



Livermore-Amador Valley Water Management Agency  
Celebrating 50 years 1974 - 2024

**REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
OF THE LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY**

**Wednesday, February 21, 2024, 6:00 p.m.**

**Dublin San Ramon Services District Board Room  
7051 Dublin Boulevard  
Dublin, California**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Order of Agenda/Acknowledgement of Posting**  
(The agenda may be re-ordered by motion of the Board. The agenda has been posted virtually on the Agency's website and physically in the display case outside the DSRSD Building, and, as a courtesy when possible, under the circumstances, at Pleasanton City Hall and Livermore City Hall at least 72 hours prior to a regular meeting and 24 hours prior to a special meeting.)
- 5. Public Comment**  
(See text in box below for information on how to observe and submit public comments.)
- Action 6. Consent Calendar**  
(All items on the Consent Calendar will be considered together by one or more action(s) of the Board unless a Board member pulls an item.)
  - Action 6.a. Board Meeting Minutes for the November 15, 2023 meeting**  
(The Board will consider approving the minutes from the November 15, 2023 Board meeting.)
  - Resolution 6.b. Resolution No. 23-08 Approving Continuation of Emergency Action Procurement for the Repair of the Livermore Interceptor Pipeline**  
(The Board will consider extending the timeline for the General Manager to enter contracts for continuing actions to repair the exposed Livermore interceptor pipeline at Arroyo Mocho Creek.)
- Information 7. Financial Reporting for the Fiscal Year Ending June 30, 2024**  
(The Board will review the Financial Reports and other financial items for the Fiscal Year ending June 30, 2024.)
- Information 8. LAVWMA Quarterly Report of Operations, 2nd Quarter, FY2023-2024**  
(The Board will review the Quarterly Report of Operations, 2nd Quarter, FY2023-2024.)

- Action**            **9.      Authorization for General Counsel to Extend the General Manager’s Agreement as Needed through June 30, 2024**  
**Page 37**            (The Board will consider authorizing General Counsel to extend the General Manager’s agreement as needed through June 30, 2024 to assist with ongoing projects, budget preparation and transition for the new General Manager.)
- Information**      **10.    Project Status Reports - Purchase of Three Vertical Turbine Pumps, the San Leandro Sample Station Improvements Project, and the Emergency Repair of the Livermore Interceptor Pipeline**  
**Pages 38– 40**      (The Board will receive status reports on capital improvement projects at the Export Pump Station, the San Leandro Sample Station, and the Livermore Interceptor Pipeline.)
- Action**            **11.    Update and Response to Various Legal and Legislative Issues**  
**Pages 41 – 166**      (The Board will receive a report regarding proposed legislation and legal developments affecting LAVWMA and its member agencies. The Board will also be asked to approve a letter in support of Senate Bill 1430 providing PFAS liability protection for water and wastewater agencies.)
- Information**      **12.    General Manager’s Report**  
**Pages 167 – 182**      (The Board will review the General Manager’s Report regarding the operations and maintenance of the Agency and its facilities.)
- Action**            **13.    Closed Session – Personnel Matters pursuant to Gov’t Code § 54957(b) Public Employee Appointment Title: General Manager**  
                         (The Board will hold a closed session to consider appointment of an independent contractor that will function as LAVWMA’s General Manager beginning April 1, 2024.)
- Information**      **14.    Matters From/For Board Members**  
                         (Board members may make brief announcements or reports on his or her own activities, pose questions for clarification, and/or request that items be placed on a future agenda. Except as authorized by law, no other discussion or action may be taken.)
- 15.    Next Regular Board Meeting, Wednesday, May 15, 2024, 6:00 p.m. at DSRSD. Special Board meetings are scheduled for March 14, 2024 and March 28, 2024.**
- 16.    Adjournment**

**HOW TO SUBMIT PUBLIC COMMENTS:**

**Written / Read Aloud:** Please email your comments to [info@lavwma.com](mailto:info@lavwma.com), write “Public Comment” in the subject line. In the body of the email, include the agenda item number and title, as well as your comments. If you would like your comment to be read aloud at the meeting (not to exceed three (3) minutes at staff’s cadence), prominently write “Read Aloud at Meeting” at the top of the email. All comments received before 12:00 PM the day of the meeting will be included as an agenda supplement on LAVWMA’s website under the relevant meeting date and provided to the Directors at the meeting. Comments received after this time will be treated as live comments and read into the record.

**Live Comments:** During the meeting, the Board Chair or designee will announce the opportunity to make public comments. Speakers will be asked to provide their name and city of residence, although providing this is not required for participation. Each speaker will be afforded up to 3 minutes to speak.

## LAVWMA Regular Meeting of February 21, 2024

### **ACCESSIBILITY INFORMATION:**

Board Meetings are accessible to people with disabilities and others who need assistance. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to observe and/or participate in this meeting and access meeting-related materials should contact Chuck Weir, General Manager, as soon as possible but at least 72 hours before the meeting at (925)-875-2202 or [info@lavwma.com](mailto:info@lavwma.com). Advanced notification will enable LAVWMA to swiftly resolve such requests to ensure accessibility.

### **PUBLIC RECORDS:**

Public records that relate to any item on the open session agenda for a meeting are available for public inspection. Those records that are distributed after the agenda posting deadline for the meeting are available for public inspection at the same time they are distributed to all or a majority of the members of the Board. The Board has designated LAVWMA's website located at [http://lavwma.com/agency\\_meetings.php](http://lavwma.com/agency_meetings.php) as the place for making those public records available for inspection. The documents may also be obtained by contacting the General Manager.

### **CEQA NOTICE:**

Unless expressly stated otherwise on the agenda (that a negative declaration, mitigated negative declaration, or environmental impact report is being considered), discretionary actions taken on agenda items will include a finding by the Board that the action is exempt under the California Environmental Quality Act (CEQA). More information about the CEQA determination can be found in the corresponding staff report.

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**LAVWMA**  
**Livermore-Amador Valley Water Management Agency**  
**Minutes**  
**DRAFT**  
**Regular Meeting of Board of Directors**  
**Wednesday, November 15, 2023**  
**6:00 p.m.**

**1. Call to Order**

Chair Bob Carling called the meeting to order at 6:00 p.m.

**2. Pledge of Allegiance**

The Pledge of Allegiance was recited.

**3. Roll Call**

Board Members Present: Chair Bob Carling; and Directors Evan Branning, Ann Marie Johnson, Jeff Nibert, and Julie Testa. Vice Chair Arun Goel was unable to attend the meeting.

Staff Present: General Counsel Alexandra Barnhill, Assistant Treasurer Herman Chen, DSRSD Assistant General Manager Jan Lee, DSRSD Operations Director Dan Gill, and General Manager Chuck Weir

Member Agency Staff Present: Livermore Water Resources Manager Anthony Smith

Others: Castro Valley Sanitary District Board Member Tim McGowan, Maze & Associates representative Maria Munoz

**4. Order of Agenda/Acknowledgement of Posting**

There were no changes to the Agenda.

**5. Comments from the Public**

Tim McGowan introduced himself to the Board as an engineer with East Bay Municipal Utility District and Castro Valley Sanitary District Board member. He stated that he saw the General Manager flyer at the CASA Conference in August and that he has been attending Board meetings and will be applying for the position. He indicated that he looked forward to the recruitment process.

**6. Consent Calendar**

- a. Board Meeting Minutes for the August 16, 2023 meeting.
- b. Resolution No. 23-07 Approving Continuation of Emergency Action Procurement for the Repair of the Livermore Interceptor Pipeline.

**Director Browning motioned, seconded by Director Testa, to approve Consent Calendar Item Nos. 6.a. and 6.b.**

There were no comments from the public. The Motion passed unanimously (5 – 0) by a roll call vote.

### **7. Nutrients in San Francisco Bay: Update on Watershed Permit Negotiations**

General Manager Weir introduced Jackie Zipkin, EBDA General Manager. He stated that she is also Vice Chair of the Bay Area Clean Water Agencies (BACWA). Ms. Zipkin provided a PowerPoint presentation on nutrients in the Bay, algal blooms in 2022 and 2023, wastewater treatment plants are the largest source of nutrients, nitrogen is the biggest concern, and efforts by the Regional Water Board and BACWA to craft the third version of the watershed permit for nutrients, which will be issued in 2024. She discussed efforts by the EBDA and LAVWMA agencies to reduce nutrients over time. The LAVWMA agencies are focusing on water recycling to meet their requirements. Board members asked questions regarding future projects and costs.

This was an information item only requiring no action by the Board. There were no comments from the public.

### **8. Financial Reporting for the Fiscal Year Ending June 30, 2024.**

Assistant Treasurer Chen provided a summary of the first quarter financial report for the Fiscal Year Ending June 30, 2024. He noted that expenses are tracking normally. He also noted that the return on investments continues to increase due to the investment in T-bills through the Charles Schwab account.

This was an information item only requiring no action by the Board. There were no comments from the public.

### **9. Acceptance of the Audit Report for Fiscal Year Ending June 30, 2023**

Assistant Treasurer Chen introduced Maria Munoz from Maze & Associates, who conducted and prepared the audit report. Ms. Munoz stated that this was a clean audit with an unmodified opinion, which is the highest level. She stated that there were no issues with their working with DSRSD staff and she thanked them for their cooperation and assistance. Director Nibert asked if they looked at projections on the fund balances, particularly the replacement funds. General Manager Weir stated that the fund balances are reviewed during the budget process and that the Livermore pipeline project presents a challenge for next year since it is a Livermore sole-use project and that funding from FEMA and California Office of Emergency Services are expected, but the amount is unknown at this time.

**Director Johnson motioned, seconded by Director Nibert, to approve the Audit Report for the Fiscal Year ending June 30, 2023 as prepared by Maze & Associates.**

There were no comments from the public. The Motion passed unanimously (5 – 0) by a roll call vote.

### **10. LAVWMA Quarterly Report of Operations, 1st Quarter, FY2023-2024**

General Manager Weir provided an overview of the report and noted the various charts showing pump performance, electrical usage, and maintenance activities. He noted that the normal budget data was not included in this report as it was not available when the report was prepared. The

second quarter report will include that information. At this time energy costs are well below budget, but that will change once wet weather starts.

This was an information item only requiring no action by the Board. There were no comments from the public.

### **11. Project Status Reports – Purchase of Three Vertical Turbine Pumps, the San Leandro Sample Station Improvements Project, and the Emergency Repair of the Livermore Interceptor Pipeline**

General Manager Weir noted the three pumps were delivered on October 3, 2023 and that the first one has been operating successfully since October 11, 2023. The other two pumps should be installed before the end of the year. Photos of the pump delivery and installation were shared with the Board. Mr. Weir noted that the process to purchase and manufacture six 500 horse power pumps took nearly ten years to complete.

The San Leandro Sample Station Design Improvements Project is underway. Submittals and requests for information are being submitted by the contractor McGuire and Hester. They are being reviewed and returned by the engineer, HydroScience. Supply chain issues are a concern for some of the big valves. Both the contractor and engineer continue to push the supplier to provide the equipment to keep the project on schedule. It is not scheduled to be completed until July 2024.

The Project for the emergency repair of the Livermore interceptor pipeline is also proceeding. Easements are now required with only city of Livermore and Zone 7 Water agency due to the current alignment. The easement terms are being negotiated and will be finalized after the project is completed. Right of Entry permits allow the construction to proceed. The design was modified to not require any additional easements from Steelwave Company. The project will occur within the existing easement on the Steelwave property. The project is scheduled for completion by the end of February 2024. The project is approximately 20% complete at a cost of \$1,500,000. Costs have continued to rise and are now projected to be over \$6,000,000. This will require a budget modification as indicated in the next agenda item. It is recommended to increase the project cost to \$7,000,000 to cover any unanticipated issues. Photos and short videos of the project were shared with the Board to illustrate the trenchless technology being used.

General Manager Weir discussed some of the issues dealing with State regulatory agencies and FEMA. He complimented DSRSD staff for their efforts in managing this project on behalf of LAVWMA and City of Livermore.

This was an information item only requiring no action by the Board. There were no comments from the public.

### **12. Modification No. 2 to the Operating and Capital Budget for Fiscal Year 2023/24**

General Manager Weir stated that the only change to the budget is to increase the cost for the Livermore interceptor pipeline project from \$5,000,000 to \$7,000,000. This results in modifying some of the capital cost tables in the Budget document. Everything else remains the same.

**Director Branning motioned, seconded by Director Testa, to approve Modification No. 2 to the Operating and Capital Budget for Fiscal Year 2023/24.**

There were no comments from the public. The Motion passed unanimously (5 – 0) by a roll call vote.

**13. Update and Response to Various Legal and Legislative Issues**

General Manager Weir provided an overview of the various November 2023 updates from CASA and BACWA. These documents provide information related to all the regulatory and legislative issues facing wastewater treatment agencies, including nutrients, PFAS, and collection systems. The documents included CASA’s list of nearly 100 bills that they have been tracking on behalf of the wastewater community. Director Tests asked about legislation for Accessory Dwelling Units (ADU). General Counsel Barnhill stated that some of the bills would prohibit an agency from collecting fees for ADUs under certain sizes. This could negatively impact an agency’s ability to cover costs that result from the ADU and would end up being subsidized by the General Fund since Prop 218 prohibits existing ratepayers from paying for services they do not receive.

This was an information item only requiring no action by the Board. There were no comments from the public.

**14. General Manager’s Report**

General Manager Weir highlighted several areas of his report, including asset management, response to the GM recruitment, capital projects, PG&E usage, the Regional Water Board inspection report of LAVWMA facilities, and a letter from SDRMA stating that there were no paid property or liability claims in FYE23. Three people have contacted Mr. Weir regarding the GM position and all are well qualified. The most notable item for PG&E is that the average cost per kWh has increased 20% above last year. Fortunately this was projected and incorporated into the Budget. DSRSD’s operation staff also do an excellent job in aligning pumping and other high energy operations to occur during the lowest cost electricity cycles to reduce costs when possible.

This was an information item only requiring no action by the Board. There were no comments from the public.

**15. Matters From/For Board Members**

Director Testa inquired about the status of the solar project at the pump station. General Manager Weir stated that it was on hold as the property is owned by DSRSD. DSRSD is completing its own Energy Master Plan and it is not known if a solar project will be part of their plan. Director Testa stated that she hoped one would be included since it could offset a huge energy cost for the agency ratepayers. DSRSD Assistant GM Jan Lee stated that their Board would be reviewing the Plan and recommendations in January 2024. Director Johnson offered to carry Director Testa’s message to the DSRSD Board at that time. There were no comments from the public.

**16. Next Regular Board Meeting, Wednesday, February 21, 2024 at 6:00 p.m.**

The next Board meeting will be held at DSRSD’s Board Room.

There were no comments from the public.

**21. Adjournment**

There being no further action, Chair Carling adjourned the meeting at 7:28 p.m.

Minutes Approved by the Board \_\_\_\_\_.

Charles V. Weir  
General Manager

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**ITEM NO. 6.b RESOLUTION NO. 23-08 RESOLUTION APPROVING  
CONTINUATION OF EMERGENCY ACTION PROCUREMENT BY THE GENERAL  
MANAGER FOR REPAIR OF THE LIVERMORE INTERCEPTOR PIPELINE**

**Action Requested**

Approve Resolution No. 23-08 Approving Continuation of Emergency Action Procurement for Repair of the Livermore Interceptor Pipeline.

**Background**

Following the discovery of the Livermore Interceptor Pipeline's exposure due to significant erosion caused by the most recent severe winter storms, Livermore-Amador Valley Water Management Agency (LAVWMA) and Dublin San Ramon Services District (DSRSD) declared States of Emergency to begin the effort to design a repair project. The General Manager is providing an update on the status of that effort and the continuing need for emergency action procurement.

**Discussion**

From late 2022 through March of 2023, a series of severe winter storms characterized as "atmospheric rivers" struck California bringing damaging winds and historic precipitation. On February 9, 2023, District staff discovered that these storms had left a portion of LAVWMA's Livermore Interceptor Pipeline, and its associated manhole, exposed in the Arroyo Mocho Creek, causing significant erosion in the nearby creek bed and banks.

On May 17, 2023, the LAVWMA Board of Directors approved Resolution No. 23-04, declaring a State of Emergency and approving emergency action procurement by the General Manager for the repair of the LAVWMA Livermore Interceptor Pipeline. Per state law, the Declaration of the LAVWMA State of Emergency shall be reviewed by the Board of Directors at every regular meeting to determine, by a four-fifths vote, that there is a need to continue the emergency action.

Under the emergency authorization, two task orders have been issued by DSRSD to date. A task order, in an amount not to exceed \$556,263, was awarded to Carollo Engineers on June 23, 2023 for engineering design services, including property rights acquisition and permitting support services. A second task order, in an amount not to exceed \$30,000, was awarded to DPI, Inc. on the same date for construction design services including constructability review, material procurement assessments, and construction cost estimating.

An aggressive project and implementation schedule is required. The design work was completed between July and October of this year. DSRSD staff actively engaged with DPI, Inc. on constructability review, material selection and procurement, and construction costs. Construction

on this project began on October 3, 2023 and is scheduled for substantial completion by March 11, 2024. As conditions require, the design and construction have been modified.

In parallel with the design effort, LAVWMA and DSRSD staff and counsel worked with property owners on negotiating property rights for the new pipeline easements and right-of-entry permits, coordinating with respective agencies for the acquisition of environmental permits and encroachment permits, pursuing federal funding through the Federal Emergency Management Agency (FEMA), pursuing state funding through California Office of Emergency Services (Cal OES), and procuring long lead-time materials including large-diameter piping and valves. An easement has been approved by the Zone 7 Board of Directors and it will be going to the Alameda County Board of Supervisors for approval on February 27, 2024. A letter detailing LAVWMA's need for and intended use of easement interests over certain real property owned by Zone 7 Water Agency has been sent to be included in the report to the Board of Supervisors. The fee for the easement is \$500, based on the appraisal value. There will also be a small fee for Zone 7 staff time. The easement with City of Livermore is nearing completion. A similar letter will be included in the staff report to the City Council. No City fees are anticipated since Livermore is solely responsible for the cost of this project. There may be a fee required by the Federal Aviation Administration since the easement is adjacent to Livermore Airport property.

Additional task orders, purchase orders, and/or other contracts are expected to be awarded in the near term for property acquisition, material procurement, additional construction services, and construction management services.

To ensure the project can meet the aggressive project schedule, staff recommends the LAVWMA Board find the need to continue the State of Emergency reflected by Resolution No. 23-08. Expedited action, including the emergency procurement of construction materials, equipment, construction services, and construction management services, is necessary to mitigate any additional damage to the pipeline and avoid the potential discharge of treated wastewater effluent to the Arroyo Mocho Creek. A four-fifths vote is necessary to extend the emergency.

### **Recommendation**

Consider Adopting Resolution No. 23-08 Approving Continuation of Emergency Action Procurement for Repair of the Livermore Interceptor Pipeline.

### **Attachments**

Resolution No. 23-08 Approving Continuation of Emergency Action Procurement for Repair of the Livermore Interceptor Pipeline.

**LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY**

**RESOLUTION NO. 23-08**

**RESOLUTION APPROVING CONTINUATION OF EMERGENCY ACTION  
PROCUREMENT FOR REPAIR OF THE LIVERMORE INTERCEPTOR PIPELINE**

WHEREAS, the Livermore-Amador Valley Water Management Agency (“LAVWMA”) is a joint powers agency formed pursuant to the Amended and Restated Joint Exercise of Powers Agreement for the Livermore-Amador Valley Water Management Agency dated July 21, 1997 (“JPA”); and

WHEREAS, on February 9, 2023, LAVWMA and Dublin San Ramon Services District (“DSRSD”) discovered that recent severe winter storms, which brought strong winds and abnormally high precipitation, had left a portion of LAVWMA’s Livermore Interceptor Pipeline and its associated manhole exposed in the Arroyo Mocho Creek and caused significant erosion in the nearby creek bed and banks; and

WHEREAS, the possibility of the Livermore Interceptor Pipeline to fail, potentially causing discharge of wastewater or interruption of service could impact the creek and environmentally sensitive areas nearby, presents a substantial risk to public health and safety; and

WHEREAS, on May 17, 2023, the LAVWMA Board unanimously approved Resolution No. 23-04, declaring an emergency pursuant to Public Contract Code Section 22050 and authorizing emergency work for the repair of the exposed Livermore Interceptor Pipeline;

WHEREAS, pursuant to the Agreement for Maintenance of LAVWMA Facilities dated January 15, 1980, and Amendment No. 1 thereto dated June 4, 2021, DSRSD provides all required operation and maintenance tasks for LAVWMA facilities; and

WHEREAS, pursuant to the JPA, the Livermore Interceptor Pipeline carrying effluent from the Livermore Treatment plant to the joint use facilities is a sole-use facility and is allocated 100 percent to Livermore; and

WHEREAS, on June 12, 2023, DSRSD’s General Manager declared a State of Emergency to comply with its contractual obligations to LAVWMA to manage all emergency operations and make decisions to allocate resources and expend funds as necessary to meet the needs of the emergency;

WHEREAS, pursuant to DSRSD Resolution 22-23, on August 1, 2023, the DSRSD Board confirmed the District State of Emergency declared on June 12, 2023; and

WHEREAS, initial engineering and operational reports by DSRSD and its consultants show the Livermore Interceptor Pipeline must be realigned to avoid its continued exposure in the Arroyo Mocho Creek, necessitating that the equipment, services, and supplies for this repair

project must be secured as soon as possible and without giving notice for bids for repair or replacement of a public facility to facilitate expedited construction prior to the rainy season; and

WHEREAS, the General Manager must report to the Board at each regularly scheduled meeting until the State of Emergency is terminated the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids; and

WHEREAS, the General Manager provided such a report at its regular meeting held on February 21, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Livermore-Amador Valley Water Management Agency as follows:

1. The foregoing recitals are true and correct; they are material to the Board's findings and are hereby incorporated herein.
2. The Board confirms the need for the LAVWMA Livermore Interceptor Pipeline State of Emergency still exists for the same reasons as previously declared in Resolution 23-04, and reaffirmed in Resolutions 23-05 and 23-07.
3. The Board of Directors hereby finds, based on substantial evidence, that the emergency will not permit a delay resulting from a competitive solicitation of bids, and that immediate action to repair or replace the exposed pipeline and associated conditions is necessary to respond to the emergency and thereby prevent the discharge of wastewater and ensure uninterrupted wastewater service.
4. Based on the foregoing, LAVWMA may repair or replace the public facility, take any directly related and immediate action required by the emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts, pursuant to Public Contract Code section 22050(a)(1).
5. Pursuant to Public Contract Code section 22050(b), the Board of Directors hereby directs and authorizes the General Manager, in consultation with General Counsel, to order any action pursuant to Public Contract Code section 22050(a)(1) to address the emergency posed as a result of the exposed pipeline.
6. The Board of Directors further finds, based on substantial evidence, that the actions taken to repair or replace the public facility are exempt from CEQA pursuant to CEQA Guidelines Sections 15269, 15301, 15302, 15303 and 15304 because the activity involves emergency repairs to or replacement of an existing publicly-owned wastewater pipeline that was damaged as a result of a disaster in an area subject to a state of emergency. The Board further finds that there are no unusual circumstances and there will be no expansion of use of the pipeline as a result of the repair or replacement efforts.

DULY AND REGULARLY ADOPTED by LAVWMA this 21st day of February, 2024, by the following vote:

AYES:

NOES:

ABSENT:

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY

By: \_\_\_\_\_

Bob Carling, Chair

ATTEST:

By: \_\_\_\_\_

Charles V. Weir, General Manager

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**ITEM NO. 7 FINANCIAL REPORTING FOR THE FISCAL YEAR ENDING JUNE 30, 2024**

**Action Requested**

None at this time. This is an information item only.

To: LAVWMA Board of Directors

From: Carol Atwood, LAVWMA Treasurer

Subject: Financial Reporting for June 30, 2024

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**Summary**

Attached are the financial statements for the period ending December 31, 2023.

**Attachments**

**O&M Fund Budget vs. Actual** – Shows the status of the budget to actual expenses for the Operations & Maintenance Fund for the period July 1, 2022 through June 30, 2023 and the period July 1, 2023 through June 30, 2024.

**Investment Report** – A report showing how LAVWMA's available cash is invested.

**General Management Expenses Listing** – All general LAVWMA invoices are approved by the LAVWMA GM and Treasurer prior to payment by DSRSD. Those invoices are summarized and are billed to LAVWMA on a monthly basis via the DSRSD bill to LAVWMA. This listing is supplemental information requested by the LAVWMA General Manager to show the vendor, description and amount of each invoice in more detail.

**Recommendation**

None at this time

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LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY  
Operations and Maintenance - Budget vs Actual  
FY23 and FY24: July - December

	July 2022 - December 2022				July 2023 - December 2023			
	Annual Budget	YTD Actuals	\$ Variance	% Variance	Annual Budget	YTD Actuals	\$ Variance	% Variance
<b>OPERATING REVENUES (see revenue tab)</b>								
Service charges - DSRSD	\$ 1,133,248	\$ 1,133,248	\$ -		\$ 1,468,671	\$ 1,468,671	\$ -	
Service charges - City of Pleasanton	1,382,392	1,382,392	-		1,787,851	1,787,851	-	
Service charges - City of Livermore	1,224,706	1,224,706	-		1,576,473	1,576,473	-	
Service charges - Reconciled		906,507 (1)	906,507				-	
Total operating revenues	3,740,345	4,646,852	-	-	4,832,996	4,832,995	-	-
<b>OPERATING EXPENSES</b>								
Power	1,500,000	617,482	882,518	41.2%	1,884,500	713,944	1,170,556	37.9%
LAVWMA share of EBDA O&M - Fixed	676,965	841,603	(164,638)	124.3%	740,901	412,402 (2)	328,499	55.7%
LAVWMA share of EBDA O&M - Variable	160,959	89,421	71,538	55.6%	243,378	136,867 (2)	106,511	56.2%
Operations agreement	927,500	565,673	361,827	61.0%	1,451,650	534,834	916,816	36.8%
Professional services	329,917	82,559	247,358	25.0%	355,564	203,423 (2)	152,141	57.2%
Livermore sole use O&M	25,000	10,329	14,671	41.3%	25,000	12,819	12,181	51.3%
Insurance	96,926	119,965	(23,039)	123.8%	106,620	141,646 (2)	(35,026)	132.9%
Permits	23,078	-	23,078	0.0%	25,384	-	25,384	0.0%
Repairs and Maintenance	-	-	-		-	-	-	
Miscellaneous	-	-	-		-	-	-	
Total operating expenses	3,740,345	2,327,032	1,413,313	62.2%	4,832,996	2,155,935	2,677,061	44.6%
Operating income (loss)	-	2,319,820				2,677,060		
<b>NON-OPERATING REVENUE (EXPENSE)</b>								
Interest income		104,038				299,330		
Total non-operating revenue (expense)		104,038				299,330		
Net Income		2,423,858				2,976,390		

(1) Included FY23 O&M reconciliation true-up.

(2) Total of the noted expenses is \$894,338. Details see GM approved invoices tab.

**LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY**  
**Treasurer's Report**  
**Portfolio Summary**  
**December 31, 2023**


<b>Investments</b>	<b>Par Value</b>	<b>Market Value</b>	<b>Book Value</b>	<b>% of Portfolio</b>	<b>Avg. Term</b>	<b>Days to Maturity</b>	<b>YTM</b>	<b>Credit Rating</b>
LAIF- Operating	\$ 1,144,866	\$ 1,144,866	\$ 1,144,866	8%	1	1	4.00%	N/A
T-Bill 03/21/24 912797LL9	\$ 4,767,000	\$ 4,712,655	\$ 4,563,497	30%	81	81	4.82%	AA+
T-Bill 06/27/24 912796Y45	\$ 3,232,000	\$ 3,151,832	\$ 3,149,861	21%	179	179	5.22%	AA+
T-Bill 12/26/24 912796ZV4	\$ 3,301,000	\$ 3,151,386	\$ 3,149,920	21%	360	360	4.80%	AA+
C. Schwab Account 8516-8477	\$ 3,153,054	\$ 3,153,054 *	\$ 3,153,054	21%	1	1	0.45%	N/A
	<b>\$ 15,597,920</b>	<b>\$ 15,313,793</b>	<b>\$ 15,161,198</b>	<b>100%</b>			<b>3.93%</b>	

\* A Treasury was redeemed at end of December and a new treasury was purchased with a settlement date of January 2.

**Average Daily Balance** **\$ 15,161,198**  
**Effective Rate of Return** **3.93%**

I certify that this report reflects all Government Agency pooled investments and is in conformity with the investment policy of Livermore-Amador Valley Water Management Agency.

The investment program herein shown provides sufficient cash flow liquidity to meet the next six month's expenses.

 2-15-24  
Carol Atwood, Treasurer Date



**Livermore-Amador Valley Water Management Agency**  
General Management Expenses Listing  
July 2023 - December 2023

EFF DATE	CHECK NO	WARRANT	VDR NAME/ITEM DESC	COMMENTS	AMOUNT
07/06/2023	202930	ck072023	SDRMA	Property/Liability Package Pro	121,641.89
07/31/2023	0			Reclass expense to project str	79.54
07/31/2023	0			WARRANT=230731 RUN=1 BIWEEKLY	129.33
08/08/2023	203140	ck082423	WEIR TECHNICAL SERVICES	LAVWMA Management Services-Jul	16,325.45
08/08/2023	203083	ck081723	EAST BAY DISCHARGERS AUTHORITY	Semi-Annual Invoice for FY23-2	136,867.50
08/08/2023	203083	ck081723	EAST BAY DISCHARGERS AUTHORITY	Semi-Annual Invoice for FY23-2	412,402.50
08/17/2023	203170	ck082423	JARVIS FAY LLP	General Counsel Svcs - July 20	12,156.00
08/23/2023	203185	ck082423	JULIE TESTA	BOARD MTG ATTENDANCE - 08/16/2	50.00
08/23/2023	203171	ck082423	JEFF NIBERT	BOARD MTG ATTENDANCE - 08/16/2	50.00
08/23/2023	203156	ck082423	ROBERT CARLING	BOARD MTG ATTENDANCE - 08/16/2	55.13
08/23/2023	203175	ck082423	MAZE & ASSOCIATES	FYE2023 AUDIT SERVICES	5,370.00
08/31/2023	0			Reclass expense to project str	94.34
09/05/2023	203341	ck091423	EVAN BRANNING	BOARD MTG ATTENDANCE - 08/16/2	50.00
09/05/2023	203378	ck092123	WEIR TECHNICAL SERVICES	LAVWMA Management Services (Au	23,576.13
09/12/2023	203712	ck102623	JARVIS FAY LLP	General Counsel Svcs - Sept 20	481.50
09/12/2023	203538	ck100523	U.S. BANK EQUIPMENT FINANCE	Trustee Fee	2,150.00
09/12/2023	203712	ck102623	JARVIS FAY LLP	Gen Coun Svcs - Livermore Inte	7,614.50
09/12/2023	203525	ck100523	JARVIS FAY LLP	General Counsel Svcs - August	7,981.00
09/12/2023	203622	ck101923	WEIR TECHNICAL SERVICES	LAVWMA Management Svcs - Sept	13,822.76
09/12/2023	203525	ck100523	JARVIS FAY LLP	General Counsel Svcs - Aug 202	20,259.50
10/23/2023	0	CC102323	SIGNFAST, INC	LAVWMA Board Room Name Plate	39.77
11/20/2023	204178	ck122123	SDRMA	2022/2023 Property/Liability P	4.46
11/20/2023	203989	ck113023	JULIE TESTA	BOARD MEETING ATTENDANCE - 11/	50.00
11/20/2023	203959	ck113023	ROBERT CARLING	BOARD MEETING ATTENDANCE - 11/	50.00
11/20/2023	203972	ck113023	JEFF NIBERT	BOARD MEETING ATTENDANCE - 11/	50.00
11/20/2023	203966	ck113023	EVAN BRANNING	BOARD MEETING ATTENDANCE - 11/	50.00
11/20/2023	203971	ck113023	JARVIS FAY LLP	General Counsel Svcs - October	948.00
11/20/2023	204044	ck120723	MAZE & ASSOCIATES	FYE2023 AUDIT SERVICES	1,070.00
11/20/2023	204031	ck120723	DOWNEY BRAND LLP	Special Consultant for Permit	2,897.50
11/20/2023	203971	ck113023	JARVIS FAY LLP	General Counsel Svcs (CIP)- Oc	4,046.50
11/20/2023	203974	ck113023	MAZE & ASSOCIATES	FYE2023 AUDIT SERVICES for Oct	4,300.00
11/20/2023	204136	ck122123	WEIR TECHNICAL SERVICES	LAVWMA Management Services-FY2	14,648.44
11/20/2023	203947	ck113023	WEIR TECHNICAL SERVICES	LAVWMA Management Services-Oct	16,770.72
12/26/2023	204223	ck122823	JARVIS FAY LLP	General Counsel Svcs (CIP) - N	79.00
12/26/2023	204374	ck011824	JARVIS FAY LLP	General Counsel Svcs - Dec 202	158.00
12/26/2023	204374	ck011824	JARVIS FAY LLP	General Counsel Svcs - Dec 202	832.50
12/26/2023	204223	ck122823	JARVIS FAY LLP	General Counsel Svcs - Novembe	3,436.50
12/26/2023	204404	ck012524	WEIR TECHNICAL SERVICES	LAVWMA Management Services-Dec	9,497.25
12/26/2023	204233	ck122823	SWRCB - ATTN: ACCT OFFICE	Water Board Annual Permit Fee	20,000.00
					860,085.71

**ITEM NO. 8 QUARTERLY REPORT OF OPERATIONS FOR 2nd QUARTER FY2023-2024**

**Action Requested**

None at this time. This is an information item only.

**Summary**

LAVWMA's Quarterly Report of Operations for the 2nd Quarter, FY 2023-2024 is attached for the Board's review. These quarterly reports are prepared by DSRSD staff and summarize all LAVWMA operations and maintenance activity for each quarter. Dan Gill, DSRSD Operations Director, will be available to answer any questions from the Board. The report has been substantially modified to provide better graphics and interpretation of results, particularly in terms of energy consumption and pump station efficiency. Pumping efficiency averages 73% for the fiscal year.

**Recommendation**

None at this time. This is an information item only.

**Attachment**

LAVWMA Quarterly Report of Operations, 2nd Quarter, FY2023-2024.



QUARTERLY REPORT OF OPERATIONS

FY 2023-2024, 2<sup>nd</sup> Quarter



## Quarterly Report of Operations LAVWMA Pumping and Conveyance System

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## Current Quarter Metrics

Export flows increased each month during Q2 FYE 2024 (Figure 1). Pump efficiency remained consistent each month at about 74%.

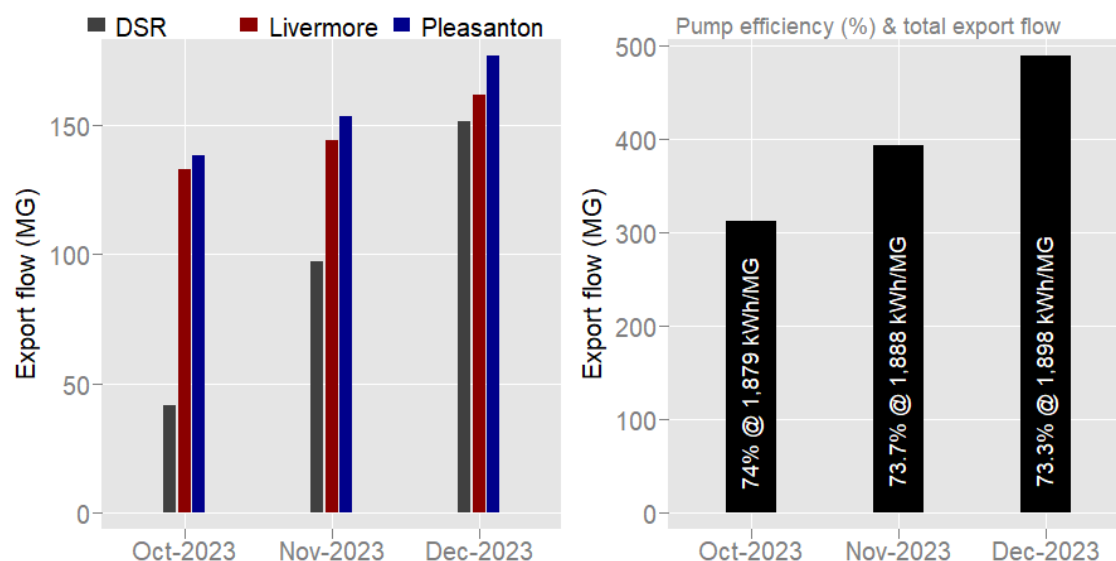


Figure 1 - LAVWMA Quarter 2 FYE 2024 export flows for Oct-2023, Nov-2023, & Dec-2023; monthly flows shown by source (left plot) and as total (right plot) with pump efficiency (%) at noted kilowatt hour (kWh) per million gallons (MG)

Most usage for either feeder (service) was done during off-peak hours (Figure 2). Feeder A was entirely off-peak except for 240 kWh in November (imperceptible on Figure 2; see Table 2 for monthly values). Feeder B provides power to the building, so there will always be minor charges for building equipment during peak and partial peak periods.

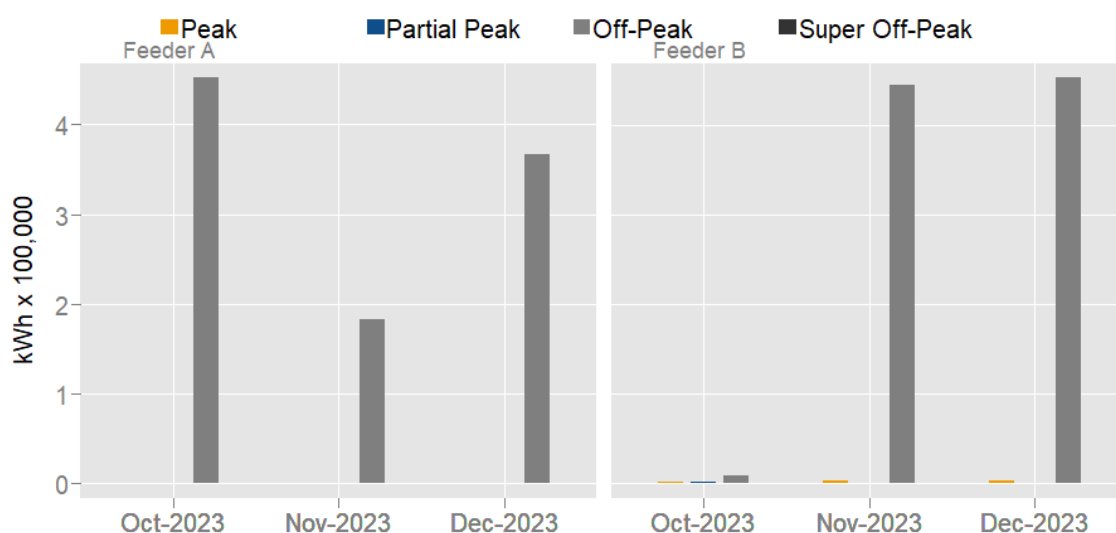


Figure 2 - LAVWMA Quarter 2 FYE 2024 electric usage as kilowatt hour (kWh) for Oct-2023, Nov-2023, & Dec-2023; monthly usage displayed separately for feeder A (left) & feeder B (right) by time of use: peak, partial peak, off-peak; & super off-peak

Labor and utilities covered the largest fraction of overall cost in Q2 FYE 2024 (Figure 3, 3 left-most plots). There were no expenses for non-routine work this quarter. Expenditures increased noticeably in December due to utilities.

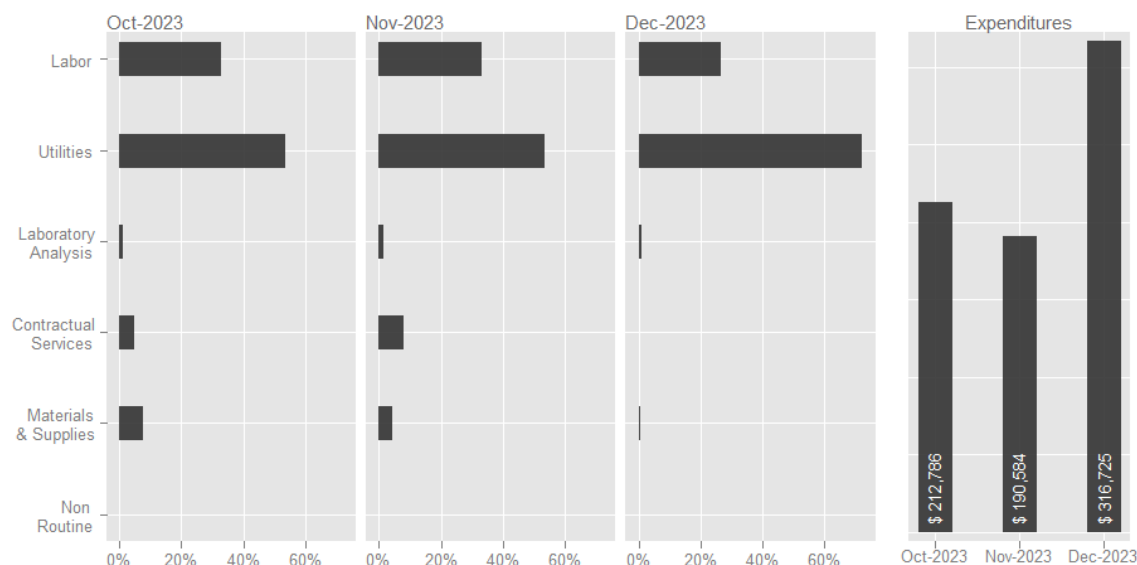


Figure 3 - LAVWMA Quarter 2 FYE 2024 expenditures for Oct-2023, Nov-2023, & Dec-2023 as percent of total cost by type (labor, utilizes, laboratory analysis, contractual services, materials & supplies, & non routine; left plot) and as monthly total (right plot)

Preventative maintenance (PM) work orders exceeded corrective maintenance (CM) work orders each month during Q2 FYE 2024 (Figure 4, right plot). There were no major maintenance items to explain the higher-than-normal CM hours for December (Figure 4, left plot).

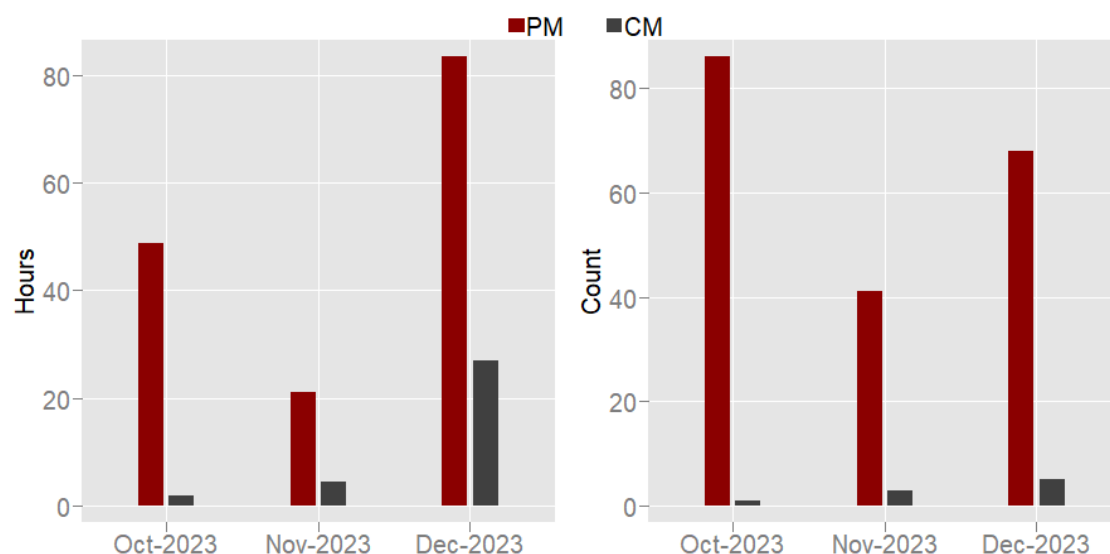


Figure 4 - LAVWMA Quarter 2 FYE 2024 preventative maintenance (PM) & corrective maintenance (CM) work order hours (left plot) and count (right plot) for Oct-2023, Nov-2023, & Dec-2023



## Executive Summary

The Livermore-Amador Valley Water Management Agency (LAVWMA) pumping and effluent conveyance system operated normally during the second quarter of Fiscal Year End (FYE) 2024. Just over 1,196 million gallons (MG) of fully treated secondary effluent were pumped to San Francisco Bay via the East Bay Dischargers Authority (EBDA) outfall diffuser and San Leandro Sample Station (SLSS; Table 6 or section Export Flow for more details). The overall efficiency of the pumping system averaged 74.0%, with an average electrical cost of \$436 per MG, or \$142 per acre-foot (AF; Table 1 or section Electrical Usage, Efficiency, & Cost for more details).

