FISCAL YEAR 2020-21 CAPITAL BUDGET FOR THE ASSET MANAGEMENT CAPITAL IMPROVEMENT PROGRAM PROJECT.

ASSOCIATION OF CALIFORNIA WATER AGENCIES 2021 LEGISLATIVE PLANNING

Government Relations Officer/Deputy General Counsel Compton reported that each year ACWA's State Legislative Committee solicits legislative proposals from ACWA members, which it considers at its Annual Planning Meeting held in the fall. The ACWA State Legislative Committee will meet on October 30, 2020, to prepare for the first year of the 2021-2022 State Legislative Session.

Ms. Compton said that water agencies currently have no means of proactively seeking a court judgment that their rates and charges are legal and comply with the requirements of Proposition 218 and other laws. For certain local agency actions, existing law provides that a local agency may file a validation action – a lawsuit filed in Superior Court seeking a finding that a certain action is legal. She said that the potential legislative concept, which was prepared by staff and is provided as an exhibit seeks to provide that same validation action option to retail water suppliers for property-related water, wastewater, and sewer fees and charges. If retail water suppliers had the option of filing a validation action, a water supplier could have avoided future challenges to its rates years after they had been set and collected because a court would have already reviewed them and ruled of their legality.

Ms. Compton said that due to timing, this item was not reviewed by a Committee. In response to Director Swan's inquiry, Legal Counsel Collins explained the validation process to the Board. Following discussion, on MOTION by LaMar, seconded by Reinhart, and unanimously carried by a roll call vote (5-0) Withers, Matheis, Reinhart, Swan, and LaMar voting aye, and 0 noes, THE BOARD AUTHORIZED STAFF TO SUBMIT THE LEGISLATIVE PROPOSAL TO THE ASSOCIATION OF CALIFORNIA WATER AGENCIES LEGISLATIVE BEFORE THE OCTOBER 2, 2020, DEADLINE FOR CONSIDERATION AS AN ACWA-SPONSORED LEGISLATION AND THAT THE BOARD ADOPT A "SUPPORT" POSITION ON THE CONCEPT PUT FORTH IN THE LEGISLATIVE PROPOSAL FORM.

OTHER BUSINESS

GENERAL MANAGER'S REPORT

General Manager Cook reported that there is one new case of an employee with COVID-19, and that of the other five previous cases all employees have returned to work.

He further said that he just received word that the Governor signed AB 1386 (Moorlach), which the District is supporting that specifies that fire hydrants are part of the system of public improvements included in the definition of water for purposes of Proposition 218.

DIRECTORS' COMMENTS

Director Withers reported that he attended his regular meetings.

Director Swan reported that he attended several meetings including a WACO Planning meeting, a Southern California Dialogue meeting, Newport Chamber of Commerce meetings, a Kern Fan Project meeting, and MWDOC Board and Committee meetings. He further asked that the General Manager provide a detailed project cost updates for the Syphon Reservoir.

Director LaMar reported on his attendance at ACWA meetings, a South Orange County Water Agencies meeting, a Natural Communities Coalition meeting, and a Scripps Water Advisory group meeting.

Director Reinhart reported on his attendance at OCWD and MWDOC Board and Committee meetings, and a South Orange County Water Agencies meeting.

Director Matheis said that she attended her general meetings, a Santiago Aqueduct Commissioners' Quarterly meeting, and MWDOC meetings.

COMMUNITY UPDATES

The District's Consultant, Mr. Bruce Newell, said he had nothing to report.

CLOSED SESSION

Legal Counsel Collins said that the following would be held:

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Gov. Code § 54956.9(d)(2) and (d)(4)) – two potential cases.

OPEN SESSION

Following the Closed Session, the meeting was reconvened with Directors Matheis, Swan, Reinhart, LaMar and Withers present. No action was reported.

ADJOURNMENT

President Matheis adjourned the meeting at 7:00 p.m.

APPROVED and SIGNED this 12th day of October 2020.

President, IRVINE RANCH WATER DISTRICT

Secretary IRVINE RANCH WATER DISTRICT

APPROVED AS TO FORM:

Claire Hervey Collins, General Counsel
Hanson Bridgett LLP

Note: This page is intentionally left blank.

October 12, 2020
Prepared and
submitted by: K. Swan
Approved by: Paul A. Cook



CONSENT CALENDAR

RATIFY/APPROVE BOARD OF DIRECTORS’
ATTENDANCE AT MEETINGS AND EVENTS

SUMMARY:

Pursuant to Resolution 2006-29 adopted on August 28, 2006, the following events and meetings require approval by the Board of Directors:

Steven LaMar

October 21	Urban Water Institute Presents Jeff Kightlinger
October 23	Riverside County Water Task Force Virtual Edition: Water Project Marvels
October 29	ISDOC Quarterly Luncheon
November 12	Southern California Water Coalition’s 36 th Annual Event and Award Presentation
December 2-3	ACWA Annual Fall Conference – Virtual

Mary Aileen Matheis

October 21	Urban Water Institute Presents Jeff Kightlinger
October 29	ISDOC Quarterly Luncheon
October 30	OCS D Virtual State of the District
November 12	Southern California Water Coalition’s 36 th Annual Event and Award Presentation
November 12	Southern California Water Coalition’s 36 th Annual Event and Award Presentation
December 2-3	ACWA Annual Fall Conference – Virtual

Douglas Reinhart

October 21	Urban Water Institute Presents Jeff Kightlinger
December 2-3	ACWA Annual Fall Conference – Virtual

Peer Swan

October 22	OCBC 26 th Annual Economic Forecast Virtual Conference
October 29	ISDOC Quarterly Luncheon
October 30	OCS D Virtual State of the District
November 12	Southern California Water Coalition’s 36 th Annual Event and Award Presentation
December 2-3	ACWA Annual Fall Conference – Virtual

John Withers

October 8, 13, & 14	SAWPA Virtual Summit – Ensuring Equitable Involvement in Regional Water Planning
October 21	Urban Water Institute Presents Jeff Kightlinger
October 29	ISDOC Quarterly Luncheon
November 12	Southern California Water Coalition's 36 th Annual Event and Award Presentation
December 2-3	ACWA Annual Fall Conference – Virtual

RECOMMENDATION:

THAT THE BOARD RATIFY/APPROVE THE MEETINGS AND EVENTS FOR STEVEN LAMAR, MARY AILEEN MATHEIS, DOUGLAS REINHART, PEER SWAN, AND JOHN WITHERS AS DESCRIBED HEREIN.

LIST OF EXHIBITS:

None.

October 12, 2020
Prepared and
submitted by: C. Compton
Approved by: Paul A. Cook



CONSENT CALENDAR

2020 LEGISLATIVE AND REGULATORY UPDATE

SUMMARY:

This report provides an update on the 2019-2020 legislative session and IRWD priorities. As legislation and regulations develop, staff will provide updates and recommendations to the Water Resources Policy and Communications Committee and the Board, as appropriate. Staff recommends that the Board receive and file the report.

BACKGROUND:

During the 2019-2020 legislative session, 3,374 Assembly bills and 1,474 Senate bills were introduced. At the end of 2020 legislative year, a number of bills were passed and sent to the Governor. Governor Newsom had until midnight on September 30, 2020, to sign or veto bills sent to him at the end of session. Unless a signed bill contained an urgency measure or language delaying its effective date, the bill will take effect on January 1, 2021.

The State Legislature will reconvene to begin the 2021-2022 legislative session on December 7, 2020, unless a special session is called.

A copy of the 2020 Legislative Matrix is provided as Exhibit "A". Links to the bills discussed below are included within each discussion, unless a separate exhibit is noted.

2020 State Legislative Update:

Staff has provided an update on the bills, which were still awaiting action by the Governor as of the last update provided to the Board on September 14, 2020. A status report on each bill is provided below, as of the writing of the staff report. Staff provided an oral update on the Governor's final action of each of these bills to the Water Resources Policy and Communications Committee on October 1.

Bill	IRWD Position	Status <i>(as of September 24, 2020)</i>
AB 69 (Ting) <i>Help Homeowners Add New Housing Program: Accessory Dwelling Unit (ADUs) Financing</i>	Watch	Vetoed by the Governor.
AB 2560 (Quirk) <i>Notification Levels and Response Levels Procedures</i>	Support	Signed by the Governor.
AB 2968 (Rodriguez) <i>County Emergency Plans</i>	Seek Amendments	Signed by the Governor.
SB 1386 (Moorlach) <i>Fire Hydrants</i>	Sponsor/ Support	Signed by the Governor.

Other 2020 State Legislative Updates:

Staff also discussed the following bills/topics with the Committee:

- Governor Newsom’s [Executive Order N-79-20](#) on Climate Change;
- Outstanding 2020 State Legislative Issues; and
- 2021 Legislative Planning.

2020 State Regulatory Update:

The following is a list of some of the State regulations and agency reports staff is monitoring, tracking or planning to engage in over the next three to 12 months. As the next drafts of the regulations or report are released for public review and comment, staff will engage, as appropriate. The pending regulations and reports actively being tracked include:

- California Air Resources Board’s Advanced Clean Trucks Regulations;
- Department of Water Resources (DWR) and the State Board’s implementation of the [“Making Water Conservation a California Way of Life”](#) legislation;
- State Board’s development of a “Cross Connection Policy Handbook;”
- State Board’s Electronic Annual Report;
- State Board’s Safe and Affordable Funding for Equity and Resilience (SFER) Drinking Water Program;
- State Board’s [water loss performance standards regulations](#);
- State Board’s “Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California” and draft “Toxicity Provisions;” and
- Implementation of the Governor’s Water Resiliency Portfolio.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

This item was reviewed by the Water Resources Policy and Communications Committee on October 1, 2020.

RECOMMENDATION:

RECEIVE AND FILE.

LIST OF EXHIBITS:

Exhibit “A” – Summary of 2020 State Legislation of Interest to IRWD

**EXHIBIT “A”
IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020**

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
AB 69 Ting (D)	Help Homeowners Add New Housing Program	WATCH	Requires the Treasurer to develop the Help Homeowners Add New Housing Program with the purpose of assisting homeowners in qualifying for loans to construct additional housing units on their property, including accessory dwelling units and junior accessory dwelling units. Requires the program to be developed to provide partial loan guarantees and other credit enhancements for homeowners in order to induce private lenders to issue loans for the construction of additional dwelling units.	09/14/2020 - *****To GOVERNOR.
AB 134 Bloom (D)	Safe Drinking Water Restoration	WATCH	Requires each regional engineer to arrange for a prescribed comprehensive assessment of each failed water system in the region of the drinking water regional office to be completed. Requires the board, upon adoption of an assessment of funding need, to convey to each regional engineer a list of at-risk water systems in that region and additional information. Requires the board by a specified date of each year to review the assessment of funding need and to prioritize the public water systems.	06/13/2019 - To SENATE Committees on ENVIRONMENTAL QUALITY and NATURAL RESOURCES AND WATER.
AB 196 Gonzalez (D)	Workers' Compensation: Coronavirus		Defines injury for certain employees who are employed in an occupation or industry deemed essential except as specified, or who are subsequently deemed essential, to include coronavirus disease that develops or manifests itself during a period of employment of those persons in the essential occupation or industry. Creates a disputable presumption that the injury arose out of and in the course of the employment. Shortens the investigatory timeframe.	09/01/2020 - In SENATE. From third reading. To Inactive File.
AB 202 Mathis (R)	Endangered Species: Conservation: Safe Harbor Program		Extends the operation of the California State Safe Harbor Agreement Program Act indefinitely, which encourages landowners to manage their lands voluntarily, by means of state safe harbor agreements approved by the Department of Fish and Wildlife, to benefit endangered, threatened, or candidate species.	04/24/2019 - To SENATE Committee on NATURAL RESOURCES AND WATER.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 235</u> Mayes (R)	Endangered Species: Petitions: Takings		Requires the Fish and Game Commission to accept a petition for consideration concurrent with a taking if the Commission finds that the petition provides sufficient information to indicate that the petitioned action may be warranted and if a preponderance of the evidence presented in the petition shows there is no direct threat to the species that would lead to its decline.	07/02/2020 - Re-referred to SENATE Committee on NATURAL RESOURCES AND WATER.
<u>AB 254</u> Quirk-Silva (D)	Warewashing Machines: Water Reuse		Authorizes water from a warewashing machine at a retail food business to be reused on the same warewashing machine, for prerinse purposes only, if an attendant is onsite to control the reuse of the water for prerinse purposes and a written disclosure notice is posted.	07/09/2019 - In SENATE Committee on HEALTH: Not heard.
<u>AB 292</u> Quirk (D)	Recycled Water: Raw Water and Groundwater Augmentation	SUPPORT	Eliminates the definition of direct potable reuse and instead substitutes the term groundwater augmentation for indirect potable reuse for groundwater recharge in definitions. Requires the State Water Resources Control Board to adopt uniform water recycling criteria for raw water augmentation.	08/30/2019 - In SENATE. From third reading. To Inactive File.
<u>AB 352</u> Garcia E (D)	Wildfire Prevention, Safe Drinking Water	SUPPORT IF AMENDED	Enacts the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$3,920,000,000 pursuant to the State General Obligation Bond Law to finance a wildlife prevention, safe drinking water, drought preparation, and flood protection program.	08/14/2019 - From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.;08/14/2019 - In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.
<u>AB 402</u> Quirk (D)	Water Resources Control Board: Local Primacy Delegation	OPPOSE UNLESS AMENDED	Authorizes the State Water Resources Control Board to delegate partial responsibility for the Safe Drinking Water Act's enforcement by means of a local primacy delegation agreement. Includes enforcement costs as costs covered by the annual Drinking Water Surveillance Program grant. Authorizes any local primacy agency, with the approval of the State Water	08/30/2019 - In SENATE Committee on APPROPRIATIONS: Held in committee.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			Resources Control Board, to elect to participate in a funding stabilization program.	
<u>AB 418</u> Kalra (D)	Evidentiary Privileges: Union Agent-Worker Privilege		Establishes a privilege between a union agent and a represented employee or represented former employee to refuse to disclose any confidential communication between the employee or former employee and the union agent made while the union agent was acting in the union agent's representative capacity, except as specified.	08/30/2020 - In SENATE. From third reading. To Inactive File.
<u>AB 464</u> Garcia (D)	State Global Warming Solutions Act		Defines district under the State Global Warming Solutions Act to mean an air pollution control or an air quality management district. Specifies that the contribution of natural sources under the Act includes contribution from catastrophic wildfires. Requires the State Air Resources Board to quantify and publish annually data on emissions of greenhouse gases, criteria air pollutants, and toxic air contaminants from catastrophic wildfires on its internet website.	07/09/2020 - From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.;07/09/2020 - In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.
<u>AB 685</u> Reyes (D)	COVID 19: Imminent Hazard to Employees: Exposure		Authorizes the Division of Occupational Safety and Health, when, in its opinion, a place of employment, operation, or process, or any part thereof, exposes workers to the risk of infection with severe acute respiratory syndrome, also known as coronavirus, so as to constitute an imminent hazard to employees, to prohibit the performance of that operation or process, or entry into that place of employment.	09/17/2020 - Chaptered by Secretary of State. Chapter No. 2020-84
<u>AB 722</u> Bigelow (R)	Water: Dams: Fees		Limits the total annual fee for a dam operated by certain irrigation districts to no more than 20% of the fees assessed pursuant to the schedule of fees.	06/25/2019 - In SENATE Committee on NATURAL RESOURCES AND WATER: Heard, remains in Committee.
<u>AB 727</u> Flora (R)	Dams and Reservoirs: Exclusions		Specifies that a structure owned or operated by a public entity may have the principal purpose of impounding water for	05/16/2019 - To SENATE Committee on NATURAL RESOURCES AND WATER.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			agricultural use for the purposes of an exclusion from being considered a dam, provided the structure is a certain height.	
<u>AB 740</u> Burke (D)	Electricity: Microgrids		Requires the Public Utilities Commission to ensure that the standards established to facilitate the commercialization of microgrids for distribution customers of large electrical corporations do not impose a size cap on microgrid projects with specified characteristics. Requires the governing board of a local publicly owned electric utility to do the same.	07/02/2020 - In SENATE. Senate Rule 29.10 suspended.;07/02/2020 - Re-referred to SENATE Committee on RULES.;07/02/2020 - Re-referred to SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS.
<u>AB 787</u> Gipson (D)	Elections: Vote Registration		Requires a county or a city and county that operates a jail facility to allow organizations to conduct in-person voter registration activities, including, but not limited to, the provision of vote-by-mail applications, in each county jail facility. Requires a county or city and county to establish policies and criteria governing the admittance of individuals from those organizations into jail facilities, including procedures for notifying an individual of the basis for denial.	08/30/2019 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>AB 828</u> Ting (D)	Moratorium on Foreclosures and Unlawful Detainer Action	WATCH	Prohibits a party from submitting to a county recorder any instrument, paper, or notice that constitutes a notice of default, a notice of sale, or a trustee's deed upon sale for residential real property during the above-specified declared state of emergency relating to the coronavirus. Establishes a procedure, known as an unlawful detainer action.	07/28/2020 - From SENATE Committee on JUDICIARY with author's amendments.;07/28/2020 - In SENATE. Read second time and amended. Re-referred to Committee on JUDICIARY.
<u>AB 831</u> Grayson (D)	Planning and Zoning: Housing: Development Applications		Provides that if an application for a public improvement is submitted to a local government, the local government shall consider the application based upon any objective standards specified in any state or local laws that were in effect when the original development application was submitted, and to conduct its review and approval in the same manner as it would evaluate the public improvement if required by a project that is not eligible to receive a ministerial or streamlined approval.	09/14/2020 - *****To GOVERNOR.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 933</u> Petrie-Norris (D)	Ecosystem Resilience: Watershed Protection		Requires the Department of Conservation, to the extent funds are available, to establish and administer the Ecosystem Resilience Program to fund watershed coordinator positions, and other necessary costs, throughout the state for the purpose of achieving specified goals, including the goal to develop and implement watershed improvement plans, and other plans to enhance the natural functions of a watershed, aligned with multiple statewide and regional objectives across distinct bioregions.	08/30/2019 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>AB 953</u> Ting (D)	Land Use: Accessory Dwelling Units		Deems a permit application for the creation of an accessory dwelling unit or junior accessory dwelling unit approved if the local agency has not acted upon the completed application within 60 days. Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if certain requirements are met.	06/23/2020 - To SENATE Committee on GOVERNANCE AND FINANCE.
<u>AB 955</u> Gipson (D)	Water Replenishment Districts: Water System Needs		Authorizes a water replenishment district, pursuant to an agreement with the State Water Resources Control Board, to offer to conduct a needs assessment program for water systems serving disadvantaged communities within the district. Makes a water system's participation in the program voluntary.	08/30/2019 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>AB 992</u> Mullin (D)	Open Meetings: Local Agencies: Social Media		Allows a member to engage in separate conversations or communications outside of a meeting authorized by the Ralph M. Brown Act with any other person using an internet based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body.	09/18/2020 - Chaptered by Secretary of State. Chapter No. 2020-89