## Operations

Of the 1,196.1 MG of effluent conveyed through the LAVWMA system during the second quarter, approximately 290 MG came from Dublin San Ramon (DSR), 439 MG from the City of Livermore, and 468 from the City of Pleasanton. Refer to section Export Flow for more details.

PG&E's current rate plan has four time-of-use (TOU) periods (in order of decreasing rates): peak (year-round), partial peak (June-September), off-peak (year-round), and super off-peak (March-May). Whenever possible, staff implement an efficient pumping plan to avoid pumping during higher rate periods (i.e., peak and partial peak).

Operations successfully completed a flapper gate exercise in November, during the exercise 72,172 gallons of dechlorinated water were discharged to San Lorenzo Creek for approximately 10 minutes.

Over the past quarter, DSRSD staff strategically managed LAVWMA's holding basins to minimize the number of pumps running during a given billing cycle. Such an approach was based on anticipated flows from the City of Livermore and DSRSD's wastewater treatment facilities. Refer to section Electrical Usage, Efficiency, & Cost for more information about energy use.

## Maintenance

During the quarter, staff logged 153.16 hours completing 195 preventative maintenance (PM) work orders and 33.5 hours completing 9 corrective maintenance (CM) work orders on LAVWMA equipment and systems. Refer to Figure 4 for monthly breakdown.

In October, pump 3 was removed and the pump was replaced. The motor was sent off for inspection and overhaul. In December, motor 3 was re-installed after it was baked and dipped, pump 5 was then pulled and its pump was replaced, and the motor was sent for inspection and overhaul. Pump 5 remains out of service while pump 3 is available, but pump 3 has been deemed a backup until it is fully commissioned and tested.

The following are some additional noteworthy maintenance activities during the quarter:

## Electrical

- Pump Station Pump #3 motor overhaul completed and installed
- Pump Station Pump #5 motor sent out for overhaul
- Completed procurement of 17 actuators for replacement at pump station.

### Instrument & Controls

- Completed remote monitoring project of all pipeline rectifiers
- Supported SLSS Flapper Gate testing
- Improved installation of existing basin float switches
- Supported SLSS control panel project to develop as-built record drawings

### Operations

- Conducted successful San Lorenzo Creek Flapper gate exercise (11/30/2023)
- No flow restrictions requested by EBDA during storms in FYE 2024 Q2

### Mechanical

- Pumps 1, 3, & 5 delivered and installed
- Pumps 1 and 3 are operational
- Pump 5 awaiting motor refurbish
- Pump 1 is lead for a year to capture performance data

### Electrical Usage, Efficiency, & Cost

Monthly pump efficiency ( $O_e$ ) was estimated as the fraction of a calculated kWh/MG given full efficiency (i.e., 100%) to the actual kWh/MG (see equations below).

$$O_e = \frac{\text{full efficiency kWh}}{\text{actual kWh}} \times 100$$

$$\text{Full Efficiency kWh} = \frac{\overline{GPM} \times TDH}{3960} \times 0.746 \times d \times 24h$$

where

- $\overline{GPM} = \frac{\text{Export Flow (MG)} \times 10^6}{d \times 1440 \text{ min/d}}$
- $TDH$  (total dynamic head) = 442.8 ft (static lift = 408.8 ft, piping losses = 34 ft)
- 3960 = units conversion constant for water between 40° F and 220° F
- 0.746 = horsepower to kW conversion constant (0.746 hp / kW)
- $d$  = number of days
- $h$  = indicates hour (as 24 hours/day)



Table 1 - LAVWMA Quarter 1 (Q1) & Quarter 2 (Q2) FYE 2024 kWh usage, export flow, pump efficiency, & cost for PG&E-based billing cycle; current quarter & year-to-date (YTD) summaries provided below monthly values

	Billing Days	kWh	Flow (MG)	kWh/MG	Pump Efficiency	Cost (\$)	\$/kWh	\$/MG	\$/AF
<b>Q1</b>									
Jul-2023	31	364,203	181	2,017.73	68.9%	\$98,646	\$0.27	\$547	\$178
Aug-2023	31	289,123	155	1,867.71	74.4%	\$73,439	\$0.25	\$474	\$155
Sep-2023	30	375,670	201	1,869.34	74.4%	\$99,961	\$0.27	\$497	\$162
<b>Q2</b>									
Oct-2023	30	464,989	251	1,853.43	75.0%	\$113,596	\$0.24	\$453	\$148
Nov-2023	31	632,068	335	1,886.26	73.7%	\$149,155	\$0.24	\$445	\$145
Dec-2023	30	822,696	434	1,894.06	73.4%	\$178,247	\$0.22	\$410	\$134
<b>Q2</b>									
Average		639,918	340	1,878	74.0%	\$146,999	\$0.23	\$436	\$142
Total	91	1,919,753	1,020	5,634		\$440,998			
Minimum		464,989	251	1,853	73.4%	\$113,596	\$0.22	\$410	\$134
Maximum		822,696	434	1,894	75.0%	\$178,247	\$0.24	\$453	\$148
<b>YTD</b>									
Average		491,458	259	1,898	73.3%	\$118,841	\$0.25	\$471	\$154
Total	183	2,948,749	1,557	11,389		\$713,044			
Minimum		289,123	155	1,853	68.9%	\$73,439	\$0.22	\$410	\$134
Maximum		822,696	434	2,018	75.0%	\$178,247	\$0.27	\$547	\$178

Table 2 - LAVWMA Quarter 1 (Q1) & Quarter 2 (Q2) FYE 2024 kWh usage and cost for PG&E-based billing cycle separately for Service A & Service B

Service A					Service B				
Peak	Partial	Super Off-			Peak	Partial	Super Off-		
(kWh)	(kWh)	Off-Peak	Peak	Cost (\$)	(kWh)	(kWh)	Off-Peak	Peak	Cost (\$)
Q1									
Jul-2023	0	0	0	\$1,995	2,155	1,941	360,107	0	\$96,651
Aug-2023	0	0	276,136	\$64,834	2,471	2,123	8,393	0	\$8,605
Sep-2023	0	6	361,638	\$89,817	2,735	2,225	9,066	0	\$10,145
Q2									
Oct-2023	0	0	451,960	\$105,228	2,486	1,264	9,279	0	\$8,368
Nov-2023	240	0	183,254	\$49,078	3,335	0	445,239	0	\$100,076
Dec-2023	0	0	367,106	\$78,679	3,117	0	452,473	0	\$99,568
Q2									
Average	80	0	334,107	\$77,662	2,979	421	302,330	0	\$69,337
Total	240	0	1,002,320	\$232,986	8,938	1,264	906,991	0	\$208,012
Minimum	0	0	183,254	\$49,078	2,486	0	9,279	0	\$8,368
Maximum	240	0	451,960	\$105,228	3,335	1,264	452,473	0	\$100,076
YTD									
Average	40	1	273,349	\$64,939	2,717	1,259	214,093	0	\$53,902
Total	240	6	1,640,094	\$389,631	16,299	7,553	1,284,557	0	\$323,412
Minimum	0	0	0	\$1,995	2,155	0	8,393	0	\$8,368
Maximum	240	6	451,960	\$105,228	3,335	2,225	452,473	0	\$100,076

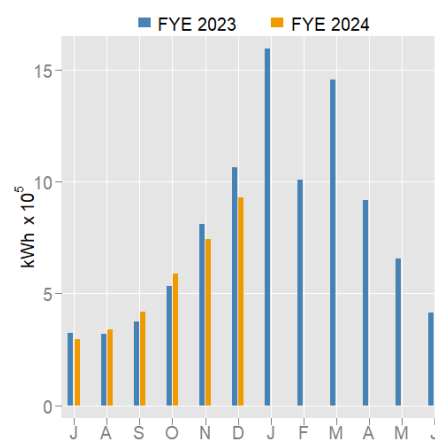


Figure 5 - LAVWMA monthly kWh usage FYE 2023 & FYE 2024 through Dec-2023

## Pump Run Time

Monthly pump utilization ( $U_m$ ) was calculated as the fraction of total pump hours given the total hours possible if all 10 pumps ran continuously (i.e., 24 hours per day; equation below, where  $h$  = total hours,  $m$  = given month,  $d$  = days in month). On average, total pump utilization in Q2 was twice as much as in Q1 (Table 4).

$$U_m = \frac{h_m}{10 \times 24 \times d_m} \times 100$$

Table 3 - LAVWMA Quarter 1 (Q1) & Quarter 2 (Q2) FYE 2024 monthly pump hours by pump and total; quarterly and YTD summaries provided below monthly values

Hours	Pump 1	Pump 2	Pump 3	Pump 4	Pump 5	Pump 6	Pump 7	Pump 8	Pump 9	Pump 10	Total
<b>Q1</b>											
Jul-2023	0	103	30	88	179	5	0	47	104	149	706
Aug-2023	0	0	17	0	387	113	0	97	0	262	875
Sep-2023	0	0	41	0	340	352	0	79	0	279	1,091
<b>Q2</b>											
Oct-2023	111	128	41	273	230	289	5	176	171	5	1,429
Nov-2023	485	9	0	498	0	283	0	11	483	0	1,769
Dec-2023	517	1	0	513	0	433	136	150	364	138	2,251
	Pump 1	Pump 2	Pump 3	Pump 4	Pump 5	Pump 6	Pump 7	Pump 8	Pump 9	Pump 10	Total
<b>Q1</b>											
Average Hours	0	34	29	29	302	156	0	74	35	230	890
Std Dev Hours	0.0	59.7	12.4	50.8	108.7	177.4	0.0	25.0	60.2	70.9	192.6
Hours	0	103	88	88	906	469	0	222	104	690	2,671
Min Hours	0	0	17	0	179	5	0	47	0	149	706
Max Hours	0	103	41	88	387	352	0	97	104	279	1091
<b>Q2</b>											
Average Hours	371	46	14	428	77	335	47	112	339	47	1816
Std Dev Hours	225.5	71.0	23.9	134.2	133.0	84.9	76.9	88.8	157.7	78.4	413.1
Hours	1,113	137	41	1,284	230	1,004	141	337	1,018	142	5,449
Min Hours	111	1	0	273	0	283	0	11	171	0	1429
Max Hours	517	128	41	513	230	433	136	176	483	138	2251
Total Average Hours	186	40	22	229	189	246	23	93	187	139	1353
Total Std Dev Hours	248.3	59.0	19.0	236.4	164.4	158.2	55.0	62.0	198.0	120.3	583.3
Total Hours	1,113	241	130	1,372	1,136	1,473	141	559	1,122	833	8,120
Total Min Hours	0	0	0	0	0	5	0	11	0	0	706
Total Max Hours	517	128	41	513	387	433	136	176	483	279	2251

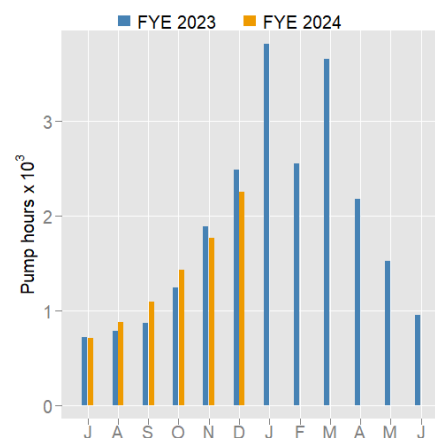


Figure 6- LAVWMA FYE 2023 & FYE 2024 through Dec-2023 monthly pump hours

Table 4 - LAVWMA Quarter 1 (Q1) & Quarter 2 (Q2) FYE 2024 monthly percent pump utilization; quarterly and YTD summaries provided below monthly values

Pump Utilization	
<b>Q1</b>	
Jul-2023	9.5%
Aug-2023	11.8%
Sep-2023	15.1%
<b>Q2</b>	
Oct-2023	19.2%
Nov-2023	24.6%
Dec-2023	30.3%
<b>Q1</b>	
Average Pump Utilization	12.1%
Min Pump Utilization	9.5%
Max Pump Utilization	15.1%
<b>Q2</b>	
Average Pump Utilization	24.7%
Min Pump Utilization	19.2%
Max Pump Utilization	30.3%
Total Average Pump Utilization	18.4%
Total Min Pump Utilization	9.5%
Total Max Pump Utilization	30.3%

## Basin Levels

*Table 5 - LAVWMA Quarter 1 (Q1) & Quarter 2 (Q2) FYE 2024 monthly average levels (ft) by basin and overall (total); quarterly and YTD summaries provided below monthly values*

Average	Basin 1	Basin 2	Basin 3	Total
<b>Q1</b>				
Jul-2023	3.08	0.08	1.83	1.66
Aug-2023	3.38	1.36	3.47	2.74
Sep-2023	2.63	0.10	2.72	1.82
<b>Q2</b>				
Oct-2023	3.15	0.10	3.18	2.14
Nov-2023	3.19	0.10	3.82	2.37
Dec-2023	3.84	0.12	3.45	2.47
<b>Q2</b>				
Average	3.39	0.10	3.48	2.33
Minimum	3.15	0.10	3.18	2.14
Maximum	3.84	0.12	3.82	2.47
<b>YTD</b>				
Average	3.20	0.41	3.08	2.23
Minimum	3.08	0.08	1.83	1.66
Maximum	3.38	1.36	3.82	2.74

## Export Flow

Combined export flow includes Dublin San Ramon, the City of Livermore, and the City of Pleasanton. Monthly totals do not include flows diverted for recycling use by DERWA and Pleasanton. Budgeted FYE 2024 flow is 3,374 MG at an estimated cost of \$1,084 / MG.

Table 6 - LAVWMA Quarter 1 (Q1) & Quarter 2 (Q2) FYE 2024 monthly export flows in million gallons (MG) for Dublin San Ramon, Livermore, & Pleasanton; quarterly and YTD summaries provided below monthly values; note totals (quarterly & YTD) provided in with monthly summary

	Dublin San Ramon (MG)	Livermore (MG)	Pleasanton (MG)	Combined Export (MG)
<b>Q1</b>	<b>0.00</b>	<b>327.72</b>	<b>228.90</b>	<b>556.61</b>
Jul-2023	0.00	104.32	46.25	150.57
Aug-2023	0.00	109.72	69.73	179.45
Sep-2023	0.00	113.68	112.92	226.60
<b>Q2</b>	<b>289.72</b>	<b>438.35</b>	<b>468.04</b>	<b>1196.10</b>
Oct-2023	41.42	132.86	138.10	312.38
Nov-2023	97.00	143.96	153.21	394.16
Dec-2023	151.29	161.53	176.74	489.56
<b>Total</b>	<b>170.14</b>	<b>766.06</b>	<b>816.52</b>	<b>1752.72</b>
<b>Q2</b>				
Average	96.57	146.12	156.01	398.70
Minimum	41.42	132.86	138.10	312.38
Maximum	151.29	161.53	176.74	489.56
<b>YTD</b>				
Average	48.29	127.68	116.16	292.12
Minimum	0.00	104.32	46.25	150.57
Maximum	151.29	161.53	176.74	489.56

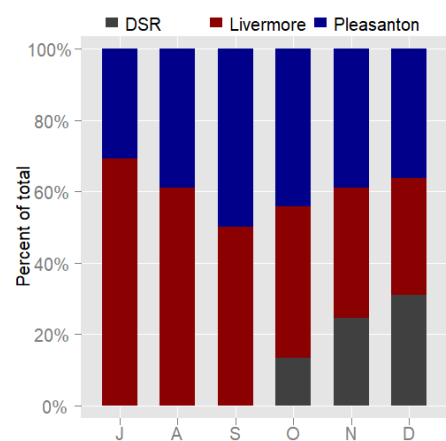


Figure 7- LAVWMA FYE 2024 through Dec-2023 monthly export flows by region as a percent of total  
DSR = Dublin San Ramon

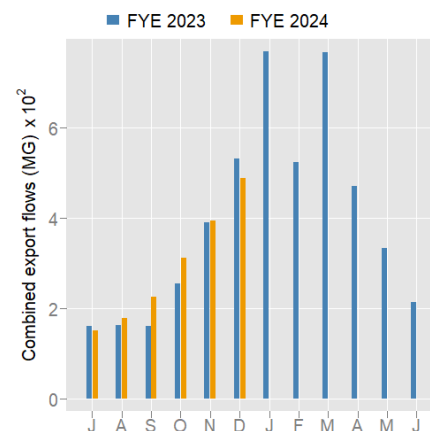


Figure 8 - LAVWMA FYE 2023 & FYE 2024 through Dec-2023 monthly combined export flows (MG)

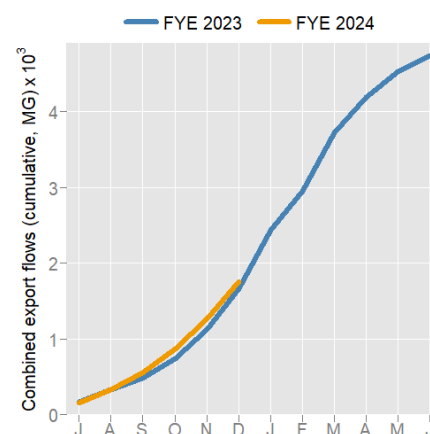


Figure 9 - LAVWMA FYE 2023 & FYE 2024 through Dec-2023 monthly cumulative combined export flows (MG)

## Expenditures & Budget Utilization: Labor & O&M

October expenses included manhole repair by DeFreitas Pipeline, Inc., and a calcium thiosulfate (Ravago Chemical Distribution, Inc.) order revised from February 2023. November expenditures included light fixture replacement and overhead door maintenance at the LAVWMA pump station, along with landscaping / weed maintenance performed Jul-2023 through Oct-2023. Utility costs increased in December.

Table 7 - LAVWMA Quarter 1 (Q1) & Quarter 2 (Q2) FYE 2024 monthly expenditure for labor, accounts payable (A/P), and overall (O&M); cost per export flow (MG and acre-foot [AF]) provided for reference; quarterly and YTD summaries provided below monthly values; note totals (quarterly & YTD) provided in with monthly summary

	Labor Expenses	A/P Expenses	O&M Expenses	\$/MG	\$/AF
<b>Q1</b>	<b>\$227,228</b>	<b>\$311,909</b>	<b>\$539,137</b>	<b>\$969</b>	<b>\$316</b>
Jul-2023	\$91,832	\$121,163	\$212,995	\$1,415	\$461
Aug-2023	\$77,175	\$84,902	\$162,077	\$903	\$294
Sep-2023	\$58,221	\$105,844	\$164,065	\$724	\$236
<b>Q2</b>	<b>\$216,482</b>	<b>\$503,613</b>	<b>\$720,095</b>	<b>\$602</b>	<b>\$196</b>
Oct-2023	\$69,728	\$143,058	\$212,786	\$681	\$222
Nov-2023	\$62,952	\$127,632	\$190,584	\$484	\$158
Dec-2023	\$83,802	\$232,923	\$316,725	\$647	\$211
<b>Total</b>	<b>\$443,709</b>	<b>\$815,522</b>	<b>\$1,259,231</b>	<b>\$718</b>	<b>\$234</b>
<b>Q2</b>					
Average	\$72,161	\$167,871	\$240,032	\$604	\$197
Minimum	\$62,952	\$127,632	\$190,584	\$484	\$158
Maximum	\$83,802	\$232,923	\$316,725	\$681	\$222
<b>YTD</b>					
Average	\$73,952	\$135,920	\$209,872	\$809	\$264
Minimum	\$58,221	\$84,902	\$162,077	\$484	\$158
Maximum	\$91,832	\$232,923	\$316,725	\$1,415	\$461

Table 8 - LAVWMA Quarter 1 (Q1) & Quarter 2 (Q2) FYE 2024 YTD expenditures (O&M & labor) with percent budget utilized and budget remaining

	O&M YTD Expenses	O&M Budget Utilization	O&M Budget Remaining	Labor YTD Expenses	Labor Budget Utilization	Labor Budget Remaining
<b>Q1</b>						
Jul-2023	\$212,995	5.8%	\$3,443,889	\$91,832	7.8%	\$1,091,652
Aug-2023	\$375,072	10.3%	\$3,281,812	\$169,007	14.3%	\$1,014,477
Sep-2023	\$539,137	14.7%	\$3,117,747	\$227,228	19.2%	\$956,256
<b>Q2</b>						
Oct-2023	\$751,923	20.6%	\$2,904,961	\$296,956	25.1%	\$886,528
Nov-2023	\$942,506	25.8%	\$2,714,378	\$359,908	30.4%	\$823,576
Dec-2023	\$1,259,231	34.4%	\$2,397,653	\$443,709	37.5%	\$739,775

Table 9 - LAVWMA Quarter 1 (Q1) & Quarter 2 (Q2) FYE 2024 billed labor hours and full-time employment equivalent; quarterly and YTD summaries provided below monthly values; note billed labor hour totals (quarterly & YTD) provided with monthly summary

	Billed Labor Hours	FTE Equivalent
<b>Q1</b>	<b>1,099.0</b>	
Jul-2023	440.0	2.5
Aug-2023	370.0	2.1
Sep-2023	289.0	1.7
<b>Q2</b>	<b>1,043.8</b>	
Oct-2023	378.3	2.2
Nov-2023	287.0	1.7
Dec-2023	378.5	2.2
<b>Total</b>	<b>2,142.8</b>	
<b>Q2</b>		
Average	348	2.0
Minimum	287	1.7
Maximum	379	2.2
<b>YTD</b>		
Average	357.1	2.1
Minimum	287.0	1.7
Maximum	440.0	2.5

## Expenditures: Livermore Sole Use Facilities

Table 10 - LAVWMA Quarter 1 (Q1) & Quarter 2 (Q2) FYE 2024 expenditures (labor & accounts payable [A/P]) for Livermore sole use facilities; quarterly and YTD (Total) summaries provided below monthly values

Expenses			
	Labor	A/P	Total
<b>Q1</b>			
Jul-2023	\$588	\$608	\$1,196
Aug-2023	\$0	\$1,801	\$1,801
Sep-2023	\$4,042	\$665	\$4,707
<b>Q2</b>			
Oct-2023	\$0	\$220	\$220
Nov-2023	\$0	\$100,737	\$100,737
Dec-2023	\$0	\$726	\$726
	Labor	A/P	Total
<b>Q1</b>			
Total	\$4,629	\$3,074	\$7,703
Average	\$1,543	\$1,025	\$2,568
Minimum	\$0	\$608	\$1,196
Maximum	\$4,042	\$1,801	\$4,707
<b>Q2</b>			
Total	\$0	\$101,682	\$101,682
Average	\$0	\$33,894	\$33,894
Minimum	\$0	\$220	\$220
Maximum	\$0	\$100,737	\$100,737
<b>Total Total</b>	<b>\$4,629</b>	<b>\$104,756</b>	<b>\$109,385</b>
<b>Total Average</b>	<b>\$772</b>	<b>\$17,459</b>	<b>\$18,231</b>
<b>Total Minimum</b>	<b>\$0</b>	<b>\$220</b>	<b>\$220</b>
<b>Total Maximum</b>	<b>\$4,042</b>	<b>\$100,737</b>	<b>\$100,737</b>

## Detailed YTD O&amp;M Budget Comparison to Actual Expenses

LAVWMA  
BUDGET COMPARISON TO ACTUAL EXPENSES: GOODS & SERVICES

Current FY Period: 6

ACTUAL EXPENSES BILLED TO LAVWMA FOR REGULAR O&M															
	Budget	July	August	September	October	November	December	January	February	March	April	May	June	YTD	YTD
	FY 2023-2024	2023	2023	2023	2023	2023	2023	2024	2024	2024	2024	2024	2024	TOTAL	Budget
<b>Project Total:</b>	<b>Labor</b>														
lavcost	Staff	\$1,183,484	\$91,832	\$77,175	\$58,221	\$76,176	\$62,952	\$83,802						\$450,158	\$591,742
LAVWMA	Subtotal	\$1,183,484	\$91,832	\$77,175	\$58,221	\$69,728	\$62,952	\$83,802	\$0	\$0	\$0	\$0	\$0	\$443,709	\$591,742
<b>Phase Total:</b>	<b>Materials &amp; Supplies</b>														
supply	Operations Supplies	\$19,100	17	\$85	\$1,625	\$16,213	\$143	\$153						\$18,235	\$9,550
	Mechanical Supplies	\$31,900	\$765	\$1,214	\$138	\$462	\$2,158	\$1,269						\$6,005	\$15,950
	Electrical Supplies	\$38,900	\$9,515	\$4,167	\$0	\$12	\$5,949	\$468	\$0	\$0	\$0	\$0	\$0	\$20,112	\$19,450
	Subtotal	\$89,900	\$10,297	\$5,466	\$1,763	\$16,687	\$8,249	\$1,890	\$0	\$0	\$0	\$0	\$0	\$44,352	\$44,950
<b>Analysis</b>	<b>Laboratory Analysis</b>														
Biochemical Oxy	Compliance Testing	\$11,300	\$896	\$1,120	\$896	\$1,120	\$896	\$896						\$5,824	\$5,650
Demand & Total	Operational Support Testing	\$4,900	\$414	\$414	\$414	\$414	\$414	\$414						\$2,484	\$2,450
Langelier Index	Special Sampling	\$29,400	\$1,344	\$1,477	\$1,460	\$580	\$1,460	\$1,460	\$0	\$0	\$0	\$0	\$0	\$7,781	\$14,700
	Subtotal	\$45,600	\$2,654	\$3,011	\$2,770	\$2,114	\$2,770	\$2,770	\$0	\$0	\$0	\$0	\$0	\$16,089	\$22,800
<b>Phase Total:</b>	<b>Contractual Services</b>														
cservi	Sub-surface Repairs	\$15,750												\$0	\$7,875
	Street Sweeping	\$5,000												\$0	\$2,500
	Cathodic Protection Survey & Repairs	\$47,250												\$0	\$23,625
	Underground Service Alert	\$4,800	\$402											\$402	\$2,400
	SCADA software maintenance contract	\$14,600												\$0	\$7,300
	Remote monitoring annual service for PS and Re	\$1,950					\$110							\$110	\$975
	HVAC Maintenance/Repairs	\$800												\$0	\$400
	Termite/Pest Control	\$950												\$0	\$475
	Landscape/weed maintenance	\$11,200					\$3,758							\$3,758	\$5,600
	Smartmeter Covers	\$1,800												\$0	\$900
	Janitorial Service	\$10,000	3104.76	\$975		\$975	\$1,950							\$3,900	\$5,000
	Fire Extinguisher Maintenance	\$200												\$0	\$100
	Postage/Shipping Charges	\$0												\$0	\$0
	Misc Professional/Contractual Services	\$31,500	\$5,365	\$1,339	\$0	\$9,178	\$9,059	\$0	\$0	\$0	\$0	\$0	\$0	\$24,941	\$15,750
	Subtotal	\$145,800	\$8,872	\$2,314	\$0	\$10,153	\$14,877	\$0	\$0	\$0	\$0	\$0	\$0	\$36,216	\$72,900
<b>Phase Total:</b>	<b>Utilities</b>														
utilit	Electricity (PG&E)	\$2,188,700	\$99,254	\$74,026	\$100,626	\$113,816	\$100,737	\$228,051						\$617,255	\$1,094,350
	Water & Sewer (Pleasanton)	\$1,100			\$334		\$566							\$900	\$550
	Water (EBMUD)	\$1,300			\$233		\$282							\$515	\$650
	Telephone/communications	\$1,000	\$86	\$85	\$118	\$288	\$150	\$213						\$941	\$500
	WW Treatment (DSRSD)	\$0												\$0	\$0
	Subtotal	\$2,192,100	\$99,340	\$74,111	\$101,311	\$114,104	\$101,736	\$228,264	\$0	\$0	\$0	\$0	\$0	\$718,865	\$1,096,050
<b>Phase Total:</b>	<b>Non-Routine</b>														
nonrou		\$0												\$0	\$0
	Subtotal	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Monthly Total			\$212,995	\$162,077	\$164,065	\$212,786	\$190,584	\$316,725	\$0	\$0	\$0	\$0	\$0	\$1,259,231	\$1,828,442
YTD Total		\$3,656,884	\$212,995	\$375,072	\$539,137	\$751,923	\$942,506	\$1,259,231	\$1,259,231	\$1,259,231	\$1,259,231	\$1,259,231	\$1,259,231	\$1,259,231	
Combined Export Flow, mg		3374	151	179	227	312	394	490	0	0	0	0	0	1,752	1,687
Pumping Efficiency															
Monthly Cost, \$/mg			\$1,415	\$903	\$724		\$484	\$647	-	-	-	-	-	-	
YTD Running Cost, \$/mg		\$1,084	\$1,415	\$1,137	\$969	\$866	\$746	\$719	-	-	-	-	-	\$719	

## Q1 Notes:

Landscaping: July was paid in Aug and Sep expenditure includes both Aug and Sep invoices

## LAVWMA

## BUDGET COMPARISON TO ACTUAL EXPENSES: LABOR

Current FY Period: 6

ACTUAL EXPENSES BILLED TO LAVWMA FOR REGULAR O&M															
FY 2023-2024	Jul 2023	Aug 2023	Sep 2023	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	Mar 2024	Apr 2024	May 2024	Jun 2024	YTD TOTAL	YTD Budget	
Estimated Personnel Hours															
Division 51 - FOD	50	-	-	-	-	-	13.00	-	-	-	-	-	13.00	25.00	
Water/Wastewater Sys Lead Op	0												-	-	
Water/Wastewater Sys OP IV-On Call	0					13.00							13.00	-	
Water/Wastewater Sys OP IV													-	-	
Water/Wastewater Sys OP III	0												-	-	
Water/Wastewater Sys OP I/II	43												-	21.50	
Maintenance Worker	0												-	-	
Supervisor	7												-	3.50	
Division 52 - WWTP	2,832	185.50	175.00	127.50	111.75	125.00	137.00	-	-	-	-	-	861.75	1,416.00	
Process Lead Operator IV/V	289		16.00	3.00	6.00	15.00	29.00						69.00	144.50	
Senior WWTP Operator III	1,013	37.00	40.00	21.50	35.75	43.50	36.00						213.75	506.50	
Operator In Training	0	22.50	39.50	20.00									82.00	-	
Operator II	1,431	126.00	79.50	83.00	70.00	63.00	72.00						493.50	715.50	
Operator II (SLSS)	0												-	-	
Operations Superintendent	99												-	49.50	
Ops Director					3.5										
Division 53 - MECH	1,107	145.00	121.00	92.50	141.00	113.00	174.00	-	-	-	-	-	786.50	553.50	
Senior Mechanic-Crane Cert	54	37.00	46.50	30.00	39.50	27.00	70.00						250.00	27.00	
Senior Mechanic - USA	72			12.00	11.50	32.00	6.00						61.50	36.00	
Maintenance Worker	54					9.00							9.00	27.00	
Mechanic I/II	882	36.00	28.00	22.50	35.00	25.00	45.00						191.50	441.00	
Mechanic II-Crane Cert	0	25.00	7.00	0.50	21.00	2.50	11.00						67.00	-	
Mechanic I/II - USA	0	47.00	39.50	27.00	30.00	24.00	33.00						200.50	-	
Mechanic II-Crane Cert - USA	0			0.50		2.50							3.00	-	
Supervisor	45				4.00								4.00	22.50	
Division 54 - ELEC	1,080	88.00	71.00	67.50	121.50	48.00	47.50	-	-	-	-	-	443.50	540.00	
Senior Instrument/Controls Tech	45			1.00		3.00							4.00	22.50	
Instrumentation & Controls Tech I/II	504	50.00	71.00	39.50	32.50	19.00	24.50						236.50	252.00	
Ice Supervisor				1.00		1.00							2.00	-	
Senior Electrician	45			6.00	11.00	9.00	6.00						32.00	22.50	
Electrician I/II	441	33.00		20.00	77.00	20	12.00						162.00	220.50	
Principal Eletrical Engineer	45	5.00		1.00		1.00							7.00	22.50	
Division 55 - Laboratory	0	-	-	-	-	-	-	-	-	-	-	-	-	-	
EC Inspector II-Pretreatment	0												-	-	
Laboratory Technician	0												-	-	
Supervisor	0												-	-	
Division 26 - SAFETY	54	-	-	-	-	-	-	-	-	-	-	-	-	27.00	
Safety Officer	54												-	27.00	
Division 40 - ENG	288	21.50	3.00	1.50	4.00	1.00	7.00	-	-	-	-	-	38.00	126.00	
Senior Civil Engineer-SME	36	3.00	1.00										-	-	
Associate Engineer	108	17.00	2.00	1.50	4.00		7.00						31.50	54.00	
Construction Inspector I/II	72	1.50											1.50	36.00	
Engineering Technician II	36					1.00							1.00	18.00	
GIS Analyst	36												-	18.00	
Total Estimated Personnel Hours	5,411														
FTE	2.6														
Total Monthly Hours		440.00	370.00	289.00	378.25	287.00	378.50	-	-	-	-	-	2,142.75	2,687.50	



## EBDA Monthly Reports

LAVWMA	October		2023
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Enter only numerical data in the result columns and only qualifiers in the qualifier columns. Any other comments should go in the corresponding cell on the Comments tab.

Parameter	Flow	CBOD Qual	CBOD	TSS Qual	TSS	pH	pH	Total Residual Chlorine	Total Residual Chlorine	Fecal Qual	Fecal Coliforms	Enterococci	Enterococci
Units	MGD		mg/L		mg/L	SU	SU	mg/L	mg/L		MPN/100mL		MPN/100mL
Test Method	Daily Average (Mean)		SM 5210 B-2011		SM 2540 D-2011	Instant Min	Instant Max	Daily Average (Mean)	Daily Average (Mean)		SM 9221 C,E-2006		Enterolert
MDL			3.0		1.4								
RL			3.0		4.5						2		10
Location	LAVWMA-EXP		LAVWMA-EXP		LAVWMA-EXP	LAVWMA-EXP	LAVWMA-EXP	LAVWMA-EXP	SLSS		SLSS		SLSS
10/1/2023	11.28					7.30	7.49	0.39					
10/2/2023	10.82					7.30	7.59	0.15					
10/3/2023	11.33					7.28	7.45	0.53			7		6.3
10/4/2023	10.17		5.0		7.0	7.33	7.50	1.25					
10/5/2023	8.22					7.20	7.46	2.04					
10/6/2023	8.78					7.18	7.41	2.48					
10/7/2023	9.62					7.18	7.42	2.12					
10/8/2023	8.27					7.19	7.49	1.98					
10/9/2023	9.89					7.28	7.47	2.26					
10/10/2023	8.85					7.30	7.47	1.79			11		20
10/11/2023	7.98		3.8		7.6	7.28	7.47	1.10					
10/12/2023	9.76					7.35	7.62	1.31					
10/13/2023	8.82					7.30	7.52	1.13					
10/14/2023	7.65					7.28	7.45	1.02					
10/15/2023	11.04					7.27	7.43	1.09					
10/16/2023	6.86					7.14	7.65	1.60					
10/17/2023	10.43					7.25	7.45	0.54			4	<	10
10/18/2023	8.71		6.4		14	7.19	7.49	0.67					
10/19/2023	10.55					7.20	7.41	0.78					
10/20/2023	7.69					7.27	7.43	1.70					
10/21/2023	11.06					7.28	7.46	1.25					
10/22/2023	11.11					7.28	7.41	1.38					
10/23/2023	11.79					7.33	7.49	1.28					
10/24/2023	10.23					7.40	7.65	1.97			30		20
10/25/2023	11.87		4.4		8.2	7.38	7.59	2.15					
10/26/2023	11.86					7.42	7.65	1.65					
10/27/2023	10.50					7.38	7.77	1.68					
10/28/2023	10.63					7.38	7.57	1.62					
10/29/2023	12.42					7.35	7.54	2.72					
10/30/2023	12.34					7.28	7.59	2.73					
10/31/2023	11.87					7.28	7.49	2.11			14		20

Note:

Column G - pH Minimum; online

Column H - pH Maximum; online

LAVWMA	November		2023
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Enter only numerical data in the result columns and only qualifiers in the qualifier columns. Any other comments should go in the corresponding cell on the Comments tab.

Parameter	Flow	CBOD Qual	CBOD	TSS Qual	TSS	pH	pH	Total Residual Chlorine	Total Residual Chlorine	Fecal Qual	Fecal Coliforms	Entero Qual	Enterococci
Units	MGD		mg/L		mg/L	SU	SU	mg/L	mg/L		MPN/100mL		MPN/100mL
Test Method	Daily Average (Mean)		SM 5210 B-2011		SM 2540 D-2011	Instant Min	Instant Max	Daily Average (Mean)	Daily Average (Mean)		SM 9221 C,E-2006		Enterolert
MDL			3.0		1.2								
RL			3.0		4.5						2		10
Location	LAVWMA-EXP		LAVWMA-EXP		LAVWMA-EXP	LAVWMA-EXP	LAVWMA-EXP	LAVWMA-EXP	SLSS		SLSS		SLSS
11/1/2023	9.29		4.6		10	6.99	7.19	1.88					
11/2/2023	11.85					7.02	7.21	2.34					
11/3/2023	8.69					6.96	7.19	2.94					
11/4/2023	10.36					6.89	7.11	2.84					
11/5/2023	12.08					6.90	7.04	2.58					
11/6/2023	11.85					6.91	7.04	1.86					
11/7/2023	11.93					6.92	7.09	1.32			2	<	10
11/8/2023	12.38					6.96	7.14	1.75					
11/9/2023	12.42		5.0		7.6	6.96	7.22	1.50					
11/10/2023	12.46					6.94	7.09	1.64					
11/11/2023	11.90					6.88	7.09	1.71					
11/12/2023	12.47					6.89	7.07	0.87					
11/13/2023	15.69					6.89	7.05	0.63					
11/14/2023	15.47					6.87	7.07	0.34		<	2	<	10
11/15/2023	14.99		6.1		9.4	7.01	7.11	0.55					
11/16/2023	13.58					6.96	7.96	0.53					
11/17/2023	14.31					7.06	7.18	0.62					
11/18/2023	14.40					7.01	7.18	1.00					
11/19/2023	16.13					7.01	7.18	0.89					
11/20/2023	12.55					7.02	7.21	0.72					
11/21/2023	13.82					7.06	7.22	1.53			4		10
11/22/2023	15.28		16		14	7.02	7.29	2.98					
11/23/2023	13.73					6.99	7.18	2.85					
11/24/2023	12.22					7.06	7.22	2.15					
11/25/2023	15.45					7.08	7.22	1.63					
11/26/2023	13.25					7.06	7.20	1.46					
11/27/2023	14.31					7.06	7.29	1.29					
11/28/2023	14.31					7.13	7.24	3.46			2		10
11/29/2023	14.01		16		14	7.10	7.31	2.41					
11/30/2023	12.97					7.10	7.27	1.96					

Note:

Column G - pH Minimum; online

Column H - pH Maximum; online

LAVWMA	December		2023
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Enter only numerical data in the result columns and only qualifiers in the qualifier columns. Any other comments should go in the corresponding cell on the Comments tab.

Parameter	Flow	CBOD Qual	CBOD	TSS Qual	TSS	pH	pH	Total Residual Chlorine	Total Residual Chlorine	Fecal Qual	Fecal Coliforms	Entero Qual	Enterococci
Units	MGD		mg/L		mg/L	SU	SU	mg/L	mg/L		MPN/100mL		MPN/100mL
Test Method	Daily Average (Mean)		SM 5210 B-2011		SM 2540 D-2011	Instant Min	Instant Max	Daily Average (	Daily Average (Mean)		SM 9221 C,E-2006		Enterolert
MDL			2.0		1.2								
RL			2.0		4.5						2		10
Location	LAVWMA-EXP		LAVWMA-EXP		LAVWMA-EXP	LAVWMA-EXP	LAVWMA-EXP	LAVWMA-EXP	SLSS		SLSS		SLSS
12/1/2023	15.03					7.08	7.24	1.89					
12/2/2023	13.63					7.08	7.31	1.61					
12/3/2023	15.46					7.03	7.15	1.43					
12/4/2023	14.28					7.04	7.22	1.01					
12/5/2023	15.39					7.10	7.18	0.87			4	<	10
12/6/2023	15.41					7.08	7.35	0.92					
12/7/2023	15.41		13		15	7.10	7.22	1.22					
12/8/2023	15.28					7.04	7.22	1.07					
12/9/2023	13.32					7.06	7.27	0.91					
12/10/2023	15.42					7.04	7.20	0.95					
12/11/2023	14.69					7.01	7.23	0.71					
12/12/2023	14.56					7.08	7.27	0.82		<	2		20
12/13/2023	15.15		11		13	7.04	7.24	1.31					
12/14/2023	15.37					7.10	7.32	1.92					
12/15/2023	13.16					7.04	7.22	2.57					
12/16/2023	15.00					7.01	7.17	2.71					
12/17/2023	15.41					7.01	7.17	2.84					
12/18/2023	17.83					6.99	7.18	2.43					
12/19/2023	18.86					6.97	7.20	1.66		<	2	<	10
12/20/2023	19.42		12		12	7.03	7.22	3.09					
12/21/2023	18.87					7.06	7.18	2.56					
12/22/2023	17.30					7.06	7.20	2.66					
12/23/2023	15.13					7.04	7.23	2.07					
12/24/2023	16.77					7.08	7.18	2.15					
12/25/2023	16.49					7.03	7.22	2.24					
12/26/2023	16.07					7.15	7.28	2.42		<	2	<	10
12/27/2023	14.39		9.9		17	7.13	7.30	2.60					
12/28/2023	17.02					7.15	7.27	2.77					
12/29/2023	15.00					7.04	7.18	3.65					
12/30/2023	16.79					6.99	7.15	3.82					
12/31/2023	17.69					7.04	7.13	4.56					

Note:

Column G - pH Minimum; online

Column H - pH Maximum; online

## Langelier Saturation Index Report (Livermore, DSRSD, LAVWMA)

**CITY OF LIVERMORE**  
**LIVERMORE WATER RECLAMATION PLANT**

Livermore - 4th Quarter 2023  
 Langelier pH Saturation Index

Collection DATE	TDS (mg/L)	Temp (°C)	Ca Hardness (mg/L CaCO <sub>3</sub> )	Alkalinity (mg/L CaCO <sub>3</sub> )	pH (Actual)	pH Saturation	Langlier Index
10/04/23	540	24.0	68	285	7.5	7.6	-0.1
11/01/23	510	22.0	72	331	7.6	7.5	0.0
12/06/23	560	20.0	73	322	7.6	7.6	0.0
MAXIMUM	560	24.0	73	331	7.6	7.6	0.0
MINIMUM	510	20.0	68	285	7.5	7.5	-0.1
AVERAGE	537	22.0	71	313	7.6	7.6	0.0

**DUBLIN SAN RAMON SERVICES DISTRICT**  
**WASTEWATER TREATMENT FACILITY**

DSRSD - 4th Quarter 2023  
 Langelier pH Saturation Index

Collection DATE	TDS (mg/L)	Temp (°C)	Ca Hardness (mg/L CaCO <sub>3</sub> )	Alkalinity (mg/L CaCO <sub>3</sub> )	pH (Actual)	pH Saturation	Langlier Index
10/10/23	584	26.0	84	240	7.4	7.5	-0.1
11/07/23	566	21.9	74	250	7.5	7.6	-0.1
12/12/23	669	20.5	98	300	7.3	7.4	-0.1
MAXIMUM	669	26.0	98	300	7.5	7.6	-0.1
MINIMUM	566	20.5	74	240	7.3	7.4	-0.1
AVERAGE	606	22.8	85	263	7.4	7.5	-0.1

**DUBLIN SAN RAMON SERVICES DISTRICT**  
**WASTEWATER TREATMENT FACILITY**

LAVWMA - 4th Quarter 2023  
 Langelier pH Saturation Index

Collection DATE	TDS (mg/L)	Temp (°C)	Ca Hardness (mg/L CaCO <sub>3</sub> )	Alkalinity (mg/L CaCO <sub>3</sub> )	pH (Actual)	pH Saturation	Langlier Index
10/10/23	588	24.9	74	264	7.4	7.5	-0.1
11/07/23	558	23.1	88	268	7.3	7.5	-0.2
12/12/23	646	20.4	79	294	7.5	7.5	0.0
MAXIMUM	646	24.9	88	294	7.5	7.5	0.0
MINIMUM	558	20.4	74	264	7.3	7.5	-0.2
AVERAGE	597	22.8	80	275	7.4	7.5	-0.1

**ITEM NO. 9 AUTHORIZATION FOR GENERAL COUNSEL TO EXTEND THE  
GENERAL MANAGER'S AGREEMENT AS NEEDED THROUGH JUNE 30, 2024**

**Action Requested**

Authorize General Counsel to extend the General Manager's agreement as needed through June 30, 2024.

**Summary**

The term for the current General Manager's (GM) agreement is through April 17, 2024. The recruitment process for a new GM is underway and the intent is to have an agreement in place in early April 2024. It would be desirable to have some overlap between the two GMs as well as to allow the current GM to provide assistance for ongoing capital projects, development of the FYE25 Operating and Capital Budget, and to provide assistance as needed during the transition period. The easiest way to accomplish this would be to allow General Counsel to extend the current agreement as needed through June 30, 2024. There would be no changes to the agreement's existing terms and conditions and the current GM would provide assistance at the request of the new GM or General Counsel. The FYE24 Budget has adequate funds for the agreement extension.

**Recommendation**

It is recommended that the Board authorize General Counsel to extend Charles V. Weir's agreement for General Management services as needed through June 30, 2024.

**Attachments**

None.

**ITEM NO. 10 PROJECT STATUS REPORTS - PURCHASE OF THREE VERTICAL TURBINE PUMPS, THE SAN LEANDRO SAMPLE STATION IMPROVEMENTS PROJECT, AND THE EMERGENCY REPAIR OF THE LIVERMORE INTERCEPTOR PIPELINE**

**Action Requested**

None at this time.

**Summary**

The Board previously authorized the Purchase of Three Vertical Turbine Pumps, the San Leandro Sample Station Improvements Project (SLSS Project), and the Emergency Repair of the Livermore Interceptor Pipeline. Each project is discussed in more detail below.

Purchase of Three Vertical Turbine Pumps

After some issues with testing and meeting performance criteria were resolved, the pumps were delivered on October 3, 2023. No. 1 pump was installed that day as well. The new motor was installed on October 10 and the pump was successfully tested on October 11. It has been accepted and payment has been made for that pump. Pump Nos. 3 and 5 have been installed. Motor Nos. 3 and 5 were sent out for rebuild and both have now been returned. Pump No. 3 is ready for startup testing. Pump No. 5 will be ready for startup testing as soon as all electrical connections and safety devices have been installed. Both pumps will be tested concurrently such that the manufacturer's representative only needs to be on site once. Once the pumps have been successfully tested and accepted, payment will be made for them as well. There will be a reserve of \$50,000 held until the manufacturer makes the requested edits to the O&M Manuals. The manuals include extraneous generic materials not applicable to the pumps that have been provided. As soon as that is resolved, a final payment can be made. The warranty period will be 18 months from the date of acceptance for each pump.

On a related matter, meetings with DSRSD staff will be held to develop plans to rebuild the four 600 HP pumps. The motors will likely be rebuilt concurrently. It has been determined that rebuilding is preferable to purchasing since the impellers for the 600 HP pumps do not need to be redesigned. The impellers for the 500 HP pumps were redesigned to better match the flow and head characteristics of the system.

San Leandro Sample Station Improvements Project

HydroScience (HS) serves as both the design engineer and construction manager. The Board awarded the contract at a not to exceed value of \$1,394,000 to McGuire and Hester (MH) at the August 16, 2023 Board Meeting. A Notice to Proceed was issued to MH with an effective date of August 28, 2023 and a completion time of 320 days. The key issues continue to be supply chain for major equipment items, such as valves and instrumentation. MH was slow to submit required

documentation including a formal project schedule and schedule of values. In an effort to resolve issues with the contractor, a Notice of Non-Compliance has been sent to McGuire & Hester. Due to the delays in the procurement of one of the major valves for the project, it is unlikely the 320 day contract period can be met. It is up to the contractor to justify and requests for contract extension.

#### Emergency Repair of the Livermore Interceptor Pipeline

Construction on this project began on October 3, 2023 and is scheduled for substantial completion by March 15, 2024. Following is a summary of key items related to the project:

1. Delays: Inclement Weather, the rains have slowed down the construction in the past couple of weeks.
2. Percent of Construction Complete: ~80%
3. Cost Paid to Date: \$3,856,371.27. This does not yet include Progress Payment No. 4, which will be approximately \$200k. Total project cost remains at approximately \$6,200,000. The budget was approved by the Board at the last meeting for a not to exceed total of \$7,000,000.
4. Schedule: Project must reach substantial completion by March 15, 2024. Current Contractor Schedule anticipates project completion by March 11, 2024, including weather delays.
5. Grant of Easements:
  - a. Livermore – Working through Grant of Easement language comments.
  - b. Zone 7 – Anticipates presenting the Grant of easement to the Alameda County Board of Supervisors at the Feb. 27, 2024 meeting.
6. FEMA Funding:
  - a. CAT – B Funding (Emergency Rip Rap Repair) ~\$17,000 reimbursement – Currently Under Review with FEMA.
    - i. FEMA has noted delays in its review and application process due to the severity of the storms that hit San Diego.
  - b. CAT – F Funding (Emergency Pipe Relocation and Removal of Abandoned pipe within the creek)
    - i. FEMA will provide a memo or email outlining additional information it would like to receive from LAVWMA.
7. Remaining Work:
  - a. Pressure test entire 30” HDPE Pipe run. (Anticipated to be done February 14/15)
  - b. On successful completion of pressure test, finalize cathodic protection.
  - c. Set steel closures on both East and West Pipe end connections.
  - d. Pour Manholes,
  - e. Backfill project area, anticipated to begin by the end of the week February 12, 2024

- f. Surface restoration, anticipated to begin next week February 19, 2024.

A discussion with regulatory staff regarding the need for permits with the Regional Water Quality Control Board is ongoing.

**Recommendation**

This is an information item only requiring no action by the Board.

**Attachments**

None.



## **ITEM NO. 11 UPDATE AND RESPONSE TO VARIOUS LEGAL AND LEGISLATIVE ISSUES**

### **Action Requested**

It is recommended that the Board authorize the Chair to sign letters of support to Senators Padilla, Butler, and Schumer for S. 1430, PFAS liability protection.

### **Summary**

Attached for the Board's information is **Attachment 11.a**, California Association of Sanitation Agencies (CASA) Bill Positions 2023. CASA tracked over 90 bills over the last year. The document identifies each bill, its current status, a summary of the intent of the legislation, and CASA's position. There is a wide range of subjects covered by these bills, including greenhouse gases, air issues, planning, zoning, flood protection, public contracting, teleconference meetings, and many others. Also included for the Board's information is **Attachment 11.b**, CASA Regulatory Update for February 2024. This document provides updates on regulatory issues related to water quality, biosolids, air quality, and a listing of events.

**Attachment No. 11.c** is the Bay Area Clean Water Agencies (BACWA) Bulletin for February 2024. This report describes significant permitting and regulatory issues at both a state and federal level that are of interest to Bay Area wastewater treatment agencies. **Attachment No. 11.d** is the BACWA Regulatory Issue Summary Matrix for February 2024. This document provides a summary of all regulatory issues facing Bay Area wastewater treatment agencies. New information is shown in purple highlighting. The most critical issue currently is the Regional Board's efforts to reissue the Nutrient Watershed Permit. This permit will be issued within the next few months. Indications from Board staff is that it will require a 40-50% reduction in total inorganic nitrogen (TIN) from the baseline year of 2022. It will apply during the warm weather months of May – October. Board staff has also backtracked on its previous commitment of ensuring that "early actors" would not have to do anything other than what they have already planned. The LAVWMA agencies have been recycling much of their flows during the summer months for many years. Unfortunately, those efforts may not get full credit for those reductions in TIN due to the algal bloom in 2022. The TIN limit will apply to the EBDA combined effluent, so it will be up to the EBDA and LAVWMA agencies to manage that limit internally.

**Attachment No. 11.e** is the California Special District Association (CSDA) New Laws of 2024. This document provides an excellent summary of new laws that will impact special districts. There is little impact on LAVWMA as an agency, but there will be significant challenges for the member agencies. Some of the items of interest to all agencies include the zero emissions vehicle mandate, modifications to CEQA which should improve the ability to implement design-build projects, and changes in labor laws.

**Attachment No. 11.f** is the February 13, 2024 Advocacy Alert from the National Association of Clean Water Agencies (NACWA) and a draft support letter for S. 1430 to both California Senators and Senate Majority Leader Schumer. A bill by Senator Lummis, S. 1430, would provide water and wastewater agencies PFAS liability protection. EPA's proposed designation of PFOA and PFOS as hazardous substances under CERCLA without liability protection for water systems presents, which could be finalized this spring, presents a daunting challenge for water and wastewater agencies, potentially placing the financial burden of environmental cleanup on the member agencies and their ratepayers, rather than on the polluters responsible for the contamination. It is recommended that the Board authorize the Chair to sign letters of support.

**Recommendation**

Authorize the Chair to sign letters of support to Senators Padilla, Butler, and Schumer for S. 1430, PFAS liability protection.

**Attachments**

- 11.a CASA Bill Positions 2023
- 11.b CASA Regulatory Update for February 2024
- 11.c BACWA Bulletin, February 2024
- 11.d BACWA Regulatory Issue Summary Matrix for February 2024
- 11.e CSDA New Laws of 2024
- 11.f S. 1430 PFAS liability protection

**[AB 43](#)****(Holden D) Greenhouse gas emissions: building materials: embodied carbon trading system.****Current Text:** Enrolled: 9/18/2023 [html](#) [pdf](#)**Current Analysis:** 09/13/2023 [Assembly Floor Analysis](#) (text 9/8/2023)**Introduced:** 12/5/2022**Last Amend:** 9/8/2023**Status:** 9/13/2023-Read third time. Passed. Ordered to the Assembly. (Ayes 27. Noes 8.). In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. To Engrossing and Enrolling. (Enrolled Text Released 9/18/2023)**Location:** 9/13/2023-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030. Under the act, a violation of a rule, regulation, order, emission limitation, emission reduction measure, or other measure adopted by the state board under the act is a crime. This bill would, among other changes, eliminate the interim target of 20% net reduction. The bill would require the baseline described above to be established based on either an industry average of environmental product declarations reported for the 2026 calendar year or on the most relevant, up-to-date information available, as determined by the state board. The bill would also require the established targets to begin to apply no sooner than January 1, 2027, and 2 years after the baseline is established. The bill would delete the requirement that the state board form and maintain a technical advisory committee, and would instead require the state board to consult experts to advise the state board on methods to reduce the carbon intensity of building materials and covered projects, as specified. The bill would also exempt violations of these requirements from criminal penalties and authorize the imposition of specified civil penalties for those violations. The bill would express the intent of the Legislature regarding the applicable civil penalties. This bill contains other related provisions and other existing laws.

**Position**

Watch

**Assigned**

Jessica

**Subject****Group**

ACE, SLC

**[AB 45](#)****(Boerner D) Coastal resources: coastal development permits: blue carbon demonstration projects.****Current Text:** Amended: 5/25/2023 [html](#) [pdf](#)**Current Analysis:** 08/11/2023 [Senate Appropriations](#) (text 5/25/2023)**Introduced:** 12/5/2022**Last Amend:** 5/25/2023**Status:** 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)**Location:** 9/1/2023-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The California Coastal Act of 1976, among other things, requires anyone wishing to perform or undertake any development in the coastal zone, except as specified, in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, to obtain a coastal development permit from the California Coastal Commission, as provided. This bill would authorize the commission to authorize blue carbon demonstration projects, as defined, in order to demonstrate and quantify the carbon sequestration potential of these projects to help inform the state's natural and working lands and climate resilience strategies.

**Position**Refer to ACE  
Committee**Assigned**

Spencer

**Subject****Group**

ACE

**[AB 234](#)****(Bauer-Kahan D) Microparticles.****Current Text:** Amended: 3/30/2023 [html](#) [pdf](#)**Introduced:** 1/12/2023**Last Amend:** 3/30/2023**Status:** 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/23/2023)(May be acted upon Jan 2024)**Location:** 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would enact the Synthetic Polymer Microparticles in Cosmetic and Cleaning Products

Prevention Act. The bill would prohibit a synthetic polymer microparticle from being placed on the market in this state as a substance on its own or, where the synthetic polymer microparticles are present to confer a sought-after characteristic, in mixtures in a concentration equal to or greater than 0.01% by weight. The restriction would apply on and after specified dates depending on the type of product, as described, except as otherwise provided. The bill would specify the screening tests and pass criteria to be used for purposes of determining compliance with this prohibition. The bill would make a person who violates this prohibition liable for a civil penalty not to exceed \$5,000 per day for each violation, in addition to any other penalty established by law. The bill would authorize the civil penalty to be assessed and recovered in a civil action brought by a city attorney, a district attorney, a county counsel, or the Attorney General in any court of competent jurisdiction.

Position	Assigned	Subject	Group
Support in concept	Jessica		SLC

**AB 241**

**(Reyes D) Vehicular air pollution: Clean Transportation Program: vehicle registration and identification plate service fees: smog abatement fee: extension.**

**Current Text:** Amended: 6/26/2023 [html](#) [pdf](#)

**Current Analysis:** 06/29/2023 [Assembly Floor Analysis](#) (text 6/26/2023)

**Introduced:** 1/13/2023

**Last Amend:** 6/26/2023

**Status:** 9/14/2023-Ordered to inactive file at the request of Assembly Member Reyes.

**Location:** 9/14/2023-A. INACTIVE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law, until January 1, 2024, increases the smog abatement fee on certain vehicles by a specified amount and requires the revenues generated by the increase to be deposited in the Air Quality Improvement Fund and the Alternative and Renewable Fuel and Vehicle Technology Fund. Current law, until January 1, 2024, increases vehicle registration fees and certain service fees for identification plates by specified amounts. Current law requires the revenue generated by the increase in those fees to be deposited in the Alternative and Renewable Fuel and Vehicle Technology Fund and either the Air Quality Improvement Fund or the Enhanced Fleet Modernization Subaccount, as provided. This bill would extend the increases in those charges to July 1, 2035.

Position	Assigned	Subject	Group
Watch	Jessica		ACE

**AB 246**

**(Papan D) Product safety: menstrual products: perfluoroalkyl and polyfluoroalkyl substances.**

**Current Text:** Enrollment: 9/15/2023 [html](#) [pdf](#)

**Current Analysis:** 09/06/2023 [Assembly Floor Analysis](#) (text 9/1/2023)

**Introduced:** 1/17/2023

**Last Amend:** 9/1/2023

**Status:** 9/15/2023-Enrolled and presented to the Governor at 4 p.m.

**Location:** 9/15/2023-A. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law prohibits, beginning January 1, 2025, a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS), as defined. Current law similarly prohibits, beginning January 1, 2025, any person from manufacturing, distributing, selling, or offering for sale in the state any new, not previously owned, textile articles that contain regulated PFAS, except as specified, and requires a manufacturer to use the least toxic alternative when removing regulated PFAS in textile articles to comply with these provisions. This bill would, beginning January 1, 2025, similarly prohibit any person from manufacturing, distributing, selling, or offering for sale in the state any menstrual products that contain regulated PFAS, and requires a manufacturer to use the least toxic alternative when removing regulated PFAS in menstrual products to comply with these provisions. The bill would require a manufacturer of a menstrual product to provide persons that offer the product for sale or distribution in the state with a certificate of compliance stating that the menstrual product is in compliance with these provisions and does not contain any regulated PFAS.

Position	Assigned	Subject	Group
Support	Jessica		SLC

**AB 277**

**(Rodriguez D) Extreme Weather Forecast and Threat Intelligence Integration Center.**

**Current Text:** Amended: 7/3/2023 [html](#) [pdf](#)

**Current Analysis:** 08/18/2023 [Senate Appropriations](#) (text 7/3/2023)

**Introduced:** 1/23/2023

**Last Amend:** 7/3/2023

**Location:** 9/1/2023-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program within the department to, upon appropriation of special fund moneys, research climate forecasting and the causes and impacts that climate change has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection in the state, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. This bill would establish the State-Federal Flood Operations Center within the Department of Water Resources and would authorize the department to administer the center in the department's divisions, offices, or programs. The bill would provide that the purpose of the center is to function as the focal point for gathering, analyzing, and disseminating flood and water-related information to stakeholders and would authorize the center to take specified actions for that purpose, including to function during emergency situations to enable the department to centrally coordinate statewide emergency responses.

Position	Assigned	Subject	Group
Watch	Spencer		SLC

**AB 281**

**(Grayson D) Planning and zoning: housing: postentitlement phase permits.**

**Current Text:** Enrollment: 9/12/2023 [html](#) [pdf](#)

**Current Analysis:** 08/16/2023 [Senate Floor Analyses](#) (text 4/13/2023)

**Introduced:** 1/24/2023

**Last Amend:** 4/13/2023

**Status:** 9/12/2023-Enrolled and presented to the Governor at 2 p.m.

**Location:** 9/12/2023-A. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Existing law, which is part of the Planning and Zoning Law, requires a local agency to compile a list of information needed to approve or deny a postentitlement phase permit, to post an example of a complete, approved application and an example of a complete set of postentitlement phase permits for at least 5 types of housing development projects in the jurisdiction, as specified, and to make those items available to all applicants for these permits no later than January 1, 2024. Existing law establishes time limits for completing reviews regarding whether an application for a postentitlement phase permit is complete and compliant and whether to approve or deny an application, as specified, and makes any failure to meet these time limits a violation of specified law. Existing law defines various terms for these purposes, including "local agency" to mean a city, county, or city and county, and "postentitlement phase permit," among other things, to exclude a permit required and issued by a special district. This bill would require a special district that receives an application from a housing development project for service from a special district or an application from a housing development project for a postentitlement phase permit, as specified, to provide written notice to the applicant of next steps in the review process, including, but not limited to, any additional information that may be required to begin to review the application for service or approval. The bill would require the special district to provide this notice within 30 business days of receipt of the application for a housing development with 25 units or fewer, and within 60 business days for a housing development with 26 units or more. The bill would define various terms for these purposes. By imposing additional duties on special districts, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position	Assigned	Subject	Group
Watch	Jessica		SLC

**AB 305**

**(Villapudua D) California Flood Protection Bond Act of 2024.**

**Current Text:** Amended: 4/25/2023 [html](#) [pdf](#)

**Current Analysis:** 05/19/2023 [Assembly Floor Analysis](#) (text 4/25/2023)

**Introduced:** 1/26/2023

**Last Amend:** 4/25/2023

**Status:** 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

**Location:** 6/14/2023-S. N.R. & W.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would enact the California Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,500,000,000 pursuant to the State General Obligation Bond Law for flood protection projects, as specified. The bill would provide for the submission of these provisions to the voters at the November 5, 2024, statewide general election.

**Position**  
Support, if  
amended

**Assigned**  
Spencer

**Subject**  
Bond

**Group**  
SLC

**Attachment No.** 1

**AB 324**

**(Pacheco D) Gas corporations: renewable gas procurement.**

**Current Text:** Amended: 3/27/2023 [html](#) [pdf](#)

**Current Analysis:** 05/08/2023 [Assembly Appropriations](#) (text 3/27/2023)

**Introduced:** 1/30/2023

**Last Amend:** 3/27/2023

**Status:** 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)

**Location:** 5/19/2023-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Would require the Public Utilities Commission to open a new proceeding, or a new phase of an existing proceeding, to consider establishing procurement goals for renewable hydrogen, as defined, and consider requiring each gas corporation and core transport agent to annually procure a proportionate share of renewable hydrogen to meet those goals. The bill would require the commission to make specified findings before establishing renewable hydrogen procurement targets or goals.

**Position**  
Support

**Assigned**  
Jessica

**Subject**

**Group**  
ACE

**AB 334**

**(Rubio, Blanca D) Public contracts: conflicts of interest.**

**Current Text:** Enrollment: 9/5/2023 [html](#) [pdf](#)

**Current Analysis:** 08/18/2023 [Assembly Floor Analysis](#) (text 6/7/2023)

**Introduced:** 1/30/2023

**Last Amend:** 6/7/2023

**Status:** 9/5/2023-Enrolled and presented to the Governor at 3 p.m.

**Location:** 9/5/2023-A. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Current law prohibits members of the Legislature and state, county, district, judicial district, and city officers or employees from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Current law authorizes the Fair Political Practices Commission to commence an administrative or civil action against persons who violate this prohibition, as prescribed, and includes provisions for the collection of penalties after the time for judicial review of a commission order or decision has lapsed, or if all means of judicial review of the order or decision have been exhausted. Current law identifies certain remote interests in contracts that are not subject to this prohibition and other situations in which an official is not deemed to be financially interested in a contract. Existing law makes a willful violation of this prohibition a crime. This bill would establish that an independent contractor, who meets specified requirements, is not an officer for purposes of being subject to the prohibition on being financially interested in a contract.

**Position**  
Support

**Assigned**  
Jessica

**Subject**

**Group**  
SLC

**AB 347**

**(Ting D) Household product safety: toxic substances: testing and enforcement.**

**Current Text:** Amended: 9/8/2023 [html](#) [pdf](#)

**Current Analysis:** 09/11/2023 [Senate Floor Analyses](#) (text 9/8/2023)

**Introduced:** 1/31/2023

**Last Amend:** 9/8/2023

**Status:** 9/14/2023-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/11/2023)(May be acted upon Jan 2024)

**Location:** 9/14/2023-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	2 year	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Current law requires a manufacturer of specified cookware that contains certain chemicals in the handle of the product or in any cookware surface that comes in contact with food, foodstuffs, or beverages to post on an internet website for the cookware a list of those chemicals, among other information. Current law requires, beginning January 1, 2024, the product label for this cookware to list those chemicals, among other information. Current law prohibits this cookware from being sold, offered for sale, or distributed in the state unless the cookware and the manufacturer of the cookware comply with these provisions. This bill would require the Department of Toxic Substances Control to adopt guidance regarding the perfluoroalkyl and polyfluoroalkyl substances (PFAS) prohibition and the internet posting and labeling requirements for cookware, and to post that guidance on its internet



website by January 1, 2025. By July 1, 2026, the bill would require the department to select and test at least 100 but no more than 200 random samples of food packaging and cookware for compliance with those PFAS prohibitions and the manufacturers' labeling and internet posting duties. The bill would authorize the department to select and test samples after July 1, 2026, upon appropriation by the Legislature.

**Position**  
Watch

**Assigned**  
Jessica

**Subject**

**Group**  
SLC

**AB 400**

**(Rubio, Blanca D) Local agency design-build projects: authorization.**

**Current Text:** Enrollment: 9/5/2023 [html](#) [pdf](#)

**Current Analysis:** 08/09/2023 [Assembly Floor Analysis](#) (text 6/13/2023)

**Introduced:** 2/2/2023

**Last Amend:** 6/13/2023

**Status:** 9/5/2023-Enrolled and presented to the Governor at 3 p.m.

**Location:** 9/5/2023-A. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law authorizes a local agency, as defined, with approval of its governing body, to procure design-build contracts for public works projects in excess of \$1,000,000, awarding the contract either to the lowest bid or the best value. "Local agency" is defined, in part, for this purpose to include specified local and regional agencies responsible for the construction of transit projects, including any joint powers authority formed to provide transit service. Current law, among other requirements for the design-build procurement process, requires specified information submitted by a design-build entity to be certified under penalty of perjury. These provisions authorizing the use of the design-build procurement process are repealed on January 1, 2025. This bill would delete from the definition of "local agency" any joint powers authority formed to provide transit services, and would instead expand that definition to include any joint powers authority responsible for the construction of transit projects, thereby authorizing additional joint powers authorities to use the above-described design-build procurement process. The bill would extend the repeal date to January 1, 2031.

**Position**  
Watch

**Assigned**  
Jessica

**Subject**

**Group**  
SLC

**AB 453**

**(Cervantes D) District-based elections.**

**Current Text:** Introduced: 2/6/2023 [html](#) [pdf](#)

**Current Analysis:** 04/18/2023 [Assembly Appropriations](#) (text 2/6/2023)

**Introduced:** 2/6/2023

**Status:** 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was E. & C.A. on 5/10/2023)(May be acted upon Jan 2024)

**Location:** 7/14/2023-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires a political subdivision that changes from an at-large method of election to a district-based election, or that establishes district-based elections, to perform various actions before a public hearing at which it votes upon an ordinance establishing district-based elections. Among these actions, the political subdivision must hold at least 2 public hearings before drawing a draft map of the proposed boundaries and at least 2 public hearings after all maps are drawn, and invite the public's input at these hearings. This bill would require a public hearing concerning district-based elections, as described above, that is consolidated with a meeting of the governing body of the political subdivision that includes other substantive agenda items, to begin at a fixed time regardless of its order on the agenda. The bill would require the governing body to provide notice of the hearing to the public.

**Position**  
Watch

**Assigned**  
Spencer

**Subject**

**Group**  
SLC

**AB 460**

**(Bauer-Kahan D) State Water Resources Control Board: water rights and usage: interim relief: procedures.**

**Current Text:** Amended: 5/18/2023 [html](#) [pdf](#)

**Current Analysis:** 06/23/2023 [Senate Natural Resources And Water](#) (text 5/18/2023)

**Introduced:** 2/6/2023

**Last Amend:** 5/18/2023

**Status:** 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/7/2023)(May be acted upon Jan 2024)

**Location:** 7/14/2023-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf.	Attachment No. 11a		
1st House				2nd House				Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Current law authorizes the State Water Resources Control Board to investigate all streams, stream systems, lakes, or other bodies of water, take testimony relating to the rights to water or the use of water, and ascertain whether water filed upon or attempted to be appropriated is appropriated under the laws of the state. Current law requires the board to take appropriate actions to prevent waste or the unreasonable use of water. This bill would authorize the board, in conducting specified investigations or proceedings to inspect the property or facilities of a person or entity, as specified. The bill would authorize the board, if consent is denied for an inspection, to obtain an inspection warrant, as specified, or in the event of an emergency affecting public health and safety, to conduct an inspection without consent or a warrant.

<b>Position</b>	<b>Assigned</b>	<b>Subject</b>	<b>Group</b>
Work w/Author	Jessica		SLC

#### AB 480

#### (Ting D) Surplus land.

**Current Text:** Enrolled: 9/18/2023 [html](#) [pdf](#)

**Current Analysis:** 09/13/2023 [Assembly Floor Analysis](#) (text 9/8/2023)

**Introduced:** 2/7/2023

**Last Amend:** 9/8/2023

**Status:** 9/14/2023-Senate amendments concurred in. To Engrossing and Enrolling.

**Location:** 9/14/2023-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Current law prescribes requirements for the disposal of surplus land by a local agency, as defined, and requires, except as provided, a local agency disposing of surplus land to comply with certain notice requirements before disposing of the land or participating in negotiations to dispose of the land with a prospective transferee, particularly that the local agency send a notice of availability to specified entities that have notified the Department of Housing and Community Development of their interest in surplus land, as specified. Under current law, if the local agency receives a notice of interest, the local agency is required to engage in good faith negotiations with the entity desiring to purchase or lease the surplus land. This bill would define the term "dispose" to mean the sale of the surplus property or a lease of any surplus property entered into on or after January 1, 2024, for a term longer than 15 years, including renewal options, as specified. The bill would provide that "dispose" does not include entering a lease for surplus land on which no development or demolition will occur, regardless of the term of the lease.

<b>Position</b>	<b>Assigned</b>	<b>Subject</b>	<b>Group</b>
Neutral, As Amended	Spencer		SLC

#### AB 516

#### (Ramos D) Mitigation Fee Act: fees for improvements: reports and audits.

**Current Text:** Enrollment: 9/13/2023 [html](#) [pdf](#)

**Current Analysis:** 09/05/2023 [Assembly Floor Analysis](#) (text 7/10/2023)

**Introduced:** 2/7/2023

**Last Amend:** 7/10/2023

**Status:** 9/13/2023-Enrolled and presented to the Governor at 3 p.m.

**Location:** 9/13/2023-A. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** The Mitigation Fee Act, imposes certain requirements on a local agency that imposes a fee as a condition of approval of a development project that is imposed to provide for an improvement to be constructed to serve the development project, or a fee for public improvements, as specified. In this regard, the Mitigation Fee Act requires the local agency to deposit the fee in a separate capital facilities account or fund, and to make certain information about the account or fund public annually, as specified. The Mitigation Fee Act requires that information to include an identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as specified. The Mitigation Fee Act also requires that information to include the amount of refunds made to the owners of the lots or units of the development project, as specified. This bill would require the report to include an identification of each public improvement identified in a previous report, whether construction began on the approximate date noted in the previous report, the reason for the delay, if any, and a revised approximate date that the local agency will commence construction, if applicable. The bill would also require the report to include the number of persons or entities identified to receive refunds.

<b>Position</b>	<b>Assigned</b>	<b>Subject</b>	<b>Group</b>
Work w/Author	Jessica,		SLC



**AB 530****(Boerner D) Vehicles: electric bicycles.****Current Text:** Amended: 7/13/2023 [html](#) [pdf](#)**Introduced:** 2/8/2023**Last Amend:** 7/13/2023**Status:** 9/14/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 9/14/2023) (May be acted upon Jan 2024)**Location:** 9/14/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would prohibit a person under 12 years of age from operating an electric bicycle of any class. The bill would state the intent of the Legislature to create an e-bike license program with an online written test and a state-issued photo identification for those persons without a valid driver's license, prohibit persons under 12 years of age from riding e-bikes, and create a stakeholders working group composed of the Department of Motor Vehicles, the Department of the California Highway Patrol, the Transportation Agency, bicycle groups, policy and fiscal staff, and other relevant stakeholders to work on recommendations to establish an e-bike training program and license. Because the bill would prohibit certain persons from riding electric bicycles, the violation of which would be a crime, the bill would impose a state-mandated local program.

**Position**

Watch

**Assigned**

Jessica

**Subject****Group**

ACE, SLC

**AB 557****(Hart D) Open meetings: local agencies: teleconferences.****Current Text:** Enrollment: 9/15/2023 [html](#) [pdf](#)**Current Analysis:** 09/07/2023 [Assembly Floor Analysis](#) (text 9/1/2023)**Introduced:** 2/8/2023**Last Amend:** 9/1/2023**Status:** 9/15/2023-Enrolled and presented to the Governor at 4 p.m.**Location:** 9/15/2023-A. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Ralph M. Brown Act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2024, authorizes the legislative body of a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect. Those circumstances are that (1) state or local officials have imposed or recommended measures to promote social distancing, (2) the legislative body is meeting for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (3) the legislative body has previously made that determination. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures. This bill would revise the authority of a legislative body to hold a teleconference meeting under those abbreviated teleconferencing procedures when a declared state of emergency is in effect.

**Position**

Support Coalition

**Assigned**

Spencer

**Subject****Group**Attorneys,  
SLC**AB 573****(Garcia D) Organic waste: meeting recovered organic waste product procurement targets.****Current Text:** Amended: 7/13/2023 [html](#) [pdf](#)**Current Analysis:** 08/11/2023 [Senate Appropriations](#) (text 7/13/2023)**Introduced:** 2/8/2023**Last Amend:** 7/13/2023**Status:** 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)**Location:** 9/1/2023-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf.	Attachment No. 11a		
1st House				2nd House				Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Current law requires the State Air Resources Board to approve and begin implementing a comprehensive short-lived climate pollutant strategy to achieve a certain reduction in statewide emissions of methane, including a goal of a 75% reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025. Current law requires the Department of Resources Recycling and Recovery, in consultation with the state board, to adopt regulations to achieve these organic waste reduction goals, that provide for, among other things, the calculation by the department of recovered organic waste product procurement targets for each local jurisdiction, and that may include penalties to be imposed by the department for noncompliance. This bill would require the department, for purposes of those regulations, to allow a local jurisdiction, until December 1, 2031, in procuring recovered organic waste products to meet the target procurement requirements, to use California-derived recovered organic waste that the local jurisdiction sends for processing at a facility or operation outside of the state that meets certain conditions, as provided.

**Position**  
Support

**Assigned**  
Jessica

**Subject**

**Group**  
ACE

#### [AB 584](#)

**(Hart D) California Coastal Act of 1976: coastal development: emergency waiver.**

**Current Text:** Chaptered: 7/27/2023 [html](#) [pdf](#)

**Current Analysis:** 07/05/2023 [Senate Floor Analyses](#) (text 3/6/2023)

**Introduced:** 2/9/2023

**Last Amend:** 3/6/2023

**Status:** 7/27/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 118, Statutes of 2023.

**Location:** 7/27/2023-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** The California Coastal Act of 1976 requires the issuance of a coastal development permit if the proposed development is in conformity with the certified local coastal program. The act provides for the certification of local coastal programs by the California Coastal Commission. The act authorizes the requirement of having to obtain a permit to be waived when immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency, as specified. The act provides that this waiver provision does not authorize the permanent erection of structures valued at more than \$25,000. This bill would increase the above-described amount to \$125,000, adjusted annually for inflation pursuant to the consumer price index.

**Position**  
Approve

**Assigned**  
Spencer

**Subject**

**Group**  
SLC

#### [AB 587](#)

**(Rivas, Robert D) Public works: payroll records.**

**Current Text:** Enrollment: 9/5/2023 [html](#) [pdf](#)

**Current Analysis:** 08/25/2023 [Assembly Floor Analysis](#) (text 5/17/2023)

**Introduced:** 2/9/2023

**Last Amend:** 5/17/2023

**Status:** 9/5/2023-Enrolled and presented to the Governor at 3 p.m.

**Location:** 9/5/2023-A. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Current law requires each contractor and subcontractor on a public works project to keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by the contractor or subcontractor in connection with the public work. Current law requires any copy of records made available for inspection as copies and furnished upon request to the public or any public agency to be marked or obliterated to prevent disclosure of an individual's name, address, and social security number but specifies that any copy of records made available to a Taft-Hartley trust fund for the purposes of allocating contributions to participants be marked or obliterated only to prevent disclosure of an individual's full social security number, as specified. Existing law makes any contractor, subcontractor, agent, or representative who neglects to comply with the requirements to keep accurate payroll records guilty of a misdemeanor. This bill would require any copy of records requested by, and made available for inspection by or furnished to, a multiemployer Taft-Hartley trust fund or joint labor-management committee be provided on forms provided by the Division of Labor Standards Enforcement or contain the same information as the forms provided by the division. The bill would specify that copies of electronic certified payroll records do not satisfy payroll records requests made by Taft-Hartley trust funds and joint labor-management committees.

**Position**  
Watch

**Assigned**  
Jessica

**Subject**  
SLC

**Group**  
SLC

**AB 671****(Ward D) CalHome Program: accessory dwelling units.****Current Text:** Enrolled: 9/18/2023 [html](#) [pdf](#)**Current Analysis:** 09/13/2023 [Assembly Floor Analysis](#) (text 9/8/2023)**Introduced:** 2/13/2023**Last Amend:** 9/8/2023**Status:** 9/14/2023-Senate amendments concurred in. To Engrossing and Enrolling.**Location:** 9/14/2023-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
								Conc.			
1st House				2nd House							

**Summary:** Under the CalHome Program, funds may be used to enable low- and very low income households to become or remain homeowners, and to provide disaster relief assistance to households at or below 120% of that area median income. Current law also authorizes the Department of Housing and Community Development, to make grants to local agencies or nonprofit corporations to construct accessory dwelling units and to repair, reconstruct, or rehabilitate, in whole or in part, accessory dwelling units and junior accessory dwelling units. This bill would specify that for home ownership development projects that include construction of accessory dwelling units or junior accessory dwelling units, neither the CalHome Program nor any administrative rule or guideline implementing the CalHome Program precludes those dwelling units from being separately conveyed to separate lower income households on separate parcels created pursuant to specified law.

**Position**  
Watch

**Assigned**  
Jessica

**Subject**  
SLC

**Group**  
SLC

**AB 673****(Bennett D) Hydrogen-fueling stations: preference.****Current Text:** Amended: 3/13/2023 [html](#) [pdf](#)**Current Analysis:** 05/15/2023 [Assembly Appropriations](#) (text 3/13/2023)**Introduced:** 2/13/2023**Last Amend:** 3/13/2023**Status:** 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2023)(May be acted upon Jan 2024)**Location:** 5/19/2023-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
								Conc.			
1st House				2nd House							

**Summary:** Would, except for the Clean Transportation Program and moneys allocated from the Alternative and Renewable Fuel and Vehicle Technology Fund, require the State Energy Resources Conservation Development Commission, when considering providing funding for projects for the construction and operation of hydrogen-fueling medium- and heavy-duty stations, to evaluate whether the project needs to also include access for light-duty vehicles. In this evaluation, the bill would require the commission to consider safety, regional light-duty vehicle hydrogen fueling needs, and the station fueling capacity.

**Position**  
Watch

**Assigned**  
Spencer

**Subject**  
ACE

**Group**  
ACE

**AB 676****(Bennett D) Water: general state policy.****Current Text:** Enrollment: 9/15/2023 [html](#) [pdf](#)**Current Analysis:** 09/07/2023 [Assembly Floor Analysis](#) (text 8/21/2023)**Introduced:** 2/13/2023**Last Amend:** 8/21/2023**Status:** 9/15/2023-Enrolled and presented to the Governor at 4 p.m.**Location:** 9/15/2023-A. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
								Conc.			
1st House				2nd House							

**Summary:** Would specify that the use of water for domestic purposes includes water use for human consumption, cooking, sanitary purposes, care of household livestock, animals, and gardens, fire suppression and other safety purposes, and a purpose determined to be a domestic purpose as established by the common law.

**Position**  
Watch

**Assigned**  
Jessica

**Subject**  
SLC

**Group**  
SLC

**AB 678****(Alvarez D) Biomethane procurement targets or goals: core transport agents.****Current Text:** Enrolled: 9/18/2023 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Last Amend:** 9/8/2023

**Status:** 9/13/2023-Read third time. Passed. Ordered to the Assembly. (Ayes 33. Noes 0.). In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. To Engrossing and Enrolling.

**Location:** 9/13/2023-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires the Public Utilities Commission to require each gas corporation to provide bundled basic gas service to all core customers in its service territory unless the customer chooses or contracts to have natural gas purchased and supplied by another entity. Current law requires the commission, in consultation with the State Air Resources Board, to consider adopting specific biomethane procurement targets or goals for each gas corporation, as specified. This bill would revise that latter requirement to instead require the commission to consider adopting specific biomethane procurement targets or goals for each gas corporation and core transport agent, as defined. If the commission adopts the biomethane procurement targets or goals, the bill would require the commission to authorize a core transport agent to enter into an agreement with a gas corporation for the gas corporation to procure the core transport agent's proportionate share of biomethane in order to satisfy the biomethane procurement targets or goals, with all costs paid for by the core transport agent and any environmental attributes allocated by the commission in a fair and transparent manner. The bill would require the commission to initially allocate each core transport agent their proportional share of the existing biomethane procurement targets established by commission Decision 22-02-025, as specified.

**Position**  
Support

**Assigned**  
Jessica

**Subject**

**Group**  
ACE

**AB 727**

**(Weber D) Product safety: cleaning products and floor sealers or floor finishes: perfluoroalkyl and polyfluoroalkyl substances.**

**Current Text:** Enrolled: 9/18/2023 [html](#) [pdf](#)

**Current Analysis:** 09/12/2023 [Assembly Floor Analysis](#) (text 9/8/2023)

**Introduced:** 2/13/2023

**Last Amend:** 9/8/2023

**Status:** 9/13/2023-Senate amendments concurred in. To Engrossing and Enrolling.

**Location:** 9/13/2023-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would, beginning January 1, 2026, prohibit a person from manufacturing, selling, delivering, distributing, holding, or offering for sale in the state a cleaning product that contains regulated perfluoroalkyl and polyfluoroalkyl substances (PFAS), as specified. The bill, beginning January 1, 2028, would prohibit a person from manufacturing, selling, delivering, distributing, holding, or offering for sale in the state a floor sealer or floor finish that contains regulated PFAS, as specified. The bill would make a violation of these provisions punishable by a civil penalty not to exceed \$10,000 per day for each violation, upon an action brought by the Attorney General, a city or county attorney, a county counsel, city prosecutor, or a district attorney. The bill would exempt treatments containing PFAS for use on converted textiles or leathers, as specified, from these provisions.

**Position**  
Support/Co-Sponsor

**Assigned**  
Jessica

**Subject**

**Group**  
SLC

**AB 735**

**(Berman D) Workforce development: utility careers.**

**Current Text:** Introduced: 2/13/2023 [html](#) [pdf](#)

**Current Analysis:** 05/08/2023 [Assembly Appropriations](#) (text 2/13/2023)

**Introduced:** 2/13/2023

**Status:** 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)

**Location:** 5/19/2023-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would establish the High Road Utility Careers (HRUC) program, to be administered by the California Workforce Development Board, to connect existing resources with individuals interested in careers in the utility sector and ensure a continued reliable workforce for California utilities. The bill would require the board to administer the HRUC program through partnerships with statewide water, wastewater, and energy utility associations and to coordinate the program with existing and future programs and initiatives administered by the board, including high road training partnerships, in order

to align interested individuals with available resources. The bill would amend the WUC program, upon appropriation by the Legislature, to dedicate funding and resources toward accomplishing specified goals, including connecting workers to high-quality jobs or entry-level work with defined routes to advancement and increasing skills and opportunities while expanding pipelines for low-income populations.