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1035</u> Ramos (D)	COVID 19 Emergency: Small Businesses		Exempts a small business with a certain number of employees from liability for an injury or illness to a person due to coronavirus based on a claim that the person contracted coronavirus while at that small business, or due to the actions of that small business. Requires the small business, for this exemption to apply, to have implemented and abided by all applicable state and local health laws, regulations, and protocols.	06/25/2020 - From SENATE Committee on JUDICIARY with author's amendments.;06/25/2020 - In SENATE. Read second time and amended. Re-referred to Committee on JUDICIARY.
<u>AB 1063</u> Petrie-Norris (D)	Planning and Zoning Law: Site Substitutes		Requires the Department of Housing and Community Development, in making an evaluation of a proposed or adopted housing element, to allow a city or county to identify adequate sites by a variety of methods. Authorizes the Department to allow a city or county to substitute the provision of certain units for up to half of the city's or county's obligation to identify adequate sites for any income category under certain conditions.	07/02/2020 - In SENATE. Senate Rule 29.10 suspended.;07/02/2020 - Re-referred to SENATE Committee on RULES.;07/02/2020 - Re-referred to SENATE Committee on HOUSING.
<u>AB 1217</u> Mullin (D)	Electioneering and Issue Lobbying Communications		Requires a person who, makes payments of \$10,000 dollars or more for "electioneering communications" or "issue lobbying communications" to make specified disclosures in connection with those communications.	08/14/2019 - From SENATE Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS with author's amendments.;08/14/2019 - In SENATE. Read second time and amended. Re-referred to Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS.
<u>AB 1415</u> Friedman (D)	Department of Water Resources: Reporting		Requires the department to impose a civil penalty on an entity that fails to file with the department a specified report or plan by the deadline required for that particular report or plan. Authorizes the department to reduce or waive the civil penalty under certain circumstances.	08/30/2019 - In SENATE Committee on APPROPRIATIONS: Held in committee.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1436</u> Chiu (D)	Tenancy: Rental Payment Default: Mortgages: COVID 19		Authorizes a mortgage servicer or lienholder to limit a requested forbearance. Authorizes the mortgage servicer or lienholder to count any forbearance already provided to the borrower between a specified start date and the date of a mobilehome borrower's initial request against the time limit. Requires a mortgage servicer to provide an initial forbearance period and grant additional extension periods upon the request of the borrower.	08/20/2020 - From SENATE Committee on APPROPRIATIONS: Do pass.;08/20/2020 - In SENATE Committee on APPROPRIATIONS: Reconsideration granted.;08/20/2020 - From SENATE Committee on APPROPRIATIONS: Do pass to Committee on RULES
<u>AB 1484</u> Grayson (D)	Mitigation Fee Act: Housing Developments	OPPOSE UNLESS AMENDED	Prohibits a local agency from imposing a housing impact requirement adopted by the local agency on a housing development project, as defined, unless specified requirements are satisfied by the local agency, including that the housing impact requirement be roughly proportional in both nature and extent to the impact created by the housing development project.	09/09/2019 - In SENATE. Read second time. To third reading.;09/09/2019 - In SENATE. Senate Rule 29.10(b) suspended.;09/09/2019 - Re-referred to SENATE Committee on RULES.
<u>AB 1552</u> Ramos (D)	Commercial Insurance: Coverage for COVID 19		Creates specified rebuttable presumptions affecting the burden of proof in a case in which the insured alleges that the business interruption was due to the COVID 19 pandemic and occurred during the period of the state of emergency declared by the Governor due to the COVID 19 pandemic.	07/02/2020 - Re-referred to SENATE Committee on INSURANCE.
<u>AB 1567</u> Aguiar-Curry (D)	Organic Waste: Scoping Plan		Requires the Strategic Growth Council , in consultation with stakeholders and relevant permitting agencies, to prepare and submit to the Legislature a report that provides a scoping plan for the state to meet its organic waste, climate change, and air quality mandates, goals, and targets. Requires the scoping plan to include, among other things, recommendations on policy and funding support for the beneficial reuse of organic waste.	06/23/2020 - To SENATE Committee on NATURAL RESOURCES AND WATER.
<u>AB 1672</u> Bloom (D)	Solid Waste: Premoistened Nonwoven Disposable Wipes	SUPPORT	Requires certain premoistened nonwoven disposal wipes manufactured on or after a specified date to be labeled clearly and conspicuously with the phrase Do Not Flush and a related symbol. Prohibits a covered entity from making a representation about the flushable attributes, benefits, performance, or efficacy	08/20/2020 - In SENATE Committee on APPROPRIATIONS: Held in committee.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			of those wipes. Establishes a civil penalty per violation. Establishes the Consumer Education and Outreach Program.	
<u>AB 1703</u> Bloom (D)	Sale of Residential Rental Properties		Requires the owner of a to take various actions before offering the residential real property for sale to any purchaser. Exempts certain transfers of a residential real property from its provisions, including, among others, a transfer between spouses, domestic partners, parent and child, siblings, grandparent and grandchild, a transfer pursuant to a court order, and a transfer by eminent domain.	07/14/2020 - From SENATE Committee on JUDICIARY with author's amendments.;07/14/2020 - In SENATE. Read second time and amended. Re-referred to Committee on JUDICIARY.
<u>AB 1720</u> Carrillo (D)	Long-duration Energy Storage: Procurement		Prohibits the San Diego County Water Authority from prequalifying or shortlisting or awarding a contract to perform any portion of a long-duration energy storage project, except as provided.	08/03/2020 - In SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS: Not heard.
<u>AB 1751</u> Chiu (D)	Water and Sewer System Corporations		Authorizes a water or sewer system corporation to file an application and obtain approval from the Public Utilities Commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or certain state small water system, or to implement rates for the subsumed water system.	08/30/2019 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>AB 1808</u> Cervantes (D)	Public Contracts: Goods and Services		Requires bidding on public works contracts, would authorize a state or local agency to use the above-described procedures for the purchase, or purchase and installation, of carpet, resilient flooring, or synthetic turf if the installation work is not performed in connection with new construction and the contractor complies with specified requirements relating to wages and labor.	06/19/2019 - Re-referred to SENATE Committees on GOVERNANCE AND FINANCE and GOVERNMENTAL ORGANIZATION.
<u>AB 1850</u> Gonzalez (D)	Worker Classification		Deletes the provision that relates to the exemptions of bona fide business to business contracting relationship in relation to individual workers. Revises the criteria of the relationship	07/02/2020 - To SENATE Committee on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			between a referral agency and a service provider, including requiring the referral agency to check the validity of one license in a location where the service provider performs work a minimum time per calendar year. Provides professional services exemptions to specified industries.	
<u>AB 1928</u> Kiley (R)	Employment Standards: Independent Contractors		Repeals existing provisions for determining when workers are employees or independent contractors, and instead requires a determination of whether a person is an employee or an independent contractor to be based on the specific multifactor test set forth in the Borello case, including whether the person to whom the service is rendered has the right to control the manner and means of accomplishing the result desired, and other identified factors.	02/14/2020 - To ASSEMBLY Committee on LABOR AND EMPLOYMENT.
<u>AB 1947</u> Kalra (D)	Employment Violation Complaints: Requirements: Time		Extends the period of time within which people who believe they have been discharged or otherwise discriminated against in violation of the Labor Code may file complaints to within one year after the occurrence of the violations.	08/27/2020 - *****To GOVERNOR.
<u>AB 2060</u> Holden (D)	Drinking Water: Pipes and Fittings: Lead Content		Defines lead free for purposes of conveying or dispensing water for human consumption, to mean does not leach more than one microgram of lead under certain tests and meeting a specified certification when used with respect to certain endpoint devices. Imposes a progressively increasing minimum percentage for a manufacturer that sells or offers for sale in the state products subject to the definition of lead free. Requires the consumer facing product packaging to indicate compliance.	08/20/2020 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>AB 2107</u> Rodriguez (D)	Local Government: Securitized Obligation Notes		Extends the authorization for a special district to issue securitized limited obligation notes for the acquisition or improvement of land, facilities, or equipment.	09/04/2020 - *****To GOVERNOR.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 2151</u> Gallagher (R)	Political Reform Act: Online Filing Disclosure		Requires a local government agency to post on its internet website, within seventy two hours of the applicable filing deadline, a copy of any specified statement, report, or other document filed with that agency in paper format.	09/04/2020 - *****To GOVERNOR.
<u>AB 2178</u> Levine (D)	Emergency Services		Includes a deenergization, defined as a planned public safety power shutoff, within those conditions constituting a state of emergency and a local emergency under the Emergency Services Act.	07/08/2020 - From SENATE Committee on GOVERNMENTAL ORGANIZATION with author's amendments.;07/08/2020 - In SENATE. Read second time and amended. Re-referred to Committee on GOVERNMENTAL ORGANIZATION.
<u>AB 2210</u> Aguiar-Curry (D)	Contractors: Violations: Disciplinary Actions		Authorizes disciplinary action against a contractor for violations of specified regulations regarding tree work, including maintenance or removal, without regard to whether death or serious injury to an employee resulted. Requires the Registrar appointed by the Contractors' State License Board to initiate disciplinary action against a contractor upon transmission to the Board of copies of any citations or other actions taken by the Division of Occupational Safety and Health.	09/04/2020 - *****To GOVERNOR.
<u>AB 2213</u> Limon (D)	Office of Emergency Services: Planning Guidance		Requires the OES and California Volunteers, in coordination with Voluntary Organizations Active in Disaster, to develop planning guidance to identify volunteers and donation management resources that could assist in responding to or recovering from disasters. Authorizes a city to enter into an agreement to access the contact information of resident account holders through the records of a public utility. Expands the types of public utilities that can enter into these agreements by defining public utility.	09/18/2020 - Chaptered by Secretary of State. Chapter No. 2020-98
<u>AB 2231</u> Kalra (D)	Public Works		Provides that a public subsidy is de minimis if it is less than a specified amount and percentage of the total project cost.	09/01/2020 - *****To GOVERNOR.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			Specifies that these provisions do not apply to a project that was advertised for bid, or a contract that was awarded, before a specified date.	
<u>AB 2257</u> Gonzalez (D)	Worker Classification		Exempts certain occupations in connection with creating, marketing, promoting, or distributing sound recordings or musical compositions from the application of the ABC test for worker classification. Creates an exemption for business to business relationships between two or more sole proprietors. Provides that a hiring entity need only satisfy all of the conditions of one of the exemption provisions to qualify for the exemption from the ABC Test.	09/04/2020 - *****To GOVERNOR.;09/04/2020 - Signed by GOVERNOR.;09/04/2020 - Chaptered by Secretary of State. Chapter No. 2020-38
<u>AB 2296</u> Quirk (D)	State Water Resources Control Board: Delegation		Authorizes the State Water Resources Control Board to delegate partial responsibility for the Safe Drinking Water Act's administration and enforcement by means of a local primacy delegation agreement. Authorizes the Board, for counties that have not been delegated primary responsibility as of a specified date, to offer an opportunity for the county to apply for partial or primary responsibility, if the Board determines that it needs assistance.	09/04/2020 - *****To GOVERNOR.
<u>AB 2311</u> Low (D)	Public Contracts: Skilled and Trained Workforce		Requires a public entity, when the use of a skilled and trained workforce to complete a contract or project is required pursuant to existing law, to include in all bid documents and construction contracts a notice that the project is subject to the skilled and trained workforce requirement. Provides, if a public entity fails to provide the notice, that the public entity shall not be excused from the requirement to obtain the enforceable commitment.	09/12/2020 - *****To GOVERNOR.
<u>AB 2323</u> Friedman (D)	California Environmental Quality Act: Exemptions		Requires that a project is undertaken and is consistent with either a specific plan prepared pursuant to specific provisions of law or a community plan for which an EIR has been certified within the preceding fifteen years in order to be exempt. Requires the	08/20/2020 - In SENATE Committee on APPROPRIATIONS: Held in committee.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			project site to have been previously developed or to be a vacant site meeting certain requirements.	
<u>AB 2333</u> Quirk (D)	Waste: Releases: Remedial Action: Local Oversight		Authorizes a responsible party to request the local officer to oversee the remedial action only if the release is not being overseen by the Department of Toxic Substances or regional water quality control board. Authorizes the local officer to agree to oversee the remedial action only if the local officer determines that the same conditions referenced have been met.	07/08/2020 - From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.;07/08/2020 - In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.
<u>AB 2371</u> Friedman (D)	Climate Change: Office and Planning and Research		Requires the Office of Planning and Research to convene a climate science advisory team of distinguished scientists to advise on climate planning and adaptation efforts in the state and to provide input to improve climate adaptation and hazard mitigation planning across state agencies.	07/08/2020 - From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.;07/08/2020 - In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.
<u>AB 2467</u> Levine (D)	Political Reform Act: Misuse of Funds		Amends the Political Reform Act. Prohibits a state or local government agency from expending public money for a public communication that clearly identifies a candidate or ballot measure.	05/04/2020 - From ASSEMBLY Committee on ELECTIONS AND REDISTRICTING with author's amendments.;05/04/2020 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on ELECTIONS AND REDISTRICTING.
<u>AB 2473</u> Cooper (D)	Public Investment Funds		Exempts from disclosure under California Public Records Act specified records regarding an internally managed private loan made directly by a public investment fund, including quarterly and annual financial statements of the borrower or its constituent owners, unless the information has already been publicly released by the keeper of the information. Makes nonsubstantive changes to certain other provisions. Defines terms.	08/05/2020 - In SENATE Committee on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT: Not heard.
<u>AB 2504</u> Nazarian (D)	Capital Access Loan Program		Expands the definition of a qualified residential property owner for purposes of the seismic retrofitting program under the Capital	05/04/2020 - From ASSEMBLY Committee on BANKING AND

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			Access Loan Program to include a homeowners' association that owns a residential building that is a qualified building, and is authorized to seismically retrofit such a building. Authorizes moneys in the California Seismic Safety Capitol Access Loan Program Fund to be used by the Pollution Control Financing Authority for incentives to borrowers.	FINANCE with author's amendments.;05/04/2020 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on BANKING AND FINANCE.
<u>AB 2519</u> Wood (D)	Conservation Projects: Grants: Advance Payments		Requires, to the extent not in conflict with any other law, the Natural Resources Agency, the conservancy, the department, and the board, when awarding grants for conservation projects, as defined, to provide an advance payment of up to a certain percent of the total grant award if requested by a grant recipient. Requires the granting entities specified above to provide a report to the Legislature on or before specified date.	07/02/2020 - To SENATE Committee on NATURAL RESOURCES AND WATER.
<u>AB 2560</u> Quirk (D)	Water Quality: Notification Levels and Response Levels	SUPPORT	Amends the Safe Drinking Water Act. Requires a public water system to provide prescribed notices within a certain number of days after it is informed of a confirmed detection of a contaminant found in drinking water in excess of a maximum contaminant level. Requires the State Water Resources Board to comply with specified public notice and comment procedures when establishing or revising a notification level or response level, with an exception.	09/12/2020 - *****To GOVERNOR.
<u>AB 2621</u> Mullin (D)	Climate Adaptation Action Plans		Authorizes eligible agencies to establish and participate in a regional climate network to prepare a regional climate adaptation action plan for certain region. Requires the Office of Planning and Research to develop guidelines establishing how a regional climate network may develop a regional climate adaptation action plan, including certain information, analyses and contents to be included in a plan, and certain considerations and procedures for a regional climate network.	08/20/2020 - In SENATE Committee on APPROPRIATIONS: Held in committee.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 2765</u> O'Donnell (D)	Public Works: Prevailing Wages		Expands the definition of public works, for the purposes of provisions relating to the prevailing rate of per diem wages, to also include any construction, alteration, demolition, installation, or repair work done under private contract on a project for a charter school, as defined, when the project is paid for, in whole or in part, with the proceeds of conduit revenue bonds that were issued after a specified date.	09/12/2020 - *****To GOVERNOR.
<u>AB 2800</u> Quirk (D)	Climate Safe Infrastructure Working Group		Extends provisions relating to the Climate Safe Infrastructure Working Group, whose purpose it is to exam how to integrate scientific data concerning projected climate change impacts into state infrastructure engineering, including oversight, investment, design, and construction. Requires state agencies to take into account the economic damages associated with such impacts. Adds a specified five year infrastructure plan to the information that the Working Group is required to consider and build upon.	09/15/2020 - *****To GOVERNOR.
<u>AB 2843</u> Chu (D)	Local Employer Affordable Housing Fees		Requires a city, county, or city and county to collect an additional annual fee from any applicant for a local business license in an amount depending on the number of employees employed by the business, as specified.	03/05/2020 - To ASSEMBLY Committees on LOCAL GOVERNMENT and HOUSING AND COMMUNITY DEVELOPMENT.
<u>AB 2849</u> Chau (D)	Proposition 65: Enforcement		Amends the Safe Drinking Water and Toxic Enforcement Act. Revises the definition of person in the course of doing business to include a person employing fewer than ten employees on terms and conditions as that person states in writing to a person giving notice of a violation and the Attorney General.	06/23/2020 - To SENATE Committee on ENVIRONMENTAL QUALITY.
<u>AB 2887</u> Bonta (D)	Statewide Emergencies: Mitigation		Adds provisions relating to states of emergency, including the coronavirus pandemic. Provides for school meal distribution. Provides a moratorium on rent collection from small businesses. Requires zero interest rate loans for small businesses and nonprofit organizations. Provides paid sick leave for all employees regardless of term of employment. Prohibits the	05/08/2020 - In ASSEMBLY. Suspend Assembly Rule 96.;05/08/2020 - Re-referred to ASSEMBLY Committee on BUDGET.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			termination of utility service for certain nonpayment after the declaration of a state of emergency.	
<u>AB 2967</u> O'Donnell (D)	Public Employees Retirement System: Contracting		Deletes provisions of the Public Employees' Retirement Law that generally authorize a public agency contracting with the Public Employees' Retirement System to make all or part of its employees members of the system. Prohibits exclusions of groups of employees from being made by amendment of a public agency contract with PERS.	09/12/2020 - *****To GOVERNOR.
<u>AB 2968</u> Rodriguez (D)	Country Emergency Plans: Best Practices	SEEK AMENDMENTS	Requires the Office of Emergency Services to establish best practices for counties developing and updating a county emergency plan. Requires the Office to establish a review process for a county to request the Office to review a county's emergency plan.	09/04/2020 - *****To GOVERNOR.
<u>AB 2992</u> Weber (D)	Employment Practices: Leave Time		Prohibits an employer from discharging, or discriminating or retaliating against, an employee who is a victim of crime or abuse for taking time off from work to obtain or attempt to obtain relief, as prescribed. Prohibits an employer from taking action against an employee, when an unscheduled absence occurs, if the employee victim of crime or abuse provides certification that they were receiving services for certain injuries, or if the documentation is from a victim advocate.	09/12/2020 - *****To GOVERNOR.
<u>AB 2999</u> Low (D)	Employees: Bereavement Leave		Enacts the Bereavement Leave Act. Requires an employer with a specified number of employees to grant an employee up to ten business days of unpaid bereavement leave upon the death of a spouse, child, parent, sibling, grandparent, grandchild, or domestic partner, in accordance with certain procedures, and subject to certain exclusions. Requires an employer with fewer a specified number of employees to grant 3 business days of leave, in accordance with these provisions.	07/14/2020 - From SENATE Committee on JUDICIARY with author's amendments.;07/14/2020 - In SENATE. Read second time and amended. Re-referred to Committee on JUDICIARY.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 3030</u> Kalra (D)	Resource Conservation: Land and Ocean Conservation	OPPOSE	Declares it to be the goals of the state to protect thirty percent of land areas and waters, to help advance the protection thirty percent of the nation's oceans, and to support regional, national, and international efforts to protect at least thirty percent of the world's land areas and waters and thirty percent of the world's ocean. Declares it a further goal of the state to improve access to nature for all people in the state.	08/20/2020 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>AB 3074</u> Friedman (D)	Fire Prevention: Wildfire Risk: Defensible Space		Relates to defensible space. Requires each local agency having jurisdiction of property upon which conditions that are regulated by specified defensible space provisions apply and, contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for this purpose, the Department of Forestry and Fire Protection to make reasonable efforts to provide notice to affected residents of defensible space requirements before imposing penalties for a violation.	09/15/2020 - *****To GOVERNOR.
<u>AB 3088</u> Chiu (D)	Tenancy: Rental and Mortgage Payments: COVID 19	WATCH	Creates the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act to apply specified protections to a first lien mortgage or deed of trust that is secured by residential real property that is occupied by a tenant, contains no more than four dwelling units, and meets certain criteria. Enacts the COVID 19 Small Landlord ad Homeowner Relief Act which would require a mortgage servicer to provided a specified written notice to a homeowner in relation to forbearance during the pandemic.	08/31/2020 - Enrolled.;08/31/2020 - *****To GOVERNOR.;08/31/2020 - Signed by GOVERNOR.;08/31/2020 - Chaptered by Secretary of State. Chapter No. 2020-37
<u>AB 3164</u> Friedman (D)	Fire Prevention: Wildland Urban Interface		Requires the Department of Forestry and Fire Protection to develop a wildland urban interface wildfire risk model to determine the risk for a community or parcel within a local responsibility area or state responsibility. Requires the Department to establish, and consult with, an advisory workgroup with specified members, to develop the model. Requires the Department to update the model and guidelines when fire hazard severity zones are revised.	09/12/2020 - *****To GOVERNOR.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 3216</u> Kalra (D)	Unemployment: Rehiring and Retention: Emergency		Requires an employer to offer its laid off employees specified information about job positions that become available for which the laid off employees are qualified, and to offer positions to those employees based on a preference system. Defines the term laid off employee. Authorizes an employee to enforce violations by filing an action with the Division of Labor Standards.	09/15/2020 - *****To GOVERNOR.
<u>AB 3256</u> Garcia E (D)	Bond Act	SUPPORT IF AMENDED	Enacts the Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act, which, if approved by the voters, would authorize the issuance of bonds in a specified amount to finance projects for an economic recovery, wildfire prevention, safe drinking water, drought preparation, and flood protection program.	06/04/2020 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on RULES.
<u>AB 3267</u> Smith C (D)	Office of Emergency Services: State Emergency Plan		Requires the Office of Emergency Services to coordinate with representatives of the access and functional needs population when the office updates the State Emergency Plan. Requires the Office to complete an after action report within a certain number of days after each declared disaster.	09/04/2020 - *****To GOVERNOR.
<u>AB 3279</u> Friedman (D)	California Environmental Quality Act		Repeals certain obsolete and duplicative provisions from the California Environmental Quality Act. Authorizes a public agency in certain proceedings to deny a request of a plaintiff or petitioner to prepare the record of proceedings, in which case the public agency or the real party in interest must bear the costs of preparation and certification of the record of proceedings and prohibits the recovery of those costs from the plaintiff or petitioner.	08/20/2020 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>ACA 3</u> Mathis (R)	Clean Water for All Act	WATCH	Requires not less than a certain percent of specified state revenues to be set apart for the payment of principal and interest on bonds authorized pursuant to the Water Quality, Supply, and Infrastructure Improvement Act. Relates to water supply,	04/30/2019 - In ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Failed passage.;04/30/2019 - In ASSEMBLY

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			delivery, and quality projects administered by the Department of Water Resources and water quality projects administered by the State Water Resources Control Board.	Committee on WATER, PARKS AND WILDLIFE: Reconsideration granted.
<u>ACA 10</u> Bonta (D)	Personal Rights: Right To Housing		Declares that the fundamental human right to housing exists in this state. Declares that this right is exclusively enforceable by a public right of action. Specifies that it is the shared obligation of state and local jurisdictions to respect, protect, and fulfill this right through progressively implemented measures, consistent with available resources, within an aggressive but reasonable time frame.	05/11/2020 - From ASSEMBLY Committee on ELECTIONS AND REDISTRICTING with author's amendments.;05/11/2020 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on ELECTIONS AND REDISTRICTING.
<u>ACR 179</u> Voepel (R)	Special Districts Week	SUPPORT	Proclaims the week of May 17, 2020, to May 23, 2020, to be Special Districts Week.	03/12/2020 - To ASSEMBLY Committee on RULES.
<u>SB 9</u> Durazo (D)	Surplus Property: Sale Procedures		Expands the definition of exempt surplus land to include, thereby exempting from certain surplus land disposal procedures, surplus land for which a local agency has entered into an exclusive negotiation agreement before a specified date for a housing development that complies with specified affordability requirements. Provides that the surplus land disposal procedures as they existed on a specified date apply if a local agency has issued a competitive request for development proposals.	09/02/2020 - In SENATE. From Unfinished Business. To Inactive File.
<u>SB 43</u> Allen (D)	Carbon Intensity and Pricing: Retail Products		Requires the state board, no later than January 1, 2022, to submit a report to the Legislature on the findings from a study, as specified, to determine the feasibility and practicality of assessing the carbon intensity of all retail products subject to the tax imposed pursuant to the Sales and Use Tax Law, so that the total carbon equivalent emissions associated with such retail products can be quantified.	07/08/2019 - In ASSEMBLY Committee on REVENUE AND TAXATION: Failed passage.;07/08/2019 - In ASSEMBLY Committee on REVENUE AND TAXATION: Reconsideration granted.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 45</u> Allen (D)	Wildfire Prevention, Drinking Water, Drought, and Flood	SUPPORT IF AMENDED	Enacts the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act, which, if approved by the voters, would authorize the issuance of bonds to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.	01/29/2020 - In SENATE. Read third time, urgency clause adopted. Passed SENATE. *****To ASSEMBLY.
<u>SB 55</u> Jackson (D)	CEQA: Housing and Land Use		Exempts from the requirements of the California Environmental Quality Act emergency shelters or supportive housing projects meeting certain requirements. Establishes additional requirements for agency responses to petitions under CEQA. Requires the submission of a proposed municipal ordinance to the voters for approval if it is determined to constitute an approval of a project within the meaning of CEQA.	07/27/2020 - From ASSEMBLY Committee on PUBLIC SAFETY with author's amendments.;07/27/2020 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.;07/27/2020 - In ASSEMBLY. Suspend Assembly Rule 96.;07/27/2020 - Re-referr
<u>SB 69</u> Wiener (D)	Ocean Resiliency Act		Requires the Department of Fish and Wildlife to develop and implement a plan, in collaboration with specified scientists, experts, and representatives, as part of its fish hatchery operations for the improvement of the survival of hatchery-produced salmon, and the increased contribution of the hatchery program to commercial and recreational salmon fisheries.	08/30/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>SB 166</u> Wiener (D)	Process Water Treatment Systems: Breweries		Requires the State Water Resources Control Board, in consultation with the State Department of Public Health, Food and Drug Branch, to adopt regulations for microbiological, chemical, and physical water quality and treatment requirements for voluntary onsite treatment and reuse of process water in breweries. Requires the Food and Drug Branch to consult with the State Board before requiring termination of a process water treatment system.	08/30/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>SB 204</u> Dodd (D)	State Water Project: Contracts	WATCH	Requires the Department of Water Resources to provide at least 10 days' notice to the Joint Legislative Budget Committee and relevant policy and fiscal committees of the Legislature before	06/06/2019 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			holding public sessions to negotiate any potential amendment of a long-term water supply contract that is of projectwide significance with substantially similar terms intended to be offered to all contractors, or that would permanently transfer a contractual water amount between contractors.	
SB 216 Galgiani (D)	Carl Moyer Memorial Air Quality Standards Attainment		Adds as an eligible project under the Carl Moyer Memorial Air Quality Standards Attainment Program, a used heavy-duty truck exchange. Requires the state board to hold a public workshop on the heavy-duty truck exchange and develop a plan to help air pollution control and air quality management districts add a heavy-duty truck exchange as an eligible project under the program.	08/30/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
SB 226 Nielsen (R)	Watershed Restoration: Wildfires: Grant Program		Requires the Natural Resources Agency to develop and implement a watershed restoration grant program for purposes of awarding grants to private property land owners to assist them with watershed restoration on watersheds that have been affected by wildfire. Requires the agency to provide technical resources to the private property land owners seeking assistance with watershed restoration.	08/30/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
SB 287 Nielsen (R)	Commission on State Mandates: Test Claims: Filing Date		Relates to the filing date on test claims for the Commission on State Mandates. Specifies that for purposes of filing a test claim based on the date of incurring increased costs, "within 12 months" means by June 30 of the fiscal year following the fiscal year in which increased costs were first incurred by the test claimant.	08/30/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
SB 414 Caballero (D)	Small System Water Authority Act of 2019	SUPPORT	Creates the Small System Water Authority Act of 2019 and states legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems.	08/20/2020 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 474</u> Stern (D)	Very High Fire Hazard Severity Zone	SEEK AMENDMENTS	Prohibits the creation or approval of a new development in a very high fire hazard severity zone or a state responsibility area.	06/29/2020 - Re-referred to ASSEMBLY Committee on LOCAL GOVERNMENT.
<u>SB 535</u> Moorlach (R)	Greenhouse Gases: Wildfires and Forest Fires		Requires the report to include information, if feasible, regarding the greenhouse gas, criteria air pollutant, and short-lived climate pollutant emissions from wildfires and forest fires, an assessment of the increased severity of wildfires and forest fires from the impacts of climate change, and a calculation of the increase in the emissions of criteria air pollutants, greenhouse gases, and short-lived climate pollutants based on the increased severity of wildfires and forest fires assessed.	08/30/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>SB 559</u> Hurtado (D)	Department of Water Resources: Friant Kern Canal		Requires the Department of Water Resources to report to the Legislature, no later than a specified date, on federal funding approved by the US Congress to the Friant Water Authority or other government agency to restore the capacity of the Friant Kern Canal. Requires the Department to include a proposal for the state to pay a share of the project costs and how the money will be spent.	09/09/2020 - *****To GOVERNOR.
<u>SB 668</u> Rubio (D)	Fire Hydrants: Water Suppliers: Regulations		Imposes requirements upon an urban water supplier to review and revise its disaster preparedness plan. Requires the Office of Emergency Services to establish emergency response and recovery plans in coordination with urban water suppliers. Requires an urban water supplier to review and revise its disaster preparedness plan every five years.	08/25/2020 - In ASSEMBLY. Assembly Rule 78 suspended.;08/25/2020 - In ASSEMBLY. From Inactive File. To third reading.;08/25/2020 - In ASSEMBLY. Read third time and amended. To third reading.
<u>SB 749</u> Durazo (D)	State Public Records Act: Trade Secrets		Provides that specified records of a private industry employer that are prepared, owned, used, or retained by a public agency are not trade secrets and are public records, including certain records relating to employment terms and conditions of employees working for a private industry employer pursuant to a contract with a public agency, under specified conditions.	08/25/2020 - In ASSEMBLY. From Inactive File. To third reading.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			Excludes certain contracts between a public agency and private employer entered into before a specified date.	
<u>SB 774</u> Stern (D)	Electricity: Microgrids		Requires each electrical corporation to collaborate with certain entities in its service territory to identify locations where sources of back-up electricity may provide increased electrical distribution grid resiliency. Authorizes electrical corporations to file applications with the Public Utilities Commission to invest in, and deploy, microgrids to increase that resiliency and prohibits the Commission from approving microgrid applications that use a certain cost-recovery mechanism.	06/06/2019 - To ASSEMBLY Committee on UTILITIES AND ENERGY.
<u>SB 794</u> Jackson (D)	Emergency Services: Telecommunications		Expands provisions authorizing a city to enter into an agreement to access contact information of resident account holders through the records of a public utility. Permits the telephone numbers and email addresses of elderly or disabled social services clients to be disclosed to emergency personnel. Specifically identifies a public safety power shutoff as a public safety emergency.	08/03/2020 - In ASSEMBLY Committee on GOVERNMENTAL ORGANIZATION: Failed passage.;08/03/2020 - In ASSEMBLY Committee on GOVERNMENTAL ORGANIZATION: Reconsideration granted.
<u>SB 795</u> Beall (D)	Economic Development: Housing: Climate Change		Makes funds available in each fiscal year for the purpose of providing emergency economic recovery and development, climate change, and disaster response. Requires the Controller to allocate a portion of those funds among various housing programs administered by the Department of Housing and Community Development, to the Climate, Sea Level, and Natural Disaster Program, and to the Community Economic Development Program.	08/20/2020 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>SB 801</u> Glazer (D)	Electrical Corporations: Wildfire Mitigation Plans		Requires an electrical corporation to deploy backup electrical resources for the operation of qualifying medical devices or provide financial assistance for backup electrical resources to a customer receiving a medical baseline allowance, if the customer meets specified conditions. Requires an electrical corporation to develop its program to provide backup electrical resources or	07/27/2020 - From ASSEMBLY Committee on UTILITIES AND ENERGY with author's amendments.;07/27/2020 - In ASSEMBLY. Read second time and