**Position**  
Support

**Assigned**  
Spencer

**Subject**

**Group**  
SLC

**AB 753**

**(Papan D) State Water Pollution Cleanup and Abatement Account: annual proceeds transfers.**

**Current Text:** Enrolled: 9/14/2023 [html](#) [pdf](#)

**Current Analysis:** 09/12/2023 [Assembly Floor Analysis](#) (text 8/14/2023)

**Introduced:** 2/13/2023

**Last Amend:** 8/14/2023

**Status:** 9/12/2023-Assembly Rule 77 suspended. Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 79. Noes 0.).

**Location:** 9/12/2023-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires each regional water board to formulate and adopt water quality control plans for all areas within the region, as provided. Current law authorizes the imposition of civil penalties for violations of certain waste discharge requirements and requires that penalties imposed pursuant to these provisions be deposited into the Waste Discharge Permit Fund, to be expended by the State Water Resources Control Board, upon appropriation by the Legislature, for specified purposes related to water quality. For violations of certain other waste discharge requirements, including the violation of a waste discharge requirement effluent limitation, current law imposes specified civil penalties, the proceeds of which are deposited into the continuously appropriated State Water Pollution Cleanup and Abatement Account, which is established in the State Water Quality Control Fund. This bill would create the Waterway Recovery Account within the Waste Discharge Permit Fund, and would annually transfer from the State Water Pollution Cleanup and Abatement Account, excluding administratively imposed civil liabilities that include a supplemental environmental project in connection with a monetary penalty, 40% of the annual proceeds to the Waterway Recovery Account. The bill would provide that moneys in the account created by the bill are continuously appropriated to the state board without regard to fiscal years. The bill would require the state board to allocate the Waterway Recovery Account moneys to each regional board on a proportional basis, based on moneys generated in each region, and would require the regional boards to allocate those moneys to third parties for restoration projects, as specified, with priority given to third parties that will undertake projects with multiple benefits that provide greenspace within disadvantaged communities, as provided.

**Position**  
Watch

**Assigned**  
Jessica

**Subject**

**Group**  
Attorneys,  
SLC

**AB 759**

**(Grayson D) Sanitary districts.**

**Current Text:** Chaptered: 6/29/2023 [html](#) [pdf](#)

**Current Analysis:** 06/09/2023 [Senate Floor Analyses](#) (text 3/30/2023)

**Introduced:** 2/13/2023

**Last Amend:** 3/30/2023

**Status:** 6/29/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 19, Statutes of 2023.

**Location:** 6/29/2023-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law authorizes the formation of a sanitary district, pursuant to specified requirements. Current law authorizes a sanitary district to acquire, plan, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate garbage dumpsites and garbage collection and disposal systems, sewers, drains, septic tanks, and sewerage collection, outfall, treatment works and other sanitary disposal systems, and storm water drains and storm water collection, outfall and disposal systems, and water recycling and distribution systems, as the deemed necessary and proper by the governing board of the district. Current law generally authorizes the district to expend money only upon written order of the board. Current law also authorizes a district board, as an alternative to the functions of the treasurer, to elect to disburse district funds upon resolution of the board and the filing of a certified copy with the treasurer. Under current law, the treasurer is then required to deliver all district funds to the district, which can only be withdrawn by written order of the district boards, signed by the president and secretary. Current law requires the district board to appoint a treasurer responsible for the deposit and withdrawal of district funds. This bill would instead authorize funds to be withdrawn by a district treasurer or expended by a treasurer upon approval by the board, signed



**Position**  
Support/Sponsor

**Assigned**  
Jessica

**Subject**

**Group**  
SLC

**AB 805****(Arambula D) Drinking water consolidation: sewer service.**

**Current Text:** Amended: 3/9/2023 [html](#) [pdf](#)

**Current Analysis:** 04/18/2023 [Assembly Appropriations \(text 3/9/2023\)](#)

**Introduced:** 2/13/2023

**Last Amend:** 3/9/2023

**Status:** 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

**Location:** 5/19/2023-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would authorize the State Water Resources Control Board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities, including, but not limited to, consulting with the relevant regional water board and the receiving water system and conducting outreach to ratepayers and residents served by the receiving and subsumed water systems, as provided.

**Position**  
Work w/Author

**Assigned**  
Jessica

**Subject**

**Group**  
Attorneys,  
SLC

**AB 817****(Pacheco D) Open meetings: teleconferencing: subsidiary body.**

**Current Text:** Amended: 3/16/2023 [html](#) [pdf](#)

**Current Analysis:** 04/25/2023 [Assembly Local Government \(text 3/16/2023\)](#)

**Introduced:** 2/13/2023

**Last Amend:** 3/16/2023

**Status:** 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/16/2023) (May be acted upon Jan 2024)

**Location:** 5/5/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. This bill would authorize a subsidiary body, as defined, to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to the Ralph M. Brown Act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

**Position**  
Watch Spot Bill

**Assigned**  
Spencer

**Subject**

**Group**  
Attorneys

**AB 849****(Garcia D) Community emissions reduction programs.**

**Current Text:** Amended: 3/29/2023 [html](#) [pdf](#)

**Current Analysis:** 08/11/2023 [Senate Appropriations \(text 3/29/2023\)](#)

**Introduced:** 2/14/2023

**Last Amend:** 3/29/2023

**Status:** 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)

**Location:** 9/1/2023-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires the State Air Resources Board to prepare, and to update at least once every 5 years, a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden. Current law requires the state board to include in the statewide strategy, among other components, an assessment and identification of communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants, prioritizing disadvantaged communities and sensitive receptor locations based on specified factors. Current law requires the state board, based on the assessment and identification

of communities with high cumulative exposure burdens, to select locations within the state for preparation of community emissions reduction programs. Current law requires an air district encompassing any location selected by the state board to adopt, in consultation with the state board, within one year of the state board's selection, a community emissions reduction program to achieve emissions reductions for the location selected using cost-effective measures, as specified. Current law also requires an air district to submit the community emissions reduction program to the state board for review and approval as prescribed. Current law requires the air district and the state board to implement and enforce the measures in the community emissions reduction program consistent with their respective authority. This bill would additionally require the air district, in adopting a community emissions reduction program, to consult with other relevant state agencies. By imposing additional duties on air districts, this bill would impose a state-mandated local program.

**Position**

Watch

**Assigned**

Jessica

**Subject****Group**

ACE

**AB 894****(Friedman D) Parking requirements: shared parking.****Current Text:** Enrolled: 9/18/2023 [html](#) [pdf](#)**Current Analysis:** 09/12/2023 [Assembly Floor Analysis](#) (text 9/8/2023)**Introduced:** 2/14/2023**Last Amend:** 9/8/2023**Status:** 9/13/2023-Senate amendments concurred in. To Engrossing and Enrolling.**Location:** 9/13/2023-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
								Conc.			
1st House				2nd House							

**Summary:** The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. Current law also authorizes the legislative body of a city or a county to adopt ordinances establishing requirements for parking. When an entity receiving parking is not using that parking to meet public automobile parking requirements, this bill would require a local agency, as defined, to allow entities with underutilized parking to share their underutilized parking with the public, local agencies, or other entities, if those entities submit a shared parking agreement, as defined, to the local agency, and information identifying the benefits of the proposed shared parking agreement. The bill would require a local agency to allow parking spaces identified in a shared parking agreement to count toward meeting automobile parking requirements for a new or existing development or use, including, but not limited to, shared parking in underutilized spaces and in parking lots and garages that will be constructed as part of the development or developments when specified conditions regarding the distance between the entities that will share the parking are met. The bill would require a local agency to approve the shared parking agreement if it includes, among other things, a parking analysis using peer-reviewed methodologies developed by a professional planning association, as specified. The bill would require a local agency to decide whether to approve or deny the shared parking agreement and determine how many parking spaces can be reasonably shared between uses to fulfill parking requirements if the shared parking agreement does not include this parking analysis. If the local agency is required to decide whether to approve or deny an agreement for specified developments under these provisions, the bill would require the local agency to notify all property owners within 300 feet of the shared parking spaces of the proposed agreement and to hold a public meeting if it receives a request to do so within 14 days of notifying property owners, as provided. The bill would specify that these notification and public meeting requirements would not apply to local agencies that enact an ordinance that provides for shared parking agreements, including ordinances enacted before January 1, 2024.

**Position**

Seek Info

**Assigned**

Jessica

**Subject****Group**

SLC

**AB 900****(Bennett D) Aquifer recharge.****Current Text:** Amended: 4/12/2023 [html](#) [pdf](#)**Current Analysis:** 05/08/2023 [Assembly Appropriations](#) (text 4/12/2023)**Introduced:** 2/14/2023**Last Amend:** 4/12/2023**Status:** 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)**Location:** 5/19/2023-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
								Conc.			
1st House				2nd House							

**Summary:** Current law requires the Natural Resources Agency to update every 3 years the state's climate adaptation strategy, known as the Safeguarding California Plan, and to coordinate with other state agencies to identify vulnerabilities to climate change by sectors and priority actions needed to reduce the risks in those sectors. Current law requires, to address the vulnerabilities identified in the plan, state agencies to maximize specified objectives, including promoting the use of the plan to inform

planning decisions and ensure that state investments consider climate change, as well as promote the use of natural systems and natural infrastructure, when developing physical infrastructure to address adaptation. This bill would add aquifers as part of the meaning of natural infrastructure.

Position	Assigned	Subject	Group
Watch Spot Bill	Jessica		SLC

**AB 985 (Arambula D) San Joaquin Valley Unified Air Pollution Control District: emission reduction credit system.**

**Current Text:** Amended: 7/6/2023 [html](#) [pdf](#)

**Current Analysis:** 09/12/2023 [Assembly Floor Analysis](#) (text 7/6/2023)

**Introduced:** 2/15/2023

**Last Amend:** 7/6/2023

**Status:** 9/14/2023-Failed Deadline pursuant to Rule 61(a)(14). (Last location was CONCURRENCE on 9/12/2023)(May be acted upon Jan 2024)

**Location:** 9/14/2023-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	2 year	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires the board of every air district to establish by regulation a system by which all reductions in the emission of air contaminants that are to be used to offset certain future increases in the emission of air contaminants be banked prior to use to offset future increases in emissions, except as specified. Current law requires the State Air Resources Board to develop and adopt a methodology for use by air districts to calculate the value of credits issued for emission reductions from stationary, mobile, indirect, and areawide sources when those credits are used interchangeably, consistent with certain requirements. Current law also requires the state board to periodically update the methodology as it applies to future transactions, if necessary. Current law provides for the establishment of the San Joaquin Valley Unified Air Pollution Control District vested with the authority to regulate air emissions from stationary sources located in the San Joaquin Valley Air Basin. This bill would require the state board, except as provided, to conduct an analysis of each credit identified in the San Joaquin Valley Unified Air Pollution Control District's ledger of available emission reduction credits to determine if any credits were issued in violation of state, local, or district laws, rules, regulations, or procedures in place at the time of original issuance, and to complete the analysis no later than January 1, 2027. The bill would require, upon completion of the analysis, the state board to submit a report to the Legislature that includes a summary of the results of the analysis.

Position	Assigned	Subject	Group
Oppose, unless amended	Jessica		ACE, SLC

**AB 1012 (Quirk-Silva D) State Air Resources Board: mobile source regulations: lifecycle analysis.**

**Current Text:** Amended: 4/26/2023 [html](#) [pdf](#)

**Current Analysis:** 05/08/2023 [Assembly Appropriations](#) (text 4/26/2023)

**Introduced:** 2/15/2023

**Last Amend:** 4/26/2023

**Status:** 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)

**Location:** 5/19/2023-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires the State Air Resources Board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants. This bill would require the state board, if it proposes a regulation to regulate an on-road mobile source, to prepare a lifecycle analysis, as defined, of any technology required by the regulation, and in its discretion, any incumbent technology.

Position	Assigned	Subject	Group
Support	Jessica		ACE

**AB 1033 (Ting D) Accessory dwelling units: local ordinances: separate sale or conveyance.**

**Current Text:** Enrolled: 9/12/2023 [html](#) [pdf](#)

**Current Analysis:** 09/05/2023 [Assembly Floor Analysis](#) (text 8/24/2023)

**Introduced:** 2/15/2023

**Last Amend:** 8/24/2023

**Status:** 9/11/2023-Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 49. Noes 17.).

**Location:** 9/11/2023-A. ENROLLMENT



Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Attachment No. 11a		
1st House				2nd House				Conc.	Enrolled	Vetoed	Chaptered

**Summary:** The Planning and Zoning Law authorizes a local agency, by ordinance or ministerial approval, to provide for the creation of accessory dwelling units in areas zoned for residential use, as specified. Current law requires the ordinance to include specified standards, including prohibiting the accessory dwelling unit from being sold or otherwise conveyed separate from the primary residence, except as provided by a specified law. Current law, notwithstanding the prohibition described above, requires a local agency to allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met, including that the property was built or developed by a qualified nonprofit corporation and that the property is held pursuant to a recorded tenancy in common agreement that meets specified requirements. This bill would, in addition, authorize a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and accessory dwelling unit or units as condominiums, as specified, and would make conforming changes.

**Position**  
Neutral, As  
Amended

**Assigned**  
Jessica

**Subject**

**Group**  
Attorneys,  
SLC

**AB 1072 (Wicks D) Water conservation and efficiency: low-income residential customers.**

**Current Text:** Amended: 4/25/2023 [html](#) [pdf](#)

**Current Analysis:** 05/15/2023 [Assembly Appropriations](#) (text 4/25/2023)

**Introduced:** 2/15/2023

**Last Amend:** 4/25/2023

**Status:** 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2023)(May be acted upon Jan 2024)

**Location:** 5/19/2023-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Would declare the policy of the state that all residents have access to water conservation and efficiency programs. The bill would also set forth related findings including that reaching the state's environmental justice goals and commitments requires designing climate adaptation programs so that all households may participate.

**Position**  
Watch Spot Bill

**Assigned**  
Jessica

**Subject**

**Group**  
SLC

**AB 1121 (Haney D) Public works: ineligibility list.**

**Current Text:** Enrolled: 9/18/2023 [html](#) [pdf](#)

**Current Analysis:** 09/13/2023 [Assembly Floor Analysis](#) (text 9/1/2023)

**Introduced:** 2/15/2023

**Last Amend:** 9/1/2023

**Status:** 9/14/2023-Senate amendments concurred in. To Engrossing and Enrolling.

**Location:** 9/14/2023-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Current law generally requires a contractor or subcontractor to be registered with the Department of Industrial Relations to be qualified to bid on, be listed in a bid proposal, or engage in the performance of any public works contract. Current law requires a contractor or subcontractor to meet specific conditions to qualify for this registration. Existing law requires the Department of Industrial Relations to maintain on its internet website a list of contractors that are currently registered to perform public work. This bill would require awarding authorities to annually submit to the Department of Industrial Relations' electronic project registration database a list of ineligible contractors, as specified, pursuant to local debarment or suspension processes. This bill would require the department to make the list available to the public through the electronic database.

**Position**  
Watch

**Assigned**  
Jessica

**Subject**

**Group**  
SLC

**AB 1196 (Villapudua D) Water Quality, Supply, and Infrastructure Improvement Act of 2014.**

**Current Text:** Introduced: 2/16/2023 [html](#) [pdf](#)

**Introduced:** 2/16/2023

**Status:** 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/16/2023) (May be acted upon Jan 2024)

**Location:** 5/5/2023-A. 2 YEAR

2 year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** The Water Quality, Supply, and Infrastructure Improvement Act of 2014, a bond act approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds to finance a water quality, supply, and infrastructure improvement program, as specified. Under the bond act, \$520,000,000 is available, upon appropriation by the Legislature, for expenditures, grants, and loans for projects that improve water quality or help provide clean, safe, and reliable drinking water to all Californians. Current law requires projects eligible for this funding to help improve water quality for a beneficial use. This bill would make a nonsubstantive change to the latter provision.

**Position**  
Support, if  
amended

**Assigned**  
Spencer

**Subject**  
Bond

**Group**  
SLC

**AB 1216 (Muratsuchi D) Wastewater treatment plants: monitoring of air pollutants.**

**Current Text:** Enrollment: 9/14/2023 [html](#) [pdf](#)

**Current Analysis:** 09/06/2023 [Assembly Floor Analysis](#) (text 8/16/2023)

**Introduced:** 2/16/2023

**Last Amend:** 8/16/2023

**Status:** 9/14/2023-Enrolled and presented to the Governor at 4:30 p.m.

**Location:** 9/14/2023-A. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Would require, on or before January 1, 2027, the owner or operator of a wastewater treatment facility that is located within 1,500 feet of a residential area and has an original design capacity of 425,000,000 gallons or more per day to develop, install, operate, and maintain a wastewater treatment-related fence-line monitoring system approved by the appropriate air quality management district. The bill would require the wastewater treatment-related fence-line monitoring system to include equipment capable of measuring pollutants of concern, as provided, emitted into the atmosphere that the appropriate air quality management district deems appropriate for monitoring. The bill would provide that it does not alter the responsibility of an owner or operator of a wastewater treatment facility to not exceed limits for nitrogen oxides and volatile organic compounds emitted into the atmosphere established in existing air quality regulations, as provided, and would require source testing for these pollutants to be conducted pursuant to a protocol approved by the appropriate air quality management district.

**Position**  
Oppose

**Assigned**  
Jessica

**Subject**

**Group**  
ACE,  
Attorneys,  
SLC

**AB 1272 (Wood D) State Water Resources Control Board: drought planning.**

**Current Text:** Enrollment: 9/12/2023 [html](#) [pdf](#)

**Current Analysis:** 09/12/2023 [Assembly Floor Analysis](#) (text 9/1/2023)

**Introduced:** 2/16/2023

**Last Amend:** 9/1/2023

**Status:** 9/14/2023-Withdrawn from Engrossing and Enrolling. Ordered to the Senate. In Senate. Held at Desk.

**Location:** 9/14/2023-S. DESK

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Would require the State Water Resources Control Board, in consultation with the Department of Fish and Wildlife, to adopt principles and guidelines for diversion and use of water in coastal watersheds, as specified, during times of water shortage for drought preparedness and climate resiliency. The bill would require that the principles and guidelines allow for the development of locally generated watershed-level plans to support public trust uses, public health and safety, and the human right to water in times of water shortage, among other things. The bill also would require the state board, prior to adopting those principles and guidelines, to allow for public comment and hearing, as provided. The bill would make the implementation of these provisions contingent upon an appropriation of funds by the Legislature for this purpose.

**Position**  
Watch

**Assigned**  
Spencer

**Subject**

**Group**  
SLC

**AB 1334 (Pellerin D) Mobilehome parks: additional spaces: exemption from additional fees or charges.**

**Current Text:** Amended: 4/20/2023 [html](#) [pdf](#)

**Current Analysis:** 07/07/2023 [Senate Appropriations](#) (text 4/20/2023)

**Introduced:** 2/16/2023

**Last Amend:** 4/20/2023

**Status:** 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was N.R. & W. on 7/10/2023)(May be acted upon Jan 2024)

Attachment No. 11.a

**Location:** 9/1/2023-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Mobilehome Parks Act authorizes any person to file an application with the governing body of a city or county for a conditional use permit for a mobilehome park. The act requires a person, before operating a mobilehome park, and each year thereafter, to obtain a valid permit from the enforcement agency in order to operate the park. The act also requires the owner of a mobilehome park to obtain a permit to create, move, shift, or alter park lot lines. This bill would authorize an owner of an existing mobilehome park that is subject to, or intends to qualify for, a valid permit to operate the park, to apply to the enforcement agency to add additional specified spaces to the mobilehome park not to exceed 10% of the previously approved number of spaces in the mobilehome park, if the owner has not been served with a notice of violation that constitutes an imminent threat to health and safety. The bill would exempt the additional spaces from any business tax, local registration fee, use permit fee, or other fee, except those fees that apply to the existing spaces in the park.

**Position**  
Watch

**Assigned**  
Jessica

**Subject**

**Group**  
SLC

**AB 1337**

**(Wicks D) State Water Resources Control Board: water diversion curtailment.**

**Current Text:** Amended: 5/18/2023 [html](#) [pdf](#)

**Current Analysis:** 07/06/2023 [Senate Natural Resources And Water \(text 5/18/2023\)](#)

**Introduced:** 2/16/2023

**Last Amend:** 5/18/2023

**Status:** 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/7/2023)(May be acted upon Jan 2024)

**Location:** 7/14/2023-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Under existing law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability. This bill would expand the instances when the diversion or use of water is considered a trespass. This bill contains other related provisions and other existing laws.

**Position**  
Oppose

**Assigned**  
Jessica

**Subject**

**Group**  
SLC

**AB 1374**

**(Alvarez D) Greenhouse Gas Reduction Fund: investment plan.**

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/2/2023)(May be acted upon Jan 2024)

**Location:** 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The California Global Warming Solutions Act of 2006 authorizes the State Air Resources Board to include the use of market-based compliance mechanisms. Current law requires all moneys, except for fines and penalties, collected by the state board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation. Current law requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the fund. Current law requires the investment plan to allocate, among other things, a minimum of 25% of the available moneys in the fund to projects located within, and benefiting individuals living in, disadvantaged communities and an additional minimum of 5% to projects that benefit low-income households or to projects located within, and benefiting individuals living in, low-income communities located anywhere in the state. This bill would increase those amounts from 25% to 50% and from 5% to 15%.

**Position**  
Watch

**Assigned**  
Jessica

**Subject**

**Group**  
ACE

**AB 1375**

**(Dixon R) Coastal protection.**

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023)(May be acted upon Jan 2024)

**Location:** 5/5/2023-A. 2 YEAR

<b>2 year</b>	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Attachment No. 11 a		
1st House				2nd House				Conc.	Enrolled	Vetoed	Chaptered

**Summary:** The California Coastal Act of 1976 provides for the protection of California's coast and requires any person wishing to perform or undertake any development in the coastal zone, as defined, to obtain a coastal development permit, except as specified. This bill would state the intent of the Legislature to enact subsequent legislation related to coastal protection.

Position	Assigned	Subject	Group
Watch Spot Bill	Jessica		ACE

**AB 1379 (Papan D) Open meetings: local agencies: teleconferences.**

**Current Text:** Amended: 3/23/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Last Amend:** 3/23/2023

**Status:** 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 3/23/2023) (May be acted upon Jan 2024)

**Location:** 4/28/2023-A. 2 YEAR

Desk	<b>2 year</b>	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

**Summary:** The Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. This bill, with respect to those general provisions on teleconferencing, would require a legislative body electing to use teleconferencing to instead post agendas at a singular designated physical meeting location, as defined, rather than at all teleconference locations. The bill would remove the requirements for the legislative body of the local agency to identify each teleconference location in the notice and agenda, that each teleconference location be accessible to the public, and that at least a quorum of the members participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

Position	Assigned	Subject	Group
Watch Spot Bill	Jessica		SLC

**AB 1401 (Garcia D) Low Carbon Fuel Standard regulations: alternative diesel fuel regulations.**

**Current Text:** Amended: 3/13/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Last Amend:** 3/13/2023

**Status:** 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/9/2023) (May be acted upon Jan 2024)

**Location:** 4/28/2023-A. 2 YEAR

Desk	<b>2 year</b>	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

**Summary:** The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions to ensure that the statewide greenhouse gas emissions are reduced to at least 40% below the statewide greenhouse gas emissions limit, as defined, no later than December 31, 2030. Pursuant to the act, the state board has adopted the Low Carbon Fuel Standard regulations. This bill would require the state board, in administering the Low Carbon Fuel Standard, to deem a Tier 2 pathway application certified under specified circumstances.

Position	Assigned	Subject	Group
Watch	Spencer		ACE

**AB 1423 (Schiavo D) Product safety: PFAS: artificial turf or synthetic surfaces.**

**Current Text:** Enrolled: 9/14/2023 [html](#) [pdf](#)

**Current Analysis:** 09/12/2023 [Assembly Floor Analysis \(text 9/1/2023\)](#)

**Introduced:** 2/17/2023

**Last Amend:** 9/1/2023

**Status:** 9/12/2023-Assembly Rule 77 suspended. Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 64. Noes 9.).

**Location:** 9/12/2023-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Attachment No. 11a		
1st House				2nd House				Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Would prohibit, except as provided and commencing January 1, 2026, a public entity, including a charter city, charter county, city, or county, any public or private school serving pupils in kindergarten or any of grades 1 to 12, inclusive, a public institution of higher education, other than the University of California, or a private institution of higher education from purchasing or installing a covered surface containing regulated PFAS, as defined.

Position	Assigned	Subject	Group
Watch	Jessica		SLC

**AB 1453 (Dixon R) Coastal resources: State Coastal Conservancy: grants: ocean waste.**

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/9/2023)(May be acted upon Jan 2024)

**Location:** 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Existing law establishes in the Natural Resources Agency the State Coastal Conservancy. Existing law authorizes the conservancy to undertake educational projects and programs, including projects and programs relating to the preservation, protection, enhancement, maintenance, and enjoyment of coastal resources, as provided. This bill would require the conservancy, on or before January 1, 2025, upon appropriation by the Legislature, to establish a 5-year program to provide grants for specified activities, including funding regular cleanups of beaches and the waterways that empty into them. The bill would require the conservancy, on or before January 1, 2029, to develop a report reviewing the efficacy of this program and submit the report to the Legislature as well as make it available on the conservancy's internet website.

Position	Assigned	Subject	Group
Watch	Spencer		SLC

**AB 1460 (Bennett D) Local government.**

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023) (May be acted upon Jan 2024)

**Location:** 5/5/2023-A. 2 YEAR

2 year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. This bill would make a nonsubstantive change to the provision naming the act.

Position	Assigned	Subject	Group
Watch Spot Bill	Jessica		SLC

**AB 1465 (Wicks D) Nonvehicular air pollution: civil penalties.**

**Current Text:** Amended: 7/13/2023 [html](#) [pdf](#)

**Current Analysis:** 08/23/2023 [Senate Floor Analyses](#) (text 7/13/2023)

**Introduced:** 2/17/2023

**Last Amend:** 7/13/2023

**Status:** 9/14/2023-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/6/2023)(May be acted upon Jan 2024)

**Location:** 9/14/2023-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	2 year	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Current law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Current law establishes maximum civil penalties for a person who violates air pollution laws from nonvehicular sources. Current law provides that civil penalties for specified violations are to be assessed and recovered in a civil action brought by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs. This bill would triple specified civil penalties if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established



pursuant to specified provisions of the federal Clean Air Act, and the implementation of which includes one or more air contaminants, as specified. The bill would define "source" for this purpose. The bill would require, in assessing penalties, that health impacts, community disruptions, and other circumstances related to the violation be considered, as specified.

<b>Position</b>	<b>Assigned</b>	<b>Subject</b>	<b>Group</b>
Oppose, unless amended	Jessica		ACE, SLC

**AB 1490 (Lee D) Affordable housing development projects: adaptive reuse.**

**Current Text:** Enrolled: 9/18/2023 [html](#) [pdf](#)

**Current Analysis:** 09/12/2023 [Assembly Floor Analysis](#) (text 7/10/2023)

**Introduced:** 2/17/2023

**Last Amend:** 7/10/2023

**Status:** 9/13/2023-Senate amendments concurred in. To Engrossing and Enrolling.

**Location:** 9/13/2023-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Under this bill, a housing development that is, among other requirements, an extremely affordable adaptive reuse project on an infill parcel that is not located on or adjoined to a site where more than 1/3 of the square footage on the site is dedicated to industrial use, as specified, would be an allowable use. The bill would authorize a local agency to impose objective design review standards, except as specified. The bill would authorize a local agency to deny the project if it is proposed to be located on a site or adjoined to any site where any of the square footage on the site is dedicated to industrial use and the local agency makes written findings that approving the development would have an adverse effect on public health and safety. The bill would provide that for purposes of the Housing Accountability Act, a proposed housing development project is consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if the housing development project is consistent with the standards specified in these provisions. The bill would require a local agency to determine whether the proposed development meets those standards within specified timeframes. The bill would define an "extremely affordable adaptive reuse project" for these purposes to mean a multifamily housing development project that involves retrofitting and repurposing of a residential or commercial building that currently allows temporary dwelling or occupancy, and that meets specified affordability requirements, including that 100% of the units be dedicated to lower income households, 50% of which shall be dedicated to very low income households, as specified. Because the bill would require local officials to provide a higher level of service, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

<b>Position</b>	<b>Assigned</b>	<b>Subject</b>	<b>Group</b>
Work w/Author	Spencer		SLC

**AB 1548 (Hart D) Greenhouse Gas Reduction Fund: grant program: recycling infrastructure projects.**

**Current Text:** Enrolled: 9/14/2023 [html](#) [pdf](#)

**Current Analysis:** 09/02/2023 [Senate Floor Analyses](#) (text 4/20/2023)

**Introduced:** 2/17/2023

**Last Amend:** 4/20/2023

**Status:** 9/12/2023-Read third time. Passed. Ordered to the Assembly. (Ayes 39. Noes 0.). In Assembly. Ordered to Engrossing and Enrolling.

**Location:** 9/12/2023-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires the Department of Resources Recycling and Recovery, with additional moneys from the Greenhouse Gas Reduction Fund that may be appropriated to the department, to administer a grant program to provide financial assistance to promote the in-state development of infrastructure, food waste prevention, or other projects to reduce organic waste or to process organic and other recyclable materials into new value-added products. Current law requires the program to provide eligible financial assistance for certain activities, including recyclable material manufacturing. Current law specifies eligible infrastructure projects for purposes of the program. Current law requires the department to consider if and how the project may benefit disadvantaged communities in awarding a grant for organics composting or organics in-vessel digestion. This bill would expand the scope of the grant program to include providing financial assistance to promote in-state development of projects to sort and aggregate organic and other recyclable materials, as provided, or to divert items from disposal through enhanced reuse opportunities. The bill would require the grant program to provide eligible financial assistance for increasing opportunities for reuse of materials diverted from landfill disposal and for recyclable material recovery, sorting, or bailing equipment for use at publicly owned facilities. The bill would authorize eligible infrastructure projects for the grant program to include projects undertaken by a local government at publicly owned facilities to improve the recovery,

sorting, or baling of recyclable materials to get those materials into the marketplace, the purchase of equipment and construction of facilities to help develop, implement, or expand edible food waste recovery operations, and the establishment of reuse programs to divert items from landfill disposal for reuse by members of the public.

**Position**  
Watch

**Assigned**  
Jessica

**Subject**

**Group**  
ACE

**AB 1550 (Bennett D) Green hydrogen.**

**Current Text:** Amended: 5/22/2023 [html](#) [pdf](#)

**Current Analysis:** 05/24/2023 [Assembly Floor Analysis \(text 5/22/2023\)](#)

**Introduced:** 2/17/2023

**Last Amend:** 5/22/2023

**Status:** 6/2/2023-Failed Deadline pursuant to Rule 61(a)(8). (Last location was INACTIVE FILE on 6/1/2023)(May be acted upon Jan 2024)

**Location:** 6/2/2023-A. 2 YEAR

Desk	Policy	Fiscal	2 year	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Would require, on and after January 1, 2045, that all hydrogen produced and used in California for the generation of electricity or fueling of vehicles be green hydrogen, as defined, in furtherance of the state's policy to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045. The bill would require the State Air Resources Board, in consultation with the Public Utilities Commission and the State Energy Resources Conservation and Development Commission, to develop interim targets to ensure the state achieves that requirement. Because a violation of a state board regulation implementing this requirement would be a crime, the bill would impose a state-mandated local program.

**Position**  
Oppose, unless  
amended

**Assigned**  
Spencer

**Subject**

**Group**  
ACE

**AB 1567 (Garcia D) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.**

**Current Text:** Amended: 5/26/2023 [html](#) [pdf](#)

**Current Analysis:** 05/26/2023 [Assembly Floor Analysis \(text 5/26/2023\)](#)

**Introduced:** 2/17/2023

**Last Amend:** 5/26/2023

**Status:** 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

**Location:** 6/14/2023-S. N.R. & W.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,995,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.

**Position**  
Support, if  
amended

**Assigned**  
Spencer

**Subject**  
Bond

**Group**  
SLC

**AB 1586 (Hart D) Community services districts.**

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023) (May be acted upon Jan 2024)

**Location:** 5/5/2023-A. 2 YEAR

2 year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Existing law, the Community Services District Law, provides for the formation of community services districts, governed by a 5-member board of directors, to provide specified services within the boundaries of the district and for the financing of those services by specified charges and indebtedness. Under that law, a district may destroy a record pursuant to specified provisions governing the destruction of records of special districts. This bill would make a nonsubstantive change to that provision.

**Position**

**Assigned**

**Subject**

**Group**

**AB 1594 (Garcia D) Medium- and heavy-duty zero-emission vehicles: public agency utilities.****Current Text:** Enrolled: 9/18/2023 [html](#) [pdf](#)**Current Analysis:** 09/13/2023 [Assembly Floor Analysis](#) (text 9/1/2023)**Introduced:** 2/17/2023**Last Amend:** 9/1/2023**Status:** 9/13/2023-Read third time. Passed. Ordered to the Assembly. (Ayes 34. Noes 1.). In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. To Engrossing and Enrolling.**Location:** 9/13/2023-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Current law establishes the Air Quality Improvement Program that is administered by the State Air Resources Board for purposes of funding projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality, and establishes the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program within the Air Quality Improvement Program to make financing tools and nonfinancial supports available to operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. This bill would require any state regulation that seeks to require, or otherwise compel, the procurement of medium- and heavy-duty zero-emission vehicles to authorize public agency utilities to purchase replacements for traditional utility-specialized vehicles that are at the end of life when needed to maintain reliable service and respond to major foreseeable events, including severe weather, wildfires, natural disasters, and physical attacks, as specified. The bill would define a public agency utility to include a local publicly owned electric utility, a community water system, a water district, and a wastewater treatment provider, as specified.

**Position**

Support

**Assigned**

Jessica

**Subject****Group**

ACE

**AB 1596 (Alvarez D) Watershed, Clean Beaches, and Water Quality Act: beaches: water quality.****Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)**Introduced:** 2/17/2023**Status:** 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.S. & T.M. on 3/9/2023)(May be acted upon Jan 2024)**Location:** 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Existing law, the Watershed, Clean Beaches, and Water Quality Act, among other things, provides that it is the intent of the Legislature that the purpose of maintaining clean beaches, clean water, and an integrated and coordinated watershed program is to protect beaches, coastal waters, rivers, lakes, and streams from contaminants, pollution, and other environmental threats. The act requires the State Water Resources Control Board, in consultation with the State Coastal Conservancy, to award grants to public agencies and nonprofit organizations for projects designed to improve water quality at public beaches, as specified. This bill would require the board, to the extent feasible, to identify and implement projects to improve beach access and address ocean water quality on public beaches that experience significant restrictions of use, as defined, due to bacteria levels that exceed public health standards, whether the source is from urban runoff or transboundary flows.

**Position**

Watch

**Assigned**

Jessica

**Subject****Group**

SLC

**AB 1628 (McKinnor D) Microfiber filtration.****Current Text:** Enrolled: 9/18/2023 [html](#) [pdf](#)**Current Analysis:** 09/12/2023 [Assembly Floor Analysis](#) (text 9/8/2023)**Introduced:** 2/17/2023**Last Amend:** 9/8/2023**Status:** 9/13/2023-Senate amendments concurred in. To Engrossing and Enrolling.**Location:** 9/13/2023-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Would require, on and after January 1, 2029, that all new washing machines sold or offered for sale in California for residential or state use contain a microfiber filtration system, as defined, with a mesh size not greater than 100 micrometers, and bear a label with a specified consumer notice, as provided. The bill would provide that a violation of these provisions is punishable by a specified civil penalty, upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney.



**Position**  
Support

**Assigned**  
Jessica

**Attachment No. 1**  
**Subject**  
ACE, SLC

**Group**  
ACE, SLC

**AB 1637 (Irwin D) Local government: internet websites and email addresses.**

**Current Text:** Enrolled: 9/18/2023 [html](#) [pdf](#)

**Current Analysis:** 09/12/2023 [Assembly Floor Analysis](#) (text 6/29/2023)

**Introduced:** 2/17/2023

**Last Amend:** 6/29/2023

**Status:** 9/13/2023-Senate amendments concurred in. To Engrossing and Enrolling.

**Location:** 9/13/2023-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would, no later than January 1, 2029, require a local agency, as defined, that maintains an internet website for use by the public to ensure that the internet website utilizes a ".gov" top-level domain or a ".ca.gov" second-level domain and would require a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a ".gov" or ".ca.gov" domain. This bill, no later than January 1, 2029, would also require a local agency that maintains public email addresses to ensure that each email address provided to its employees utilizes a ".gov" domain name or a ".ca.gov" domain name. By adding to the duties of local officials, the bill would impose a state-mandated local program.

**Position**  
Watch

**Assigned**  
Jessica

**Subject**

**Group**  
SLC

**AB 1660 (Ta R) Cosmetic products: perfluoroalkyl and polyfluoroalkyl substances (PFAS).**

**Current Text:** Amended: 4/10/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Last Amend:** 4/10/2023

**Status:** 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.S. & T.M. on 3/9/2023)(May be acted upon Jan 2024)

**Location:** 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law prohibits, beginning January 1, 2025, a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). Current law defines, for these purposes, "PFAS" to mean a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom, and "intentionally added PFAS" to mean PFAS chemicals that a manufacturer has intentionally added to a product and that have a functional or technical effect on the product, or PFAS chemicals that are intentional breakdown products of an added chemical. This bill would authorize a person or entity to petition the board to exempt an intentionally added PFAS from that prohibition, and would authorize the State Air Resources Board to, in consultation with the State Water Resources Control Board, the Office of Environmental Health Hazard Assessment, and the Department of Toxic Substances Control, exempt an intentionally added PFAS from that prohibition if the state board determines that the intentionally added PFAS meets specified qualifications. The bill would require the petitioner to provide specified information in their exemption petition to the board, including, among other things, the name of the intentionally added PFAS proposed for exemption, its intended end use, and its intended concentration in the proposed cosmetic product.

**Position**  
Oppose

**Assigned**  
Jessica

**Subject**

**Group**  
SLC

**AB 1705 (McKinnor D) Solid waste facilities: state policy goals.**

**Current Text:** Amended: 3/21/2023 [html](#) [pdf](#)

**Current Analysis:** 05/15/2023 [Assembly Appropriations](#) (text 3/21/2023)

**Introduced:** 2/17/2023

**Last Amend:** 3/21/2023

**Status:** 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 4/10/2023) (May be acted upon Jan 2024)

**Location:** 5/19/2023-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law prohibits a person from establishing or expanding a solid waste facility in a county after a countywide or regional agency integrated waste management plan has been approved unless the solid waste facility is, among other things, a disposal facility, a transformation facility, or an EMSW conversion facility that meets specific criteria. Current law defines an "EMSW conversion facility" as a facility where municipal solid waste conversion that meets specific requirements takes place and

defines "transformation" as incineration, pyrolysis, distillation, chemical conversion, excluding composting, gasification, EMSW conversion, or biomass conversion. Current law authorizes the Department of Resources Recycling and Recovery, by regulation, to specify classifications of solid waste facilities that are exempt from these and other facility regulations if the department makes specific findings, including that the nature of the solid wastes poses no significant threat to the public health, the public safety, or the environment. This bill would prohibit a person from establishing or expanding a transformation facility or an EMSW conversion facility in the state until the Department of Resources Recycling and Recovery has determined that the state has achieved the above-described solid waste and organic waste policy goals of the state for 3 consecutive years.

**Position**  
Watch

**Assigned**  
Jessica

**Subject**

**Group**  
ACE, SLC

**AB 1711 (Carrillo, Juan D) Energy: hydrogen: Clean Energy Equity Act.**

**Current Text:** Amended: 4/10/2023 [html](#) [pdf](#)

**Current Analysis:** 05/15/2023 [Assembly Appropriations](#) (text 4/10/2023)

**Introduced:** 2/17/2023

**Last Amend:** 4/10/2023

**Status:** 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2023)(May be acted upon Jan 2024)

**Location:** 5/19/2023-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would enact the Clean Energy Equity Act and would require the State Energy Resources Conservation and Development Commission to equitably allocate moneys appropriated by the Legislature for hydrogen-fueling infrastructure to specifically prioritize rural communities and low-income communities. The bill would require the commission and the State Air Resources Board, except as provided, to jointly review and submit a report to the Legislature on the progress toward establishing hydrogen-fueling infrastructure that is equally accessible to all communities, especially rural communities and low-income communities.

**Position**  
Watch

**Assigned**  
Spencer

**Subject**

**Group**  
ACE

**SB 12 (Stern D) California Global Warming Solutions Act of 2006: emissions limit.**

**Current Text:** Introduced: 12/5/2022 [html](#) [pdf](#)

**Current Analysis:** 05/12/2023 [Senate Appropriations](#) (text 12/5/2022)

**Introduced:** 12/5/2022

**Status:** 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)

**Location:** 5/19/2023-S. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Under the California Global Warming Solutions Act of 2006, the State Air Resources Board is required to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by no later than December 31, 2030. Under the act, a violation of a rule, regulation, order, emission limitation, emission reduction measure, or other measure adopted by the state board under the act is a crime. This bill instead would require the state board to ensure that statewide greenhouse gas emissions are reduced to at least 55% below the 1990 level by no later than December 31, 2030.

**Position**  
Watch

**Assigned**  
Jessica

**Subject**

**Group**  
ACE

**SB 34 (Umberg D) Surplus land disposal: violations: County of Orange.**

**Current Text:** Enrollment: 9/18/2023 [html](#) [pdf](#)

**Current Analysis:** 09/11/2023 [Senate Floor Analyses](#) (text 8/24/2023)

**Introduced:** 12/5/2022

**Last Amend:** 8/24/2023

**Status:** 9/18/2023-Enrolled and presented to the Governor at 3 p.m.

**Location:** 9/18/2023-S. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law prescribes requirements for the disposal of land determined to be surplus land by a local agency. Those requirements include a requirement that a local agency, prior to disposing of a property or participating in negotiations to dispose of that property with a prospective transferee,

send a written notice of availability of the property to specified entities, depending on the property's intended use, and send specified information in regard to the disposal of the parcel of surplus land to the Department of Housing and Community Development. Current law, among other enforcement provisions, makes a local agency that disposes of land in violation of these disposal provisions, after receiving notification of violation from the department, liable for a penalty of 30% of the final sale price of the land sold in violation for a first violation and 50% for any subsequent violation. Under current law, except as specified, a local agency has 60 days to cure or correct an alleged violation before an enforcement action may be brought. Current law provides for the deposit and use of penalty revenues for housing, as prescribed. This bill, until January 1, 2030, would require the County of Orange, or any city located within the County of Orange, if notified by the department that its planned disposal of surplus land is in violation of existing law, to cure or correct the alleged violation within 60 days, as prescribed. The bill would prohibit a County of Orange jurisdiction that has not cured or corrected any alleged violation from disposing of the parcel until the department determines that it has complied with existing law or deems the alleged violation not to be a violation.

**Position**  
Watch

**Assigned**  
Spencer

**Subject**

**Group**  
SLC

**SB 229**

**(Umberg D) Surplus land: disposal of property: violations: public meeting.**

**Current Text:** Enrolled: 9/18/2023 [html](#) [pdf](#)

**Current Analysis:** 09/11/2023 [Senate Floor Analyses](#) (text 9/7/2023)

**Introduced:** 1/23/2023

**Last Amend:** 9/7/2023

**Status:** 9/18/2023-Enrolled and presented to the Governor at 3 p.m.

**Location:** 9/18/2023-S. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would require a local agency that is disposing of surplus land and has received a notification of violation from the Department of Housing and Community Development to hold an open and public meeting to review and consider the substance of the notice of violation. The bill would require the local agency's governing body to provide prescribed notice no later than the time required by specified provisions. The bill would prohibit the local agency's governing body from taking final action to ratify or approve the proposed disposal of surplus land until a public meeting is held as required. The bill would exempt from its provisions a local agency that ceases to dispose of surplus land after receiving the notice of violation. By imposing new duties on local agencies, the bill would impose a state-mandated local program.