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			financial assistance in consultation with community disability rights groups or other local disability rights advocates.	amended. Re-referred to Committee on UTILITIES AND ENERGY.
<u>SB 862</u> Dodd (D)	Planned Power Outage: Public Safety		Includes a deenergization event within a sudden and severe energy shortage constituting a state of emergency and a local emergency. Requires an electrical corporation to coordinate with local governments in its service territory to identify sites within those jurisdictions where community resource centers can be established and operated during a deenergization event and the level of services that will be available at those centers.	06/29/2020 - To ASSEMBLY Committee on UTILITIES AND ENERGY.
<u>SB 865</u> Hill (D)	Excavations: Subsurface Installations		Provides that the Underground Facilities Safe Excavation Board is also known as the Dig Safe Board. Requires an excavator to notify the regional notification center within a specified number of hours of discovering or causing damage. Subjects any operator or excavator who violates the Dig Safe Act to a civil penalty.	09/09/2020 - *****To GOVERNOR.
<u>SB 939</u> Wiener (D)	Emergencies: Coronavirus: Evictions		Prohibits a commercial landlord from serving a specified notice of eviction on a commercial tenant under a certain number of days after the state of emergency proclaimed by the Governor on March 4, 2020, is lifted and if specified criteria apply. Defines eligible COVID 19 impacted commercial tenant. Provides that specified notices of eviction served on commercial tenants are void under specified circumstances.	06/18/2020 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>SB 943</u> Chang (R)	Paid Family Leave: Coronavirus		Authorizes wage replacement benefits to specified workers who take time off work to care for a child or other family member, including a child with disabilities, for whom the employee is responsible for providing care, if that person's school or place of care has been closed, or the care provider of that person is unavailable, due to the coronavirus outbreak.	06/18/2020 - In SENATE Committee on APPROPRIATIONS: Held in committee.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 952</u> Nielsen (R)	Sales and Use Tax: Exemptions: Backup Electrical		Provides an exemption from sales and use tax laws with respect to the sale of, or the storage, use, or consumption of, a backup electrical generator, if that backup electrical generator is purchased for use exclusively in powering a critical facility by a city, county, city and county, special district, or other political subdivision during deenergization events and the purchaser provides to the seller a written statement with regard to these facts.	06/29/2020 - To ASSEMBLY Committee on REVENUE AND TAXATION.
<u>SB 974</u> Hurtado (D)	Environmental Quality Act: Water Systems		Exempts from CEQA certain projects consisting solely of the installation, repair, or reconstruction of water infrastructure that primarily benefit a small disadvantaged community water system or a state small water system by improving those systems' water quality, water supply, or water supply reliability, by encouraging water conservation, among other things.	09/09/2020 - *****To GOVERNOR.
<u>SB 998</u> Moorlach (R)	Local Government: Investments		Amends the Joint Exercise of Powers Act. Authorizes a joint powers authority to establish the terms and conditions pursuant to which agencies may participate and invest in pool shares. Specifies that a federally recognized Indian tribe is eligible to participate in a joint powers authority formed for this purpose. Sets forth prohibitions in relation to investment assets.	09/10/2020 - *****To GOVERNOR.
<u>SB 1044</u> Allen (D)	Firefighting Equipment and Foam: PFAS Chemicals		Requires any person, including a manufacturer, that sells firefighter personal protective equipment to any person to provide a written notice to the purchaser at the time of sale, if the firefighter personal protective equipment contains perfluoroalkyl and polyfluoroalkyl substances. Prohibits a manufacturer of Class B firefighting foam from manufacturing or knowingly selling, offering for sale, distributing for sale, or distributing for use, Class B firefighting foam containing intentionally added PFAS.	09/10/2020 - *****To GOVERNOR.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 1099</u> Dodd (D)	Emergency Backup Generators: Critical Facilities	SUPPORT	Requires an air district without a specified rule on emergency backup generators that adopts such a rule to include in the provisions that allow the operator of a critical facility to use a permitted emergency backup generator in exceedance of the applicable runtime and testing and maintenance limits if specified conditions are met.	07/27/2020 - From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments.;07/27/2020 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES.
<u>SB 1100</u> Atkins (D)	Coastal Resources: Sea Level Rise		Includes, as part of the procedures the California Coastal Commission is required to adopt, recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program. Deletes the timeframe by which the Commission is required to adopt these procedures. Requires the Commission to take into account the effects of sea level rise in coastal resource planning and management policies and activities.	05/12/2020 - In SENATE. 2nd & 3rd Committee referral withdrawn by rule.
<u>SB 1159</u> Hill (D)	Workers Compensation: Coronavirus: Critical Workers		Amends existing law relating to the workers' compensation system. Defines injury for an employee to include illness or death resulting from coronavirus disease. Allows for a presumption of injury for all employees whose fellow employees at their place of employment experience specified levels of positive testing, and whose employer has five or more employees. Requires the Commission on Health and Safety and Worker's Compensation to conduct a COVID 19 impact study.	09/17/2020 - Chaptered by Secretary of State. Chapter No. 2020-85
<u>SB 1185</u> Moorlach (R)	Emergency Backup Generators: Deenergization Events		Authorizes an air district to adopt a rule to specify that hours for usage due to the loss of normal electrical service during a deenergization event by a permitted natural-gas-powered emergency backup generator that is either federally compliant or state board designated are prohibited from counting toward that permit's conditions for usage.	07/27/2020 - From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments.;07/27/2020 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES.
<u>SB 1190</u> Durazo (D)	Tenancy: Termination		Authorizes a tenant to terminate their tenancy without penalty because an immediate family member was the victim of a crime.	09/08/2020 - *****To GOVERNOR.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			Expands the list of eligible crimes to include, among others, a crime that caused bodily injury or death. Authorizes a tenant to attach to the notice any form of documentation that reasonably verifies that the qualifying crime or act occurred.	
<u>SB 1215</u> Stern (D)	Electricity: Microgrids		Requires the Public Utilities Commission, in consultation with the Office of Emergency Services, to create a database of critical facilities and critical infrastructure, and related circuits, that are located in tier 2 or tier 3 high fire threat districts served by electrical corporations, and identify with respect to each whether it serves a low income and disadvantaged community.	07/27/2020 - From ASSEMBLY Committee on UTILITIES AND ENERGY with author's amendments.;07/27/2020 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on UTILITIES AND ENERGY.
<u>SB 1285</u> Nielsen (R)	Navigable Waters: Hazardous, Medical, Or Human Waste		Make it a misdemeanor to place, deposit, or dump hazardous, medical, or human waste in or upon the navigable waters of this state, or to place, deposit, or load it upon a vessel, with intent that it be dumped or deposited in or upon the navigable waters of this state. Authorizes a public health officer to declare a public health emergency if the garbage or hazardous, medical, or human waste constitutes a threat to public health.	08/04/2020 - In ASSEMBLY Committee on HEALTH: Not heard.
<u>SB 1312</u> McGuire (D)	Electrical Corporations: Deenergization		Requires the Public Utilities Commission to revise Electric Tariff Rule 20 to additionally authorize and fund the undergrounding of electrical infrastructure within high fire threat areas for purposes of wildfire mitigation. Requires an electrical corporation, by a specified date, to identify and report to the Commission a minimum percentage of its transmission and distribution infrastructure that is most likely to cause such a shutoff.	06/29/2020 - To ASSEMBLY Committee on UTILITIES AND ENERGY.
<u>SB 1383</u> Jackson (D)	Unlawful Employment Practice: Family Rights Act		Makes it an unlawful employment practice for any employer to refuse to grant a request by an employee to take up to twelve workweeks of unpaid protected leave during any twelve month period to bond with a new child of the employee or to care for themselves or a child, parent, grandparent, grandchild, sibling,	09/17/2020 - Chaptered by Secretary of State. Chapter No. 2020-86

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			spouse, or domestic partner, as well as a qualifying exigency related to covered active duty or call to covered active duty.	
<u>SB 1386</u> Moorlach (R)	Local Government: Assessments, Fees, and Charges		Specifies that hydrants are part of the system of public improvements included in the definition of water for purposes of the Proposition 218 Omnibus Implementation Act. Specifies that the fees or charges for property related water service imposed or increased may include the costs to construct, maintain, repair, or replace hydrants as needed or consistent with fire codes and industry standards, and may include the cost of water distributed through hydrants.	09/10/2020 - *****To GOVERNOR.
<u>SB 1400</u> Umberg (D)	Accessory Dwelling Unit Construction Bond Act		Enacts the Accessory Dwelling Unit Construction Bond Act. Authorizes the issuance of bonds to finance the Accessory Dwelling Unit Construction Program. Authorizes the Department of Housing and Community Development to enter into a contract under that program with a homeowner to provide financing to pay for the eligible costs incurred by the homeowner in constructing an accessory dwelling unit on the homeowner's property. Provides for submission of the Accessory Dwelling Unit Bond Act to the voters.	04/08/2020 - From SENATE Committee on RULES with author's amendments.;04/08/2020 - In SENATE. Read second time and amended. Re-referred to Committee on RULES.
<u>SB 1410</u> Caballero (D)	COVID 19 Emergency: Tenancies		Authorizes an owner of real property and a tenant to sign and execute a tenant owner COVID 19 eviction relief agreement. Stays any eviction action where a party to the eviction action produces a signed COVID 19 eviction relief agreement.	08/20/2020 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<u>SB 1473</u> Governance and Finance Cmt	Local Government Omnibus Act		Exempts the proposed sale or lease of certain subdivision interests from certain reporting requirements. Specifies that this exemption only applies with respect to specified provisions relating to the filing of a report with the Bureau of Real Estate and does not affect any determination whether there are five or more lots, parcels, or other interests for purposes of specified law.	09/10/2020 - *****To GOVERNOR.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>HR 2</u> DeFazio (D)	Invest in America Act		Provides for the Invest in America Act.	07/01/2020 - In HOUSE. HA 824 Amendments en bloc offered by Representative DeFazio.;07/01/2020 - In HOUSE. HA 824. Representative DeFazio amendment agreed to on HOUSE floor.;07/01/2020 - In HOUSE. HA 825 Amendments en bloc offered by Representative W
<u>HR 535</u> Dingell D (D)	Hazardous Substances Designation		Requires the Administrator of the Environmental Protection Agency to designate per- and polyfluoroalkyl substances as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.	01/13/2020 - In SENATE. Read second time.;01/13/2020 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
<u>HR 1162</u> Napolitano (D)	Water Recycling and Reuse Projects Grant Program	SUPPORT	Establishes a grant program for the funding of water recycling and reuse projects.	03/11/2020 - Subcommittee on WATER, POWER AND OCEANS discharged.;03/11/2020 - In HOUSE Committee on NATURAL RESOURCES: Consideration and mark-up session held.;03/11/2020 - In HOUSE Committee on NATURAL RESOURCES: Ordered to be reported as amended.
<u>HR 1417</u> Lawrence (D)	Water and Sewer Infrastructure Trust Fund		Establishes a trust fund to provide for adequate funding for water and sewer infrastructure.	03/27/2019 - In HOUSE Committee on AGRICULTURE: Referred to Subcommittee on CONSERVATION AND FORESTRY.
<u>HR 1567</u> Lujan (D)	Water Contamination From Military Installations		Authorizes the Department of Defense to temporarily provide water uncontaminated with perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) for agricultural purposes to areas affected by contamination from military installations, authorizes the Secretary of the Air Force to acquire real property to extend the contiguous geographic footprint of any Air Force	03/07/2019 - In HOUSE Committee on TRANSPORTATION & INFRASTRUCTURE: Referred to Subcommittee on WATER RESOURCES AND ENVIRONMENT.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			base that has shown signs of contamination from PFOA and PFOS due to activities on the base.	
<u>HR 1764</u> Garamendi (D)	Federal Water Pollution Control Permitting Terms	SUPPORT	Amends the Federal Water Pollution Control Act with respect to permitting terms.	03/15/2019 - In HOUSE Committee on TRANSPORTATION & INFRASTRUCTURE: Referred to Subcommittee on WATER RESOURCES AND ENVIRONMENT.
<u>HR 1976</u> Kildee (D)	Perfluorinated Compounds Survey		Requires the Director of the United States Geological Survey to perform a nationwide survey of perfluorinated compounds.	06/13/2019 - Subcommittee on WATER, POWER AND OCEANS hearings held.
<u>HR 2377</u> Boyle B (D)	Drinking Water Maximum Contaminant Level		Amends the Safe Drinking Water Act, requires the Administrator of the Environmental Protection Agency to publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for total per- and polyfluoroalkyl substances.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<u>HR 2500</u> Smith A (D)	National Defense Authorization Act for Fiscal Year 2020		Provides for the National Defense Authorization Act for specified Fiscal Year.	08/11/2020 - In SENATE. Read second time. Placed on Legislative Calendar under General Orders.
<u>HR 2533</u> Pallone (D)	Community Water Systems Contamination		Assists community water systems affected by perfluoroalkyl substances (PFAS) contamination.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<u>HR 2566</u> Soto (D)	Environmental Protection Agency Safer Choice Standard		Requires the Administrator of the Environmental Protection Agency to revise the Safer Choice Standard to provide for a Safer Choice label for pots, pans, and cooking utensils that do not contain polyfluoroalkyl substances (PFAS).	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<u>HR 2570</u> Rouda (D)	Water Treatment Costs		Ensures that polluters pay ongoing water treatment costs associated with contamination from perfluoroalkyl and polyfluoroalkyl substances.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 -