**Position**  
Disapprove

**Assigned**  
Spencer

**Subject**

**Group**  
SLC

**SB 265**

**(Hurtado D) Cybersecurity preparedness: critical infrastructure sectors.**

**Current Text:** Amended: 6/19/2023 [html](#) [pdf](#)

**Current Analysis:** 07/07/2023 [Assembly Emergency Management](#) (text 6/19/2023)

**Introduced:** 1/31/2023

**Last Amend:** 6/19/2023

**Status:** 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 7/10/2023) (May be acted upon Jan 2024)

**Location:** 9/1/2023-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The California Emergency Services Act, among other things, creates the Office of Emergency Services (Cal OES), which is responsible for the state's emergency and disaster response services, as specified. Current law requires Cal OES to establish the California Cybersecurity Integration Center (Cal-CSIC) with the primary mission of reducing the likelihood and severity of cyber incidents that could damage California's economy, its critical infrastructure, or public and private sector computer networks in the state. This bill would require Cal OES to direct Cal-CSIC to prepare, and Cal OES to submit to the Legislature on or before January 1, 2025, a strategic, multiyear outreach plan to assist critical infrastructure sectors, as defined, in their efforts to improve cybersecurity and an evaluation of options for providing grants or alternative forms of funding to, and potential voluntary actions that do not require funding and that assist, that sector in their efforts to improve cybersecurity preparedness.

**Position**  
Watch

**Assigned**  
Jessica

**Subject**

**Group**  
SLC

**SB 308**

**(Becker D) Carbon Dioxide Removal Market Development Act.**

**Current Text:** Amended: 5/18/2023 [html](#) [pdf](#)

**Current Analysis:** 05/23/2023 [Senate Floor Analyses](#) (text 5/18/2023)

**Introduced:** 2/2/2023

**Last Amend:** 5/18/2023

**Attachment No. 11.a**

**Status:** 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was NAT. RES. on 6/8/2023)(May be acted upon Jan 2024)

**Location:** 7/14/2023-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would enact the Carbon Dioxide Removal Market Development Act that would require the State Air Resources Board, no later than December 31, 2027, to adopt a regulation to require certain emitting entities to purchase negative emissions credits equal to a specified amount of their greenhouse gas emissions, as determined by the state board, in each calendar year beginning in the 2028 calendar year in accordance with specified requirements. The bill would require the state board, no later than December 31, 2027, to establish rules and processes for certifying carbon dioxide removal processes that may be used to create negative emissions credits and for tracking negative emissions credits in accordance with certain criteria. The bill would also require negative emissions resulting from the use of negative emissions credits to be included in the calculation of the state's net greenhouse gas emissions, as specified.

Position	Assigned	Subject	Group
Refer to ACE Committee	Jessica		ACE

**SB 366**

**(Caballero D) The California Water Plan: long-term supply targets.**

**Current Text:** Amended: 6/29/2023 [html](#) [pdf](#)

**Current Analysis:** 07/10/2023 [Assembly Water, Parks And Wildlife](#) (text 6/29/2023)

**Introduced:** 2/8/2023

**Last Amend:** 6/29/2023

**Status:** 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was W.,P. & W. on 6/8/2023)(May be acted upon Jan 2024)

**Location:** 7/14/2023-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires the Department of Water Resources to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state, which is known as "The California Water Plan." Current law requires the department to include a discussion of various strategies in the plan update, including, but not limited to, strategies relating to the development of new water storage facilities, water conservation, water recycling, desalination, conjunctive use, water transfers, and alternative pricing policies that may be pursued in order to meet the future needs of the state. Current law requires the department to establish an advisory committee to assist the department in updating the plan. This bill would revise and recast certain provisions regarding The California Water Plan to, among other things, require the department to instead establish a stakeholder advisory committee and to expand the membership of the committee to include tribes, labor, and environmental justice interests. The bill would require the department to coordinate with the California Water Commission, the State Water Resources Control Board, other state and federal agencies as appropriate, and the stakeholder advisory committee to develop a comprehensive plan for addressing the state's water needs and meeting specified long-term water supply targets established by the bill for purposes of The California Water Plan. The bill would require the plan to provide recommendations and strategies to ensure enough water supply for all beneficial uses.

Position	Assigned	Subject	Group
Support, if amended	Jessica		SLC

**SB 389**

**(Allen D) State Water Resources Control Board: investigation of water right.**

**Current Text:** Enrolled: 9/14/2023 [html](#) [pdf](#)

**Current Analysis:** 09/12/2023 [Senate Floor Analyses](#) (text 8/31/2023)

**Introduced:** 2/9/2023

**Last Amend:** 8/31/2023

**Status:** 9/12/2023-Assembly amendments concurred in. (Ayes 30. Noes 8.) Ordered to engrossing and enrolling.

**Location:** 9/12/2023-S. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law provides generally for the appropriation of water. Existing law authorizes the State Water Resources Control Board to investigate bodies of water, to take testimony in regard to the rights to water or the use of water, and to ascertain whether or not water is appropriated lawfully, as provided. Under current law, the diversion or use of water other than as authorized by specified

provisions of law is a trespass, subject to specified civil liability. This bill would authorize the board to investigate and ascertain whether or not a water right is valid. The bill would authorize the board to issue an information order in furtherance of an investigation, as executed by the executive director of the board, as specified. The bill would authorize a diversion or use of water ascertained to be unauthorized to be enforced as a trespass, as specified.

**Position**  
Refer to SLC

**Assigned**  
Jessica

**Subject**

**Group**  
SLC

**SB 411**

**(Portantino D) Open meetings: teleconferences: neighborhood councils.**

**Current Text:** Enrollment: 9/11/2023 [html](#) [pdf](#)

**Current Analysis:** 08/25/2023 [Senate Floor Analyses](#) (text 8/14/2023)

**Introduced:** 2/9/2023

**Last Amend:** 8/14/2023

**Status:** 9/11/2023-Enrolled and presented to the Governor at 3 p.m.

**Location:** 9/11/2023-S. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would, until January 1, 2026, authorize an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and 2/3 of an eligible legislative body votes to use the alternate teleconferencing provisions. The bill would define "eligible legislative body" for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act. The bill would require an eligible legislative body authorized under the bill to provide publicly accessible physical locations for public participation, as prescribed. The bill would also require that at least a quorum of the members of the neighborhood council participate from locations within the boundaries of the city in which the neighborhood council is established. The bill would require that, at least once per year, at least a quorum of the members of the eligible legislative body participate in person from a singular physical location that is open to the public and within the boundaries of the eligible legislative body.

**Position**  
Support Coalition

**Assigned**  
Spencer

**Subject**

**Group**  
Attorneys,  
SLC

**SB 414**

**(Allen D) Climate change: applications using hydrogen: assessment.**

**Current Text:** Amended: 5/18/2023 [html](#) [pdf](#)

**Current Analysis:** 08/14/2023 [Assembly Appropriations](#) (text 5/18/2023)

**Introduced:** 2/9/2023

**Last Amend:** 5/18/2023

**Status:** 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/16/2023)(May be acted upon Jan 2024)

**Location:** 9/1/2023-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would, on or before December 31, 2025, require the State Air Resources Board, in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission) and the Public Utilities Commission (PUC), upon appropriation by the Legislature, to complete an assessment of the use of hydrogen in certain applications, as specified. The bill would require the assessment to incorporate the findings of, and not duplicate, the above-described evaluation. The bill would require the state board, the Energy Commission, and the PUC to consider the findings in the assessment in their plans, rulemakings, reports, or other process related to the planning, implementation, or regulation of hydrogen production, distribution, storage, or usage in the state.

**Position**  
Watch

**Assigned**  
Jessica

**Subject**

**Group**  
ACE

**SB 477**

**(Committee on Housing) Accessory dwelling units.**

**Current Text:** Amended: 6/22/2023 [html](#) [pdf](#)

**Current Analysis:** 07/03/2023 [Senate Floor Analyses](#) (text 6/22/2023)

**Introduced:** 2/14/2023

**Last Amend:** 6/22/2023

**Status:** 8/14/2023-Action rescinded whereby the bill was read a third time, urgency clause adopted, and passed to the Senate. Ordered to inactive file on request of Assembly Member Hart.

**Location:** 8/14/2023-A. INACTIVE FILE



Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Attachment No. 11a		
1st House				2nd House				Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Current law provides for the creation by local ordinance, or by ministerial approval if a local agency has not adopted an ordinance, of accessory dwelling units to allow single-family or multifamily dwelling residential use in accordance with specified standards and conditions. Current law also provides for the creation of junior accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. This bill would make nonsubstantive changes and reorganize various provisions relating to the creation and regulation of accessory dwelling units and junior accessory dwelling units, including the provisions described above, and would make related nonsubstantive conforming changes.

Position	Assigned	Subject	Group
Watch	Spencer		Attorneys, SLC

**SB 488 (Alvarado-Gil D) California Renewables Portfolio Standard Program: bioenergy projects: community choice aggregators.**

**Current Text:** Amended: 4/10/2023 [html](#) [pdf](#)

**Current Analysis:** 04/21/2023 [Senate Energy, Utilities And Communications \(text 4/10/2023\)](#)

**Introduced:** 2/14/2023

**Last Amend:** 4/10/2023

**Status:** 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E. U., & C. on 2/22/2023)(May be acted upon Jan 2024)

**Location:** 4/28/2023-S. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Current law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Current law requires electrical corporations, by December 1, 2023, to collectively procure, through financial commitments of 5 to 15 years, inclusive, their proportionate share of 125 megawatts of cumulative rated generating capacity from existing bioenergy projects that commenced operations before June 1, 2013, and requires a local publicly owned electric utility serving more than 100,000 customers to procure its proportionate share of 125 megawatts of cumulative rated generating capacity from bioenergy projects subject to terms of at least 5 years, but exempts from these requirements a local publicly owned electric utility that previously entered into 5-year financial commitments for its proportionate share under certain conditions. This bill would authorize the cumulative rated generating capacity to be procured from bioenergy projects regardless of when the projects commence operations.

Position	Assigned	Subject	Group
Watch	Jessica		ACE

**SB 493 (Min D) Air pollution: alternative vehicles and electric and hydrogen infrastructure.**

**Current Text:** Enrolled: 9/14/2023 [html](#) [pdf](#)

**Current Analysis:** 09/11/2023 [Senate Floor Analyses \(text 6/19/2023\)](#)

**Introduced:** 2/14/2023

**Last Amend:** 6/19/2023

**Status:** 9/12/2023-Assembly amendments concurred in. (Ayes 39. Noes 0.) Ordered to engrossing and enrolling.

**Location:** 9/12/2023-S. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Current law requires the State Energy Resources Conservation and Development Commission (Energy Commission), in consultation with the State Air Resources Board (state board) and the Public Utilities Commission (PUC), to prepare a statewide assessment of fuel cell electric vehicle fueling infrastructure and fuel production needed to support the adoption of zero-emission trucks, buses, and off-road vehicles at levels necessary for the state to meet the goals and requirements of Executive Order No. N-79-20 and any state board regulatory action that requires or allows zero-emission vehicles in the heavy-duty vehicle and off-road sectors. Current law also requires the Energy Commission, working with the state board and the PUC, to prepare a statewide assessment of the electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet its goals of putting at least 5,000,000 zero-emission vehicles on California roads by 2030, and of reducing emissions of greenhouse gases to 40% below 1990 levels by 2030. This bill would require the assessment of the fuel cell electric vehicle fueling infrastructure and fuel production to additionally include an assessment of storage and transport facilities, and the assessment of the electric vehicle charging infrastructure to additionally include electric system infrastructure and electric generation. The bill would expand the scope of the latter assessment to include the electric vehicle charging infrastructure, electric system infrastructure, and

electric generation needed for the state to meet the goals of Executive Order No. 79-24 and any state board regulatory action that requires or allows zero-emission vehicles in the heavy-duty vehicle and off-road sectors. The bill would require both assessments to identify any barriers to the deployment of hydrogen infrastructure and any barriers to the deployment of electric infrastructure, respectively, for medium- and heavy-duty fleets and recommendations for addressing those barriers. The bill would require the Energy Commission to publish a determination regarding the adequacy of completed or planned charging or fueling sites for the 5 years following the completion of the initial statewide assessment and the findings of the electric vehicle charging infrastructure assessment, as provided.

**Position**  
Watch

**Assigned**  
Spencer

**Subject**

**Group**  
ACE

**SB 501**

**(Newman D) Retail hydrogen refueling stations: reliability and service quality plan.**

**Current Text:** Amended: 4/19/2023 [html](#) [pdf](#)

**Current Analysis:** 04/28/2023 [Senate Appropriations](#) (text 4/19/2023)

**Introduced:** 2/14/2023

**Last Amend:** 4/19/2023

**Status:** 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)

**Location:** 5/19/2023-S. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Would require a retail hydrogen refueling station operator to maintain a publicly available online customer feedback portal, and prominently display the internet website address for the feedback portal at the operator's retail hydrogen refueling station in a place clearly visible to a customer during refueling. The bill would disqualify a retail hydrogen refueling station operator from receiving a publicly funded grant if the operator fails to comply. The bill would require the energy commission to convene a public workshop process to develop mechanisms to improve consumer access to information about the status of a retail hydrogen refueling station's ability to meet refueling demands and recommend ways a consumer can provide feedback on service concerns at a retail hydrogen refueling station.

**Position**  
Watch

**Assigned**  
Jessica

**Subject**

**Group**  
ACE

**SB 537**

**(Becker D) Open meetings: multijurisdictional, cross-county agencies: teleconferences.**

**Current Text:** Amended: 9/5/2023 [html](#) [pdf](#)

**Current Analysis:** 09/05/2023 [Assembly Floor Analysis](#) (text 9/5/2023)

**Introduced:** 2/14/2023

**Last Amend:** 9/5/2023

**Status:** 9/14/2023-Ordered to inactive file on request of Assembly Member Bryan.

**Location:** 9/14/2023-A. INACTIVE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely. The bill would authorize the legislative body of a multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require the legislative body to provide a record of attendance of the members of the legislative body, the number of community members in attendance in the teleconference meeting, and the number of public comments on its internet website within 10 days after a teleconference meeting, as specified. The bill would require at least a quorum of members of the legislative body to participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction.

**Position**

**Assigned**

**Subject**

**Group**

**SB 561****(Blakespear D) Public contracts: environmentally preferable purchasing.****Current Text:** Introduced: 2/15/2023 [html](#) [pdf](#)**Introduced:** 2/15/2023**Status:** 2/22/2023-Referred to Com. on RLS.**Location:** 2/15/2023-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires the Department of General Services, in consultation with the California Environmental Protection Agency, members of the public, industry, and public health and environmental organizations, to provide state agencies with information and assistance regarding environmentally preferable purchasing. Existing law defines "environmentally preferable purchasing" for purposes of those provisions. This bill would make a nonsubstantive change to the definition of "environmentally preferable purchasing."

**Position**  
Watch

**Assigned**  
Jessica

**Subject**

**Group**  
SLC

**SB 613****(Seyarto R) Organic waste: reduction goals: local jurisdictions: low-population waiver.****Current Text:** Enrollment: 9/14/2023 [html](#) [pdf](#)**Current Analysis:** 09/11/2023 [Senate Floor Analyses](#) (text 6/28/2023)**Introduced:** 2/15/2023**Last Amend:** 6/28/2023**Status:** 9/14/2023-Assembly amendments concurred in. (Ayes 39. Noes 1.) Ordered to engrossing and enrolling.**Location:** 9/14/2023-S. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires the State Air Resources Board to approve and begin implementing a comprehensive short-lived climate pollutant strategy to achieve a certain reduction in statewide emissions of methane, including a goal of a 75% reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025. Current law requires the Department of Resources Recycling and Recovery, in consultation with the state board, to adopt regulations that achieve those targets for reducing organic waste in landfills that may include, among other things, different levels of requirements for local jurisdictions and phased timelines based upon their progress in meeting the organic waste reduction goals, and penalties to be imposed by the department for noncompliance. This bill would, for a local jurisdiction, as defined, waive those requirements and regulations until December 31, 2028, if the local jurisdiction does not qualify for other specified waivers, disposed of fewer than 5,000 tons of solid waste in 2014, and has fewer than 7,500 people, as provided.

**Position**  
Watch

**Assigned**  
Spencer

**Subject**

**Group**  
SLC

**SB 638****(Eggman D) Climate Resiliency and Flood Protection Bond Act of 2024.****Current Text:** Amended: 6/28/2023 [html](#) [pdf](#)**Current Analysis:** 05/23/2023 [Senate Floor Analyses](#) (text 5/18/2023)**Introduced:** 2/16/2023**Last Amend:** 6/28/2023**Status:** 7/6/2023-July 11 hearing postponed by committee.**Location:** 6/15/2023-A. W., P. & W.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would enact the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,000,000,000 pursuant to the State General Obligation Bond Law, for flood protection and climate resiliency projects.

**Position**  
Support, if amended

**Assigned**  
Spencer

**Subject**  
Bond

**Group**  
SLC

**SB 663****(Archuleta D) California Renewables Portfolio Standard Program: renewable hydrogen.****Current Text:** Amended: 5/18/2023 [html](#) [pdf](#)**Current Analysis:** 05/25/2023 [Senate Floor Analyses](#) (text 5/18/2023)**Introduced:** 2/16/2023**Last Amend:** 5/18/2023**Status:** 6/2/2023-Failed Deadline pursuant to Rule 61(a)(8). (Last location was INACTIVE FILE on



**Location:** 6/2/2023-S. 2 YEAR

Desk	Policy	Fiscal	2 year	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Current law establishes the California Renewables Portfolio Standard Program, which requires the Public Utilities Commission to implement annual procurement targets for the procurement of eligible renewable energy resources, which is defined as an electrical generating facility that meets the definition of "renewable electrical generation facility" subject to certain conditions, for all retail sellers, as defined, and requires local publicly owned electric utilities to adopt and implement a renewable energy resources procurement plan to achieve the targets and goals of the program. This bill would include a facility that uses renewable hydrogen, as defined, meeting certain requirements, including a requirement that sellers and purchasers of renewable hydrogen comply with a system for tracking and verifying the use of renewable hydrogen, as a renewable electrical generation facility for purposes of the California Renewables Portfolio Standard Program.

**Position**

Watch

**Assigned**

Jessica

**Subject****Group**

ACE

**SB 674****(Gonzalez D) Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.****Current Text:** Amended: 9/1/2023 [html](#) [pdf](#)**Current Analysis:** 09/01/2023 [Assembly Floor Analysis](#) (text 9/1/2023)**Introduced:** 2/16/2023**Last Amend:** 9/1/2023**Status:** 9/14/2023-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/14/2023)(May be acted upon Jan 2024)**Location:** 9/14/2023-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	2 year	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Current law requires a refinery-related community air monitoring system to be installed near each petroleum refinery that meets certain requirements. Current law requires the owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district or air pollution control district. Current law requires the air districts and the owners or operators of refineries to collect real-time data from those monitoring systems, maintain records of that data, and, to the extent feasible, provide to the public the data in a publicly accessible format. This bill would expand the definition of a refinery for these purposes to include related facilities located on contiguous or adjacent properties and to include refineries engaging in other types of refining processes, including those using noncrude oil feedstock. The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be updated or installed on or before January 1, 2028, after a 30-day public comment period, as specified. The bill would require the appropriate air district to establish pollutants for the monitoring systems to monitor and would include certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would authorize the air district to exclude a pollutant for monitoring at those monitoring systems, as provided. The bill would require air districts, on a 5-year basis, to review the list of pollutants being measured and would authorize the air districts to revise the list, as provided. The bill would require the air districts and the owners and operators of refineries to maintain records of the data collected from those systems for at least 5 years and would require the owners and operators to post online, and to notify the public of the availability of, quarterly reports containing certain information.

**Position**

Watch

**Assigned**

Jessica

**Subject****Group**

ACE

**SB 705****(Ashby D) Utility workers: harassment: public campaign.****Current Text:** Amended: 4/18/2023 [html](#) [pdf](#)**Current Analysis:** 04/28/2023 [Senate Appropriations](#) (text 4/18/2023)**Introduced:** 2/16/2023**Last Amend:** 4/18/2023**Status:** 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)**Location:** 5/19/2023-S. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Would require the Public Utilities Commission to develop, in coordination with electrical corporations, gas corporations, and the unions representing the impacted workers, and conduct a 5-year, statewide, public campaign to raise awareness and understanding around the harassment of utility workers and contractors in the state, as specified. The bill would require the commission, at the

end of each year of the campaign, to evaluate the effectiveness of the campaign and to prepare and publish on its internet website an annual report describing the campaign's activities, effectiveness, and gaps, as specified. The bill would require implementation of these provisions to be subject to the commission receiving sufficient funding for the campaign.

Position	Assigned	Subject	Group
Watch Spot Bill	Jessica		SLC

**SB 706 (Caballero D) Public contracts: progressive design-build: local agencies.**

**Current Text:** Enrollment: 9/7/2023 [html](#) [pdf](#)

**Current Analysis:** 08/25/2023 [Senate Floor Analyses](#) (text 6/28/2023)

**Introduced:** 2/16/2023

**Last Amend:** 6/28/2023

**Status:** 9/7/2023-Enrolled and presented to the Governor at 4 p.m.

**Location:** 9/7/2023-S. ENROLLED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law, until January 1, 2029, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of \$5,000,000 for each project, similar to the progressive design-build process authorized for use by the Director of General Services. This bill would, until January 1, 2030, provide additional authority for cities, counties, cities and counties, or special districts to use the progressive design-build process for up to 10 public works in excess of \$5,000,000, not limited to water-related projects, excluding projects on state-owned or state-operated facilities. The bill would require information to be provided under penalty of perjury and would require similar reports due no later than December 31, 2028.

Position	Assigned	Subject	Group
Watch Close	Spencer		SLC

**SB 709 (Allen D) Low-Carbon Fuel Standard regulations: biogas derived from livestock manure.**

**Current Text:** Amended: 3/30/2023 [html](#) [pdf](#)

**Current Analysis:** 04/28/2023 [Senate Appropriations](#) (text 3/30/2023)

**Introduced:** 2/16/2023

**Last Amend:** 3/30/2023

**Status:** 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)

**Location:** 5/19/2023-S. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires the State Air Resources Board to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants in the state to achieve, among other things, a reduction in methane emissions to 40% below 2013 levels by 2030. Current law requires the state board, in consultation with the Department of Food and Agriculture, to adopt regulations to reduce methane emissions from livestock manure management operations and dairy manure management operations consistent with the strategy, as specified. Current law requires those regulations to be implemented on or after January 1, 2024, if the state board, in consultation with the department, makes certain determinations. Current law requires the state board to provide guidance on credits generated pursuant to the Low-Carbon Fuel Standard regulations, and the market-based compliance mechanism, adopted pursuant to the act from the methane reduction protocols described in the comprehensive strategy for short-lived climate pollutants. Existing law requires the state board to ensure that projects developed before the implementation of the regulations to reduce methane emissions from livestock manure management operations and dairy manure management operations receive credit under the Low-Carbon Fuel Standard regulations and the market-based compliance mechanism for at least 10 years. Existing law also makes projects eligible for an extension of credits after the first 10 years, as specified. This bill would eliminate the requirement that the state board ensure those projects receive credit for at least 10 years and would eliminate the requirement for those projects to be eligible for an extension of credits after the first 10 years.

Position	Assigned	Subject	Group
Refer to ACE Committee	Jessica		ACE

**SB 745 (Cortese D) The Drought-Resistant Buildings Act.**

**Current Text:** Enrolled: 9/14/2023 [html](#) [pdf](#)

**Current Analysis:** 09/11/2023 [Senate Floor Analyses](#) (text 9/7/2023)

**Introduced:** 2/17/2023

**Last Amend:** 9/7/2023

## Attachment No. 11.a

**Status:** 9/12/2023-Assembly amendments concurred in. (Ayes 30. Noes 8.) Ordered to engrossing and enrolling.

**Location:** 9/12/2023-S. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conf. Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Would require the California Building Standards Commission to research, develop, and propose building standards to reduce potable water use in new residential and nonresidential buildings, as specified. The bill would require the commission to perform a review of water efficiency and water reuse standards in the California Buildings Standards Code every 3 years, commencing with the next triennial edition, and update as needed.

**Position**  
Neutral, As  
Amended

**Assigned**  
Jessica

**Subject**

**Group**  
SLC

### [SB 747](#)

**(Caballero D) Land use: surplus land.**

**Current Text:** Enrollment: 9/14/2023 [html](#) [pdf](#)

**Current Analysis:** 09/14/2023 [Senate Floor Analyses](#) (text 9/8/2023)

**Introduced:** 2/17/2023

**Last Amend:** 9/8/2023

**Status:** 9/14/2023-Assembly amendments concurred in. (Ayes 40. Noes 0.) Ordered to engrossing and enrolling.

**Location:** 9/14/2023-S. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conf. Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Current law prescribes requirements for the disposal of surplus land by a local agency. Current law defines terms for these purposes. Existing law defines "surplus land" to generally mean land owned in fee simple by a local agency for which the local agency's governing body takes formal action in a public meeting declaring that the land is surplus and not necessary for the agency's use. Current law defines "agency's use" to include land that is being used, is planned to be used pursuant to a written plan adopted by the local agency's governing board, or is disposed of to support agency work or operations. Current law excludes from "agency's use" commercial or industrial uses or activities, or property disposed of for the sole purpose of investment or generation of revenue, unless the local agency is a district, except as specified, and the agency's governing body takes specified actions in a public meeting. Current law excludes from these requirements the disposal of exempt surplus land by an agency of the state or any local government. Current law requires a local agency to declare land as either surplus land or exempt surplus land, as supported by written findings, before a local agency may take any action to dispose of it. Under existing law, exempt surplus land includes, among other types of land, property that is used by a district for an "agency's use" as expressly authorized, land for specified developments, including a mixed-use development, if put out to open, competitive bid by a local agency, as specified, and surplus land that is subject to specified valid legal restrictions. This bill would define the term "dispose" for these purposes to mean the sale of the surplus property or a lease of any surplus property entered into on or after January 1, 2024, for a term longer than 15 years, including renewal options, as specified.

**Position**  
Support, if  
amended

**Assigned**  
Spencer

**Subject**

**Group**  
SLC

### [SB 769](#)

**(Gonzalez D) Local government: fiscal and financial training.**

**Current Text:** Amended: 6/22/2023 [html](#) [pdf](#)

**Current Analysis:** 07/10/2023 [Assembly Appropriations](#) (text 6/22/2023)

**Introduced:** 2/17/2023

**Last Amend:** 6/22/2023

**Status:** 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 7/12/2023)(May be acted upon Jan 2024)

**Location:** 9/1/2023-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conf. Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Would require if a local agency provides any type of compensation, salary, or stipend to a member of a legislative body, or provides reimbursement for actual and necessary expenses incurred by a member of a legislative body in the performance of official duties, all local agency officials, as defined, to receive at least 2 hours of fiscal and financial training, as described. The bill would require the training to be received at least once every 2 years, as provided. The bill would exempt a local agency official from the training requirements if they comply with specified criteria under existing law relating to eligibility for appointment or election to, and continuing education for, the office of county

<b>Position</b>	<b>Assigned</b>	<b>Subject</b>	<b>Group</b>
Watch	Spencer		SLC

**SB 778 (Ochoa Bogh R) Excavations: subsurface installations.**

**Current Text:** Amended: 6/15/2023 [html](#) [pdf](#)

**Current Analysis:** 05/20/2023 [Senate Floor Analyses](#) (text 5/1/2023)

**Introduced:** 2/17/2023

**Last Amend:** 6/15/2023

**Status:** 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was U. & E. on 6/8/2023) (May be acted upon Jan 2024)

**Location:** 7/14/2023-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Safe Dig Act establishes a regional notification system to provide certain entities, defined as operators, that own, operate, and maintain subsurface installations with advance warning of nearby excavations or other work for the purpose of protecting those installations from damage, removal, relocation, or repair. Current law establishes the California Underground Facilities Safe Excavation Board, also known as the Dig Safe Board, composed of 9 members, for the enforcement and administration of the Safe Dig Act. Current law requires the Governor to appoint 7 of the board members. This bill would revise the knowledge and experience requirements for 3 of the members appointed by the Governor.

<b>Position</b>	<b>Assigned</b>	<b>Subject</b>	<b>Group</b>
Neutral, As Amended	Jessica, Spencer		SLC

**SB 781 (Stern D) Methane emissions: natural gas producing low methane emissions.**

**Current Text:** Amended: 6/28/2023 [html](#) [pdf](#)

**Current Analysis:** 08/14/2023 [Assembly Appropriations](#) (text 6/28/2023)

**Introduced:** 2/17/2023

**Last Amend:** 6/28/2023

**Status:** 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/16/2023)(May be acted upon Jan 2024)

**Location:** 9/1/2023-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency responsible for monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases. The act requires all state agencies to consider and implement strategies to reduce their greenhouse gas emissions. This bill would additionally require state agencies to prioritize strategies to reduce methane emissions, including emissions from imported natural gas, where feasible and cost effective. The bill would require the state board, no later than December 31, 2024, to establish a certification standard for natural gas producing low methane emissions. The bill would require the state board to encourage natural gas procurement on behalf of the state to shift to certified natural gas producing low methane emissions.

<b>Position</b>	<b>Assigned</b>	<b>Subject</b>	<b>Group</b>
Watch	Jessica		ACE

**SB 865 (Laird D) Municipal water districts: automatic exclusion of cities.**

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/1/2023) (May be acted upon Jan 2024)

**Location:** 4/28/2023-S. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law authorizes a governing body of a municipal water district to adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, if the territory is annexed prior to the effective date of the formation of the municipal water district. Current law requires the Secretary of State to issue a certificate reciting the passage of the ordinance and the exclusion of the area from the municipal water district within 10 days of receiving a certified copy of the ordinance. This bill would extend the number of days the Secretary of State has to issue a certificate to 14 days.

**Position**  
Watch Spot Bill

**Assigned**  
Jessica

**Subject**  
Attachment No. 1 of 1

**Group**  
SLC

[SB 867](#)

**(Allen D) Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.**

**Current Text:** Amended: 6/22/2023 [html](#) [pdf](#)

**Current Analysis:** 06/16/2023 [Assembly Water, Parks And Wildlife \(text 5/18/2023\)](#)

**Introduced:** 2/17/2023

**Last Amend:** 6/22/2023

**Status:** 7/6/2023-July 10 hearing postponed by committee.

**Location:** 6/20/2023-A. NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would enact the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,500,000,000 pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs.

**Position**  
Support, if amended

**Assigned**  
Spencer

**Subject**  
Bond

**Group**  
SLC

**Total Measures: 93**

**Total Tracking Forms: 93**



**chuckweir@sbcglobal.net**

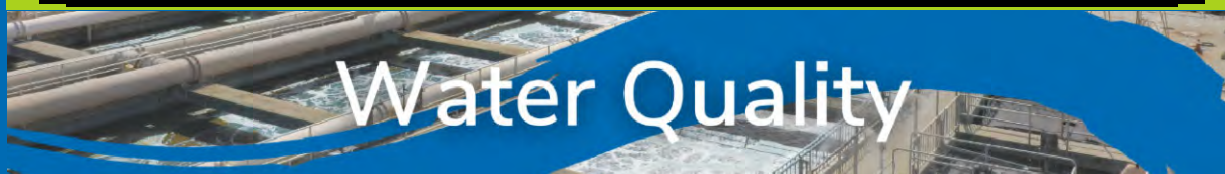
**From:** Jared Voskuhl <JVoskuhl@casaweb.org>  
**Sent:** Thursday, February 1, 2024 1:46 PM  
**Subject:** [Regulatory] CASA Regulatory Update - February 2024



## CASA Updates for February 2024

### **CASA Releases Member Survey, Responses due 2/9**

CASA has developed a brief [survey](#) to help guide our priorities for the coming years. As valued members of our association, your input is crucial in helping us enhance and tailor our offerings to better meet your needs. This survey is your chance to (1) weigh in on the important issues impacting your agency, (2) let us know how you engage with CASA, and (3) share which aspects of CASA membership you find most valuable (and where we can improve!). We are looking for responses from **all** individuals who engage with CASA, so multiple responses from a single agency or company are encouraged! Whether you're a long-time member or recently joined, your perspective is invaluable to us, and we thank you in advance for your participation. The [survey](#) should take no more than 10 minutes to complete, and you can review a [PDF](#) copy of the questions prior to responding to the survey online. We appreciate your time and input. Please provide your responses by Friday, February 9.



### **SWRCB Releases 2024 Strategic Priorities**

On January 31, the State Water Resources Control Board (SWRCB) released [its 2024 Strategic Priorities](#). Amongst the various water quality related initiatives, the designated highest priority items included adopting a hexavalent chromium MCL (1.2.1.), filling water quality protection gaps left by the US Supreme Court *Sackett* decision (2.1.16.), maintaining infrastructure funding programs (3.2.1.), and finalizing the urban water use efficiency framework (3.2.2.) The SWRCB will hear an Informational Item about the 2024 priorities [at their February 6 board meeting](#). [Please reach out](#) with your questions or feedback.

**SWRCB Adopting 2024 Integrated Report and 303(d) List on 2/6**

On February 6, the SWRCB is scheduled to adopt the 2024 Integrated Report and 303(d) list of impaired water bodies for Region 2 (San Francisco), Region 4 (Los Angeles), Region 5 (Central Valley – Sacramento River), and Region 8 (Santa Ana). The proposed [final listing](#), [Staff Report](#), [Response to Comments](#), and [Summary of Comments](#) are linked. Written comments on this item were due last Spring, but oral comments will be accepted at the hearing and included in the rulemaking package that the SWRCB submits to the United States Environmental Protection Agency (USEPA) for approval. If you are planning to testify or have questions or comments, please [reach out](#).

**SWRCB Releases Updated 23-24 CWSRF IUP, Comments due 3/1**

On January 31, the SWRCB released the [“Updated 2023-24 CWSRF Intended Use Plan Comprehensive List”](#) and [“Updated 2023-24 CWSRF Intended Use Plan Fundable List.”](#) Comments are due by March 1. For background, the Fundable List represents those projects the Deputy Director of DFA may fund, and on September 6, 2023, the SWRCB adopted the 2023-24 CWSRF Intended Use Plan (IUP). The CWSRF IUP states that DFA will periodically post an updated Comprehensive List on the CWSRF website which identifies those projects which are on the Fundable List. This updated Fundable List will include wastewater projects eligible for grant/PF per Appendices D and E, public health projects, estuary projects, and water recycling or stormwater projects not requesting repayable CWSRF loan which have applications deemed complete and appear to meet all other eligibility requirements. The CWSRF IUP also describes the State Water Board’s plan for implementing the CWSRF and its complementary financing programs. The IUP also updated the Fundable List and the Comprehensive List and provided the procedure the Division of Financial Assistance (DFA) must use to add additional projects to the Fundable List this fiscal year. You may read more about this update here. [Please reach out](#) if you have questions, concerns, or feedback.

**NWRI Hosts In-Person Mtg. for OAH Model Review Panel on 1/17 & 18**

On January 17 and 18, the National Water Research Institute (NWRI) hosted in-person meetings of the Independent Review Panel (IRP) for the ocean acidification and hypoxia (OAH) model that the Southern California Coastal Watershed Research Project (SCCWRP) has been developing over the last decade. The [agenda is linked](#) and the meetings featured in-depth discussions between the experts, stakeholders, and the modeling team. OC San and Orange County Water District also provided excellent facility tours to provide informal time for participants to connect while simultaneously highlight all of the great work our members do across the state to treat wastewater and protect the environment. Previously, on December 12 and January 9, NWRI hosted virtual meetings of the IRP to discuss background matters about the model and its development, technical underpinnings of the model, and stakeholders’ [statewide](#) and [local concerns](#) with proposed applications of the model. The presentations and discussion at the in-person meetings were recorded and will be archived on this project’s [webpage](#). Another virtual webinar is in the planning phases for the coming weeks. Please [reach out](#) if you have questions.

**SWRCB Announces WWNA Advisory Group, Applications due 2/29**

On January 30, the SWRCB project team announced a call for applications to serve on the Advisory Group for the Wastewater Needs Assessment (WWNA). [The application is linked](#) and due February 29, 2024 [here](#). For background, the SWRCB is conducting a [Wastewater Needs Assessment](#) (WWNA) which focuses on achieving the Human Right to Water for all Californians and includes sanitation equity to inform the long-term efforts of the SWRCB and Regional Water Quality Control Boards. The Advisory Group will advise the WWNA project team to develop a statewide assessment for Californian's equal and human right to sanitation and safe wastewater management and critical wastewater infrastructure needs. The WWNA Advisory Group participants will advise project development and the project team throughout the four-year (2023-2027) contract on wastewater data and information, draft analyses, effective outreach methods, and other areas of expertise or perspectives. The Advisory Group is limited to 30 participants. We encourage entities or groups to submit one application for their entity, agency, or group. Advisory Group outcomes will be presented as information items in public Water Board meetings. Please feel free to forward this invitation to individuals or organizations who may be interested in applying. You may reach out to [wwna@luskin.ucla.edu](mailto:wwna@luskin.ucla.edu) for more application or advisory group questions or if you would like to meet with members of the WWNA team to further discuss the advisory group, and for more general information, please visit [the SWRCB's WWNA webpage](#).

#### **SWRCB Resources and CASA Webinar on Cerio Study for Toxicity Provisions**

On January 5, the SWRCB distributed c. dubia testing resources last week to their listserv. [The message](#) and associated [resources list](#) are hyperlinked. Included on it are the resources from CASA's December 13 webinar. CASA hosted a free virtual webinar on the SWRCB's recently completed [Ceriodaphnia dubia special study final report](#), which was undertaken as part of the statewide Toxicity Provisions rulemaking. The videos and slide decks [are available now on our website](#). The event featured representatives from the study's Expert Science Panel, Stakeholder Advisory Committee, and professionals from distinguished accredited laboratories, including the Inland Empire Utilities Agency and Los Angeles County Sanitation Districts. They presented and held panel discussions on the how they developed their capabilities and competencies over time, as well as the study results, recommendations, draft performance metrics, and sampling in 2024. You may provide feedback on the event using this Survey, as we plan to host another in the first half of next year and will use feedback to shape the program. The raw data from the study is accessible [through SCCWRP's portal](#), and the other study meeting materials are archived [here](#). The SWRCB meeting on October 17 also included an Informational Item on the final report from the cerio study. The [SWRCB staff presentation is linked](#), and during the item, numerous parties commented to the Board about the study, what the results mean, and how to best move forward into 2024 with the regulations taking effect on January 1, 2024, for those permittees with cerio as the most sensitive species. Please [reach out if you](#) have questions with this project.

#### **USEPA Finalizes PFAS Analytical Methods and Plans Nationwide Sampling Study**

On January 31, the U.S. Environmental Protection Agency (USEPA) and the Department of Defense (DoD) [published Method 1633 for detecting 40 PFAS compounds and Method 1621 for measuring aggregate amounts](#). Method 1633 is available to multiple environmental media including wastewater, surface water, groundwater, soil, biosolids, sediment, landfill leachate, and fish tissue. Method 1621 evaluates



concentrations of organofluorines in wastewater in the parts per billion range. The most common sources of organofluorines are PFAS and non-PFAS fluorinated compounds such as pesticides and pharmaceuticals. The method does not quantify all of the organofluorine it captures with the same accuracy and has some known interferences that are discussed in the first section of the method. The method tells the user that organofluorines are present but cannot identify which specific organofluorines are present. The strength of the method is that it can broadly screen for thousands of known PFAS compounds at the part per billion level in aqueous (water) samples. While neither method is yet nationally required for CWA compliance monitoring until the EPA has promulgated it through rulemaking, USEPA is recommending it now for use in individual permits.

Later in 2024, USEPA is planning a national study that is similar to California's investigative order a few years ago but more focused on upstream industrial sources of PFAS. The [draft study plan is linked](#), on which [NACWA provided comments](#) to refine the design and minimize duplicative sampling and unnecessary expenses. USEPA has identified 400 agencies from whom they will request responses on a questionnaire to determine and select the sites they want to sample. Based on CASA members' experiences with sampling, there likely are some other aspects where the study plan could be enhanced, and a California delegation will connect with USEPA to share our perspective. [Please reach out](#) if you have questions about either of these developments.

#### **SWRCB Agenda Roundup**

Here are recent State Water Board agendas from their meeting on [January 17](#) and the upcoming meeting on [February 6](#). The Executive Director reports are available for [January](#) and [February](#). They feature a link to the [SWRCB's current statewide and regional policies calendar](#).

## Biosolids

#### **CASA Comments on Treasury Guidance for IRA Eligibility of Biogas Projects**

On January 19, [CASA submitted comments](#) to the U.S. Department of Treasury on their [guidance](#) that was released on November 17 which could severely limit wastewater agencies' ability to qualify for funds provided in the Inflation Reduction Act. In the guidance, the Department of Treasury presented an interpretation of "qualified biogas property" that excludes what they call "upgrading" or "concentrating" equipment. As described in the proposed rule, this equates to excluding cleaning, conditioning, upgrading, or concentrating equipment as understood by industry terms. There are concerns that everything downstream of the digester is deemed to be outside the scope of the IRA's intent, by Treasury's interpretation. CASA worked with the Bay Area Biosolids Coalition, the Oregon Association of Clean Water Agencies, and the American Biogas Council, amongst others, to develop our comments. [Please reach out](#) if you have questions or comments.

#### **Multistate Research Committee W4170 Seeks Support for New 5-Year Project**

On January 29, CASA reached out to members to request they submit statements in support of the W4170 research committee. This group is applying for support of a new 5-year project during which they would become the W5170 Committee. A strong showing from the wastewater community will demonstrate the importance of this group and help with approval. [CASA's support statement is linked](#), and W4170 Committee Chair Dr. Silveira requested non-academic partners show their support by becoming members of the Committee. To do so, you need to complete Appendix E at this link: [Create New Appendix E – NIMSS](#) as a new user. If you had previously been a member then you can login using your email and password created the last time. Once logged in, enter W\_TEMP\_5170 as the project name and then check both objective 1 and 2. You need not complete the rest and then select Submit. If you have any issues or questions, Jenn Horton ([jennhorton@unr.edu](mailto:jennhorton@unr.edu)) has offered to help. Please let me know if you have other questions and complete it as soon as possible but no later than February 21.

#### **CalRecycle Releases SB 1383 Resources**

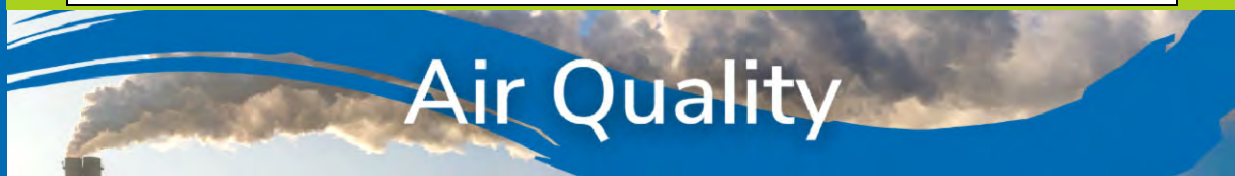
On January 9, CalRecycle released [a webpage](#) with resources for SB 1383. This new page includes links to all of the "SB 1383 Chat with CalRecycle" recordings, as well as the rulemaking documents. This information is valuable for various aspects of the implementation of SB 1383. [Please reach out](#) if you have any questions or comments.

#### **CASA Meeting with USEPA on 2/27 during CASA's DC Conference**

On February 27, CASA is meeting with USEPA as part of CASA's annual DC Conference on February 26 and 27. If you will be attending the DC conference, you are welcome to join Greg and the CASA team. The meeting will be at the USEPA office from 12:30 – 2:00 PM. [Please reach out](#) about any items you would like discussed as part of the agenda, whether you are attending or not!

#### **December Biosolids Research Library Released**

The December Biosolids Research Library, created and curated by Dr. Sally Brown and Northwest Biosolids has been released. The [summaries](#) and [paper abstracts](#) are linked. If you have any questions or would like access to the full articles, please reach out to [Greg Kester](#).



On March 21, the California Air Resources Board (CARB) [will conduct a public hearing for adoption of the proposed amendments to the Low Carbon Fuel Standard \(LCFS\)](#). Written comments are due on February 20. The LCFS is a key part of a comprehensive set of programs in California to cut GHG emissions and other smog-forming and toxic air pollutants by improving vehicle technology, reducing fuel consumption, and increasing transportation mobility options. The LCFS is designed to decrease the carbon intensity of California's transportation fuel pool and provide an increasing range of low-carbon and renewable alternatives that at reduce petroleum dependency and achieve air quality benefits.

Julia Levin (BAC) did a quick review and provided the following summary of major changes related to bioenergy and hydrogen, which include:

- The required carbon intensity reductions will be 25% by 2025, 30% by 2030, and 90% by 2045
- Jet fuel will no longer be exempt from the LCFS
- Infrastructure crediting will expand to include hydrogen and electricity for medium and heavy duty vehicles
- **Biomethane used in natural gas vehicles for projects that break ground after Dec. 31, 2029 will only receive LCFS credit through Dec. 31, 2040 (P. 13 of Appendix E, attached)**
- Hydrogen will have to contain 40% renewable hydrogen initially and 80% renewable hydrogen by 2045 (Appendix E, page 47)
- The Tier 1 calculation for hydrogen will include steam methane reformation and electrolytic hydrogen (Appendix E, page 56)
- Hydrogen will be required to provide quarterly matching and tracking (Appendix E, page 70)
- Book & claim for pipeline biomethane will be phased out by 2029; after that pipeline biomethane must be injected in western gas grid (Appendix E, page 70)
- Book & claim for biomethane used to generate hydrogen will continue to be allowed (Appendix E, page 56)
- **For projects that break ground after December 31, 2029, staff proposes that pathways for avoided methane crediting be available until 2040 for biomethane used as a transportation fuel, and until 2045 for biomethane used to produce hydrogen. Specifically, fuel pathways for biomethane with avoided methane used in CNG vehicles could be certified or recertified for 10-year crediting periods through 2040. Fuel pathways for biomethane with avoided methane used to produce hydrogen could be certified through 2045. (Appendix E, page 79)**

Many thanks to BAC for the valuable summary. [Please reach out](#) if you would like to be involved or have questions or comments.

## CASA Calendar

Feb. 15	Regulatory Workgroup Meeting
Feb. 22	Air Quality, Climate Change, and Energy Workgroup Meeting
Feb. 26, 27	DC Conference
Mar. 12-14	Regulatory Workgroup Strategic Planning
Mar. 20	Collection Systems Workgroup

Mar. 21	Regulatory Workgroup
Mar. 28	Air Quality, Climate Change, and Energy Workgroup Meeting

## Event Calendar

Feb. 6	SWCRB Meeting (2024 303(d) List)
Feb. 13-16	NACWA Winter Conference
Feb. 20	Comment Deadline for CARB Low Carbon Fuel Standard Amendments
Feb. 20	SWRCVB Meeting
Feb. 27	Meeting with USEPA in DC
Mar. 5	SWRCB Meeting
Mar. 19	SWRCB Meeting
Mar. 21	CARB Meeting to Adopt Low Carbon Fuel Standard Amendments

**For more information, please reach out  
to the CASA Regulatory Team:**

[Jared Voskuhl](#), Water Quality  
[Greg Kester](#), Biosolids  
[Sarah Deslauriers](#), ACE

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**From:** Bay Area Clean Water Agencies <noreply@bacwa.org>  
**Sent:** Thursday, February 8, 2024 7:00 AM  
**To:** Chuck  
**Subject:** BACWA Bulletin - February 2024



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## BACWA Bulletin - February 2024

### Meetings

- Collection Systems Committee - Thurs 2/8, Virtual
- Lab Committee - Tues 2/13, Virtual

- Pretreatment Committee- Wed 2/14, Oakland
- Asset Management Committee - Thurs 2/15, Virtual
- Executive Board Meeting - Fri 2/16, Virtual + Orinda
- Lab Committee TNI Training - Tues 2/20, Virtual
- O&M Infoshare - Wed 2/21, Oakland
- Permits Committee - Tues 2/27, Virtual
- AIR Committee - Wed 3/6, Virtual
- [Visit the Calendar for details](#)

## Upcoming Events

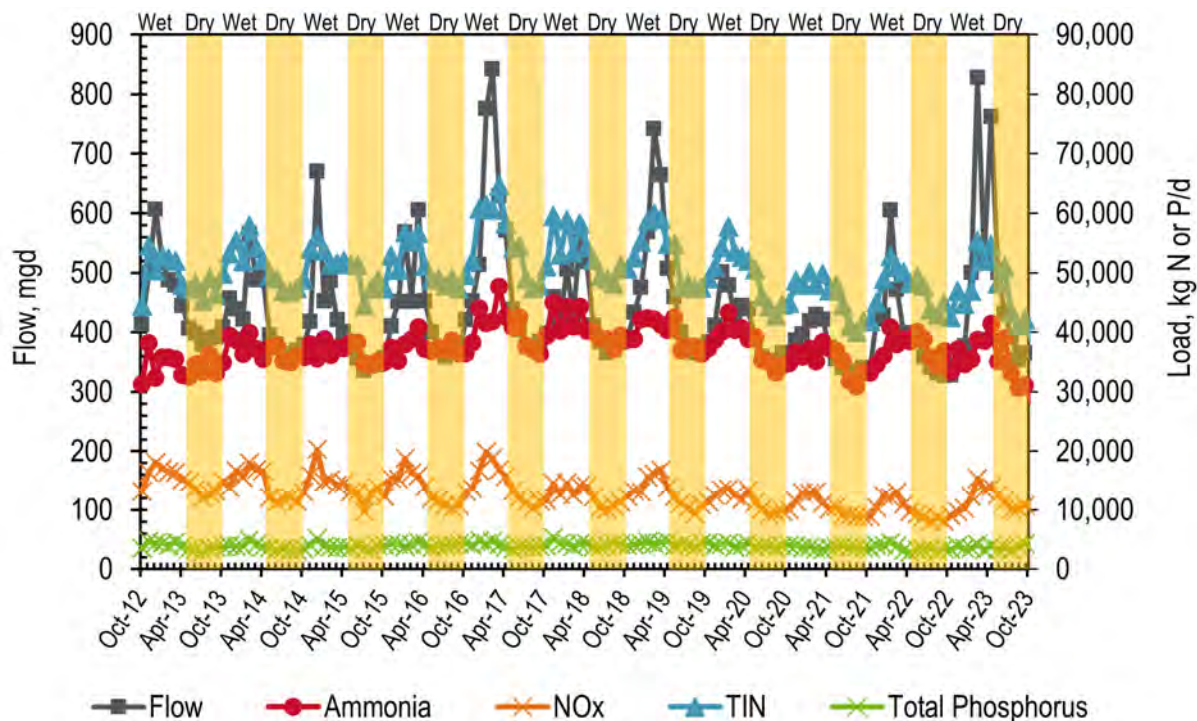
- [BAQQMD Public Workshop on Rule 11-18 Facility Risk Reduction Program](#) - 2/15, Virtual
- [Ocean Protection Council - Workshop on Draft Sea Level Rise Guidance](#) - 2/16, Virtual
- [Annual Report Training](#) for Sanitary Sewer Systems – 2/27, Virtual
- [CWEA Workshop: California -- The State of Potable Reuse](#) - 2/28, Martinez
- [Sanitary Sewer Spill Estimation Training](#) – 2/28, Hayward
- [CIWQS Sanitary Sewer Spill Reporting Training](#) – 2/29, Hayward
- [State of the Estuary Conference](#) - 3/11 - 3/13, Oakland
- [CWEA Collection Systems Technical Certification Preparation](#) - 3/13, Antioch
- [CWEA Webinar on Biological Nitrogen Removal](#) - 3/14, Virtual
- [CWEA Annual Conference](#) - 4/9 - 4/12, Sacramento

[View previous BACWA Bulletins](#)

## **BACWA submits 2023 Nutrient Group Annual Report to Regional Water Board**

The [2023 Group Annual Report](#) required by the 2nd Nutrient Watershed Permit was submitted to the Regional Water Board on February 1, 2024. The report includes long-term trends as well as new data for the period October 1, 2022 through September 30, 2023.





*Figure 7-1 from the [2023 Group Annual Report](#) showing Discharge Flows and Loads, 2012-2023*

The 2022/2023 flow values were relatively high due to greater than normal precipitation over the 2022/2023 wet season. Dry season flows (381 MGD for the Bay Area as a whole) were 13% higher than the previous year. Nonetheless, the 2023 dry season loads of Total Inorganic Nitrogen (TIN) were the second-lowest since sampling began in 2012. The dry season TIN load decreased by 1,110 kg N/d (about 2%) compared to the previous year. Though many agencies had TIN load increases due to the wet weather, these were offset by a large load reduction at EBMUD, which piloted biological nutrient removal of up to 50 percent of the dry season plant flow via split treatment.

The Nutrient Watershed Permit also requires that dischargers submit an annual update to the Nutrient Management Strategy (NMS) Science Plan to the Regional Water Board by February 1 of each year. BACWA has submitted the Science Plan Update for 2024, providing an implementation schedule for proposed studies for FY24. The [FY24 Program Plan](#) was first approved by the NMS Steering Committee in May 2023.

## Advancing Water Reuse in the Bay Area - What's Next?

In Fall 2023, water and wastewater industry representatives convened for the workshop [Advancing Water Reuse in the Bay Area: Exploring Opportunities and Challenges for Interagency Collaboration](#). The workshop conveners value your input on next steps and priorities to help carry the effort forward! Let us know what would be helpful for your agency by filling out this survey:

[Survey on Advancing Water Reuse - What's Next?](#)

## Regulatory Issues Matrix Updated

The February 2024 version of the [Key Regulatory Issues Summary matrix](#) is now available to familiarize members and their governing bodies with the regulatory issues facing BACWA and its member agencies. Questions? Ask Regulatory Program Manager [Mary Cousins](#)

## Ocean Protection Council Releases 2024 Updated Draft Sea Level Rise Guidance

The Ocean Protection Council (OPC) has released draft revised [2024 Sea Level Rise Guidance](#), as described below. The guidance is intended for use by state agencies such as the Regional Water Board, and provides a range of sea level rise scenarios at specific locations in California for each decade through 2150. This new guidance replaces the OPC’s 2018 [State of California Sea-Level Rise Guidance](#) and is different in several key ways:

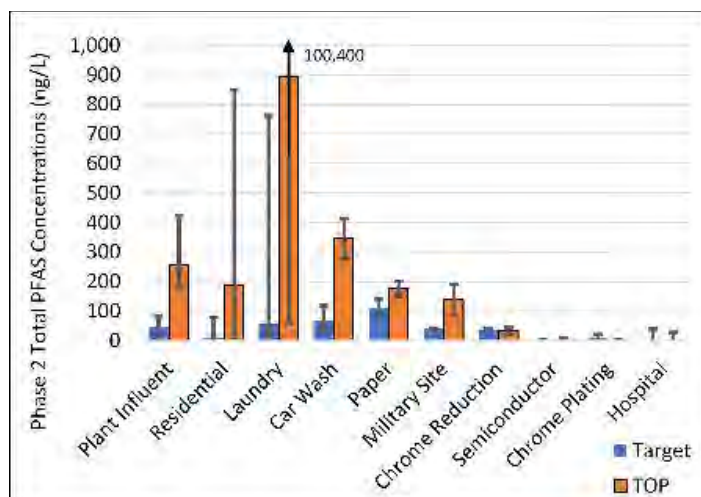
- The “Extreme Risk Aversion” scenarios (also called “H++”) from the 2018 guidance have been removed. The range of projected sea level rise scenarios for 2050 is now 0.5 - 1.3 ft, instead of 1.1 - 2.7 ft. For 2100, the range of projected scenarios is 1.0 – 6.5 ft instead of 1.6 – 10.2 ft.
- Site-specific tables listing **exceedance probabilities** for various sea level rise scenarios (1 ft, 2 ft, etc.) have been removed.

The draft Guidance is available for public review and comment until **March 4th**. OPC will be holding public workshops in February, and plans to finalize the guidance at its June 4th meeting. BACWA plans to hold an informational webinar for members later in 2024 once the guidance is finalized.

## PFAS Study Summary Now Available

BACWA has prepared a [Study Summary](#) of the regional effort to understand Per- and Polyfluoroalkyl Substances (PFAS) in Bay Area wastewater led by BACWA and scientists at the [San Francisco Estuary Institute \(SFEI\)](#). BACWA members sampled influent, effluent, biosolids, and collection systems in 2020 and 2022. The full SFEI report, completed in December 2023, is available upon request from [BACWA staff](#). The [PFAS Study Summary](#) provides a summary of the study data and compares the results to emerging regulatory thresholds for PFAS. The study is unique in its extensive use of the Total Oxidizable Precursor assay, which allows for better tracking of PFAS compounds through the treatment process. The study also attempted to identify potential sources of PFAS to wastewater treatment plants. As shown below, residential users and industrial laundries were identified as two potentially significant sources.

*Comparison of plant influent with residential, commercial, and industrial wastewater (ng/L). Total PFAS is based on a sum of targeted analysis of 40 compounds ("Target") and Total Oxidizable Precursor analysis ("TOP"). The height of each bar chart indicates the median, while the error bars show the minimum and maximum.*



**Nominate a BACWA member for the Arleen Navarret Award by March 27th!**

This award for staff at a BACWA member agency was created in honor of Arleen Navarret and her dedication to improving the health of San Francisco Bay. Recipients are awarded \$2,500 to be used for professional development, honoring emerging leaders in the BACWA community exhibiting characteristics possessed by former BACWA Chair Arleen Navarret. The [Application](#) due date is March 27, 2024.

## **BACWA Annual Members Meeting scheduled for May 3, 2024**

Each year BACWA hosts an annual meeting for members, with updates on a variety of regulatory and technical topics. The 2024 annual members' meeting will be held in-person on Friday, May 3rd at the David Brower Center in Berkeley. Stay tuned for an agenda and registration details soon!

## **Air District Proposes Changes to Facility Risk Reduction Program**

The Bay Area Air Quality Management District's (BAAQMD's) [Facility Risk Reduction Program](#) implementing Rule 11-18 requires existing facilities with health risks above risk action thresholds to reduce those health risks or implement Best Available Retrofit Control Technology for air toxics. In late December 2023, BAAQMD released proposed changes to the Facility Risk Reduction Program, including a draft [Implementation Procedures document](#) and a [Rule 11-18 Concept Paper](#) outlining possible amendments to expedite emissions inventory review and health risk assessment processes.

BAAQMD is accepting comments on both the draft Implementation Procedures document and the Concept Paper for Rule 11-18. Comments may also be submitted at the Public Workshop scheduled for February 15th from 6 to 8 pm. More information is available from [BAAQMD](#), and BACWA's AIR committee will also include this item at their March 6th meeting.

## **Nutrient Watershed Permit Preparation Underway**

BACWA anticipates that the Regional Water Board will release an administrative draft of the reissued Nutrient Watershed Permit in the coming weeks. A formal public comment period will occur later in the spring. In late January, [BACWA submitted a letter](#) to Regional Water Board staff explaining the need for the reissued Nutrient Watershed Permit to incorporate load reduction compliance schedules that would allow agencies to pursue innovative technologies, recycled water projects, and nature-based solutions.

### BACWA Meeting Locations

In 2023, the Executive Board and Nutrient Strategy Team returned to meeting in-person, as required by State law regarding public meetings. Committees are meeting in-person based on the direction of each committee's leaders and membership. Where possible, a hybrid videoconferencing option will be offered. Questions and concerns can be directed toward Executive Director [Lorien Fono](#).

### Member News: EBMUD Secures Federal Funding for Recycled Water, Wastewater Projects

EBMUD is celebrating two recent funding successes! In January, EBMUD and the US Army Corps of Engineers signed a project partnership agreement that will result in \$3.2 million in federal funding from the Army Corps' Environmental Infrastructure Assistance Program. EBMUD will use the funding to provide recycled water service to Alameda by repurposing a 1940s-era cast iron pipe below the Oakland-Alameda Estuary. [Read more here.](#) EBMUD was also recently awarded a FEMA Hazard Mitigation Grant to fund the Influent Pump Station Retrofit project at the main wastewater treatment plant, which will address critical seismic hazards.





Photo Credit: [US Army Corps of Engineers](#)

[Send in](#) updates from your agency to post here!

## What's new in BACWA's Committees

### Asset Management Committee

The committee's next meeting is scheduled for February 15, 2024, and will feature a presentation from [Orange County Sanitation District](#) on their recently updated asset management plan.

### AIR Committee

The next committee meeting is scheduled for Wednesday, March 6th. CASA recently selected a consultant to serve as a project manager for a statewide pooled emissions study of air toxics, and BACWA will be reaching out to member agencies soon with information about how to comply with CARB regulations via participation in the study. Also, BAAQMD recently announced proposed changes to the Facility Risk Reduction Program (Rule 11-18); see additional details above.

### BAPPG

The February 7th meeting topic is pet pesticides for flea and tick control, including [new flea and tick outreach toolkits](#) developed by the City of Palo Alto for member use. Regional Water Board staff have shared [these tips](#) on preparing

pollution prevention reports due in February.

### **Collections Systems Committee**

The February 8th committee meeting will include a presentation on styrene safety from [NASSCO](#), a discussion on an upcoming member survey on Bay Area sewer lateral ordinances, and updates on compliance with the [statewide general order](#) for sanitary sewer systems. The first Annual Reports under the reissued general order are due April 1st.

### **Laboratory Committee**

The next lab committee meeting on February 13th will include a presentation from the City of San Jose's laboratory staff on "Going Paperless and Achieving TNI Compliance for Sophisticated Instruments in Trace Organics." The next TNI training session will be held Tuesday, February 20th at 10 AM, and the schedule for training sessions throughout FY24 is available [here](#).

### **O&M Committee**

The next O&M committee meeting will be held at EBMUD's main wastewater treatment plant on February 21st. The meeting will include a plant tour of EBMUD's facility, which recently began implementing Biological Nutrient Removal (BNR) during the summer months, as well as safety topics. To join, contact BACWA's Mary Cousins or the committee chairs, [Yanming Zhang](#) and [Ben Carver](#).

### **Permits Committee**

The next Permits committee meeting will be held on Tuesday, February 27th.

### **Recycled Water Committee**

The January 16th meeting included a presentation from Carollo's Andy Salveson on a [purified water feasibility study](#) conducted for the City of Napa and NapaSan. The next committee meeting is scheduled for April 16th with an in-person option at EBMUD in downtown Oakland.

### **Upcoming Events**



**February 15th: BAAQMD Public Workshop on Rule 11-18 Facility Risk Reduction Program (Virtual)**

BAAQMD will hold a virtual public workshop on February 15th from 6 to 8 pm to discuss and gather comments on proposed updates to the [Facility Risk Reduction Program](#), including a draft updated Rule 11-18 Implementation Procedures document and a Rule 11-18 Concept Paper. See [Public Workshop Notice and Request for Comments](#).

**February 16th: Ocean Protection Council Workshop on Draft Sea Level Rise Guidance (Virtual)**

The Ocean Protection Council is holding several virtual regional workshops to discuss the recently released [draft Sea Level Rise Guidance](#). [Register here](#) for the San Francisco Bay Area workshop to be held February 16th, 10:30 am - 12 pm.

**February 27th: Training for Annual Reports required by the General Order for Sanitary Sewer Systems (Virtual)**

The [Statewide General Order for Sanitary Sewer Systems](#) requires all enrolled agencies to submit or update their Annual Report (Previously termed as Collection System Questionnaire) as specified in Attachment E1, Section 3.9, by April 1 of each year. [Register here](#) for a one-hour virtual training session from 8 am to 9 am on February 27th. Sam Rose will describe what to include, what's required, and some strategies for preparing the report.

**February 28th: CWEA Workshop, "California - the State of Potable Reuse" (Martinez)**

This all-day workshop presented by CWEA's Engineering and Research Committee includes updates on the regulatory requirements for potable reuse and will highlight specific projects and tailored research efforts needed to advance potable reuse. [Register here](#).

**February 28th: Sanitary Sewer Spill Estimation Training (Hayward)**

This half-day (8 am - noon) workshop is designed to help agencies comply with the current regulations for sanitary sewer spill reporting, and will include classroom

lecture on various spill volume estimation methods and spill start time estimation strategies, tabletop exercises, followed by field demonstrations and hands-on training. [Register here](#).

**February 29th: CIWQS Sanitary Sewer Spill Reporting Training (Hayward)**

Whether you are brand new or have been using CIWQS for a while, you will benefit from this interactive half-day (8 am - noon) class on reporting sanitary sewer spills to the California Integrated Water Quality System. [Register here](#)

**March 11th to 13th: State of the Estuary Conference (Oakland)**

Every two years, the Estuary Partnership brings a focus to the management and ecological health of the San Francisco Bay-Delta Estuary. The State of the San Francisco Estuary Conference showcases the latest information about the region's work to sustain and improve the estuary's habitats, living resources, water quality, climate resilience, and environmental stewardship. The 16th biennial State of the San Francisco Estuary Conference will be held March 12-13, 2024 in Oakland at the Henry J. Kaiser Center for the Arts. A pre-conference workshop on Environmental Justice will be held March 11th. [Register here](#).

**March 13th: CWEA Collection Systems Technical Certification Preparation (Antioch)**

This all-day seminar is designed to help participants prepare for the Grades I to IV Collection System Maintenance Certification Exam. [Register here](#).

**March 14th: CWEA Webinar on Biological Nitrogen Removal (Virtual)**

This noontime webinar is part 5 of an educational series on the use of a microscope to make more informed process control decisions. Ron Trygar will cover the microorganisms responsible for nitrogen removal, the conditions suitable to their well-being, and the methods used for nitrogen removal. [Register here](#).

**April 9th - April 12th: CWEA Annual Conference (Sacramento)**

The CWEA Annual Conference & Expo will be held in Sacramento from Tuesday 4/9 to Friday 4/12. The conference will feature sessions on nutrient regulations,

collection system management, asset management, artificial intelligence, water recycling, and more! [Register here](#).

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## KEY REGULATORY ISSUE SUMMARY

Updated February 7, 2024

Action items for member agencies are in **bold**

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New updates in this version are shown in Purple highlighting

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>NUTRIENTS IN SAN FRANCISCO BAY</b>			
<ul style="list-style-type: none"> <li>San Francisco Bay receives some of the highest nitrogen loads among estuaries worldwide, yet has not historically experienced the water quality problems typical of other nutrient-enriched estuaries. It is not known whether this level of nitrogen loading, which will continue to increase in proportion to human population increase, is sustainable over the long term.</li> <li>Because of the complexity of the science behind nutrient impacts in SF Bay, stakeholders in the region are participating in the Nutrient Management Strategy (NMS) steering committee to prioritize scientific studies and ensure that all science to be used for policy decisions is conducted under one umbrella.</li> </ul>	<ul style="list-style-type: none"> <li>For FY24, BACWA is contributing \$1.8M to fund scientific research needed to make management decisions for the 3<sup>rd</sup> Watershed Permit. This payment completes the science funding requirement in the 2<sup>nd</sup> Watershed Permit.</li> <li>The focus of current scientific efforts is improving model representation of biogeochemistry, light attenuation, dissolved oxygen, and harmful algal bloom dynamics.</li> <li>The science team is also developing an Assessment Framework for Open Bay habitats and Lower South Bay sloughs.</li> <li>In summer 2022, a harmful algae bloom in San Francisco Bay brought increased public attention to this topic. A smaller bloom recurred in summer 2023. In both cases, the NMS science team modified the science plan to conduct monitoring and assist with data interpretation.</li> </ul>	<ul style="list-style-type: none"> <li><b>Continue to participate in NMS steering committee, Nutrient Technical Workgroup, and planning subcommittee meetings, and provide funding for scientific studies.</b></li> <li>Continue to assist with preparation of a brief "State of the Science" document summarizing the scientific accomplishments of the NMS team for public use.</li> <li>Continue to engage with Nutrient Technical Team and BACWA's Nutrient Management Strategy technical consultant, Mike Connor, to provide review of recent work products and charge questions for the science team.</li> </ul>	<p>BACWA Nutrients Page: <a href="https://bacwa.org/nutrients/">https://bacwa.org/nutrients/</a></p> <p>NMS FY24 Science Program Plan Materials <a href="https://drive.google.com/drive/folders/16H_sQ8AuogHy-eo9QZx2A9Ph9MTecg5j?usp=drive_link">https://drive.google.com/drive/folders/16H_sQ8AuogHy-eo9QZx2A9Ph9MTecg5j?usp=drive_link</a></p> <p>NMS Work Products <a href="https://sfbaynutrients.sfei.org/books/reports-and-work-products">https://sfbaynutrients.sfei.org/books/reports-and-work-products</a></p> <p>BACWA Nutrient FAQ <a href="https://bacwa.org/wp-content/uploads/2023/01/BACWA-Nutrient-Fact-Sheet.pdf">https://bacwa.org/wp-content/uploads/2023/01/BACWA-Nutrient-Fact-Sheet.pdf</a></p> <p>2023 SF Bay Algal Bloom <a href="https://bacwa.org/general/2023-algal-bloom-in-sf-bay-updated-8-3-2023/">https://bacwa.org/general/2023-algal-bloom-in-sf-bay-updated-8-3-2023/</a></p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>SF BAY NUTRIENT WATERSHED PERMIT</b>			
<ul style="list-style-type: none"> <li>• The 1<sup>st</sup> Nutrient Watershed Permit was adopted in 2014, and required a regional study on Nutrient Treatment by Optimization and Upgrades, completed in 2018.</li> <li>• The 2<sup>nd</sup> Nutrient Watershed Permit was adopted in 2019. It includes:             <ul style="list-style-type: none"> <li>○ Continued individual POTW nutrient monitoring and reporting;</li> <li>○ Continued group annual reporting;</li> <li>○ Significantly increased funding for science;</li> <li>○ Regional assessment of the feasibility and cost for reducing nutrients through nature-based systems and recycled water;</li> <li>○ Establishing current performance for Total Inorganic Nitrogen (TIN), and “load targets” for nutrient loads based on 2014 to 2017 load data plus a 15% buffer for growth and variability</li> <li>○ Recognition of “early actors” who are planning projects that will substantially decrease TIN loads.</li> </ul> </li> <li>• Through the nutrient surcharge levied on permittees, BACWA funds compliance with the following provisions on behalf of its members:             <ul style="list-style-type: none"> <li>○ Group Annual Reporting</li> <li>○ Regional Studies on Nature-Based Systems and Recycled Water</li> <li>○ Support of scientific studies through the Regional Monitoring Program (RMP) with \$11M over the five-year permit term.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Studies related to Recycled Water and Nature-Based Systems were completed in June 2023, as required by the 2<sup>nd</sup> Nutrient Watershed Permit.</li> <li>• Each year by February 1, BACWA submits a Group Annual Report on behalf of its members. The report summarizes trends in nutrient concentrations and loading for each agency, and for all the agencies as a whole. The annual reporting period in the 2<sup>nd</sup> Watershed Permit is based on a water year (Oct. 1 – Sept. 30). The Group Annual Report for 2022-2023 was completed on February 1, 2024.</li> <li>• In response to the summer 2022 algae bloom, Regional Water Board staff plan to include significant TIN load reduction requirements in the 3<sup>rd</sup> Watershed Permit. The NMS modeling team tested several load reduction scenarios to inform the new requirements. Based on this modeling, Regional Water Board staff are currently proposing dry season load limits that are about 40% lower than actual loads from the 2022 dry season.</li> <li>• The current concept proposed by the Regional Water Board is for the permit to contain interim limits for dry season TIN loads that are effective immediately and “final limits” that become effective after 10 years. The 10-year clock could be modified in subsequent permits if the “final limits” become more stringent, so the term “final” only applies to this specific permitting action.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Review and comment on the administrative draft and Tentative Order versions of the forthcoming 3<sup>rd</sup> Nutrient Watershed Permit. The administrative draft is expected in February 2024, and the Tentative Order will be available later in the spring.</b></li> <li>• Advocate for sufficient time for agencies to implement nutrient load reduction projects, include those with involving innovative technologies, recycled water, and nature-based solutions.</li> <li>• BACWA continues to convene a Nutrient Strategy Team to develop BACWA’s key tenets for the 3<sup>rd</sup> Watershed Permit, and <b>members are encouraged to participate</b>. The Nutrient Strategy Team is actively engaging with the Regional Water Board to expand upon the key tenets and discuss implementation details for the 3<sup>rd</sup> Watershed Permit, including the magnitude and timing of required load reductions.</li> <li>• Agencies will continue to report nutrient monitoring data both through CIWQS and directly to BACWA.</li> </ul>	<p>2nd Nutrient Watershed Permit:  <a href="http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2019/R2-2019-0017.pdf">www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2019/R2-2019-0017.pdf</a></p> <p>Special Studies of Recycled Water and Nature-Based Solutions:  <a href="http://bacwa.org/document-category/2nd-watershed-permit-studies/">bacwa.org/document-category/2nd-watershed-permit-studies/</a></p> <p>BACWA Group Nutrient Annual Reports:  <a href="http://bacwa.org/document-category/nutrient-annual-reports/">bacwa.org/document-category/nutrient-annual-reports/</a></p> <p>Presentations from 2023 BACWA Annual Members Meeting  <a href="http://bacwa.org/document-category/2023-annual-meeting/">bacwa.org/document-category/2023-annual-meeting/</a></p> <p>BACWA September 2023 Status of 3<sup>rd</sup> Watershed Permit Negotiations  <a href="http://bacwa.org/wp-content/uploads/2023/09/WSP-Negotiations-Update-2023-09-05.pdf">bacwa.org/wp-content/uploads/2023/09/WSP-Negotiations-Update-2023-09-05.pdf</a></p> <p>BACWA Concerns related to Compliance Timelines in the 3<sup>rd</sup> Watershed Permit  <a href="http://bacwa.org/document/bacwa-comments-on-nutrient-removal-timelines-2024-01-29/">bacwa.org/document/bacwa-comments-on-nutrient-removal-timelines-2024-01-29/</a></p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>CHLORINE RESIDUAL COMPLIANCE</b>			
<ul style="list-style-type: none"> <li>• The Basin Plan effluent limit for residual chlorine is 0.0 mg/L. Prior to 2024, residual chlorine was the most frequent parameter for violations for Region 2 POTWs. Because there are 24 hourly reporting events each day, the “opportunities” for violations are enormous. However, the actual violation rates are infinitesimal (~0.001%).</li> <li>• Prior to 2024, agencies were overdosing their effluent with the dechlorination agent, sodium bisulfite, to prevent chlorine violations, a practice which cost the region approximately \$2 million each year.</li> <li>• Regional Water Board staff and BACWA have worked together for more than decade to modify the effluent limit for chlorine residual.</li> </ul>	<ul style="list-style-type: none"> <li>• In 2020, the Regional Water Board adopted a Basin Plan Amendment that incorporated EPA’s ambient water quality criteria for chlorine into the Basin Plan. Since the Basin Plan Amendment was not approved by EPA, it did not go into effect.</li> <li>• In November 2023, the Regional Water Board adopted an NPDES Permit Amendment that modifies effluent limits for residual chlorine for most dischargers. The revised limits are based on a translation of the Basin Plan’s existing narrative toxicity objective. The NPDES Permit Amendment includes: <ul style="list-style-type: none"> <li>○ Limits calculated based on a 0.013 mg/L water quality objective in marine and estuarine waters, and incorporating dilution for deep water dischargers. The limits will be applied as a 1-hour average.</li> <li>○ A Minimum Level of 0.05 mg/L for online continuous monitoring systems.</li> </ul> </li> <li>• The NPDES Permit Amendment requires most dischargers to prepare a Chlorine Process Control Plan targeting a chlorine residual of 0.0 mg/L at discharge points. The Chlorine Process Control Plan is part of the Operation and Maintenance Manual; updates are to be summarized with annual self-monitoring reports.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Comply with new effluent limits for residual chlorine, new reporting requirements, and new Chlorine Process Control Plan requirements beginning January 1, 2024.</b></li> <li>• BACWA has prepared a guidance document for agencies to use to meet the new chlorine process control requirement.</li> </ul>	<p>Blanket NPDES Permit Amendment, Effective January 1, 2024:  <a href="http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2023/R2-2023-0023.pdf">www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2023/R2-2023-0023.pdf</a></p> <p>BACWA Guidance on Complying with Amended NPDES Permit Requirements for Residual Chlorine  <a href="http://bacwa.org/document/complying-with-amended-npdes-permit-requirements-for-residual-chlorine-2023-12-20/">bacwa.org/document/complying-with-amended-npdes-permit-requirements-for-residual-chlorine-2023-12-20/</a></p>



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<b>PESTICIDES</b>			
<ul style="list-style-type: none"> <li>Pesticides are regulated via FIFRA, and not the Clean Water Act. POTWs do not have the authority to regulate pesticide use in their service area, but may be responsible for pesticide impacts to their treatment processes or to surface water.</li> <li>EPA reviews all registered pesticides at least once every 15 years. Each review allows opportunity for public comment.</li> <li>Through BAPPG, BACWA aims to proactively support a scientific and regulatory advocacy program so that pesticides will not impact POTWs' primary functions of collecting and treating wastewater, recycling water, and managing biosolids, or impact receiving waters via the "down the drain" route.</li> </ul>	<ul style="list-style-type: none"> <li>BACWA continues to fund consultant support to write comment letters advocating for the consideration of POTW and surface water issues by EPA and the California Department of Pesticide Registration (CalDPR). Funding for pesticide regulatory outreach in FY24 is \$69k.</li> <li>The Regional Water Board leverages BACWA's efforts to provide their own comment letters.</li> <li>The August 2023 version of the BAPPG/BACWA Pesticide Watch List added indoor uses of Quaternary Ammonia Compounds, whose usage has been increasing in recent years.</li> <li>In January 2023, CalDPR released a Sustainable Pest Management Roadmap. The Roadmap identifies actions that would enhance understanding of pesticide use in urban areas and enhance outreach to urban pesticide users. CalDPR is also pursuing a significant increase to the "Mill Fee," a tax on pesticide sales, to fund some activities identified in the Roadmap. The proposed tax increase was included with the Governor's State Budget Proposal for FY25 and would be applicable to all pesticides, including sodium hypochlorite.</li> <li>Baywise.org has flea and tick control messaging for pet owners and veterinarians. In addition, the BACWA website offers toolkits for conducting outreach to pet owners and veterinary offices.</li> </ul>	<ul style="list-style-type: none"> <li><b>BACWA members can conduct public and veterinary office outreach using the newly available flea and tick outreach toolkits.</b></li> <li>Advocate for implementation of specific actions from the Sustainable Pesticide Management Roadmap.</li> <li>Continue to comment on EPA pesticide re-registrations and CalDPR actions.</li> <li>Engage with EPA on proposed changes to the regulatory approval process for pesticides.</li> <li>Work with veterinary associations on messaging with respect to flea and tick control alternatives.</li> <li>Continue to develop summaries of EPA actions on pesticides.</li> <li>Look for opportunities to work with CalDPR on pesticides research.</li> <li>Work with other regional associations, such as CASQA to collaborate on funding pesticide regulatory outreach.</li> </ul>	<p>BACWA Pesticide Regulatory Support Page: <a href="https://bacwa.org/bappg-pesticides/">bacwa.org/bappg-pesticides/</a></p> <p>Flea and Tick Outreach Toolkits: <a href="https://bacwa.org/bappg-pesticides/flea-and-tick-outreach-toolkits/">bacwa.org/bappg-pesticides/flea-and-tick-outreach-toolkits/</a></p> <p>Baywise flea and tick pages: <a href="https://baywise.org/residential/for_you_r_pets/">baywise.org/residential/for_you_r_pets/</a></p> <p>CalDPR Sustainable Pest Management Roadmap <a href="https://www.cdpr.ca.gov/docs/sustainable_pest_management_roadmap/">www.cdpr.ca.gov/docs/sustainable_pest_management_roadmap/</a></p> <p>BACWA coalition letter on modernizing the pesticide approval process <a href="https://bacwa.org/document/bacwa-nacwa-coalition-comments-on-fda-epa-pesticide-modernization-2023-04-25/">bacwa.org/document/bacwa-nacwa-coalition-comments-on-fda-epa-pesticide-modernization-2023-04-25/</a></p> <p>BAPPG/BACWA Pesticides Watch List <a href="https://bacwa.org/wp-content/uploads/2023/08/FINAL-BACWA-Pesticides-Watch-List-Aug-2023.pdf">bacwa.org/wp-content/uploads/2023/08/FINAL-BACWA-Pesticides-Watch-List-Aug-2023.pdf</a></p>



Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>MERCURY AND PCBs</b>			
<ul style="list-style-type: none"> <li>• The Mercury &amp; PCBs Watershed Permit is based on Total Maximum Daily Loads (TMDLs) for San Francisco Bay for each of these pollutants.</li> <li>• The Mercury &amp; PCBs Watershed Permit was most recently reissued in December 2022, and it continues to require discharger support for risk reduction activities. BACWA is funding risk reduction activities on behalf of its members to comply with this permit provision. For FY24, BACWA has budgeted \$12,500 to support risk reduction activities related to fish consumption.</li> <li>• Aggregate mercury and PCBs loads have been well below waste load allocations through 2022, the last year for which data have been compiled.</li> <li>• EPA Method 1668C for measuring PCB Congeners has not been promulgated by EPA. Effluent limitations are based on PCB Aroclors quantified using EPA Methods 625.1 or 608.3.</li> <li>• In 2017, EPA adopted federal pretreatment program rules requiring dental offices to install dental amalgam separators. The rule is intended to reduce dental office discharge of mercury. The compliance date was July 14, 2020.</li> </ul>	<ul style="list-style-type: none"> <li>• As part of the 2021 Triennial Review of the Basin Plan, the Regional Water Board has prioritized designation of three new beneficial uses: Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB) and Subsistence Fishing (SUB). Water bodies designated with these beneficial uses could also be assigned lower mercury objectives.</li> <li>• BACWA supported risk reduction programming by two grantees to fulfill requirements of the 2017 Mercury &amp; PCBs Watershed Permit. In August 2023, BACWA arranged for the grantees to present their work to Regional and State Water Board staff.</li> <li>• Through 2026, State Water Board and Regional Water Board staff are working on a Bioaccumulation Monitoring Program Realignment effort in the San Francisco Bay region. BACWA intends to support risk reduction activities related to this effort, which may include tribal outreach on fishing and fish consumption.</li> <li>• In January 2022, monitoring requirements for mercury were reduced for most dischargers by a blanket NPDES Permit amendment (Order R2-2021-0028). Revised monitoring frequencies are also reflected in the reissued permit.</li> <li>• Recent consolidations among contract laboratory providers of PCB analysis via EPA Method 1668C has led to difficulties with electronic reporting.</li> </ul>	<ul style="list-style-type: none"> <li>• BACWA Lab and Permits Committee members are working to facilitate smoother electronic reporting of PCB congeners via EPA Method 1668C.</li> <li>• Continue to coordinate with local community-based organizations and Water Boards staff to develop concepts for risk reduction activities that BACWA could support during the term of the 2022 permit.</li> <li>• Continue outreach to dentists BAPPG and BACWA's pretreatment committee. Per federal rules, all dental facilities were required to submit one-time compliance reports by October 2020.</li> <li>• Track potential Basin Plan Amendments resulting from the Triennial Review project related to new beneficial use designations. The new designations are not expected to impact the Bay-wide mercury TMDL in the near term, but there could be localized or longer-term impacts.</li> </ul>	<p>2022 Mercury &amp; PCBs Watershed Permit (Effective Feb. 1, 2023)  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2022/R2-2022-0038.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2022/R2-2022-0038.pdf</a></p> <p>Risk Reduction Materials (Updated August 2023)  <a href="https://bacwa.org/mercurypcb-risk-reduction-materials/">https://bacwa.org/mercurypcb-risk-reduction-materials/</a></p> <p>NPDES Permit Amendment for Monitoring and Reporting  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0028.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0028.pdf</a></p> <p>Mercury and PCB Load Trends 2013- 2022 (Updated July 2023)  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2023/July/6_ssr.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2023/July/6_ssr.pdf</a></p>

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<b>STATE WATER BOARD TOXICITY PROVISIONS</b>			
<ul style="list-style-type: none"> <li>The State Water Board adopted the Statewide Toxicity Provisions in October 2021 as state policy for water quality control for all inland surface waters and estuaries. The Provisions establish:               <ul style="list-style-type: none"> <li>Use of Test of Significant Toxicity (TST) as statistical method to determine toxicity, replacing EC25/IC25;</li> <li>Numeric limits for chronic toxicity for POTWs &gt;5 MGD and with a pretreatment program; smaller POTWs will receive effluent targets and only receive limits if Reasonable Potential is established;</li> <li>Regional Water Board discretion on whether to require RPAs for acute toxicity</li> <li>For POTWs with <i>Ceriodaphnia dubia</i> as most sensitive species, numeric targets rather than limits were in effect until completion of a statewide quality assurance study in December 2023.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>EPA approved the Statewide Toxicity Provisions on May 1, 2023, and they became effective on June 1, 2023. Individual NPDES permits reissued in the San Francisco Bay Region are implementing the Toxicity Provisions and requiring use of the TST for chronic toxicity testing. Reissued permits no longer require acute toxicity monitoring.</li> <li>EPA has not yet approved the Alternate Test Procedure for whole effluent toxicity testing. Until the Alternate Test Procedures are approved, the Regional Water Board has advised that dischargers should use the full five-concentration series for all tests, including routine monitoring and Species Sensitivity Screening Studies.</li> <li>Since 2016, agencies have had the option to skip sensitive species screening upon permit reissuance and pay the avoided funds to the RMP to be used for CECs studies. Under the Toxicity Provisions, agencies are now required by the provisions to do sensitive species screening once every 15 years.</li> <li>The State Water Board is collaborating with stakeholders on a special study to improve the quality of <i>Ceriodaphnia dubia</i> testing. The multi-laboratory study of toxicity testing has been completed and presented to the State Water Board. CASA held an information webinar for members in December 2023.</li> </ul>	<ul style="list-style-type: none"> <li><b>Begin conducting toxicity testing using the Statewide Toxicity Provisions.</b> As of June 2023, member agencies with individual NPDES permits reissued after August 2022 have automatically transitioned to the new toxicity testing requirements.</li> <li><b>Plan to conduct a species sensitivity screening</b> to comply with the Toxicity Provisions, which require a study no more than 10 years old be used to determine a "Tier I" species for use in compliance monitoring.</li> <li>Members hiring a contract laboratory to perform testing using <i>Ceriodaphnia dubia</i> should utilize the <i>Ceriodaphnia dubia</i> Quality Assurance Guidance Recommendations, including the performance metrics listed in Appendix E of the report.</li> </ul>	<p>SWRCB Toxicity Page: <a href="http://www.swrcb.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml">http://www.swrcb.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml</a></p> <p>Regional Water Board presentation on implementation of Statewide Toxicity Provisions from December 2020: <a href="https://bacwa.org/wp-content/uploads/2021/01/Slides-from-RWQCB-Regarding-R2-Tox-Language-in-NPDES-Permits-2020-12-08.pdf">https://bacwa.org/wp-content/uploads/2021/01/Slides-from-RWQCB-Regarding-R2-Tox-Language-in-NPDES-Permits-2020-12-08.pdf</a></p> <p>EPA Approval of Statewide Toxicity Provisions <a href="https://bacwa.org/wp-content/uploads/2023/05/05.01.2023-EPA-CWA-303c-Approval-of-California-Toxicity-Provisions.pdf">https://bacwa.org/wp-content/uploads/2023/05/05.01.2023-EPA-CWA-303c-Approval-of-California-Toxicity-Provisions.pdf</a></p> <p><i>Ceriodaphnia dubia</i> Quality Assurance Guidance Recommendations (SCCWRP) <a href="https://ftp.sccwrp.org/pub/download/DOCUMENTS/CeriodaphniaQA/October2023Deliverable.pdf">https://ftp.sccwrp.org/pub/download/DOCUMENTS/CeriodaphniaQA/October2023Deliverable.pdf</a></p> <p>CASA Webinar on Lessons from <i>Ceriodaphnia</i> Study <a href="https://casaweb.org/resources/speaker-presentations/">https://casaweb.org/resources/speaker-presentations/</a></p>