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
				Forwarded by Subcommittee on ENVIRONMENT to full committee.
<u>HR 2577</u> Delgado (D)	Toxics Release Inventory Inclusion		Amends the Emergency Planning and Community Right-To-Know Act of 1986, includes per- and polyfluoroalkyl substances on the Toxics Release Inventory.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<u>HR 2591</u> Khanna (D)	Polyfluoroalkyl Substance Waste Prohibition		Prohibits the waste incineration of per- and polyfluoroalkyl substances.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<u>HR 2596</u> Kuster (D)	Polyfluoroalkyl Substances Manufacturing and Processing		Amends the Toxic Substances Control Act with respect to manufacturing and processing notices for per- and polyfluoroalkyl substances.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<u>HR 2600</u> Dean (D)	Per and Polyfluoroalkyl Substances Regulation		Regulates per- and polyfluoroalkyl substances under the Toxic Substances Control Act.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<u>HR 2605</u> Stevens (D)	Hazardous Air Pollutants Classification		Directs the Administrator of the Environmental Protection Agency to issue a final rule adding as a class all perfluoroalkyl and polyfluoroalkyl substances with at least one fully fluorinated carbon atom to the list of hazardous air pollutants under section 112(b) of the Clean Air Act (42 U.S.C. 7412(b)).	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<u>HR 2608</u> Maloney S (D)	Toxic Substances Testing		Requires the testing of perfluoroalkyl and polyfluoroalkyl substances under the Toxic Substances Control Act.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>HR 2626</u> Upton (R)	Water Contamination Remediation Agreements		Encourages Federal agencies to expeditiously enter into or amend cooperative agreements with States for removal and remedial actions to address PFAS contamination in drinking, surface, and ground water and land surface and subsurface strata.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<u>HR 2638</u> Fletcher (D)	Firefighting Foam Use		Directs the Administrator of the Environmental Protection Agency to issue guidance on minimizing the use of firefighting foam containing PFAS.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<u>HR 2800</u> Slotkin (D)	Drinking Water Substance Monitoring		Amends the Safe Drinking Water Act, requires continued and expanded monitoring of perfluoroalkyl and polyfluoroalkyl substances in drinking water.	05/16/2019 - INTRODUCED.;05/16/2019 - To HOUSE Committee on ENERGY AND COMMERCE.
<u>HR 6395</u> Smith A (D)	Military Activity Appropriations		Authorizes appropriations for fiscal year 2021 for military activities of the Department of Defense and for military construction, prescribes military personnel strengths for such fiscal year.	08/05/2020 - In SENATE. Read second time. Placed on Legislative Calendar under General Orders.
<u>HR 7073</u> Garamendi (D)	Municipal Liquidity Facility Special Districts		Amends the Social Security Act, includes special districts in the coronavirus relief fund, directs the Secretary to include special districts as an eligible issuer under the Municipal Liquidity Facility.	06/01/2020 - INTRODUCED.;06/01/2020 - To HOUSE Committee on OVERSIGHT AND REFORM.;06/01/2020 - To HOUSE Committee on FINANCIAL SERVICES.
<u>HR 7575</u> DeFazio (D)	Water Resources Development Act		Provides for the Water Resources Development Act.	07/29/2020 - In HOUSE. Rules Suspended. Discharged from all committees.;07/29/2020 - In HOUSE. Amended on HOUSE floor.;07/29/2020 - In HOUSE. Passed HOUSE. *****To SENATE.
<u>HR 7612</u> McCollum (D)	Interior and Environment Appropriations		Provides for the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2021.	07/14/2020 - INTRODUCED.;07/14/2020 - In

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
				HOUSE. Placed on HOUSE Union Calendar.
HR 8041 Harder (D)	Snow Water Supply Forecasting Program	SUPPORT	Establishes a Snow Water Supply Forecasting Program within the Department of the Interior.	08/14/2020 - INTRODUCED.;08/14/2020 - To HOUSE Committee on NATURAL RESOURCES.
HR 8166 Cox (D)	Western Water Storage Infrastructure Act	SUPPORT	Provides for the Western Water Storage Infrastructure Act.	09/04/2020 - INTRODUCED.;09/04/2020 - To HOUSE Committee on NATURAL RESOURCES.
HR 8217 Garamendi (D)	Water Infrastructure Finance Loans Maturity Date		Amends the Water Infrastructure Finance and Innovation Act with respect to the final maturity date of certain loans.	09/14/2020 - In HOUSE Committee on TRANSPORTATION & INFRASTRUCTURE: Referred to Subcommittee on WATER RESOURCES AND ENVIRONMENT.
S 611 Sanders (I)	Water and Sewer Infrastructure Funding		Provides adequate funding for water and sewer infrastructure.	02/28/2019 - INTRODUCED.;02/28/2019 - In SENATE. Read second time.;02/28/2019 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
S 638 Carper (D)	Hazardous Substances Designation		Requires the Administrator of the Environmental Protection Agency to designate per- and polyfluoroalkyl substances as hazardous substances under the Comprehensive Environmental Response, Compensation, Liability Act of 1980.	02/28/2019 - INTRODUCED.;02/28/2019 - In SENATE. Read second time.;02/28/2019 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
S 675 Udall T (D)	Water Contamination From Military Installations		Authorizes the Department of Defense to temporarily provide water uncontaminated with perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) for agricultural purposes to areas affected by contamination from military installations, authorizes the Secretary of the Air Force to acquire real property to extend the contiguous geographic footprint of any Air Force	03/06/2019 - INTRODUCED.;03/06/2019 - In SENATE. Read second time.;03/06/2019 - To SENATE Committee on ARMED SERVICES.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			base that has shown signs of contamination from PFOA and PFOS due to activities on the base.	
<u>S 950</u> Stabenow (D)	Perfluorinated Compounds Survey		Requires the Director of the United States Geological Survey to perform a nationwide survey of perfluorinated compounds.	03/28/2019 - INTRODUCED.;03/28/2019 - In SENATE. Read second time.;03/28/2019 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
<u>S 1251</u> Shaheen (D)	Emerging Contaminants Public Health Response Assistance		Improves coordinate interagency Federal actions, provides assistance to States for responding to public health challenges posed by emerging contaminants.	04/30/2019 - INTRODUCED.;04/30/2019 - In SENATE. Read second time.;04/30/2019 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
<u>S 1372</u> Stabenow (D)	Water Contamination Remediation Agreements		Encourages Federal agencies to expeditiously enter into or amend cooperative agreements with States for removal and remedial actions to address polyfluoroalkyl substances (PFAS) contamination in drinking, surface, and ground water and land surface and subsurface strata.	05/08/2019 - INTRODUCED.;05/08/2019 - In SENATE. Read second time.;05/08/2019 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
<u>S 1473</u> Gillibrand (D)	Drinking Water Maximum Contaminant Levels		Amends the Safe Drinking Water Act, requires the Administrator of the Environmental Protection Agency to set maximum contaminant levels for certain chemicals.	05/15/2019 - INTRODUCED.;05/15/2019 - In SENATE. Read second time.;05/15/2019 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
<u>S 1507</u> Capito (R)	Toxics Release Inventory Inclusion		Includes certain perfluoroalkyl and polyfluoroalkyl substances in the toxics release inventory.	06/19/2019 - In SENATE Committee on ENVIRONMENT AND PUBLIC WORKS: Ordered to be reported with an amendment in the nature of a substitute.;06/19/2019 - From SENATE Committee on ENVIRONMENT AND PUBLIC

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
				WORKS: Reported by Sen. Barrasso with an amend. in the
<u>S 1932</u> Gardner (R)	Reclamation States Water Infrastructure Support	SUPPORT	Supports water infrastructure in Reclamation States.	07/18/2019 - Subcommittee on WATER AND POWER hearings held.
<u>S 3227</u> Sanders (I)	Hazardous Substances Designation		Requires the Administrator of the Environmental Protection Agency to designate per- and polyfluoroalkyl substances as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.	01/28/2020 - INTRODUCED.;01/28/2020 - In SENATE. Read second time.;01/28/2020 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
<u>S 3590</u> Barrasso (R)	Safe Drinking Water Act Provisions Reauthorization		Amends the Safe Drinking Water Ac, reauthorize certain provisions.	05/11/2020 - From SENATE Committee on ENERGY & NATURAL RESOURCES: Reported by Senator Barrasso with an amend. in the nature of a sub.;05/11/2020 - In SENATE. Placed on SENATE Legislative Calendar under General Orders.
<u>S 3591</u> Barrasso (R)	Water Conservation and Development		Provides for improvements to the rivers and harbors of the United States, provides for the conservation and development of water and related resources, provides for water pollution control activities.	05/11/2020 - From SENATE Committee on ENERGY & NATURAL RESOURCES: Reported by Senator Barrasso with an amend. in the nature of a sub.;05/11/2020 - In SENATE. Placed on SENATE Legislative Calendar under General Orders.
<u>S 3944</u> Udall T (D)	Plastic Products Production Reduction		Amends the Solid Waste Disposal Act, reduces the production and use of certain single use plastic products and packaging, improves the responsibility of producers in the design, collection, reuse, recycling, and disposal of their consumer products and packaging, prevents pollution from consumer products and packaging from entering into animal and human food chains and waterways.	06/11/2020 - INTRODUCED.;06/11/2020 - In SENATE. Read second time.;06/11/2020 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.

IRWD 2020 LEGISLATIVE MATRIX
Updated 09/24/2020

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>S 4049</u> Inhofe (R)	National Defense Authorization Act for Fiscal Year 2021		Provides for the National Defense Authorization Act for Fiscal Year 2021.	07/23/2020 - In SENATE. SA 2080 agreed to on SENATE floor.;07/23/2020 - In SENATE. SA 2301 agreed to on SENATE floor.;07/23/2020 - In SENATE. Cloture motion on the bill invoked.;07/23/2020 - In SENATE. Amended on SENATE floor.;07/23/2020 - In SENATE.
<u>S 4129</u> Wicker (R)	Advance Refunding Bonds Reinstatement		Amends the Internal Revenue Code of 1986, reinstate advance refunding bonds.	07/01/2020 - INTRODUCED.;07/01/2020 - In SENATE. Read second time.;07/01/2020 - To SENATE Committee on FINANCE.
<u>S 4203</u> Wicker (R)	American Infrastructure bonds Credit		Amends the Internal Revenue Code, provides a credit to issuers of American Infrastructure bonds.	07/02/2020 - INTRODUCED.;07/02/2020 - In SENATE. Read second time.;07/02/2020 - To SENATE Committee on FINANCE.
<u>S 4308</u> Sinema (D)	Coronavirus Relief Fund Special Districts Inclusion		Amends the Social Security Act, includes special districts in the coronavirus relief fund, directs the Secretary to include special districts as an eligible issuer under the Municipal Liquidity Facility.	07/23/2020 - INTRODUCED.;07/23/2020 - In SENATE. Read second time.;07/23/2020 - To SENATE Committee on FINANCE.
<u>S 4431</u> Feinstein (D)	Wildfire Preparedness and Response	SUPPORT	Increases wildfire preparedness and response throughout the United States.	09/16/2020 - Subcommittee on PUBLIC LANDS, FORESTS, AND MINING hearings held.
<u>S 4530</u> Feinstein (D)	Snow Water Supply Forecasting Program	SUPPORT	Establishes a Snow Water Supply Forecasting Program within the Department of the Interior.	08/13/2020 - INTRODUCED.;08/13/2020 - In SENATE. Read second time.;08/13/2020 - To SENATE Committee on ENERGY AND NATURAL RESOURCES.

Note: This page is intentionally left blank.

October 12, 2020
Prepared and
submitted by: C. Compton
Approved by: Paul A. Cook



CONSENT CALENDAR

ELECTION OF THE INDEPENDENT SPECIAL DISTRICTS OF ORANGE COUNTY 2021-2022 OFFICERS

SUMMARY:

Last month, the Independent Special Districts of Orange County (ISDOC) sought candidates to serve as the association's officers and on its Executive Committee for the 2021-2022 term. The deadline for candidate nominations was September 11, 2020. ISDOC received only one nomination for the offices of First Vice President, Second Vice President, Third Vice President, Secretary and Treasurer. Pursuant to the ISDOC bylaws, the one candidate nominated for those offices will serve in those offices for the 2021-2022 term. For the offices of President, ISDOC received multiple nominations and, as a result, has called an election for that office. Each ISDOC Member District is entitled to participate in the election and ballots are due to ISDOC by October 23, 2020. Staff recommends the Board review the candidates for the ISDOC offices, and authorize IRWD to cast its ballot in favor of Mark Monin (El Toro Water District) for President and authorize the District to submit its ballot to ISDOC no later than the October 23, 2020, deadline.

BACKGROUND:

ISDOC is a membership association of Orange County's 27 independent special districts. Its purpose is to advance the interests of Orange County special districts through advocacy of sound public policy, educational opportunities to enhance special district governance and services, and collaboration with others to elevate awareness of the role of special districts. ISDOC does not have any responsibility for the Orange County Special Districts Selection Committee, which is a separate and unrelated entity.

ISDOC has sought nomination of candidates interested in serving as ISDOC officers and on its Executive Committee for the 2021-2020 term. The ISDOC Executive Committee determines the direction and focus of ISDOC. The Executive Committee is comprised of the ISDOC President, First Vice President, Second Vice President, Third Vice President, Secretary, Treasurer and the Immediate Past President. The responsibilities of each office are as follows:

- President: The President is the chief executive officer of ISDOC. He or she presides at all meetings of the Board of Directors and the Executive Committee, appoints all committees and represents ISDOC as its official spokesperson;
- First Vice President: The First Vice President chairs the Program Committee, and in the absence of the President, serves as the President;
- Second Vice President: The Second Vice President chairs the Membership Committee, and in the absence of the President and First Vice President, serves as the President;

- *Third Vice President:* The Third Vice President chairs the Legislative Committee, and in the absence of the President, First Vice President and Second Vice President, serves as the President;
- *Secretary:* The Secretary is responsible for all correspondence and the dissemination of information to members. The Secretary prepares and distributes agendas and minutes for the Executive Committee meeting and edits and publishes the quarterly newsletter; and
- *Treasurer:* The Treasurer maintains ISDOC financial records and bank accounts, collects dues and other receipts, and pays all bills duly approved by the Executive Committee.

Candidates for 2021-2022 Terms of Office:

ISDOC received the following nominations for each office:

- *President:* Mark Monin (El Toro Water District)
Lucille Kring (Orange County Mosquito and Vector Control District)
- *1st Vice President:* Arlene Schafer (Costa Mesa Sanitary District)
- *2nd Vice President:* Larry Dick (Municipal Water District of Orange County)
- *3rd Vice President:* Mary Aileen Matheis (Irvine Ranch Water District)
- *Treasurer:* Greg Mills (Serrano Water District)
- *Secretary:* Bill Green (South Coast Water District)

ISDOC Election Process:

In accordance with the ISDOC bylaws, ISDOC holds an election every two years to elect its officers and Executive Committee members. If at the end of the nominating period only one candidate is nominated for an office, that candidate shall be deemed selected to serve in that office and on the Executive Committee for the next two-year term. This year, only one nomination was received for the First Vice President, Second Vice President, Third Vice President, Secretary and Treasurer positions; therefore, they are not on the ballot. Pursuant to the ISDOC bylaws, Arlene Schafer from Costa Mesa Sanitary District, Larry Dick from the Municipal Water District of Orange County, Mary Aileen Matheis from Irvine Ranch Water District, Greg Mills from Serrano Water District, and Bill Green from South Coast Water District will serve in the offices of First Vice President, Second Vice President, Third Vice President, Secretary and Treasurer, respectively.