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<b>COMPOUNDS OF EMERGING CONCERN (CECS)</b>			
<ul style="list-style-type: none"> <li>Pharmaceuticals and other trace compounds of emerging concern (CECs) are ubiquitous in wastewater at low concentrations and have unknown effects on aquatic organisms.</li> <li>The State Water Board has formed a Pretreatment and CECs Unit.</li> <li>Region 2's CEC strategy focuses on monitoring/tracking concentrations of constituents with high occurrence and high potential toxicity. Much of what the State Water Board is considering for its monitoring program is already being implemented in Region 2 through the RMP.</li> </ul>	<ul style="list-style-type: none"> <li>The Regional Water Board has stated that voluntary and representative participation in RMP CECs studies is key to avoiding regulatory mandates for CECs monitoring. These studies are informational and not for compliance purposes. BACWA developed a White Paper on representative participation to support facility selection for these studies.</li> <li>Bay dischargers are continuing to provide supplemental funding for RMP CECs studies through the NPDES Permit Amendment adopted in December 2021 by the Regional Water Board.</li> <li>The State Water Board has recently increased its focus on CECs. In November 2022, a State Water Board Science Advisory Panel released a report identifying risk-based and occurrence-based monitoring strategies in aquatic ecosystems. Similar approaches are already in use in the Bay Area by the RMP.</li> </ul>	<ul style="list-style-type: none"> <li>Continue to participate in the RMP Emerging Contaminants Workgroup.</li> <li>Participate in RMP studies by collecting wastewater samples at member facilities. Recent studies have focused on Quaternary Ammonium Compounds (which can interfere with treatment plant biological processes), sunscreen chemicals, bisphenols, and ethoxylated surfactants.</li> <li>Update the 2020 White Paper created for use by the RMP or others in selecting representative POTWs for participation in CEC studies. The 2020 White Paper will be updated to note recently completed and ongoing studies of CECs in Bay Area wastewater.</li> </ul>	<p>RMP Emerging Contaminant Workgroup:  <a href="http://www.sfei.org/rmp/ecwg#ab-1-4">http://www.sfei.org/rmp/ecwg#ab-1-4</a></p> <p>BACWA CECs White Paper:  <a href="https://bacwa.org/document/bacwa-cec-white-paper-updated-june-2020/">https://bacwa.org/document/bacwa-cec-white-paper-updated-june-2020/</a></p> <p>NPDES Permit Amendment for Monitoring and Reporting  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0028.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0028.pdf</a></p> <p>State Water Board CECs webpage:  <a href="https://www.waterboards.ca.gov/water_issues/programs/cec/index.html">https://www.waterboards.ca.gov/water_issues/programs/cec/index.html</a></p>

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<b>MICROPLASTICS</b>			
<ul style="list-style-type: none"> <li>• Microplastic pollution is a environmental threat with the potential to impact wastewater disposal and reuse, as well as biosolids end uses.</li> <li>• Microplastics have been a focus of the RMP in recent years. BACWA has participated in the Workgroup and developed a POTW Fact Sheet. One conclusion of the RMP work is that POTWs contribute much lower microplastic loads than stormwater. As a result, the RMP is focusing future microplastics sampling efforts on stormwater pathways.</li> </ul>	<ul style="list-style-type: none"> <li>• In February 2022, the Ocean Protection Council (OPC) adopted a Statewide Microplastics Strategy that calls for increased water recycling, additional monitoring of wastewater, source control in wastewater, and additional scientific research.</li> <li>• OPC is funding a study of microplastic removal through wastewater treatment processes. The study commenced in 2021 with a pilot study involving BACWA member agency participation. Full-scale sampling and analysis of influent, effluent, and biosolids was completed in 2023.</li> <li>• The Revised Draft 2024 California Integrated Report (303(d) List) notes that San Francisco Bay is “potentially threatened” by microplastics. Due to data limitations, the Bay is <u>not</u> proposed to be listed as an impaired water body during this listing cycle.</li> <li>• Additional research to improve scientific understanding of microplastics in aquatic ecosystems will be needed to support a future impairment determination for the Bay. The Water Boards and OPC are supporting allocation of funding towards these research efforts.</li> <li>• Ongoing microplastics investigations by the RMP are focused on tire particles in stormwater.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to participate in the RMP Microplastics Workgroup.</li> <li>• Three BACWA member agencies are participating in the OPC-funded microplastic study. A final report is expected in spring 2024. CASA has also funded the study team at the Southern California Coastal Water Research Project (SCCWRP) to complete add-on work comparing results between different sampling methods, including use of an autosampler. The add-work will be completed approximately six months later.</li> <li>• Continue tracking State Water Board and Ocean Protection Council actions via the CASA Microplastics Workgroup.</li> </ul>	<p>BACWA Microplastics Fact Sheet:  <a href="https://bacwa.org/wp-content/uploads/2019/09/BACWA-Microplastics-flyer.pdf">https://bacwa.org/wp-content/uploads/2019/09/BACWA-Microplastics-flyer.pdf</a></p> <p>SFEI Microplastics project:  <a href="https://www.sfei.org/projects/microplastics">https://www.sfei.org/projects/microplastics</a></p> <p>Ocean Protection Council Microplastics Strategy:  <a href="https://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/2022_0223/Item_6_Exhibit_A_Statewide_Microplastics_Strategy.pdf">https://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/2022_0223/Item_6_Exhibit_A_Statewide_Microplastics_Strategy.pdf</a></p> <p>2024 California Integrated Report / 303(d) List  <a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024-integrated-report.html">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024-integrated-report.html</a></p>

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<b>PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)</b>			
<ul style="list-style-type: none"> <li>• Per- and polyfluoroalkyl substances (PFAS) are a group of human-made substances that are very resistant to heat, water, and oil. PFAS have been used in surface coating and protectant formulations. Common PFAS-containing products are non-stick cookware, cardboard/paper food packaging, water-resistant clothing, carpets, and fire-fighting foam.</li> <li>• Perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) are two types of PFAS no longer manufactured in the US; however, other types of PFAS are still produced and used in the US.</li> <li>• All PFAS are persistent in the environment, can accumulate within the human body, and have demonstrated toxicity at relatively low concentrations.</li> <li>• Potential regulatory efforts to address PFAS focus on drinking water in order to minimize human ingestion of these chemicals, although regulators have also expressed concern about uptake into food from biosolids.</li> <li>• In 2020, the SWRCB issued an investigative order for POTWs. At that time, BACWA obtained SWRCB approval to fund and conduct a Regional PFAS Study in lieu of the investigative order.</li> <li>• In 2021, the formation of an “EPA Council on PFAS” was announced.</li> </ul>	<ul style="list-style-type: none"> <li>• The EPA and State of California are developing drinking water standards for PFAS compounds.               <ul style="list-style-type: none"> <li>○ DDW has developed drinking water notification and response levels for PFOA, PFOS, Perfluorobutane Sulfonic Acid (PFBS), and Perfluorohexane Sulfonic Acid (PFHxS).</li> <li>○ EPA has released final health advisories for PFOA (0.004 ng/L) and PFOS (0.02 ng/L).</li> <li>○ In 2023, EPA proposed Maximum Contaminant Levels for PFOA and PFOS as individual contaminants, and PFHxS, PFNA, PFBS, and HFPO-DA (commonly referred to as GenX Chemicals) as a PFAS mixture. By design, these MCLs are very close to the current limits of quantification.</li> </ul> </li> <li>• EPA is conducting pretreatment standards rulemaking for three types of industrial users: Metal Finishing, Organic Chemicals, Plastics and Synthetic Fibers, and landfills.</li> <li>• In 2022, EPA proposed a rule designating PFOA and PFOS as hazardous substances under CERCLA (the Superfund law). The designation could impact effluent disposal and biosolids programs.</li> <li>• In January 2024, EPA completed development of Method 1633, a new analytical method for PFAS in complex matrices like wastewater. Method 1633 is a Clean Water Act method and is recommended for use in pretreatment programs and NPDES permitting.</li> </ul>	<ul style="list-style-type: none"> <li>• BACWA’s Regional PFAS Study was conducted by SFEI in two phases:               <ul style="list-style-type: none"> <li>○ In Phase 1 (2020), fourteen facilities collected samples of influent, effluent, reverse osmosis concentrate, and biosolids.</li> <li>○ In Phase 2 (2022), six agencies conducted sampling of influent, effluent, and biosolids; residential sewersheds, commercial and industrial users; hauled organic waste used as digester feed; and groundwater.</li> <li>○ The study found that residential areas and industrial laundries are potential sources of PFAS.</li> <li>○ The final report is now complete, and is available upon request. BACWA has also prepared a PFAS Study Summary for members’ use.</li> </ul> </li> <li>• Continue tracking developments at the federal, state and regional level, in particular to understand the impact of the CERCLA designation on biosolids reporting.</li> <li>• Continue to support PFAS source control efforts by participating in monitoring studies, and by supporting regulatory and legislative efforts to limit the use of PFAS.</li> </ul>	<p>BACWA PFAS Study Summary  <a href="https://bacwa.org/wp-content/uploads/2024/02/BACWA-PFAS-Study-Summary-2024-02-07.pdf">bacwa.org/wp-content/uploads/2024/02/BACWA-PFAS-Study-Summary-2024-02-07.pdf</a></p> <p>SWRCB PFAS Resources:  <a href="http://www.waterboards.ca.gov/pfas/">www.waterboards.ca.gov/pfas/</a></p> <p>EPA PFAS Resources  <a href="http://www.epa.gov/pfas">www.epa.gov/pfas</a></p> <p>EPA PFAS Strategic Roadmap  <a href="http://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024">www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024</a></p> <p>EPA NPDES Permitting Guidance (Dec. 2022)  <a href="http://www.epa.gov/system/files/documents/2022-12/NPDES_PFAS_State%20Memo_December_2022.pdf">www.epa.gov/system/files/documents/2022-12/NPDES_PFAS_State%20Memo_December_2022.pdf</a></p> <p>Presentation on BACWA’s Regional PFAS Study at RMP 2023 Annual Meeting  <a href="http://www.sfei.org/projects/rmp-annual-meeting">www.sfei.org/projects/rmp-annual-meeting</a></p> <p>EPA Methods for PFAS  <a href="http://www.epa.gov/cwa-methods/cwa-analytical-methods-and-polyfluorinated-alkyl-substances-pfas">www.epa.gov/cwa-methods/cwa-analytical-methods-and-polyfluorinated-alkyl-substances-pfas</a></p> <p>CA Labs Certified for Method 1633  <a href="http://www.waterboards.ca.gov/pfas/docs/pfas-laboratories.pdf">www.waterboards.ca.gov/pfas/docs/pfas-laboratories.pdf</a></p>



Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>SANITARY SEWER SYSTEMS GENERAL ORDER</b>			
<ul style="list-style-type: none"> <li>• In 2022, the State Water Board reissued the statewide Sanitary Sewer Systems General Order (SSS-WDR). The reissued order replaced the 2006 Order and the 2013 Monitoring and Reporting Program.</li> <li>• The State Water Board's goals for the update were:               <ul style="list-style-type: none"> <li>○ Updating the 2006 Order</li> <li>○ Clarifying compliance expectations and enhancing enforceability</li> <li>○ Addressing system resiliency, including climate change impacts</li> <li>○ Identifying valuable data and eliminating non-valuable reporting requirements</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The reissued order became effective on June 5, 2023.</li> <li>• The first annual reports due under the reissued order are due April 1, 2024.</li> <li>• The reissued SSS-WDR contains numerous new and modified requirements, such as:               <ul style="list-style-type: none"> <li>○ A prohibition on discharges to groundwater;</li> <li>○ Reduced spill reporting requirements for small spills (spills from laterals or &lt;50 gallons);</li> <li>○ New spill monitoring requirements such as photo documentation and faster water quality sampling;</li> <li>○ New requirements for preparation of Sewer System Management Plans (SSMPs), including a focus on system resiliency, prioritizing corrective actions, and coordinating with stormwater agencies;</li> <li>○ Modified annual reporting requirements;</li> <li>○ New mapping requirements; and</li> <li>○ Modified timelines for preparation of audits and SSMPs. The State Water Board has prepared an online tool to assist agencies in determining compliance dates (at right).</li> </ul> </li> <li>• Maintaining an updated SSMP continues to be a core requirement of the SSS-WDR. Beginning in May 2025, SSMP updates will be required every six years (instead of five) and must contain the 11 updated elements described in the reissued SSS-WDR.</li> </ul>	<ul style="list-style-type: none"> <li>• Continuing working through the Collections System Committee to update a guidance document for Sewer System Management Plans (SSMPs). BACWA has hired a consultant to assist with this task, and work is underway.</li> <li>• Complete a member survey of sewer lateral ordinances in the region. Prompted by changes to the reissued SSS-WDR and ongoing concerns about infiltration and inflow (I&amp;I), some agencies are considering changes to their practices regarding sewer lateral maintenance and replacement.</li> <li>• Continue to coordinate with CASA and CWEA on training opportunities for members as they transition to enrollment under the new SSS-WDR.</li> </ul>	<p>State Water Board SSS-WDR page:  <a href="https://www.waterboards.ca.gov/water_issues/programs/ssso/">https://www.waterboards.ca.gov/water_issues/programs/ssso/</a></p> <p>Reissued SSS-WDR (General Order 2022-0103-DWQ), Effective June 5, 2023  <a href="https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo-2022-0103-dwg.pdf">https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo-2022-0103-dwg.pdf</a></p> <p>Materials from Clean Water Summit Partners Webinars on Reissued SSS-WDR  <a href="https://casaweb.org/ssss-wdr/">https://casaweb.org/ssss-wdr/</a></p> <p>SSMP and Audit Due Dates Lookup Tool from State Water Board  <a href="https://www.waterboards.ca.gov/water_issues/programs/ssso/lookup/">https://www.waterboards.ca.gov/water_issues/programs/ssso/lookup/</a></p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>LABORATORY ACCREDITATION</b>			
<ul style="list-style-type: none"> <li>• In May 2020, the State Water Board adopted new comprehensive regulations for the Environmental Laboratory Accreditation Program.</li> <li>• Adoption of the new regulations was required by AB 1438, legislation that became effective in 2018.</li> <li>• The new ELAP regulations are replacing the current state-specific accreditation standards with a national laboratory standard established by The NELAC Institute (TNI).</li> <li>• Compliance with TNI standards was required beginning <b>January 1, 2024</b>.</li> </ul>	<ul style="list-style-type: none"> <li>• The TNI standards apply to every ELAP-certified laboratory, regardless of certificate expiration date and regardless of location. Some laboratories have not yet been assessed to the TNI standard. Starting January 1, 2024, ELAP will be sending laboratories a written request asking for information about assessment plans and requesting a TNI-compliant Quality Assurance manual.</li> <li>• The TNI standards pose a particular challenge to small laboratories, many of which are closing because they cannot economically meet the new standards. ELAP has reported a 15% reduction in the number of accredited laboratories in California since 2020, and a 25% reduction since 2015. This reduction is contributing to significantly higher ELAP fees for the remaining laboratories. ELAP fees increased by 30% in FY24. ELAP is investigating fee structure options that would reduce impacts on small laboratories. Fee restructuring will not occur until FY25 or later.</li> <li>• ELAP is now implementing EPA's 2021 Method Update Rule. ELAP has advised labs to update any outdated methods by February 2024.</li> <li>• Since 2021, the BACWA Lab Committee has been hosting training sessions on the TNI standards.</li> </ul>	<ul style="list-style-type: none"> <li>• The BACWA Lab Committee will host Q&amp;A sessions on the TNI standards in February, April, and June 2024. The free virtual training sessions are open to BACWA members holding a valid copy of the 2016 TNI Standard. Diane Lawver of Quality Assurance Solutions, LLC, is providing the training. BACWA's TNI training sessions are recorded, and a link is available upon request.</li> <li>• Continue to work through BACWA's Laboratory Committee to support members as they navigate laboratory accreditation under the new TNI standards.</li> <li>• Publicize training opportunities offered by consultants, ELAP, and others.</li> </ul>	<p>State Water Board's 'Roadmap to ELAP Accreditation' page:  <a href="https://www.waterboards.ca.gov/drinking_water/certlic/labs/roadmap_to_elap_accreditation.html">https://www.waterboards.ca.gov/drinking_water/certlic/labs/roadmap_to_elap_accreditation.html</a></p> <p>State Water Board's ELAP regulations page:  <a href="http://www.waterboards.ca.gov/drinking_water/certlic/labs/elap_regulations.shtml">http://www.waterboards.ca.gov/drinking_water/certlic/labs/elap_regulations.shtml</a></p> <p>BACWA Training Session flyer:  <a href="https://bacwa.org/wp-content/uploads/2023/06/BACWA-Lab-TNI-Training-Series-Flyer-FY24.pdf">https://bacwa.org/wp-content/uploads/2023/06/BACWA-Lab-TNI-Training-Series-Flyer-FY24.pdf</a></p> <p>ELAP Timeline Guidance Tool:  <a href="https://www.waterboards.ca.gov/drinking_water/certlic/labs/docs/2022/elap-scheduler-1-1.xlsx">https://www.waterboards.ca.gov/drinking_water/certlic/labs/docs/2022/elap-scheduler-1-1.xlsx</a></p> <p>ELAP Implementation of 2021 Method Update Rule  <a href="https://www.waterboards.ca.gov/drinking_water/certlic/labs/mur.html">https://www.waterboards.ca.gov/drinking_water/certlic/labs/mur.html</a></p>



Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>BIOSEDOLDS</b> <ul style="list-style-type: none"> <li>Regulatory drivers are leading to the phase-out of biosolids used as alternative daily cover (ADC) or disposed in landfills. SB 1383, adopted in September 2016 requires organics diversion:               <ul style="list-style-type: none"> <li>-50% by 2020 (relative to 2014)</li> <li>-75% by 2025 (relative to 2014)</li> </ul>               CalRecycle is the state agency responsible for implementation.             </li> <li>Regulations implementing SB 1383 went into effect in 2022. Jurisdictions can begin local enforcement January 1, 2024, and compliance is required by January 1, 2025. Requirements include:               <ul style="list-style-type: none"> <li>Diverted biosolids must be anaerobically digested and/or composted to qualify as landfill reduction.</li> <li>CalRecycle is accepting applications to qualify other specific treatment technologies as landfill reduction (per Article 2 of SB 1383).</li> <li>Local ordinances restricting land application are disallowed.</li> </ul> </li> <li>While the regulations implementing SB 1383 do not explicitly forbid biosolids disposal/reuse in landfills, it is assumed that since biosolids are a relatively "clean" waste stream that can be easily diverted, landfills will stop accepting biosolids.</li> <li>The Bay Area Biosolids Coalition (BABC) was formed to find sustainable, cost-effective, all-weather options for biosolids management. BABC is a BACWA Project of Special Benefit.</li> </ul>			
	<ul style="list-style-type: none"> <li>Jurisdictions that divert organic waste must also procure the end products of diversion, such as biogas, biomethane, and compost (but not biosolids). Procurement rules are being phased in over three years (2023 to 2025) and there are interim rules regarding procurement of biogas from POTWs.</li> <li>In December 2023, Sutter County revised its ordinance to allow land application of Class A biosolids, reversing its previous ban. The change was made to conform to SB 1383. CalRecycle and biosolids stakeholders continue to conduct outreach to counties with restrictive ordinances.</li> <li>CalRecycle reviewed the first application under Article 2 ("H Cycle"), and determined it conditionally qualifies as equivalent to landfill diversion/reduction. CalRecycle plans to provide additional clarification on technologies that <i>already</i> comply with SB 1383, and need not apply under Article 2 (e.g., land application of biosolids that have not been anaerobically digested).</li> <li>AB 1857, signed in 2022, removes a diversion credit for municipal solid waste incinerators. CalRecycle will soon prepare draft regulations implementing the law, which could apply to biosolids treated via pyrolysis.</li> <li>New York and Michigan are imposing restrictions on land application of biosolids with levels of PFAS &gt;20 ppb for PFOA or PFOS. Based on the recently completed regional study of PFAS, few BACWA members are likely to exceed those thresholds for land-applied biosolids.</li> </ul>	<ul style="list-style-type: none"> <li>BACWA's next Biosolids Trends Survey Report will be completed in 2024 and will cover 2021-2023. It will replace the most recent (2021) version, which covers 2018-2020.</li> <li>Continue to follow emerging science and regulatory developments regarding PFAS in biosolids (see page 9).</li> <li>Engage through CASA and BABC to follow development of regulations implementing AB 1857, with the goal of avoiding limits on POTWs using pyrolysis for organic waste management.</li> <li>Actively work through CASA with California Air Resource Board, CalRecycle, State Water Board, and California Department of Food and Agriculture to develop sustainable long-term options for biosolids beneficial use.</li> <li>Meet with BAAQMD regularly in 2024 to discuss alignment of state and local regulations.</li> </ul>	<p>BACWA 2021 Biosolids Trends Survey Report:  <a href="https://bacwa.org/wp-content/uploads/2021/12/BACWA-2021-Biosolids-Trends-Survey-Report.pdf">https://bacwa.org/wp-content/uploads/2021/12/BACWA-2021-Biosolids-Trends-Survey-Report.pdf</a></p> <p>BABC website:  <a href="http://www.bayareabiosolids.com/">http://www.bayareabiosolids.com/</a></p> <p>CASA White Paper on SB 1383 Implementation:  <a href="https://bacwa.org/document/sunmary-of-sb-1383-and-its-implementation-casa-2020/">https://bacwa.org/document/sunmary-of-sb-1383-and-its-implementation-casa-2020/</a></p> <p>CalRecycle - Short-Lived Climate Pollutant Reduction Strategy  <a href="https://www.calrecycle.ca.gov/organics/slcp">https://www.calrecycle.ca.gov/organics/slcp</a></p> <p>CalRecycle Procurement FAQ (Updated by AB 1885)  <a href="https://calrecycle.ca.gov/organics/slcp/faq/recycledproducts/">https://calrecycle.ca.gov/organics/slcp/faq/recycledproducts/</a></p> <p>SB1383 Article 2 Determination  <a href="https://calrecycle.ca.gov/organics/slcp/recyclingfacilities/article2/">https://calrecycle.ca.gov/organics/slcp/recyclingfacilities/article2/</a></p> <p>SB 1383 Procurement FAQ (including interim rules for POTWs)  <a href="https://calrecycle.ca.gov/organics/slcp/faq/recycledproducts/">https://calrecycle.ca.gov/organics/slcp/faq/recycledproducts/</a></p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>CLIMATE CHANGE MITIGATION</b>			
<ul style="list-style-type: none"> <li>• CARB's Climate Change Scoping Plan Update lays out the approach for the State to meet its greenhouse gas (GHG) emissions reduction targets through 2030. The latest Scoping Plan was updated in 2022 targeting carbon neutrality by 2045, including policies addressing:               <ul style="list-style-type: none"> <li>◦ Short-lived climate pollutants</li> <li>◦ Carbon sequestration on Natural and Working Lands</li> <li>◦ Largest emitters (transportation, electricity, and industrial sectors)</li> </ul> </li> <li>• SB 1383 (Short-Lived Climate Pollutant Reduction) calls for:               <ul style="list-style-type: none"> <li>◦ 40% methane reduction by 2030</li> <li>◦ 75% diversion of organic waste from landfills by January 1, 2025</li> <li>◦ Policy / regulatory development encouraging production/use of biogas</li> </ul> </li> <li>• BAAQMD developed a Clean Air Plan requiring GHG emissions supporting CARB's 2050 target (80% below 1990 levels).</li> <li>• BAAQMD proposed the development of Regulation 13 (climate pollutants) targeting methane and nitrous oxide reductions related to organics diversion and management. After a pause of several years, BAAQMD may revisit Regulation 13 in 2024.</li> <li>• CARB states POTWs are part of the solution for reducing fugitive methane and encourages diversion of organics to POTWs to use available digester capacity and produce biogas.</li> </ul>	<ul style="list-style-type: none"> <li>• CARB is pursuing rapid fleet conversion to zero-emission vehicles (ZEVs), including medium and heavy-duty vehicles, through the Advanced Clean Fleet rule. The Advanced Clean Fleet rule allows organization to opt into one of two programs, with exceptions:               <ul style="list-style-type: none"> <li>◦ <b>Public Fleets (default):</b> Requires 50% of vehicles added to be ZEV by 2024, and 100% by 2027.</li> <li>◦ <b>High Priority Fleet (Group 3):</b> With exceptions, requiring 10% of vehicles added to be ZEV by 2030 and 100% by 2042.</li> </ul> </li> <li>• Complete conversion will be difficult for heavy-duty specialty trucks and will remove a potential market for biogas. CASA has requested to continue allowance of biogas as a sustainable transportation fuel.</li> <li>• In addition to pushing for ZEVs, CARB is proposing changes to the Low Carbon Fuel Standard with increasing emphasis on hydrogen as a transportation fuel. Conversion of biogas into hydrogen remains to be demonstrated.</li> <li>• In 2022, the CPUC mandated that CA's four largest gas utilities (including PG&amp;E) procure biomethane. PG&amp;E has an active biomethane procurement program, with more solicitations expected in 2024.</li> <li>• In 2023, EPA finalized updates to its Renewable Fuel Standard Set Rule allowing apportionment of renewable identification numbers (RINs) or "Credits for food-waste-based (D5) or sludge-based (D3) biogas.</li> </ul>	<ul style="list-style-type: none"> <li>• Review and comment on the draft Low Carbon Fuel Standards, which reduces the viability of biomethane use as CNG in vehicles. Comments are due February 20<sup>th</sup>, and a public hearing will be held March 21<sup>st</sup>.</li> <li>• Track implementation of the Advanced Clean Fleet Regulations, which CARB is discussing with a newly formed Truck Regulation Implementation Group w/ supporting subgroups.</li> <li>• Follow the fate of proposed legislation (AB 1594) that could exempt some public utility specialty vehicles from the Advanced Clean Fleet Regulations as part of the TRIG discussions. Can only be integrated into the ACF with amendments to the ACF in 2025.</li> <li>• Closely follow rule development of Proposed Regulation 13 (climate pollutants), which BAAQMD may revisit in 2024.</li> <li>• Look for ways to inform BAAQMD on opportunities and challenges related to climate change mitigation by Bay Area POTWs, including education about anaerobic digesters and POTW operations.</li> <li>• Work with PG&amp;E and BAAQMD to explore options for POTWs to inject biogas into PG&amp;E pipelines.</li> </ul>	<p>Climate Change Scoping Plan, including 2022 Update:  <a href="https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan">https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan</a></p> <p>CARB Low Carbon Fuel Standard:  <a href="https://ww2.arb.ca.gov/our-work/programs/low-carbon-fuel-standard">https://ww2.arb.ca.gov/our-work/programs/low-carbon-fuel-standard</a></p> <p>CARB Advanced Clean Fleet Rule:  <a href="https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets">https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets</a></p> <p>SB 1383:  <a href="https://www.calrecycle.ca.gov/organics/slcp">https://www.calrecycle.ca.gov/organics/slcp</a></p> <p>BAAQMD Regulation 13  <a href="http://www.baaqmd.gov/rules-and-compliance/rules/regulation-13-climate-pollutants">http://www.baaqmd.gov/rules-and-compliance/rules/regulation-13-climate-pollutants</a></p> <p>EPA Renewable Fuel Standards  <a href="https://www.epa.gov/renewable-fuel-standard-program/final-renewable-fuels-standards-rule-2023-2024-and-2025">https://www.epa.gov/renewable-fuel-standard-program/final-renewable-fuels-standards-rule-2023-2024-and-2025</a></p> <p>PG&amp;E Procurement  <a href="http://www.pge.com/rngrfo">http://www.pge.com/rngrfo</a>, &amp;  <a href="https://casaweb.org/wp-content/uploads/2023/11/PG-GE-at-CASA-Webinar.pdf">https://casaweb.org/wp-content/uploads/2023/11/PG-GE-at-CASA-Webinar.pdf</a></p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>CLIMATE CHANGE ADAPTATION</b>			
<ul style="list-style-type: none"> <li>Climate change and water resilience are a strategic priority of both the State Water Board and Regional Water Board.</li> <li>In April 2019, Governor Newsom signed Executive Order N-10-19 directing State Agencies to recommend a suite of priorities and actions to build a climate-resilient water system and ensure healthy waterways through the 21st century.</li> <li>Bay Area coordination occurs through Bay Adapt, the Bay Area Climate Adaptation Network (BayCAN), and other venues. BACWA has signed a letter of support for the Bay Adapt Joint Platform.</li> <li>In April 2022, the State released a Climate Adaptation Strategy, including an updated climate change assessment for the Bay Area region.</li> <li>The California Coastal Commission's November 2021 <i>Sea Level Rise Planning Guidance</i> recommends that agencies "understand and plan" for 2.7 feet of sea level rise (SLR) by 2050.</li> <li>The Regional Water Board is modifying the Basin Plan to address climate change and wetland policy. The changes will occur through multiple Basin Plan amendments.</li> </ul>	<ul style="list-style-type: none"> <li>In 2022, the Regional Water Board adopted a Climate Change Basin Plan amendment addressing dredge and fill procedures near the region's shorelines, especially for climate adaptation projects.</li> <li>Separately from the Basin Plan amendment, the NDPES division has released information regarding permitting of nature-based solutions.</li> <li>Shallow groundwater response to SLR is a concern in low-lying Bay Area communities. Information about current and future depth-to-groundwater maps is summarized in a January 2023 report now available from Pathways Climate Institute and SFEI.</li> <li>The Bay Conservation and Development Commission (BCDC) is developing regional SLR adaptation planning guidelines for the Bay Area as part of the Regional Shoreline Adaptation Plan. The guidelines must be adopted by Dec 31, 2024, to comply with SB 272, signed by the Governor in Oct. 2023. SB 272 requires cities and counties to develop regional sea level rise adaptation plans by 2034.</li> <li>The Ocean Protection Council (OPC) has issued a draft 2024 SLR guidance update reflecting the latest projections. Previous projections for extreme SLR (i.e., H++ scenario) have been removed, and the range of projections has narrowed considerably, especially for 2050. Updates to the Coastal Commission's "Critical Infrastructure at Risk" SLR planning guidance are expected to follow.</li> </ul>	<ul style="list-style-type: none"> <li><b>Review and understand the updated projections in the OPC's 2024 Draft SLR Guidance document.</b> OPC will hold informational webinars in February, and comments are due March 4<sup>th</sup>.</li> <li><b>Identify contact(s) at each agency to join BACWA's Climate Change Community of Practice.</b> BACWA plans to host a webinar series in 2024 on technical topics related to climate change, such as sea level rise projections and changes in precipitation. The Climate Change Community of Practice will provide a forum to discuss these topics.</li> <li>Engage with BCDC during the agency's development of Regional Shoreline Adaptation Plan guidance, which will likely impact most BACWA member agencies. BACWA is participating in an advisory group for the Regional Shoreline Adaptation Plan.</li> <li>Prepare for engagement with the Regional Water Board on expectations for SLR planning.</li> <li>Continue to work with Regional Water Board and other resource agencies to look for regulatory solutions to encourage wetlands projects for shoreline resiliency.</li> </ul>	<p>OPC 2024 Draft Sea Level Rise Guidance  <a href="https://opc.ca.gov/2024/01/draft-slr-guidance-2024/">https://opc.ca.gov/2024/01/draft-slr-guidance-2024/</a></p> <p>California Coastal Commission's <i>Critical Infrastructure at Risk</i>  <a href="https://documents.coastal.ca.gov/assets/slr/SLR%20Guidance%20Critical%20Infrastructure%206.2021.pdf">https://documents.coastal.ca.gov/assets/slr/SLR%20Guidance%20Critical%20Infrastructure%206.2021.pdf</a></p> <p>California Climate Adaptation Strategy  <a href="https://climateresilience.ca.gov">https://climateresilience.ca.gov</a></p> <p>BayCAN Funding Tracker  <a href="https://www.baycanadapt.org/">https://www.baycanadapt.org/</a></p> <p>Bay Adapt Joint Platform (includes Regional Shoreline Adaptation Planning info)  <a href="https://www.bayadapt.org/">https://www.bayadapt.org/</a></p> <p>NPDES Permitting for Nature-Based Solutions  <a href="https://bacwa.org/wp-content/uploads/2022/08/NPDES-Permitting-for-Nature-Based-Solutions-5.pdf">https://bacwa.org/wp-content/uploads/2022/08/NPDES-Permitting-for-Nature-Based-Solutions-5.pdf</a></p> <p>2023 Report on Shallow Groundwater Response  <a href="https://www.sfei.org/projects/shallow-groundwater-response-sea-level-rise">https://www.sfei.org/projects/shallow-groundwater-response-sea-level-rise</a></p>



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<b>TOXIC AIR CONTAMINANTS</b> <ul style="list-style-type: none"> <li>Regulation 11, Rule 18 (Rule 11-18), adopted in 2017, is BAAQMD's local effort to protect public health from toxic air pollution from existing facilities, including POTWs.</li> <li>Per the Rule, BAAQMD will conduct site-specific Health Risk Screening Analyses and determine each facility's prioritization score (PS). BAAQMD will conduct Health Risk Assessments (HRAs) for all facilities with a cancer PS&gt;10 or non-cancer PS&gt;1.0. After verifying the model inputs, if the facility still has PS above that threshold, that facility would need to develop and implement a Risk Reduction Plan that may include employing Best Available Retrofit Control Technology for Toxics (TBARCT).</li> <li>AB 617 (Community Air Protection Program) – requires CARB to harmonize community air monitoring, reporting, &amp; local emissions reduction programs for air toxics and GHGs). POTWs within communities already impacted by air pollution may have to accelerate implementation of risk reduction measures.</li> <li>AB 2588 (Air Toxics “Hot Spots” Program) - Establishes a statewide program for the inventory of air toxics emissions from individual facilities, as well as requirements for risk assessment and public notification of potential health risks. 2020 updates expanded compound list from &gt;500 to &gt;1,700.</li> </ul>			
	<ul style="list-style-type: none"> <li>In December 2023, BAAQMD released Regulatory Concepts for Amendments to Rule 11-18. The amendments outline procedures for HRAs, among other program details. Updated prioritization scores were also released.</li> <li>In the <i>Final Statement of Reasons</i> for rulemaking on AB 617 and AB 2588, CARB provided the wastewater sector time to develop a short-list of relevant compounds and perform a pooled emissions estimating effort to update outdated default emission factors (through 2028).</li> <li>In 2021, BAAQMD amended Rule 2-5 to reduce allowable levels of toxic air contaminants in new source permitting. In 2022, BAAQMD and BACWA convened a working group to address concerns related to toxic air contaminants and rule-making, which is meeting quarterly. BACWA is coordinating with BAAQMD about implementation of the two-step process and its timing relative to BAAQMD Rule 11-18 and 2-5.</li> <li>In July 2023, the EPA announced a proposal to revise its Air Emissions Reporting Requirements (AERR). CARB has applied to submit information on behalf of California facilities.</li> </ul>	<ul style="list-style-type: none"> <li><b>Review and Comment on the Regulatory Concepts for Amendments to Rule 11-18.</b> A public workshop will be held February 15<sup>th</sup>, and comments are due February 29<sup>th</sup>.</li> <li>Continue participating in the BAAQMD workgroup to discuss toxic air contaminants, rule development, and related air quality regulatory issues.</li> <li><b>Report “business as usual” for air toxics through 2028 (through year 2027 data).</b> CARB is preparing a message to Air Districts confirming POTWs can delay reporting new compounds until the two-step process is complete. The wastewater sector has until 2028 to perform a statewide “two-step process” to determine a shortlist of compounds relevant to the wastewater sector to report.</li> <li><b>For budget planning purposes, BACWA members with permitted capacity ≥ 5 MGD should expect the study to cost approximately \$3,700 per MGD of actual average annual daily flow (not permitted dry weather flow).</b> Study costs will be refined and spread over four years. BACWA will assist CASA in collecting funds from participants who are also BACWA's members.</li> </ul>	<p>BAAQMD Facility Risk Reduction Program Updates (Rule 11-18):  <a href="https://www.baaqmd.gov/community-health/facility-risk-reduction-program">https://www.baaqmd.gov/community-health/facility-risk-reduction-program</a></p> <p>BAAQMD Rule 2-5  <a href="https://www.baaqmd.gov/rules-and-compliance/rules/reg-2-permits?rule_version=2021%20Amendments">https://www.baaqmd.gov/rules-and-compliance/rules/reg-2-permits?rule_version=2021%20Amendments</a></p> <p>CARB page on AB 617 and AB 2588:  <a href="https://www2.arb.ca.gov/our-work/programs/criteria-and-toxics-reporting">https://www2.arb.ca.gov/our-work/programs/criteria-and-toxics-reporting</a>  <i>Final Statement of Reasons</i>  <a href="https://www3.arb.ca.gov/board/15day/ctr/fsor.pdf">https://www3.arb.ca.gov/board/15day/ctr/fsor.pdf</a></p> <p>Timing of Rule 11-18 vs. Process for AB 617  <a href="https://bacwa.org/document/baaqmd-rule-11-18-vs-carb-two-step-process-for-ab-617-feb-2023/">https://bacwa.org/document/baaqmd-rule-11-18-vs-carb-two-step-process-for-ab-617-feb-2023/</a></p> <p>EPA Air Emissions Reporting Requirements  <a href="https://www.epa.gov/air-emissions-inventories/air-emissions-reporting-requirements-aerr">https://www.epa.gov/air-emissions-inventories/air-emissions-reporting-requirements-aerr</a></p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>RECYCLED WATER</b>			
<ul style="list-style-type: none"> <li>Approximately 10 percent of the municipal wastewater of Region 2 POTWs is currently recycled. Expansion of recycled water projects is a goal of many BACWA members, but implementation is slowed by high costs and administrative requirements.</li> <li>In 2018, the State Water Board adopted uniform water recycling criteria for two types of Indirect Potable Reuse: surface water augmentation and groundwater augmentation.</li> <li>In December 2023, the State Water Board adopted uniform water recycling criteria for two types of Direct Potable Reuse: raw water augmentation and treated water augmentation.</li> <li>As of 2020, virtually all recycled water in Region 2 was produced at centralized facilities using municipal wastewater, and was treated to meet standards for non-potable reuse. There are not yet any Indirect or Direct Potable Reuse projects in Region 2, although several are in the planning stage.</li> </ul>	<ul style="list-style-type: none"> <li>The State Water Board is currently developing standards for onsite treatment and reuse of non-potable water in multi-family, mixed use, and commercial buildings. The rulemaking process for onsite non-potable reuse is slated to begin by Spring 2024 with a projected Board adoption in Fall 2024.</li> <li>In June 2023, BACWA completed a Regional Evaluation of Potential Nutrient Discharge Reduction by Water Recycling, as required by the 2<sup>nd</sup> Nutrient Watershed Permit.</li> <li>The State Water Board has launched a “Strike Team” to assess how California will meet new recycled water goals listed in California’s Water Supply Strategy: 800,000 acre-feet per year of recycled water by 2030 and 1.8 million acre-feet per year by 2040. The Strike Team will also document challenges to meeting these goals, such as funding.</li> <li>In December 2023, the Regional Water Board approved a Basin Plan Amendment that will allow greater flexibility for NPDES permitting of reverse osmosis concentrate discharges to San Francisco Bay. The Basin Plan Amendment must be approved by the State and USEPA before it is goes into effect.</li> </ul>	<ul style="list-style-type: none"> <li>Review draft regulations for Onsite Non-Potable Reuse when they are released by State Water Board staff, which is expected as soon as spring 2024.</li> <li>Build on successes of the September 2023 workshop on interagency collaboration. Wastewater and water agency representatives convened to discuss challenges and opportunities for expanding water recycling in the Bay Area.</li> <li>Continue to track the role of recycled water projects in diverting nutrient loads from San Francisco Bay. Load reductions are expected to be a requirement of the 2024 Nutrient Watershed Permit (see page 2).</li> <li>Track California legislation with potential impacts on recycled water funding, mandates, or regulations.</li> </ul>	<p>Water Boards Recycled Water Policy and Regulations  <a href="http://www.waterboards.ca.gov/water_issues/programs/recycled_water/">www.waterboards.ca.gov/water_issues/programs/recycled_water/</a></p> <p>Direct Potable Reuse Regulations  <a href="http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/dpr-regs.html">www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/dpr-regs.html</a></p> <p>Onsite Nonpotable Reuse Regulations  <a href="http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/onsite_nonpotable_reuse_regulations.html">www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/onsite_nonpotable_reuse_regulations.html</a></p> <p>BACWA Special Studies of Recycled Water and Nature-Based Systems:  <a href="http://bacwa.org/document-category/2nd-watershed-permit-studies/">bacwa.org/document-category/2nd-watershed-permit-studies/</a></p> <p>California’s Water Supply Strategy (August 2022)  <a href="http://Resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Water-Resilience/CA-Water-Supply-Strategy.pdf">Resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Water-Resilience/CA-Water-Supply-Strategy.pdf</a></p> <p>December 2023 Basin Plan Amendment  <a href="http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendment_s/NPDES_corrections.html">www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendment_s/NPDES_corrections.html</a></p>

Previously covered issues with no updates can be found in previous [BACWA issues summaries](#).

**ACRONYMS**

ADC	Alternate Daily Cover	PCB	Polychlorinated Biphenyl
BAAQMD	Bay Area Air Quality Management District	PFAS	Per- and Polyfluoroalkyl Substances
BACT	Best Available Control Technology	PFBS	Perfluorobutane Sulfonic Acid
BCDC	Bay Conservation and Development Commission	PFHxS	Perfluorohexane Sulfonic Acid
BTU/SCF	British thermal units per standard cubic foot	PFOA	Perfluorooctanoic Acid
CalDPR	California Department of Pesticide Registration	PFOS	Perfluorooctane Sulfonic Acid
CARB	California Air Resources Board	POTW	Publicly Owned Treatment Works
CASA	California Association of Sanitation Agencies	PS	Prioritization Score
CAP	Criteria Air Pollutant	RMP	Regional Monitoring Program
CEC	Compound of Emerging Concern	RPA	Reasonable Potential Analysis
CIWQS	California Integrated Water Quality System	SCAP	Southern California Alliance of POTWs
CVCWA	Central Valley Clean Water Agencies	SF Bay	San Francisco Bay
CWEA	California Water Environment Association	SFEI	San Francisco Estuary Institute
DDW	Division of Drinking Water, State Water Resources Control Board	SLR	Sea Level Rise
EC25/IC25	25% Effect Concentration/25% Inhibition Concentration	SSMP	Sewer System Management Plan
ELAP	Environmental Laboratory Accreditation Program	TMDL	Total Maximum Daily Load
ELTAC	Environmental Laboratory Technical Advisory Committee	TIN	Total Inorganic Nitrogen
EPA	United States Environmental Protection Agency	TNI	The NELAC Institute
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act	TST	Test of Significant Toxicity
FY	Fiscal Year	WQO	Water Quality Objective
GHG	Greenhouse Gas	ZEV	Zero-Emission Vehicle
MCL	Minimum Contaminant Level (Drinking Water)		
MGD	Million Gallons per Day		
NACWA	National Association of Clean Water Agencies		
NELAC	National Environmental Laboratory Accreditation Conference		
NMS	Nutrient Management Strategy		
OEHHA	Office of Environmental Health Hazard Assessment		
OPC	Ocean Protection Council		



**California Special  
Districts Association**  
*Districts Stronger Together*



# NEW LAWS OF 2024



# Introduction

In 2023 alone, Governor Gavin Newsom signed 890 bills into law, meanwhile the court system rendered numerous significant rulings establishing new case law. CSDA is the voice of all special districts, advocating for the interests of our members and the communities they serve. This report serves as a reference for special districts trying to keep up with the laws that affect their important work.