Since there were multiple nominations for the offices of President, ISDOC has called for election for those offices and has mailed ballots. The ballot and candidate information mailed by ISDOC is provided as Exhibit "A". Additional correspondences received from the candidates is provided as Exhibit "B".

Ballots must be received by ISDOC no later than October 23, 2020, to be counted. Staff recommends the Water Resources Policy and Communications Committee review the candidates for the ISDOC offices, the Board authorize IRWD to cast its ballot in favor of Mark Monin (El Toro Water District) for President and authorize the District to submit its ballot to ISDOC no later than the October 23, 2020, deadline.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

This item was reviewed by the Water Resources Policy and Communications Committee on October 1, 2020.

RECOMMENDATION:

THAT THE BOARD REVIEW THE CANDIDATES FOR THE INDEPENDENT SPECIAL DISTRICTS OF ORANGE COUNTY (ISDOC) TO SERVE ON ITS EXECUTIVE COMMITTEE FOR THE 2021-2022 TERM, AND AUTHORIZE IRWD TO CAST ITS BALLOT IN FAVOR OF MARK MONIN (EL TORO WATER DISTRICT) FOR PRESIDENT AND AUTHORIZE THE DISTRICT TO SUBMIT ITS BALLOT TO ISDOC NO LATER THAN THE OCTOBER 23, 2020, DEADLINE.

LIST OF EXHIBITS:

Exhibit "A" – ISDOC Ballot and Candidate Information
Exhibit "B" – Additional Candidate Correspondences

Note: This page is intentionally left blank.

EXHIBIT "A"



Mailing Address

P.O. Box 20895
Fountain Valley, CA 92728

Meeting Location

MWDOC/OCWD
18700 Ward Street
Fountain Valley, CA 92708

(714) 963-3058
(714) 964-5930 fax

www.mwdoc.com/isdoc

Executive Committee

President

Hon. Sandra F. Jacobs
Santa Margarita Water District

1st Vice President

Hon. Mark Monin
El Toro Water District

2nd Vice President

Hon. Arlene Schafer
Costa Mesa Sanitary District

3rd Vice President

Hon. Mary Aileen Matheis
Irvine Ranch Water District

Secretary

Hon. Bill Green
South Coast Water District

Treasurer

Hon. Joan C. Finnegan
Municipal Water District of Orange County

Immediate Past President

Hon. James R. Fisler
Mesa Water District

Staff Administration

Heather Baez

Municipal Water District of Orange County

Christina Hernandez

Municipal Water District of Orange County

September 15, 2020

RE: Election of Independent Special Districts of Orange County (ISDOC) Officers

Dear Member Districts,

The nomination period for Executive Committee officer positions closed on September 11th, 2020. At this time, ISDOC is conducting a vote of Regular Special District Members for the election of officers. This letter serves as official notice of the election.

The names of nominated candidates are printed on the ballot. Please vote for one candidate per seat.

The Executive Committee meets at 7:30 am on the first Tuesday of the month. Meetings are open to the public. Duties of Executive Committee members are contained in the ISDOC bylaws, which may be found at the ISDOC website - <http://www.mwdoc.com/ISDOC>.

Each Regular Member District in good standing shall be entitled to one vote. In accordance with current bylaws, the district's presiding officer or an alternate must cast (signed) select the vote by the district board.

You may submit your ballot via mail or email to Heather Baez: P.O. Box 20895, Fountain Valley, CA 92728 (mail) or hbaez@mwdoc.com (email). **Ballots must be received by 5:00 p.m. on Friday, October 23, 2020 in order to be counted. Even if positions are uncontested, it is important to submit a ballot since a quorum of voting members is required for the election of officers.**

The names of officers elected will be announced at the October 29th quarterly meeting.

If you have any questions or wish to discuss the election process further, please contact Heather Baez (MWDOC) at hbaez@mwdoc.com or (714) 593-5012.

Sincerely,

Sandra F. Jacobs

Sandra F. Jacobs, President
Independent Special Districts of Orange County

Enclosed: Ballot for ISDOC Election of Officers
Candidates' Statements

INDEPENDENT SPECIAL DISTRICTS OF ORANGE COUNTY ELECTION OF OFFICERS

The ISDOC Executive Committee consists of the President, First Vice President, Second Vice President, Third Vice President, Secretary, Treasurer and Immediate Past President. Officers are elected in October of even numbered years for two-year terms. Please vote for one candidate per seat.

The ISDOC bylaws indicate, "At the end of the nominating period if only one candidate is nominated for a vacant seat, that candidate shall be deemed selected." This is the case for the First Vice President, Second Vice President, Third Vice President, Secretary, and Treasurer positions; therefore they are not on the ballot. Arlene Schafer from Costa Mesa Sanitary District, Larry Dick from the Municipal Water District of Orange County, Mary Aileen Matheis from Irvine Ranch Water District, Greg Mills from Serrano Water District, and Bill Green from South Coast Water District, respectfully, have been selected to these seats.

Cast your Vote: Please cast your vote for the remaining seats by placing an "X" on the line next to the individual for which you wish to vote in each position. If you are writing in a candidate, please include their district affiliation and position.

President

_____ Mark Monin, Director
El Toro Water District

_____ Lucille Kring, President
Orange County Mosquito & Vector Control District

DISTRICT NAME

SIGNATURE OF VOTING REPRESENTATIVE

Ballots must be received no later than 5 p.m. October 23, 2020.

You may return your ballot by mail or email to:

Heather Baez
P.O. Box 20895
Fountain Valley, CA 92728
Attention: ISDOC Executive Committee Election
OR Email: hbaez@mwdoc.com



EXHIBIT "B"

El Toro Water District

"A District of Distinction"

Serving the Public - Respecting the Environment

Board of Directors

Mark L. Monin
President

Mike Gaskins
Vice President

Jose F. Vergara
Director

Kathryn Freshley
Director

Kay Havens
Director

General Manager

Dennis P. Cafferty

Treasurer

Neely Shahbakhti



Re: Mark Monin for ISDOC Executive Committee, President

I would be honored to serve as President for the Independent Special Districts of Orange County. I have been an active participant in ISDOC for 5 years and firmly believe in the benefits it brings to the Special Districts in Orange County. ISDOC's achievements were recently recognized by CSDA in awarding ISDOC the CSDA Chapter of the Year Award. I would be proud to help guide the continued success of this critical collaboration of agencies with similar interests and needs.

I currently serve on the ISDOC Executive Committee as the 1st Vice President, chairing the Program Committee. Duties include planning the Quarterly Luncheon Program and inviting and coordinating with the invited speakers. I arranged speakers such as Supervisor Lisa Bartlett and recently Supervisor Donald Wagner. Even though it was not my duty, I brought in a new associate member to ISDOC this year.

In the past I served on the ISDOC Executive Committee as the 2nd Vice President chairing the Membership Committee. Duties included maintaining a list of current regular and associate members and follow up with any outstanding membership dues as needed.

I am a Director on the El Toro Water District Board of Directors and currently serve as President. In addition, I am a Commissioner on the Orange County Airport Land Use Commission, currently serving as Vice Chairman. I was also a PCF Fire Fighter with the Orange County Fire Authority. I have proven to be a fiscally responsible individual with a "think out of the box mentality" and I look forward to working with the other ISDOC Board members to achieve greatness. I love Orange County and want to work hard here and in Sacramento to help Special Districts progress into the future. With the exception of one meeting, I have attended every ISDOC Executive Committee meeting in the last 4 years and I know the issues that have affected ISDOC in the past and what is important to propel this fine organization in the future. My qualifications for this position include:

**>EXPERIENCED LEADER >COMMITTED TO SPECIAL DISTRICTS >FISCALLY RESPONSIBLE
>DEDICATED**

As you know ISDOC is a membership association that was formed more than 30 years ago to serve the needs of Orange County's independent special districts. I want to continue to build on that fine tradition, work hard with others to achieve a higher degree of member satisfaction and make ISDOC even stronger. I feel I can collaborate with the Executive Committee and the membership to provide valuable information and presentations on issues that affect Special Districts which can help you with important discussions in the future.

Please see the accompanying resume outlining my experience and education. I would love to hear your thoughts on how we can make ISDOC even better and please contact me with your input, ideas or questions on my experience or platform. I can be reached at (949) 939-6612 or markmonin@msn.com.

Sincerely,

Mark L. Monin
El Toro Water District
President

Mark L. Monin
1 Orchard, Suite 130
Lake Forest, CA 92630
(949) 939-6612
Mark.Monin@raymondjames.com



Mark Monin serves as President, Board of Directors at the EL Toro Water District. Senior Vice President at Raymond James, with over 39 years in the securities industry. Mark is also a former firefighter and has experience in the aviation industry, with pilot FAA Licenses private, commercial, instrument and multi engine FAA licenses and has over 2000 total hours PIC.

Professional Experience

Water District

- El Toro Water District, President Board of Directors, Lake Forest, CA 2015 -Present
- ISDOC 1st Vice President 2016- Present
- ACWA Chair of Education Sub Committee 2019-Present
- ACWA Finance Committee 2016 – Present
- ACWA Energy Committee 2017 – 2020
- ACWA Business Development Committee 2017-2020
- ACWA monitored many Breakout sessions at the ACWA conferences 2016 – Present

Financial Investment/Securities Industry (39 Years)

- Raymond James Financial Services, Newport Beach 2009-current
- Oppenheimer & Co. Newport Beach, California 2005-2009
- Morgan Stanley, Sales Manager / Financial Advisor, Los Angeles / Orange County 1998 - 2005
- Merrill Lynch, Manager / Financial Advisor, Los Angeles / Orange County 1994 - 1998
- Prudential Securities, Assistant Manager, Anaheim 1991 – 1994

Aviation Experience / Aviation Organizations / Community Involvement

- Pilot Data & FAA Licenses
 - Private
 - Commercial
 - Instrument
 - Multi engine
 - Over 2000 total hours PIC since 1977
- Vice Chairman of the Orange County Airport Commission (Land Use) 2015-present
- Adjunct Professor at California Baptist University, Riverside, CA 2015- 2016
 - Teaches Aviation Law and Aviation Finance
- Civil Air Patrol (Auxiliary United States Air Force) from 1992-1996
 - *Aerial and ground search & rescue,*
- *Civil Air Patrol Aerial Disaster inspection, Orange County, CA*
 - *DEA and Customs assistance in aerial surveillance, air transport from 1992-1996*
- Flying Samaritans/ Liga
 - Free medical clinics; fly physicians/medical professionals to Mexico 1995-present
- Angel Flight Pilot
 - Provides transportation to medical treatment for those who cannot afford/tolerate public transportation, 1998-present
- Southern California Pilots Association
 - To provide a collective voice for General Aviation at our So CA Airports.
 - Develop a positive working relationship with the airport administration.
 - Foster camaraderie amongst So CA Pilots with aviation related
 - Enhance safety and education in the So CA Pilot community.
- Orange County Pilots Association (OCPA)
 - OCPA is an association of aviation enthusiasts with the purpose of promoting aviation at the Orange County Airport
- Experimental Aviation Association (EAA)

- **Experimental Aircraft Association** based in Oshkosh, Wisconsin, encourages and supports recreational aviation.

Security Experience

- Saddleback Church
 - *Supervisor Irvine South Campus* 2014-2018

Firefighter Experience

- Orange County Fire Authority
 - *PCF/ Firefighter/Engineer/ search & rescue/ medical training* (first responder) 1988-1995
- Twin District Fire Department, Lancaster, NY
 - *Firefighter/ Engineer/ search & rescue/ medical training* (first responder) 2005-2006
- Lancaster Fire Department, Lancaster, NY
 - *Firefighter/ Engineer/ search & rescue/ medical training* (first responder) 1982-1984
- Egypt Fire Department, Rochester/Perrington, NY
 - *Firefighting* (first responder) 1985-1987

Boards/Committees/Community Involvement

- El Toro Water District, Board of Directors 2015 – Present
- Vice Chairman of the Orange County Airport Land Use Commission 2015 – Present
- Finance Committee of The Association of California Water Agencies and its Education Subcommittee, Investment Subcommittee 2015 – Present
- South Orange County Watershed Management Area Executive Committee
- Independent Special Districts of Orange County (ISDOC)
- Water Advisory Committee of Orange County (WACO)
- Orange County Water Association (OCWA)
- City of Laguna Woods Public Safety Committee Chairman 2012-2015 Past Chairman
- City of Laguna Woods Landscape Committee, Past Member
- Newport Beach Chamber of Commerce, Past Member
- Irvine Chamber of Commerce, Past Member

Education/Licensure

- Pepperdine University, Malibu California, Masters in Business Administration, 2002
- The Wharton School, University Of Pennsylvania, Senior Financial Advisor
- The Wharton School, University Of Pennsylvania, Management Training Program
- Institute of Investment Management Consulting, Investment Management Consultant
- The Institute of Business & Finance: Certified Annuity & Fund Specialist
- Board Certified in Asset Allocation
- Canisius College, Buffalo New York, BS/Finance, 1981
- University of Buffalo, Aeronautical Engineering, 1978
- Federal Aviation Administration, Multi Engine, 2000
- New York Stock Exchange, Series 8, Branch Manager, 1990
- National Association of Securities Dealers, Series 65, Financial Planning, since 1989
- California Department of Real Estate, since 1988
- National Association of Securities Dealers, Series 3, Futures, since 1988
- National Association of Securities Dealers, Series, Options Principal, since 1983
- National Association of Securities Dealers, Series 24, Principal Supervisor, since 1983
- National Association of Securities Dealers, Series 63, State Licensing, since 1981
- Securities Licensed in California, Colorado, Connecticut, Delaware, Georgia, Iowa, Illinois, Indiana, Louisiana, Maryland, New Jersey, New York, Ohio, Pennsylvania
- National Association of Securities Dealers, Series 7, 1981, Financial Advisor
- Federal Aviation Administration, Commercial, 1979
- Federal Aviation Administration, Instrument, 1978
- Federal Aviation Administration, Private, 1977

September 10, 2020

Honorable Sandra Jacobs

Dear Ms. President,

My name is Lucille Kring, Councilwoman Anaheim and am applying for the position of President of ISDOC.

I am completing 16 years on City Council. and during that time was very active in the OC League of Cities.

I was on the following committees: Employee Relations, Energy, Environment and Natural Resources, Legislative and Public Affairs, Community Services, Conference Delegate and attended their Councilmember Academy.

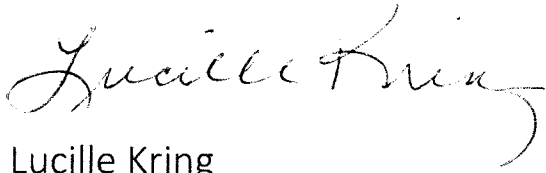
I currently sit on these boards: Transportation Corridor Agencies, OC Sanitation District, OC Mosquito and Vector Control, where I was President twice, Anaheim Regional Medical Center and Palm Lane Charter School.

Anaheim is a member city with Association of California Cities-OC Division, and I am on the executive board.

I am very active in non-profits: currently on boards: Cops 4 Kids and Anaheim Family YMCA.


I believe I bring a wealth of elected and appointed experience to this board. I think I would well suited to be President.

Sincerely

A handwritten signature in cursive script that reads "Lucille Kring". The signature is written in black ink and is positioned above the printed name.

Lucille Kring

Note: This page is intentionally left blank.

October 12, 2020
Prepared by: J. McGehee/R. Mori
Submitted by: K. Burton
Approved by: Paul A. Cook 

ACTION CALENDAR

3.7 MG ZONE 1 RESERVOIR FINAL ACCEPTANCE

SUMMARY:

The 3.7 Million Gallon (MG) Zone 1 Reservoir project is complete. IRWD’s contractor Pacific Hydrotech Corporation completed the required work and all punch list items. The project has received final inspection and acceptance of construction is recommended.

BACKGROUND:

IRWD currently operates a 15-million-gallon domestic water reservoir located off Sand Canyon Avenue between Trabuco Road and Elysian. This reservoir serves as the primary storage for the Zone 1 domestic water system and as the forebay for the onsite East Irvine Zone 1 to 3 and South County emergency booster pump stations. The project includes construction of a new 3.7 MG aboveground prestressed concrete reservoir, which will increase the overall domestic water storage in the Zone 1 system and will provide greater operational flexibility and storage redundancy in IRWD’s largest domestic water service area.

Staff completed the design in May 2018, and Pacific Hydrotech Corporation was awarded the construction contract on June 26, 2018. Pacific Hydrotech Corporation completed construction of all improvements on October 7, 2020. A summary of construction change orders is provided as Exhibit “A”.

Project Title:	3.7 MG Zone 1 Reservoir
Project No.:	06401
Design Engineer:	Tetra Tech
Construction Management by:	IRWD Staff
Contractor:	Pacific Hydrotech Corporation
Original Contract Cost:	\$9,688,966.00
Final Contract Cost:	\$9,900,824.01
Original Contract Days:	540
Final Contract Days:	836
Final Change Order Approved On:	September 28, 2020

With the completion of the complex and highly visible project, staff desired to share with the Board more detail about the project than is typically provided as part of a final acceptance item. Staff will present photos of the project at the Board meeting.

FISCAL IMPACTS:

Project 06401 is included in the FY 2020-21 Capital Budget. The existing budget is sufficient to fund the final payment for the project.

ENVIRONMENTAL COMPLIANCE:

This project is subject to the California Environmental Quality Act (CEQA) and in conformance with California Code of Regulations Title 14, Chapter 3, Article 6, a Notice of Intent to adopt a Mitigated Negative Declaration was filed with the County of Orange on January 18, 2018. Pursuant to State Guideline § 15073, the Initial Study/Mitigated Negative Declaration (IS/MND) was made available for public review for a period of 30 days from January 18, 2018 through February 16, 2018. The IS/MND was adopted by IRWD Board of Directors at its March 26, 2018 meeting. A Notice of Determination was filed with the Orange County Clerk/Recorder and the CA State Clearinghouse on March 27, 2018.

COMMITTEE STATUS:

This item was not reviewed by a Committee.

RECOMMENDATION:

THAT THE BOARD ACCEPT CONSTRUCTION OF THE 3.7 MG ZONE 1 RESERVOIR, AUTHORIZE THE GENERAL MANAGER TO FILE A NOTICE OF COMPLETION, AND AUTHORIZE THE PAYMENT OF THE RETENTION 35 DAYS AFTER THE DATE OF RECORDING THE NOTICE OF COMPLETION FOR PROJECT 06401.

LIST OF EXHIBITS:

Exhibit "A" – Construction Change Order Summary

EXHIBIT "A"
3.7 MG Zone 1 Reservoir
PR 06401
Construction Change Order Summary

Contractor: Pacific Hydrotech Corporation
Design Engineer: Tetra Tech
Award Date: 6/26/2018

			Contract Amount						Contract Days				Original Completion Date:
			Original Contract Amount: \$9,688,996.00						Original Days: 540				12/18/2019
Change Order	Description	Category	Change Order Line Item Amount	Change Order Amount	Previous Change Orders	Cumulative Total of Change Orders	% of Original Contract Amount	Revised Contract Amount	Change Order Days	Previous Change Orders	Cum. Total C.O. days	Revised Total Contract Days	Revised Completion Date
1	Approved by Executive Director Approved on November 15, 2018 Non-compensable replacement of 11 transplant trees with new trees per response to RFI No. 4.	B	\$ -	\$0.00	\$0.00	\$0.00	0.00%	\$9,688,996.00	0	0	0	540	12/18/2019
2	Approved by Executive Director Approved on December 12, 2018 CR No. 3 - Time and materials necessary to complete remaining scope of work for Crown Castle's contractor, Solex, due to failure to meet schedule requirements. CR No. 4 - Time and materials impact to Pacific Hydrotech Corporation's production caused by Solex's 2-week delay in completing its work.	B B	\$ 18,355.35 \$ 8,130.50	\$26,485.85	\$0.00	\$26,485.85	0.27%	\$9,715,481.85	20 20 0	0	20	560	1/7/2020
3	Approved by Executive Director Approved on December 12, 2018 Time Extension - Rain Days (11/29, 12/5, 12/6, and 12/7) CR No. 2 - Irrigation piping repairs CR No. 5 - Temporary construction fence upgrades	B B A	\$ - \$ 1,862.07 \$ 601.75	\$2,463.82	\$26,485.85	\$28,949.67	0.30%	\$9,717,945.67	6 6 0 0	20	26	566	1/13/2020
4	Approved by Executive Director Approved on February 13, 2019 Time Extension - Rain Days (1/14 - 1/18, and 2/4 - 2/5) CR No. 6 - Additional traffic control	B B	\$ - \$ 2,052.68	\$2,052.68	\$28,949.67	\$31,002.35	0.32%	\$9,719,998.35	9 9 0	26	35	575	1/22/2020
5	Approved by Executive Director Approved on April 16, 2019 Time Extension - Rain Days (2/13-15, 3/6, 3/21) CR No. 7 - New 15 MG steel tank hatch lid CR No. 8 - Mission unit update CR No. 9 - Rebar dobies CR No. 10 - Rebar changes	B A A B B	\$ - \$ 4,868.74 \$ 1,451.55 \$ 10,167.01 \$ 7,559.24	\$24,046.54	\$31,002.35	\$55,048.89	0.57%	\$9,744,044.89	7 0 0 0 0	35	42	582	1/29/2020
6	Approved by Executive Director Approved on December 19, 2019 CR No. 11 - Pressure gage for submersible pump assembly CR No. 12 - Rebar changes CR No. 13 - Submersible pump cable CR No. 14 - Inlet/Outlet piping modifications CR No. 15 - Additional Paving Mobilization Time Extension - Rain Days (5/16, 11/27, 12/4)	A B A B A B	\$ 888.41 \$ 1,382.89 \$ 839.75 \$ 15,755.46 \$ 7,953.75 \$ -	\$26,820.26	\$55,048.89	\$81,869.15	0.84%	\$9,770,865.15	15 0 0 0 10 0 5	42	57	597	2/13/2020
7	Approved by Executive Director Approved on February 10, 2020 CR No. 16 - 42-inch butterfly valves	A	\$ 46,931.86	\$46,931.86	\$81,869.15	\$128,801.01	1.33%	\$9,817,797.01	0 0	57	57	597	2/13/2020

**3.7 MG Zone 1 Reservoir
PR 06401
Construction Change Order Summary**

Contractor: Pacific Hydrotech Corporation
Design Engineer: Tetra Tech
Award Date: 6/26/2018

			Contract Amount						Contract Days				Original Completion Date:
			Original Contract Amount: \$9,688,996.00						Original Days: 540				12/18/2019
Change Order	Description	Category	Change Order Line Item Amount	Change Order Amount	Previous Change Orders	Cumulative Total of Change Orders	% of Original Contract Amount	Revised Contract Amount	Change Order Days	Previous Change Orders	Cum. Total C.O. days	Revised Total Contract Days	Revised Completion Date
8	Approved by Executive Director Approved on March 9, 2020 CR No. 19 - No cost time extension per Pacific Hydrotech request	B	\$ -	\$0.00	\$128,801.01	\$128,801.01	1.33%	\$9,817,797.01	174	57	231	771	8/5/2020
9	Approved by Executive Director Approved on March 12, 2020 CR No. 17 - Drain pipeline changes CR No. 18 - Drain manhole size CR No. 20 - Mesh and vent changes	B B C	\$ 13,118.07 \$ 3,316.52 \$ 2,697.50	\$19,132.09	\$128,801.01	\$147,933.10	1.53%	\$9,836,929.10	0 0 0	231	231	771	8/5/2020
10	Approved by Executive Director Approved on August 26, 2020 CR No. 21 - Level sensor displays CR No. 22 - Landscaping changes CR No. 23 - Additional paving CR No. 24 - Mixer lifting cable CR No. 25 - Encasement removals CR No. 26 - Waterproofing CR No. 27 - Sump pumps CR No. 28 - Additional trees Time Extension	A B B A B D D A	\$ 3,031.77 \$ 8,305.84 \$ 35,000.00 \$ 3,765.15 \$ 1,679.25 \$ 892.12 \$ 1,332.01 \$ 2,651.25	\$56,657.39	\$147,933.10	\$204,590.49	2.11%	\$9,893,586.49	44 0 0 0 0 0 0 0	231	275	815	9/18/2020
11	Approved by Executive Director Approved on September 28, 2020 CR No. 29 - Field Adjustments Time and Materials Time Extension	A	\$ 7,237.52	\$7,237.52	\$204,590.49	\$211,828.01	2.19%	\$9,900,824.01	21 0 21	275	296	836	10/9/2020

Category	Total Amount	% of Original Contract
A - Owner Directed Change	\$ 80,221.50	0.83%
B - Differing/Unknown Condition	\$ 126,684.88	1.31%
C - External Agency, Regulatory, and/or Permit Required Change	\$ 2,697.50	0.03%
D - Design Oversight	\$ 2,224.13	0.02%
Total Change Order Amount (A + B + C + D)	\$ 211,828.01	2.19%

October 12, 2020
Prepared and
submitted by: J. Colston / P. Weghorst
Approved by: Paul A. Cook



ACTION CALENDAR

REVISED IRWD POLICY PRINCIPLES REGARDING PFAS CONTAMINANTS

SUMMARY:

IRWD policy position papers are reviewed periodically to determine if the positions are still valid, need to be revised, or if new papers should be written on other issues. Staff has updated the IRWD policy position paper pertaining to issues associated with per-and polyfluoroalkyl substances, also known as PFAS. At high enough concentrations, these contaminants can pose threats to human health. The policy paper has been revised to reflect current conditions and the status of regulations being developed that will likely have impacts on IRWD as well as water and sanitation agencies throughout Orange County and the United States. Staff recommends that the Board adopt the revised IRWD's Policy Principles Regarding PFAS Contaminants dated October 12, 2020.

BACKGROUND:

In 2004, IRWD began producing policy papers on topics of particular interest to IRWD. Because of IRWD's standing in the water industry, its position is regularly solicited on issues of vital interest to the industry and the community. In order to keep these position papers current and germane, staff occasionally recommends that the Board review the papers and, when appropriate, incorporate revisions or adopt new papers.

PFAS compounds have emerged recently as "contaminants of concern" primarily due to human health impacts. These compounds are often referred to as "forever chemicals" because they decompose very slowly and can therefore accumulate in the environment and in humans. While there are many sources that can expose humans to PFAS (dust in the air, food packaging material, clothing, etc.), state and federal regulators are now acting to limit the amount of PFAS contaminants in drinking water supplies.

In September 2019, the IRWD Board of Directors adopted a Policy Position Regarding PFAS Contaminants. IRWD's policy position supports advocacy, both legislative and regulatory, to promote science-based regulations and appropriate timelines for implementing treatment solutions. The District's policy position also provides clarity as to how IRWD has modified its operations, and how IRWD suggest Orange County Water District should work with all Groundwater Producer Agencies to develop and implement solutions to what appears to be a groundwater basin-wide problem.

Staff has prepared a revised draft IRWD Policy Position Paper Regarding PFAS Contaminants to reflect current conditions and the status of regulations being developed that will likely have impacts on IRWD as well as water and sanitation agencies throughout Orange County and the United States. The revisions made to the draft policy paper are shown as redline changes in Exhibit "A". A clean version of the paper is provided as Exhibit "B".

Action Item: Revised IRWD Policy Principles regarding PFAS Contaminants

October 12, 2020

Page 2

At the Board meeting, staff will provide an overview of the revisions made to the policy position paper. Staff recommends that the Board adopt the revised IRWD Policy Principles Regarding PFAS Contaminants, dated October 12, 2020.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

None.

COMMITTEE STATUS:

This item was reviewed by the Water Resources Policy and Communications Committee on October 1, 2020.

RECOMMENDATION:

THAT THE BOARD ADOPT THE REVISED IRWD POLICY PRINCIPLES REGARDING PFAS CONTAMINANTS DATED OCTOBER 12, 2020.

LIST OF EXHIBITS:

Exhibit "A" – Draft Revised IRWD Policy Principles Regarding PFAS Contaminants - Redline Version

Exhibit "B" Draft Revised IRWD Policy Principles Regarding PFAS Contaminants

Exhibit "A"

IRWD POLICY POSITION REGARDING PFAS CONTAMINANTS

~~SEPTEMBER 30, 2019~~OCTOBER 12, 2020

Issue Summary:

The policy issues associated with the cleanup of what are often referred to as "PFAS compounds" in the Orange County Groundwater Basin (Basin), both prior to and after the establishment of regulatory limits in drinking water, are complex and likely to be controversial. To help guide IRWD's advocacy efforts related legislative and regulatory efforts, as well as issues of concern to IRWD services and the cleanup of PFAS compounds that have been found in the Basin, this paper reflects the policy position adopted by the IRWD Board.

Background on PFAS Contaminants:

In 2012, the United States Environmental Protection Agency (EPA) issued rules which required monitoring for 30 added contaminants by public water systems across the United States. Perfluorooctanic acid (PFOA) and perfluorooctane sulfonate (PFOS) were included on the list for monitoring. These compounds are organic chemicals that are part of a larger group of man-made chemicals referred to as per-and polyfluoroalkyl substances (PFAS). These substances, sometimes referred to as "forever chemicals," are persistent in the environment while being generally resistant to heat, water, and oil. They have been widely used in consumer products such as carpet, clothing, fabrics for furniture, paper packaging for food, fire-fighting foams, and other materials (e.g., cookware) designed to be waterproof, stain-resistant, or non-stick.

Between 2013 and 2015, OCWD tested water from the Basin consistent with EPA requirements. The results of the tests were submitted to the EPA and the State Water Resources Control Board Division of Drinking Water (DDW). In July 2018, DDW established precautionary advisory levels for PFOA and PFOS.

Precautionary Advisory Levels:

Notification Levels are precautionary health-based advisory levels established by DDW for chemicals in drinking water that are not regulated by Maximum Contaminant Levels (MCLs). State law requires timely notification to local jurisdictional authorities by a retail water system whenever a Notification Level is exceeded in drinking water. DDW recommends that public water systems take a source of water out of service if a contaminant is present at concentrations considerably higher than the Notification Levels. The level prompting such recommendations is called the "Response Level".

Notification and Response Levels have no binding effect on a public water system's ability to serve water to customers. Because of public perception issues associated with continuing to serve water that contains PFOA and PFOS at concentrations above the Response Levels, the thresholds can be interpreted by some entities as "de facto MCLs."

Maximum Contaminant Levels:

MCLs are standards that are set by the EPA and some states for drinking water quality. MCLs serve as legal threshold limits on the amount of a substance that is allowed in a potable water supply. The EPA is moving forward with developing MCLs for PFOA and PFOS. The State of

California ~~has taken the first step in the MCL development process by requesting that the Office of Environmental Health Hazard Assessment (OEHHA) develop Public Health Goals for PFOA and PFOS. In general, the federal or state MCL process takes at least three years to complete~~ is expected to soon initiate a parallel process to establish its own enforceable limits. Until either federal or state MCLs are set for PFOA and PFOS, there are no legal requirements for a public water system to blend, treat or take an affected water source out of production.

Contaminants Could Become a Widespread Problem:

In April 2019, monitoring orders were sent by DDW to public water systems across California including IRWD and 11 other Orange County Groundwater Producers (Producers). In response to the orders, OCWD implemented a sampling and analysis program that identified that PFOA and PFOS contaminants exist in a substantial portion of the Basin.

In August 2019, DDW released new lower Notification Levels for PFOA and PFOS, and DDW also requested that OEHHA evaluate seven other PFAS compounds to determine if Notification Levels are appropriate¹. In February 2020, DDW released ~~and is expected to release~~ lower Response Levels, which by the end of 2019. These lowered Response Levels have impacted ~~are expected to influence the decisions of numerous Producers to the operation of (or to not operate)~~ approximately 70+ Producer wells. Additional Producers are at risk if the contaminants continue to migrate through the Basin. A migration would likely reduce many other Producers' ability to rely on groundwater.

OCWD and Groundwater Basin Considerations:

OCWD ~~has recently initiated~~ is conducting pilot studies to evaluate various treatment processes that might be effective at removing PFOA and PFOS from groundwater recovered from the Basin. In addition, OCWD ~~has initiated efforts to study~~ is studying how treatment facilities ~~can~~ could be integrated into Producer potable water production distribution systems that are affected by the contaminants. As part of these ongoing efforts, OCWD ~~has~~ is expected to developed and implemented a policy on how the costs of the design, construction, operation and maintenance (O&M) of treatment facilities ~~might~~ will be allocated to OCWD and the affected Producers. ~~In developing its policy, OCWD will need to consider equity issues associated with other contaminants that exist in the Basin that have either been avoided or that are currently being cleaned up from the Basin. Agreements based on this policy have been executed between many of the affected Producers and OCWD. These agreements will facilitate the design, construction and operation of PFAS treatment facilities.~~

BEA Exemptions Should Be Considered:

¹ Perfluorohexane sulfonic acid (PFHxS), perfluorobutane sulfonic acid (PFBS), perfluorohexanoic acid (PFHxA), perfluoroheptanoic acid (PFHpA), perfluorononanoic acid (PFNA), perfluorodecanoic acid (PFDA), and 4,8-dioxia-3H-perfluoronanoic acid (ADONA)

OCWD District Act gives OCWD the power to enter into a contract with a Groundwater Producer to encourage the Producer to increase production of groundwater in lieu of using imported water for the purpose of removing contaminants from the Basin. The corresponding treatment facilities are commonly referred to as Basin Equity Assessment (BEA) exempt projects. In practice, a Producer that operates such facilities is annually credited pro-rated capital and actual O&M costs associated with the treatment facilities. The credits are used to offset BEA payments owed by the Producer for pumping above the OCWD Basin Production Percentage (BPP). Providing BEA exemptions to PFOA and PFOS treatment projects would not be applicable to Producers that would use such a project to treat groundwater extracted under the BPP. Where Producer agencies have enough well capacity to pump ~~unimpaired water up to~~ unimpaired water up to ~~above~~ the BPP, the implementation of BEA exempt project might be useful for removing PFOA and PFOS from the Basin.

~~Raising BPP Should Be Avoided:~~

~~If, in response to DDW Response Levels or future MCLs, the Producers affected by the PFOA and PFOS contaminants choose to take their wells out of service, then OCWD could financially be affected through reduced Replenishment Assessment (RA) revenue. If OCWD were to increase the BPP in response to these financial impacts, then the Producers that operate BEA-exempt projects would be financially impacted. This is an important issue and OCWD should avoid raising the BPP in response to wells being shut down due to the presence of PFOA and PFOS contaminants.~~

IRWD Policy Principles:

To help guide IRWD's advocacy efforts related to PFAS contaminants, the following policy position principles have been assembled. These principles provide guidance on issues related to legislative and regulatory action, IRWD services, and the Orange County Groundwater Basin.

State and Federal Legislative and Regulatory Issues:

1. Public health and environmental standards should be developed that are based on science and a comprehensive understanding of the risk that PFAS contaminants pose to public health and the environment;
2. State and federal agencies should hold PFAS producers ultimately liable for cleanup costs. Additionally, regulators should ban the importation of PFAS containing products that can result in further environmental contamination;
3. Regulations should focus on the most persistent PFAS compounds that pose the greatest human health risk and sources that produce the highest levels of exposure;
4. Federal MCLs for PFOA and PFOS should be established in a timely manner in accordance with the established regulatory processes under the Safe Drinking Water Act;

5. If PFAS is designated as hazardous substance under CERCLA, then wastewater and water utilities must be exempted from liability because water and wastewater utilities do not produce or create PFAS – they only receive PFAS in the water and wastewater they treat; and
6. Federal financial assistance should be provided through the EPA’s Drinking Water State Revolving Fund and other programs to communities that are forced to address contaminated water supplies.
7. The federal government shall take responsibility for PFAS contamination associated with the many active and closed military bases under its jurisdiction.

IRWD Service Issues:

1. IRWD elects not to produce water from any source for its potable water system that contains unacceptable levels of PFOA and PFOS unless an effective water treatment system is in place to remove these contaminants;
2. IRWD will look for opportunities to collaborate with other Producer agencies to develop mutually beneficial joint PFOA and PFOS removal facilities; and
3. IRWD will establish a policy position on the impacts of PFAS in recycled water or residual biosolids materials once the regulations for these products are promulgated. Until such time, IRWD will not use sources of recycled water that increase the concentrations of PFAS in the recycled water produced at MWRP or LAWRP.

Orange County Groundwater Basin Issues:

1. OCWD should establish a policy for the removal of PFOA and PFOS contaminants in the Basin that takes into consideration regulatory recommendations and requirements, equity issues associated with other contaminants in the Basin, protection of the use of BEA-exempt projects to clean up other contaminants, and the need to stop the migration of the contaminants before they impact additional Producers’ wells;
2. IRWD supports OCWD treatment pilot studies to evaluate various treatment processes to cost-effectively remove PFOA and PFOS from groundwater recovered from the Basin. Viable treatment systems must consider the ultimate fate of these contaminants rather than shifting them to another environmental media;
3. Until the MCLs are established or the RLs are significantly reduced for PFOA and PFOS, IRWD does not support the final design, construction and operation of treatment facilities that would result in costs being assessed through the RA to the Producers;
4. Once MCLs are established ~~or RLs are significantly reduced~~ for PFOA and PFOS, OCWD should work with Producers to implement BEA-exempt projects where possible to remove the contaminants;

5. Where use of BEA-exempt projects is not possible, OCWD should develop and fund the design, construction and operation of treatment facilities that can be integrated into a Producer's retail water system;
 6. Producers affected by the PFOA and PFOS contaminants should pay for a portion if not all the O&M costs associated with the treatment of groundwater delivered through their potable water system. Producers should remain responsible for cost to convey and pump treated groundwater into their distribution systems;
 7. OCWD should pursue avenues to obtain reimbursement for the design, construction, and operation of treatment facilities to remove PFAS contaminants from the Basin from the companies that produced PFOA and PFOS;
 8. OCWD should support efforts to implement upstream source control including the funding, design, construction, and operation of treatment processes to remove PFOA and PFOS from sewage treatment plant effluent that is discharged upstream into the Santa Ana River where feasible;
 9. To ensure that no area of the Basin is unfairly impacted by recharge of Santa Ana River water that has concentrations of PFOA and PFOS, OCWD should strategically balance among its facilities (including the Santiago Basins) the recharge of imported water and water produced from the Groundwater Replenishment System; and
- ~~11.~~ 10. OCWD should not pay for a Producer's alternative source of imported water. In addition, OCWD should not pay for temporary PFAS treatment and conveyance facilities if a Producer elects to incur these costs, unless the temporary facilities are incorporated into the permanent solution that is acceptable to OCWD.
- ~~12. OCWD should not impair the use of existing BEA-exempt projects that clean up other contaminants from the Basin by raising the BPP.~~

Note: This page is intentionally left blank.

Exhibit “B”

IRWD POLICY POSITION REGARDING PFAS CONTAMINANTS

OCTOBER 12, 2020

Issue Summary:

The policy issues associated with the cleanup of what are often referred to as “PFAS compounds” in the Orange County Groundwater Basin (Basin), both prior to and after the establishment of regulatory limits in drinking water, are complex and likely to be controversial. To help guide IRWD’s advocacy efforts related legislative and regulatory efforts, as well as issues of concern to IRWD services and the cleanup of PFAS compounds that have been found in the Basin, this paper reflects the policy position adopted by the IRWD Board.

Background on PFAS Contaminants:

In 2012, the United States Environmental Protection Agency (EPA) issued rules which required monitoring for 30 added contaminants by public water systems across the United States. Perfluorooctanic acid (PFOA) and perfluorooctane sulfonate (PFOS) were included on the list for monitoring. These compounds are organic chemicals that are part of a larger group of man-made chemicals referred to as per-and polyfluoroalkyl substances (PFAS). These substances, sometimes referred to as “forever chemicals,” are persistent in the environment while being generally resistant to heat, water, and oil. They have been widely used in consumer products such as carpet, clothing, fabrics for furniture, paper packaging for food, fire-fighting foams, and other materials (e.g., cookware) designed to be waterproof, stain-resistant, or non-stick.

Between 2013 and 2015, OCWD tested water from the Basin consistent with EPA requirements. The results of the tests were submitted to the EPA and the State Water Resources Control Board Division of Drinking Water (DDW). In July 2018, DDW established precautionary advisory levels for PFOA and PFOS.

Precautionary Advisory Levels:

Notification Levels are precautionary health-based advisory levels established by DDW for chemicals in drinking water that are not regulated by Maximum Contaminant Levels (MCLs). State law requires timely notification to local jurisdictional authorities by a retail water system whenever a Notification Level is exceeded in drinking water. DDW recommends that public water systems take a source of water out of service if a contaminant is present at concentrations considerably higher than the Notification Levels. The level prompting such recommendations is called the “Response Level”.

Notification and Response Levels have no binding effect on a public water system’s ability to serve water to customers. Because of public perception issues associated with continuing to serve water that contains PFOA and PFOS at concentrations above the Response Levels, the thresholds can be interpreted by some entities as “de facto MCLs.”

Maximum Contaminant Levels:

MCLs are standards that are set by the EPA and some states for drinking water quality. MCLs serve as legal threshold limits on the amount of a substance that is allowed in a potable water supply. The EPA is moving forward with developing MCLs for PFOA and PFOS. The State of

California has taken the first step in the MCL development process by requesting that the Office of Environmental Health Hazard Assessment (OEHHA) develop Public Health Goals for PFOA and PFOS. In general, the federal or state MCL process takes at least three years to complete. Until either federal or state MCLs are set for PFOA and PFOS, there are no legal requirements for a public water system to blend, treat or take an affected water source out of production.

Contaminants Could Become a Widespread Problem:

In April 2019, monitoring orders were sent by DDW to public water systems across California including IRWD and 11 other Orange County Groundwater Producers (Producers). In response to the orders, OCWD implemented a sampling and analysis program that identified that PFOA and PFOS contaminants exist in a substantial portion of the Basin.

In August 2019, DDW released new lower Notification Levels for PFOA and PFOS, and DDW also requested that OEHHA evaluate seven other PFAS compounds to determine if Notification Levels are appropriate¹. In February 2020, DDW released lower Response Levels, which have impacted the operation of approximately 70 Producer wells. Additional Producers are at risk if the contaminants continue to migrate through the Basin. A migration would likely reduce many other Producers' ability to rely on groundwater.

OCWD and Groundwater Basin Considerations:

OCWD is conducting pilot studies to evaluate various treatment processes that might be effective at removing PFOA and PFOS from groundwater recovered from the Basin. In addition, OCWD is studying how treatment facilities can be integrated into Producer potable water production distribution systems that are affected by the contaminants. As part of these ongoing efforts, OCWD has developed and implemented a policy on how the costs of the design, construction, operation and maintenance (O&M) of treatment facilities will be allocated to OCWD and the affected Producers. Agreements based on this policy have been executed between many of the affected Producers and OCWD. These agreements will facilitate the design, construction and operation of PFAS treatment facilities.

BEA Exemptions Should Be Considered:

OCWD District Act gives OCWD the power to enter into a contract with a Groundwater Producer to encourage the Producer to increase production of groundwater in lieu of using imported water for the purpose of removing contaminants from the Basin. The corresponding treatment facilities are commonly referred to as Basin Equity Assessment (BEA) exempt projects. In practice, a Producer that operates such facilities is annually credited pro-rated capital and actual O&M costs associated with the treatment facilities. The credits are used to offset BEA payments owed by the Producer for pumping above the OCWD Basin Production

¹ Perfluorohexane sulfonic acid (PFHxS), perfluorobutane sulfonic acid (PFBS), perfluorohexanoic acid (PFHxA), perfluoroheptanoic acid (PFHpA), perfluorononanoic acid (PFNA), perfluorodecanoic acid (PFDA), and 4,8-dioxia-3H-perflouoronanoic acid (ADONA)

Percentage (BPP). Providing BEA exemptions to PFOA and PFOS treatment projects would not be applicable to Producers that would use such a project to treat groundwater extracted under the BPP. Where Producer agencies have enough well capacity to pump above the BPP, the implementation of BEA exempt project might be useful for removing PFOA and PFOS from the Basin.

IRWD Policy Principles:

To help guide IRWD's advocacy efforts related to PFAS contaminants, the following policy position principles have been assembled. These principles provide guidance on issues related to legislative and regulatory action, IRWD services, and the Orange County Groundwater Basin.

State and Federal Legislative and Regulatory Issues:

1. Public health and environmental standards should be developed that are based on science and a comprehensive understanding of the risk that PFAS contaminants pose to public health and the environment;
2. State and federal agencies should hold PFAS producers ultimately liable for cleanup costs. Additionally, regulators should ban the importation of PFAS containing products that can result in further environmental contamination;
3. Regulations should focus on the most persistent PFAS compounds that pose the greatest human health risk and sources that produce the highest levels of exposure;
4. Federal MCLs for PFOA and PFOS should be established in a timely manner in accordance with the established regulatory processes under the Safe Drinking Water Act;
5. If PFAS is designated as hazardous substance under CERCLA, then wastewater and water utilities must be exempted from liability because water and wastewater utilities do not produce or create PFAS – they only receive PFAS in the water and wastewater they treat; and
6. Federal financial assistance should be provided through the EPA's Drinking Water State Revolving Fund and other programs to communities that are forced to address contaminated water supplies.
7. The federal government shall take responsibility for PFAS contamination associated with the many active and closed military bases under its jurisdiction.

IRWD Service Issues:

1. IRWD elects not to produce water from any source for its potable water system that contains unacceptable levels of PFOA and PFOS unless an effective water treatment system is in place to remove these contaminants;

2. IRWD will look for opportunities to collaborate with other Producer agencies to develop mutually beneficial joint PFOA and PFOS removal facilities; and
3. IRWD will establish a policy position on the impacts of PFAS in recycled water or residual biosolids materials once the regulations for these products are promulgated. Until such time, IRWD will not use sources of recycled water that increase the concentrations of PFAS in the recycled water produced at MWRP or LAWRP.

Orange County Groundwater Basin Issues:

1. OCWD should establish a policy for the removal of PFOA and PFOS contaminants in the Basin that takes into consideration regulatory recommendations and requirements, equity issues associated with other contaminants in the Basin, protection of the use of BEA-exempt projects to clean up other contaminants, and the need to stop the migration of the contaminants before they impact additional Producers' wells;
2. IRWD supports OCWD treatment pilot studies to evaluate various treatment processes to cost-effectively remove PFOA and PFOS from groundwater recovered from the Basin. Viable treatment systems must consider the ultimate fate of these contaminants rather than shifting them to another environmental media;
3. Until the MCLs are established or the RLs are significantly reduced for PFOA and PFOS, IRWD does not support the final design, construction and operation of treatment facilities that would result in costs being assessed through the RA to the Producers;
4. Once MCLs are established for PFOA and PFOS, OCWD should work with Producers to implement BEA-exempt projects where possible to remove the contaminants;
5. Where use of BEA-exempt projects is not possible, OCWD should develop and fund the design, construction and operation of treatment facilities that can be integrated into a Producer's retail water system;
6. Producers affected by the PFOA and PFOS contaminants should pay for a portion if not all the O&M costs associated with the treatment of groundwater delivered through their potable water system. Producers should remain responsible for cost to convey and pump treated groundwater into their distribution systems;
7. OCWD should pursue avenues to obtain reimbursement for the design, construction, and operation of treatment facilities to remove PFAS contaminants from the Basin from the companies that produced PFOA and PFOS;
8. OCWD should support efforts to implement upstream source control including the funding, design, construction, and operation of treatment processes to remove PFOA and PFOS from sewage treatment plant effluent that is discharged upstream into the Santa Ana River where feasible;

9. To ensure that no area of the Basin is unfairly impacted by recharge of Santa Ana River water that has concentrations of PFOA and PFOS, OCWD should strategically balance among its facilities (including the Santiago Basins) the recharge of imported water and water produced from the Groundwater Replenishment System; and
10. OCWD should not pay for a Producer's alternative source of imported water. In addition, OCWD should not pay for temporary PFAS treatment and conveyance facilities if a Producer elects to incur these costs, unless the temporary facilities are incorporated into the permanent solution that is acceptable to OCWD.

Note: This page is intentionally left blank.