Most notably, this publication compiles CSDA's annual New Laws Series of concise articles from leading legal and public policy experts covering some of the most significant new laws taking effect in 2024. You will also find included CSDA's 2023 Year-End Legislative Report highlighting top advocacy efforts and a linked overview of the more than 100 bills affecting special districts that CSDA actively lobbied in 2023.

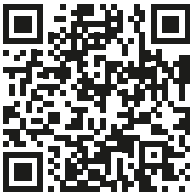
Finally, because many of the laws local agencies must follow are determined in court rooms, see our quick summary of court cases in which CSDA engaged through amicus briefs on behalf of special districts.

Members can view CSDA's past New Laws publications at [csda.net](https://csda.net):

[New Laws of 2023](#)



[New Laws of 2022](#)



[New Laws of 2021](#)



[New Laws of 2020](#)



*This communication is provided for general information only and is not offered or intended as legal advice. Readers should seek the advice of an attorney when confronted with legal issues and attorneys should perform an independent evaluation of the issues raised in these communications.*

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**California Special  
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## 2023 Year-End Legislative Report

Major Advocacy Accomplishments:

### **The Voice of Special Districts**

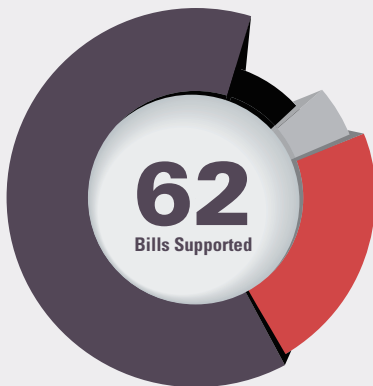
#### **Comprehensive Bill Report**

*CSDA is honored to advocate for and represent special districts in the pursuit of providing members with the necessary resources to best serve their communities. In addition to the highlights and bill statistics provided in this report, view CSDA's 2023 year-end priority positions bill report [here](#).*



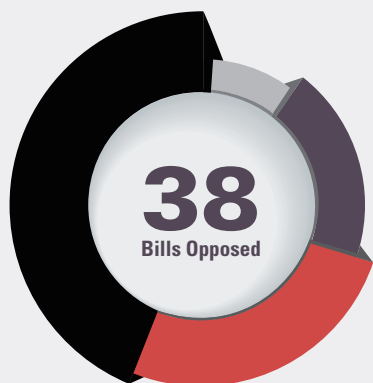
The California State Legislature introduced and CSDA reviewed 3,030 measures during the first year of the 2023-24 Legislative Session. CSDA's Legislative Committee maintained positions on 1,181 bills, including 100 priority positions. Of the 38 bills opposed by CSDA, only 7 became law. Of the 61 bills supported by CSDA, 33 became law.

## 2023 State Legislative Year Statistics



### BILLS SUPPORTED

- 33 – Signed into law
- 4 – Vetoed
- 2 – Amended to remove support
- 23 – 2-year



### BILLS OPPOSED

- 7 – Signed into law
- 4 – Vetoed
- 17 – Amended to remove opposition
- 10 – 2-year

## ADVOCACY: THE VOICE OF SPECIAL DISTRICTS



### CSDA Sponsored Legislation

- » **AB 557 (Hart) Brown Act** – Emergency remote meetings
- » **SCR 52 (Alvarado-Gil)** – Special Districts Week



### At the Forefront of the Fight Against an Existential Threat to Special District Services

When the California Business Roundtable filed Initiative 21-0042A1 (now #1935) to retroactively incapacitate the ability of special districts and other agencies to fund government services, CSDA immediately adopted an oppose position, joined a coalition with key stakeholders, and began educating its membership. These efforts are gaining traction.

- » **ACA 13 (Ward) Protect and Retain the Majority Vote Act** – CSDA was one of the original supporters of this constitutional amendment to uphold the majority vote and force measures like Initiative #1935 to meet the same voter thresholds they seek to impose on others. ACA 13 was approved by two-thirds of each house of the State Legislature to place on the November 2024 statewide ballot.
- » **Preelection Challenge to Initiative #1935** – CSDA moved swiftly to support the filing of the Governor's and Legislature's preelection challenge to Initiative #1935, asking the California Supreme Court to conduct preelection review and prevent the measure from being placed on the ballot.
- » **Special District Resolutions in Opposition** – Over 111 special districts have now adopted a board resolution in opposition to Initiative #1935.



### Protecting Local Revenue and Resources

As one of the most efficient and effective forms of government, special districts often do more with less. CSDA is fighting in the Capitol to ensure special districts have the resources they need to deliver the services their communities depend on.

- » **ACA 1 (Aguiar-Curry) 55 Percent Vote Threshold** – CSDA secured inclusion of special districts when this constitutional amendment was originally introduced in a prior session; ACA 1 passed the Legislature and voters will now decide whether to afford special districts and other local agencies with the same financing tools they previously approved for school districts.
- » **AB 516 (Ramos) Mitigation Fee Act** – Led efforts to resolve issues created by revisions to audit requirements for development project fees.
- » **AB 1713 (Gipson) Federal Funding** – Joined local agency stakeholders in opposition to this bill which would have created overly broad reporting requirements.
- » **AB 1490 (Lee) Housing** – Secured amendments to drop provisions that could have potential to threaten fee-related revenue that may be necessary for covering the costs of development projects, as a result, CSDA moved to a Neutral position.
- » **AB 1637 (Irwin) Web Domain Mandate** – CSDA worked with a coalition with an Oppose Unless Amended position that resulted in an amendment limiting the bill's requirement that all local governments transition to .gov websites to apply to cities and counties only.



## Surplus Land Act

In response to California's housing challenges, the State Legislature has taken a critical look at numerous housing-related policies, some of which would lead to unintended or counter-productive consequences if not for the CSDA-led local government coalition advocating on behalf of those who provide the essential services that support housing and affordable living.

- » **SB 747 (Caballero)** – Support with Negotiated Amendments
- » **AB 480 (Ting)** – Neutral with Amendments
- » **AB 457 (Patterson, Joe)** – Neutral with Amendments
- » **SB 34 (Umberg)** – Neutral with Amendments
- » **SB 229 (Umberg)** – Neutral with Amendments
- » **SB 634 (Becker)** – Opposed Unless Amended



CSDA Senior Legislative Representative, Aaron Avery, presents argument to amend SB 34.



## Protecting Operations Through Advocacy

Special districts employ over 160,000 front-line workers and contract for the design and construction of much of California's core infrastructure. CSDA worked to ensure these local service specialists can best serve the communities that rely on special districts.

- » **AB 400 (Rubio, Blanca)** – Design-Build: Support
- » **AB 504 (Reyes)** – Sympathy Strikes: Oppose
- » **AB 1484 (Zbur)** – Temporary Workforce Unionization: Oppose
- » **SB 149 (Caballero)** – California Environmental Quality Act: Support
- » **SB 252 (Gonzalez)** – CalPERS Divestment: Oppose
- » **SB 399 (Wahab)** – Political Job Duties: Oppose
- » **SB 706 (Caballero)** – Progressive Design-Build: Support
- » **SB 799 (Portantino)** – Unemployment Insurance: Oppose



## CARB Advanced Clean Fleet (ACF) Zero Emission Medium-Duty and Heavy-Duty Vehicle Mandate

CSDA advocated directly with CARB members and staff, provided written comments, and testified in opposition to the regulation during the public hearing, citing timeline, cost, infrastructure and emergency response concerns. As a result of CSDA and coalition efforts, CARB instituted numerous revisions, expanding opportunities for exemptions and extensions, including a "Milestone" implementation option that provides special districts and other local agencies with significantly more time for implementation.

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# REVIEW OF TOP NEW LAWS



# California Supreme Court Sheds Some Light on California Voting Rights Act Litigation

By Derek Cole, co-founder, and Sean De Burgh, partner, of Cole Huber LLP

The California Supreme Court recently released its long-awaited opinion in the *Pico Neighborhood Association v. City of Santa Monica* case. The Court's opinion reverses a 2021 Court of Appeal decision that upheld Santa Monica's at-large voting system under the California Voting Rights Act ("CVRA," Elec. Code § 14025 et seq.). In doing so, the Court shed some light on what has been an indisputably ambiguous area of the law for some time.

The last decade has seen public agencies face increased scrutiny applied to their voting systems. In many cases, agencies have received letters from out-of-town attorneys claiming the at-large elections for their governing boards violates the CVRA. With the threat of a lawsuit looming, public agencies have been forced to quickly consider whether their voting system potentially violates the CVRA.

Some agencies, with very little evidence to suggest that their voting systems even violate the CVRA, made the transition to by-district elections to avoid the possibility of costly litigation. This approach was made even more appealing when the Legislature enacted legislation that provided a "safe harbor" from exorbitant attorney fees for agencies that voluntarily converted to by-district elections.<sup>1</sup> Other public agencies, like the City of Santa Monica, dug in their heels, challenging the allegation their voting system violates the CVRA.

The CVRA prohibits any political subdivision from using any at-large method of election that "impairs the ability of a protected class to elect candidates of its choice or influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters are members of the protected class...."<sup>2</sup>

In *Pico Neighborhood Association v. City of Santa Monica*, the trial court concluded that the City's at-large method of electing city council members diluted Latino voters' ability to elect their preferred candidates and influence the outcome of elections. The trial court ordered the City to transition to by-district elections.

The Court of Appeal reversed the trial court's judgment, holding that there had been no dilution of Latino voters' ability to elect their preferred candidates. On appeal, the Plaintiffs argued that a showing of racially polarized voting was sufficient and that a separate showing of dilution was not required. The Court of Appeal determined that both dilution and racially polarized voting must be proven. The Court's analysis emphasized that Latino voters were too few and too geographically dispersed to be able to create a majority, regardless of how the potential districts were carved up. The Court of Appeal ultimately held that the minority group must constitute a majority (or near majority) in a hypothetical election district to establish a CVRA



## PART 1

violation, which mirrors requirements under the Federal Voting Rights Act ("FVRA").

The California Supreme Court agreed with the Court of Appeal that CVRA plaintiffs must establish both the racially polarized voting and vote dilution prongs, but rejected the requirement that the minority group must be able to create a minority-majority district. As to the voter dilution prong, the Supreme Court prescribed an alternative test that considers whether "under some lawful alternative electoral system," the subject minority group would have "the potential, on its own or with the help of crossover voters, to elect its preferred candidate." The court further explained that courts presented with alleged CVRA violations "should undertake a searching evaluation of the totality of the facts and circumstances," including the agency's circumstances, election history, and an "intensely local appraisal of the design and impact" of the challenged election system and the impact of potential alternative systems. Notably, this analysis leaves open the idea that remedies other than a by-district election system (e.g., ranked choice voting, cumulative voting, and limited voting) can be CVRA compliant.

totality of the facts and circumstances," including the agency's circumstances, election history, and an "intensely local appraisal of the design and impact" of the challenged election system and the impact of potential alternative systems.

Overall, the Supreme Court's "totality of the facts and circumstances" test for voter dilution still leaves significant ambiguity in this area of the law. The decision undoubtedly constitutes a mild setback for public agencies, as the Supreme Court's test constitutes a somewhat lower threshold for Plaintiffs to meet than the Court of Appeal had set forth. Moreover, confirming the need for Plaintiffs to prove voter dilution in addition to racially polarized voting means the analysis required to adequately evaluate CVRA claims will be an even more fact intensive and expensive endeavor than it has been in the past. This, in turn, may make it harder for agencies to assess their potential legal liability—i.e., how they would fare in court—because of the open-ended nature of the dilution analysis. Agencies may thus have a greater incentive to voluntarily convert to by-district elections or another CVRA-compliant election system rather than defend their at-large systems in court.

## Supreme Court Ruling in Summary

- ▶ Two-Prongs Required: CVRA plaintiffs must establish both the racially polarized voting and vote dilution prongs.
- ▶ No Minority-Majority District Required: CVRA plaintiffs need not establish the ability to create a minority-majority district.
- ▶ Vote Dilution Test: Whether "under some lawful alternative electoral system," the subject minority group would have "the potential, on its own or with the help of crossover voters, to elect its preferred candidate."
- ▶ Totality of the Facts and Circumstances: Courts "should undertake a searching evaluation of the

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<sup>1</sup>See *Elec. Code*, § 14026, § 10010.

<sup>2</sup>*Elec. Code*, § 14027.

# Zero Emissions Vehicle Mandate Kicks in January 1, 2024 – Reporting Due April 1

*By David Boyer, Partner, Suparna Jain, Partner, and Kevin Harris, Law Clerk at Atkinson, Andelson, Loya, Ruud & Romo*

Reducing vehicle emissions has long been seen as a viable approach to reduce greenhouse gas emissions and improve air quality and climate conditions at a broad scale. Via Executive Order, President Biden has set a goal of achieving net-zero greenhouse emissions by 2050 and has set a 50 percent zero-emission vehicle target by 2030. Additionally, state governments are pushing the adoption of policies and regulations to further intensify the progress of this transition. Through the Governor's Executive Order N-79-20, California became the first U.S. state to declare that it would ban sales of new internal combustion engines or gas-powered vehicles by 2035. The same Executive Order also stated that California aims for 100 percent of medium- and heavy-duty vehicles in the state to be zero emission by 2045 for all operations where feasible, and by 2035 for drayage trucks.

To aid in achieving the State of California's climate goals, the California Air Resources Board (CARB) was charged with establishing state air quality regulations to address the state's overall approach to accelerate a large-scale transition to zero emission medium and heavy-duty vehicles. In April 2023, CARB passed its Advanced Clean Fleets (ACF) regulation, which is one part of a broader strategy to deploy medium- and heavy-duty zero-emission vehicles (ZEV) wherever feasible. In September 2023, the Office of Administrative Law approved the

rulemaking and filed it with the Secretary of State. The ACF regulation became effective as of October 1, 2023. This memorandum focuses on and provides a general overview of one component of the ACF regulations, specifically the regulations applicable to state and local government fleets.

This regulation will have a significant effect on state and local government agencies, by increasing the amount of reporting required annually for all vehicles added to and removed from a state or local government agency's fleet. For agencies under the jurisdiction of a larger entity, joint compliance may be an option to explore under the regulation; however, annual reporting must be completed individually. In addition to the required reporting, state and local agencies will be required to determine which lower-emissions vehicles can meet their needs while instituting a process to go about acquiring, fueling, and otherwise maintaining such vehicles in the very near future.

## **Do the ACF State and Local Government Fleet Requirements Apply to Your State or Local Government Agency?**

With respect to state and local government fleets, the ACF regulation defines a state or local government agency as a city, county, public utility, special district, local agency

## PART 2

or district, or a public agency of the State of California, and any department, division, public corporation, or public agency of the State of California. Affected agencies are those that have jurisdiction in California and own, lease, or operate in California, one or more vehicles with a Gross Vehicle Weight Rating ("GVWR") greater than 8,500 pounds. (Reg. § 2013, subd. (a)(1) & (2).

Unfortunately, the ACF regulation does not clarify if all local agencies, whether or not they own, lease, or operate one or more vehicles with a GVWR of over 8,500 pounds, must comply with the reporting requirements. Accordingly, local agencies should check with CARB prior to the initial reporting deadline to ensure whether or not their local agency must file a report, even if it is to specify it has no such vehicles.

## What is Required Under the ACF State & Local Government Agency Fleet Requirements?

Beginning January 1, 2024, state and local government fleet owners must select one of two options, either the (1) "ZEV Purchase Schedule" or the (2) "ZEV Milestone-Based Schedule." (refer to downloadable flowchart)

1. **ZEV Purchase Schedule:** Beginning January 1, 2024, 50 percent of the total number of vehicle purchases for the California fleet made in each calendar year must be zero-emissions vehicles ("ZEV"), and starting January 1, 2027, 100 percent of purchases for the California fleet in each calendar year must be ZEV. (See Reg. § 2013, subd. (d)(1) (A)-(B).) A "vehicle purchase" includes placing an order to acquire legal or equitable title to a vehicle, but expressly does not include renewing leases of vehicles that are already in the fleet. (See Reg. § 2013, subd. (b) [vehicle purchase definition].) However, a state or local government agency that either: has jurisdiction solely in a designated low population county; owns, operates, or leases ten or

fewer vehicles in the fleet; or splits its service area between a designated and non-designated county and at least 90 percent of the service area (sq. mi.) is in the designated low population county may delay the start of their ZEV purchases until January 1, 2027, at which point 100 percent of vehicle purchases must be ZEVs. (Reg. § 2013, subd. (d)(1))

2. **ZEV Milestone-Based Schedule:** Until January 1, 2030, fleet owners may elect to permanently comply with the ZEV milestones applicable to "High Priority and Federal Fleets." (Reg. § 2013, subd. (e).) If an entity elects the ZEV milestone option, it must report such election/intention under the requirements stated in Section 2013.2 (c)(1)(I) prior to April 1, 2024. (Reg. § 2013, subd. (e)) and may not switch back to the ACF Regulation pertaining to State & Local Agency Fleets. Instead, such an entity will remain bound to comply with the regulation for High Priority and Federal Fleets (i.e., California Code of Regulations, title 13, sections 2015-2015.6).

Notwithstanding the schedule selected by a state or local government agency, the ACF rule treats "near-zero-emissions vehicles" ("NZE"), which are defined as those capable of operating like a ZEV using electricity stored on-board the vehicle for a minimum number of miles, the same as ZEVs for purposes of compliance. (Reg. § 2013, subd. (b) & (f)). Each ZEV may only be counted once for compliance while remaining in the fleet, and ZEV purchases in excess of the required amounts made before the deadlines may be counted towards future purchase requirements. (Reg. § 2013, subd. (h) & (i)). Individual departments, divisions, districts, subsidiaries, or agencies under the same state or local government agency's jurisdiction may comply jointly with the ACF rule if the combined fleet meets the rule's requirements. (Reg. § 2013, subd. (k)).

## Are there any Exemptions/Extensions to these Fleet Requirements?

The ACF rule incorporates exemptions based on either the category of vehicles within a California fleet or whether the fleet owner requests such an exemption and/or extension while meeting the applicable requirements. If applicable, both types of exemptions allow fleet owners to purchase internal combustion engine ("ICE") vehicles which would otherwise violate the ZEV purchase requirements of the ACF rule. However, fleet owners requesting exemptions must be in compliance with the ACF rule's general ZEV purchase requirements in order for an exemption to be utilized. (Reg. § 2013, subd. (n)).

Vehicles categorically exempt from ZEV purchase requirements of the ACF rule include:

- ▶ school buses as defined in California Vehicle Code Section 545(a);
- ▶ military tactical vehicles as described in Title 13, CCR, Section 1905;
- ▶ vehicles awaiting sale;
- ▶ emergency vehicles as defined in California Vehicle Code Section 165;
- ▶ historical vehicles;
- ▶ dedicated snow removal vehicles;
- ▶ two-engine vehicles;
- ▶ heavy cranes as defined in Title 13, CCR, Section 2021(b)(16);
- ▶ transit vehicles subject to the Innovative Clean Transit Regulations commencing with Title 13, CCR, Section 2023; and
- ▶ vehicles subject to the Zero-Emission Airport Shuttle Regulation. (Reg. § 2013, subd. (c)).

Even if fleet vehicles are not categorically exempt, there are various exemptions and/or extensions (refer to

downloadable flowchart) that state and/or local government agencies may be able to utilize, depending on the schedule option selected. Some include, but are not limited to the following:

- ▶ **"Backup Vehicle Exemption"** allows fleet owners to purchase a new or used ICE vehicle and exclude such vehicle from the ZEV purchase requirements if the vehicle is operated less than 1,000 miles per year (excluding emergency operations); the fleet owner reports the vehicle as a backup vehicle and submits the required odometer readings; and the vehicle is capable of operation in California and remains part of a compliant fleet. (Reg. § 2013.1, subd. (a)).
- ▶ **"Daily Usage Exemption"** allows fleet owners to purchase a new ICE vehicle with the same configuration as the ICE vehicle being replaced if no battery-electric vehicle ("BEV") is available to purchase which meet the demonstrated daily usage needs of vehicles currently in the fleet. (Reg. § 2013.1, subd. (b)). Fleet owners seeking this exemption must also submit the following information when requesting the exemption: (1) the make, model, weight class, configuration, and a photograph of the ICE vehicle to be replaced; (2) the BEV available for purchase, along with its respective information under item (1); (3) the range of the vehicle, or the needed rated energy capacity of the vehicle if it is truck mounted or operated while stationary; (4) a daily usage report for a period of at least 30 consecutive days in the last 12 months for all ICE vehicles of the same weight class and configuration, including daily mileage, energy use, and hours of operation if applicable; and (5) a description of daily assignments and routes used by existing vehicle configurations with an explanation of why existing BEVs available cannot be charged or used. (Reg. § 2013.1, subd. (a)).

- **“ZEV Infrastructure Delay Extensions”** as set forth below, can be requested if fleet owners experience delays beyond their control on a project to install ZEV fueling infrastructure, but may only be requested of ICE vehicles being replaced at the site experiencing the delay. This extension may also apply to locations where the fleet owner is under contract for one year or longer to charge or fuel their ZEVs prior to beginning the infrastructure project. The extension request must be submitted at least 45 days before the next available compliance date. (Reg. § 2013.1, subd. (c)(1)).

  - » **“ZEV Infrastructure Construction Delays”** fleet owners may request this extension if they experience a construction delay due to circumstances beyond their control. An extension for up to two years may be granted, beginning on the applicable compliance date for the number of vehicles that qualify for the extension, per project. Required criteria and/or documentation that must be submitted include: (1) documentation showing an executed contract for ZEV fueling infrastructure installation including a construction permit showing a permit issuance date of at least one year prior to the next compliance deadline; (2) documentation showing delay is a result of any of the following after the permit is obtained: change in general contractor; delay in manufacturer and shipment of ZEV fueling infrastructure equipment; delays in obtaining power from a utility; delays due to unexpected safety issues on the project, discovery of archeological, historical, or tribal cultural resources as described in CEQA, or natural disasters; (3) a letter to CARB from the responsible official explaining the reason for the delay and other issues; and (4) documentation of executed ZEV purchase agreements. (Reg. § 2013.1, subd. (c)(1)(A)-(E)).
  - » **“ZEV Infrastructure Site Electrification Delays”** may be submitted where the electric utility provider determines that it cannot supply the requested power where ZEVs will be charged or refueled prior to the next compliance date. (Reg. § 2013.1, subd. (c)(2)). If the criteria for the electrification delay is met, an extension may be requested for up to 3 years for ZEV delivery dates to be aligned with the time needed by the utility to supply the needed power. (Reg. § 2013.1, subd. (c)(2)(A)). The electrification delay may be granted for the number of ZEVs to which the utility cannot supply sufficient power, but the fleet owner must deploy the maximum number of ZEVs that the utility can supply in order to maintain the extension. (Reg. § 2013.1, subd. (c)(2)(B)).
- **“ZEV Purchase Exemptions”** allow fleet owners to purchase a new ICE vehicle if a needed configuration is not available under the ZEV Exemption List or the ZEV Purchase Application. (Reg. § 2013.1, subd. (d)). The ZEV Exemption List requires CARB to publish a list of vehicle configurations which are not available for purchase as ZEVs or NZEVs, and the exemption expires when configurations are determined to be available for purchase. (Reg. § 2013.1, subd. (d)(1)). The ZEV Purchase Application allows fleet owners to purchase a new ICE vehicle of the same configuration as an ICE vehicle being replaced if it can be shown that the ZEV or NZEV manufacturer does not offer a chassis, or complete ZEV or NZEV of the needed configuration. (Reg. § 2013.1, subd. (d)(2)).
- **“Mutual Aid Assistance”** exemption. Under this exemption, fleet owners with a mutual aid agreement to assist other entities during a declared emergency event are allowed to purchase new ICE vehicles in an amount up to 25 percent of the

total number of vehicles in their California fleet. (Reg. § 2013.1, subd. (e)). California fleets granted this exemption need only be comprised of at least 25 percent ZEVs until 2032, 50 percent ZEVs until 2035, and 75 percent ZEVs after 2035. (Reg. § 2013.1, subd. (e)). Notably, it must also be shown ZEVs of the same weight class and configuration cannot be charged from 10 to 80 percent of their rated energy capacity within 1 hour by mobile ZEV fueling providers. (Reg. § 2013.1, subd. (e)(3)).

- ▶ On October 8, 2023, Governor Newsom signed AB 1594, which was expressly developed in response to the ACF regulation. Accordingly, it can be read as an additional carve out/exemption to the ACF regulation. However, please note there are no court decisions or legal authority speaking directly to this at the moment. AB 1594 requires any state regulation that seeks to require, or otherwise compel, the procurement of medium- and heavy-duty zero-emission vehicles to authorize public agency utilities to purchase replacements for traditional utility-specialized vehicles that are at the end of life (as determined by CARB in consultation with the public agency utilities) when needed to maintain reliable service and respond to major foreseeable events, including severe weather, wildfires, natural disasters, and physical attacks. AB 1594 defines a public agency utility to include a local publicly owned electric utility, a community water system, a water district, and a wastewater treatment provider.

## Important Deadlines Under the ACF Rule

Under the ACF rule the “Compliance Date,” is January 1 of each calendar year beginning in 2024. For state and local government agencies, compliance with the requirements of the ACF rule will be determined annually as of the compliance date. (Reg. § 2013, subd. (m)). Agencies

should be mindful of the dates upon which changes in ZEV purchase requirements go into effect under the schedule with which they elect to comply. An agency’s choice of compliance schedule must be reported by April 1, 2024. (Reg. § 2013, subd. (e)). As discussed below, the annual reporting period will be during the month of March, with all required reporting to be submitted by April 1.

## Recordkeeping and Reporting Requirements

The ACF rule requires several categories of documents to be submitted annually for compliance through the CARB ACF webpage, unless otherwise required by the regulation. These other methods of submission will mainly apply to certain exemption and extension requests. The annual reporting period occurs during the month of March, and fleet owners must submit a compliance report no later than April 1 of each year until April 1, 2045. The initial report will be required by April 1, 2024. (Reg. § 2013.2, subd. (a) & (b)). Fleet owners are required to maintain records of reported information and the accompanying documentation for no less than five years and make such records available to CARB within 72 hours or any written or verbal request for audit. (Reg. § 2013.3).

The compliance report is required to include the state or local government agency’s information, which primarily consists of the agency’s identifying information, contact information, jurisdiction, and whether the agency will permanently opt into the ZEV Milestone-Based Option and no longer be subject to the requirements for state and local agencies. (Reg. § 2013.2, subd. (c)(1)). In addition, the annual compliance report must contain basic information regarding each vehicle in a qualifying California fleet, such as the make, model, VIN number, vehicle GVWR, and information concerning the vehicle’s purchase. It must also include whether any vehicle will be designated under any exemption, the engine family, engine model year (if added to the fleet after January 1, 2024), and odometer readings if necessary. Finally, the annual compliance report must



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identify vehicles which are being replaced and include information regarding funding contracts for any vehicle if a state-funding program excludes the vehicle from the ACF rules. (Reg. § 2013.2, subd. (c)).

Changes to an existing California fleet have separate reporting requirements and must be reported to CARB within 30 calendar days of the change. Changes that must be reported include additions to and permanent removals from the fleet, backup vehicles which exceed the mileage limit under the applicable exception, and conversions of any vehicle to a ZEV fuel type. (Reg. § 2013.2, subd. (e)). Fleet owners should also be aware that the ZEV Purchase Exemption will require submission of the purchase agreement for the new ICE vehicle and clear, legible photographs of certain areas of the vehicle. (Reg. § 2013.2, subd. (g)).

Lastly, California fleet owners may establish the compliance of their respective fleets after the initial reporting deadline by submitting documents online and through email to CARB. However, penalties for late submissions are scheduled to begin on January 1, 2025, and each month without the requisite submission will constitute another violation. (Reg. § 2013.4, subd. (b)). The ACF rule does not state what these penalties will be, so state and local government agencies should look for guidance from CARB in the future regarding penalties or contact CARB directly for more information.

Enforcement of the ACF Regulation Requirements

Pursuant to the ACF Regulation, any person who fails to comply with the requirements, who fails to submit any information, report, or statement required by the regulation, or who knowingly submits any false statement or representation in any application, report, statement, or other document filed, maintained, or used for the purposes of compliance with the regulation may be subject to penalties. The ACF Regulation does not define “person”;

nor does it specify what the penalties will be, so state and local agencies will need to contact CARB for more information.

Conclusion

CARB’s ACF regulation places responsibility on all state and local government agencies to begin the transition from traditional ICE vehicles sooner rather than later. Agencies should begin considering how they will implement their own ZEV purchase procedures and begin to determine which available vehicles will be capable of taking on the duties of their current fleets. Given imminent compliance deadlines and reporting obligations, it is imperative for these agencies to begin considering which compliance schedule they will prefer to follow and how to implement their own ZEV purchase procedures.



Scan the QR code to download the flowchart or visit:  
<https://bit.ly/2024CarbRule>

# Infrastructure Package Expands Progressive Design-Build and Design-Build, Streamlines CEQA for Select Projects

*By David Gehrig, Partner, and Catherine Groves, Senior Counsel, Hanson Bridgett LLP*

The California State Legislature passed three bills in 2023 which help public agencies with infrastructure projects. [SB 706 \(Caballero\)](#) expands progressive design-build authority to a wider range of agencies and projects, [AB 400 \(Blanca Rubio\)](#) expands the availability of traditional design-build, and [SB 149 \(Caballero\)](#) streamlines California Environmental Quality Act (CEQA) requirements for certified projects. Each of the bills is summarized below.

## **SB 706: Progressive Design-Build Authority for Local Agencies**

SB 706 (Caballero) authorizes cities, counties, cities and counties, and special districts to use the progressive design-build (PDB) process for up to 10 public works in excess of \$5 million each, excluding projects on state-owned or state-operated facilities. Unlike a predecessor statute (SB 991) adopted last year, SB 706 is not limited to water-related projects. This new authorization expires on January 1, 2030.

PDB is a variation of the traditional design-build delivery method which differs in three primary ways:

1. A PDB contract is awarded at the earliest feasible stage of the project, usually immediately after a conceptual design is available, while a traditional design-build contract is awarded later – after a 30 percent bridge design is complete.
2. A PDB contract award does not include a construction price at the time of award, while a traditional design-build contract includes a lump sum price at the time of award.
3. A PDB contract requires that the parties negotiate the construction price on an “open book” basis over the initial phase of the project with contractual “off-ramp” provisions in the event that the parties don’t come to agreement, while a traditional design-build contract has none of these features.

In short, PDB is one of the most collaborative forms of contracting available to California public agencies. It creates significant flexibility for an agency, but also significant challenges in negotiating the construction price, schedule, and final design.

SB 706, along with [SB 617](#), are the latest expansion of PDB authority in California, after SB 991 and [AB 1845](#) were

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adopted last year. These statutes are drafted very similarly. Collectively, they now authorize PDB for a truly wide range of agencies and projects. The wording of the statutes offers agencies flexibility in how the procurement process and contract terms are structured. However, agencies should be aware of the significant differences between traditional design-build and PDB outlined above.

In our experience, there are several approaches that maximize an agency's chances for a successful outcome on a PDB project. Initially, it is important for agencies to educate their internal and external stakeholders about the unique features of the delivery method, including the fact that the construction price will not be known at the time of award. It is also important for an agency to assemble an owner team with PDB experience. This might include an owner's advisor firm to assist with development of initial technical design documents and procurement support, and outside legal counsel experienced with the delivery method.

The agency should also tailor its procurement process to address its priorities:

- ▶ Use a one-step procurement to maximize speed of award.
- ▶ Employ a two-step procurement for more in-depth screening of proposers.
- ▶ Offer a stipend to responsive proposers to boost industry interest in a project.
- ▶ Host confidential one-on-one meetings to help optimize the procurement process and obtain the best proposals.
- ▶ Score interviews as part of the evaluation process and award more points to those proposers who demonstrate superior communication and collaboration skills.

Finally, within the PDB agreement, we recommend including a robust off-ramp clause that provides the agency with the right to require the design-builder to complete the 100 percent construction documents when the agency takes the off-ramp. In addition, the agreement should include a clear agency budget for the project and an obligation for the design-builder to design to that budget. Successful PDB projects we have been a part of have included these elements.

The expansion of PDB authority under SB 706 is exciting for California special districts. However, agencies should be aware of the significant ramp-up required to coordinate a PDB project for the first time.

### **AB 400: Expansion of Design-Build Authority for Transit Projects**

AB 400 (Blanca Rubio) modified the existing local agency design-build statute located in Public Contract Code Sections 22160-22169 to expand the types of agencies that may utilize the design-build authority for "transit capital projects." Specifically, AB 400 modified Public Contract Code section 22161(f)(3) so that any joint powers authority "responsible for the construction of transit projects" may utilize the authority – as opposed to any joint powers authority "formed to provide transit services." While the revision may seem inconsequential at first glance, it may result in an appreciable expansion of the number of agencies that can utilize the authority, since many more agencies can form a joint powers authority to construct a transit project.

Here is the complete list of agencies authorized to utilize the design-build authority under the revised law, with the new text regarding joint powers authorities (provided the project fits within the limitations for authorized projects and exceeds \$1 million in value):

1. A city, county, or city and county.

2. A special district that operates wastewater facilities, solid waste management facilities, water recycling facilities, or fire protection facilities.

3. Any transit district, included transit district, municipal operator, included municipal operator, any consolidated agency, as described in Section 132353.1 of the Public Utilities Code, any joint powers authority, any county transportation commission created pursuant to Section 130050 of the Public Utilities Code, or any other local or regional agency, responsible for the construction of transit projects.

4. The San Diego Association of Governments, as referenced in the San Diego Regional Transportation Consolidation Act (Chapter 3 (commencing with Section 132350) of Division 12.7 of the Public Utilities Code).

5. The Stanislaus Regional Water Authority. (PCC § 22161.)

2. the project creates high-wage, highly skilled jobs that pay prevailing wages and living wages, provides construction jobs and permanent jobs for Californians, helps reduce unemployment, and promotes apprenticeship training;

3. for a clean energy project, the project does not result in any net additional emission of greenhouse gases, including greenhouse gas emissions from employee transportation;

4. the project complies with certain solid waste and recycling laws;

5. the applicant has entered into a binding and enforceable agreement that all mitigation measures required under this division to certify the project under this chapter shall be conditions of approval of the project;

6. the applicant agrees to pay the costs of the trial court and the court of appeal in hearing and deciding any case challenging a lead agency’s action on a certified project under this division; and

7. the applicant agrees to pay the costs of preparing the record of proceedings for the project concurrent with review and consideration of the project under this division.

In addition, AB 400 extended the sunset date for the law from January 1, 2025, to January 1, 2031.

**SB 149: Streamlining of CEQA Procedures for Projects Certified by the Governor**

SB 149 (Caballero) extended existing CEQA streamlining benefits for infrastructure projects from January 1, 2024 to January 1, 2032. An “infrastructure project” means (1) An energy infrastructure project, (2) A semiconductor or microelectronic project, (3) A transportation-related project, or (4) A water-related project. (PRC §21189.81.) Under SB 149, the Governor can certify infrastructure projects for streamlining benefits related to CEQA if:

1. the project will result in a minimum investment of \$100 million in California upon completion of construction;

Certified projects enjoy benefits including the requirement that judicial actions challenging projects certified by the Governor be resolved, to the extent feasible, within 270 days after the filing of the record of proceedings with the court.

SB 149 also requires an action or proceeding challenging the certification of an environmental impact report (EIR) for infrastructure projects or the granting of any project approvals, including any potential appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the record of proceedings with the court.

Conclusion

SB 706, AB 400, and SB 149 expand the statutory authority for utilizing design-build and PDB and streamline the CEQA process. With the right support and thoughtful consideration of the issues outlined above, these new laws will help agencies more efficiently deliver important infrastructure projects.

# Surplus Land Act Amended Again: Changes Go Into Effect in 2024

*By Matthew Cody, Of Counsel, Best Best & Krieger LLP*

The Surplus Land Act (SLA) applies when a local public agency disposes of property that it no longer needs. In 2019, the SLA was significantly amended to encourage the disposition of property for housing projects. This year, the SLA was amended by [Senate Bill 747 \(Caballero\)](#) and [Assembly Bill 480 \(Ting\)](#), but Assembly Bill 480 contains the operative amendments because it was chaptered last. In general, the amendments change the scope of the SLA, what may be declared as “exempt surplus property,” and the process for compliance with the SLA. Additionally, [Senate Bill 229 \(Umberg\)](#) amended the SLA to increase oversight and enforcement if the Department of Housing and Community Development (“HCD”) issues a notice of violation.

The SLA applies to local agencies, including cities, counties, and all special districts, including school, sewer, water, utility, and park districts, joint powers authorities, successor agencies, housing authorities, and any “other political subdivision” of the state. Thus, all local agencies, including special districts, should carefully review the requirements of the SLA when seeking to sell or otherwise dispose of property.

## Amended Definition of “Dispose”

Previously, under the SLA, the term “dispose” was not defined in statute, resulting in a lack of clarity as to what local agency actions triggered various SLA requirements. As amended, the SLA defines dispose as: (A) the sale of the surplus land; or (B) the entering of a lease for surplus land, which is for a term longer than 15 years, inclusive of any extension or renewal options included in the terms of the initial lease, entered into on or after January 1, 2024. As amended, the SLA now expressly states that a “dispose” does not include (A) the entering of a lease for surplus land, which is for a term of 15 years or less, inclusive of any extension or renewal options included in the terms of the initial lease, or (B) the entering of a lease for surplus land on which no development or demolition will occur, regardless of the term of the lease.

## Clarification to What Qualifies as “Participating in Negotiations”

Prior to disposing of surplus land, or participating in negotiations to dispose of surplus land, the agency must issue a notice of availability. The SLA had already specified that certain activities did not constitute negotiations, such as commissioning appraisals, due diligence, discussions



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with brokers not representing buyers, issuing a request for qualifications, marketing materials, or internal agency discussions. This left open a wide range of other activities. As amended, the SLA clarifies that “participating in negotiations” also does not include: (i) issuing a request for proposals for certain exempt surplus land, (ii) negotiating a lease, exclusive negotiating agreement or option agreement for certain exempt surplus land, or (3) negotiating a lease that is exempt from the meaning of “dispose.”

Declaration of Exempt Surplus Land by Notice and Publication

Under the SLA, a declaration of “exempt surplus” land is ordinarily done by adopting a resolution at a public meeting. As amended, a declaration of exempt surplus may be done by notice and publication for certain properties, including land sold for affordable housing, smaller lots, former streets or right of way, land granted by the state in trust, land disposed of for specified educational purposes, and property owned by a public airport where residential use is prohibited.

To take advantage of this new process, the agency must identify the land in a notice that is (1) published, and (2) available for public comment. The statute does not provide guidance for how to publish the notice or accept public comment; those details may be provided by HCD in updated guidelines. After completing the notice and publication, the agency must wait 30 days for the exemption to take effect. Local agencies will want to consider what process should be required to authorize a declaration of exempt surplus under this authority.

Changes to the Definition of Exempt Surplus Land

As amended, the SLA generally broadens the meaning of “exempt surplus land” to provide greater flexibility for agencies disposing of certain surplus land.

These changes include the following:

- ▶ The exemption for disposition of certain small properties was changed to include land that is less than one-half acre in area (or 21,780 square feet). The amendments also remove the requirement to dispose of property to a contiguous property owner.
- ▶ The exemption for transfer of property to another agency allows a transfer to a “third-party intermediary,” provided that the receiving agency’s use must be contained in a legally binding agreement at the time of transfer to the third-party intermediary.
- ▶ Exemptions for affordable housing are expanded, provided that the project meets specified criteria. For some projects, the requirement to make the property available pursuant to an open, competitive bid is removed. The amendments specify that qualifying projects may occur on multiple parcels. These exemptions should be reviewed carefully to evaluate the specific housing requirements.
- ▶ Clarification that an existing exemption for property subject to valid legal restrictions that prohibit housing, includes but is not limited to (1) existing constraints under ownership rights or contractual rights if the constraints were agreed to prior to September 30, 2019, (2) restrictions from conservation or other easements or encumbrances, existing leases, or other contractual obligations or restrictions, as specified, and (3) funding source restrictions, as specified. As amended, a declaration of exemption under this provision shall be supported by documentary evidence establishing the valid legal restriction, as specified.
- ▶ Land transferred to a community land trust that meets specified conditions.

When pursuing a disposition of exempt surplus land, the agency should conduct due diligence about the specific requirements for each exemption and prepare written

findings that will support the declaration that the property is exempt surplus.

**Revival of Expired Exclusive Negotiating Agreements**

When the SLA was amended in 2019, there was an exemption for certain projects that were subject to an exclusive negotiating agreement (“ENA”). However, that exemption expired in 2022. As amended, the SLA will allow an agency to revive an ENA, if the agency and the other party execute a written agreement to revive the ENA prior to January 1, 2024. Thus, agencies should act quickly if they desire to revive any negotiations that were put on hold after the original grandfathering exemption expired.

**Amendments to the Required Covenant for Affordable Housing**

Prior to disposing of surplus property, an agency must issue a notice of availability and wait 60 days for interested parties to respond. If an interested party responds, then the agency must allow for a 90-day period to negotiate in good faith. As part of the negotiations, the prospective developer must agree to record a covenant against the property that not less than 25 percent of the residential units will be available to low-income households. The covenant for rental housing is generally required for 55 years. As amended, the SLA requires a covenant for 45 years for ownership housing, and 50 years for rental or ownership housing located on tribal trust lands.

The amended SLA does not change the requirement if there is no response to a notice of availability. In that event, if 10 or more units are constructed on the property, then 15 percent must be reserved for low-income households for a period of 55 years for rental housing, or 45 years for ownership projects.

**Amendments to Penalties Provision of the SLA**

The SLA contains a penalty provision if an agency disposes of property in violation of the SLA. As amended, the penalty is 30 percent of the “disposition value” for a first violation or 50 percent for a second violation, as specified. For a sale, the disposition value is the greater of the final sale price or the fair market value, as determined by an independent appraisal, whichever is greater. For a lease, the disposition value is the discounted net present value of the fair market value of the lease as of the date the lease was entered into, as determined by an independent appraisal of the lease. Amendments also limit the circumstances when penalties may be imposed.

**New Requirements After a Notice of Violation**

Under SB 229, agencies must comply with new requirements if they receive a notice of violation from HCD. After receiving a notice of violation, the agency must hold an open and public meeting to review and consider the substance of the notice. The meeting must be noticed and published on the agency’s website if one is maintained. Until this meeting is held, the agency is prohibited from disposing of the property. Thus, agencies should be cautious if they receive a notice of violation.

[Senate Bill 34 \(Umberg\)](#) mandates a different, stricter set of requirements for addressing notices of violation from HCD, but currently those requirements are limited to the county and city governments in Orange County.

Conclusion

The new amendments to the SLA may create opportunities for the disposition of agency land, but they also require careful diligence and planning, which should start before any negotiations to dispose of the land. Local agencies should seek assistance with any questions about compliance with the process or opportunities available under the legislative changes.

# Redistricting Procedural Mandates for Special Districts Added to FAIR MAPS Act

By Paul Mitchell, President, Redistricting Partners

This past legislative year saw the passage of five redistricting bills by the State Legislature, with three signed into law and two vetoed by the Governor. A key driver of these legislative initiatives was a [report by California Common Cause](#), which evaluated the successes and failures of local municipal redistricting in 2021-2022. This was particularly focused on cities and counties undergoing redistricting for the first time under the state's new FAIR MAPS (Fair And Inclusive Redistricting for Municipal and Political Subdivisions) Act.

The FAIR MAPS Act (FMA) emphasizes transparency and public engagement, and aims to end local gerrymandering for political, incumbent, or other purposes. However, the report found mixed results: some cities and counties excelled in separating their redistricting from political considerations, while others only technically complied with the law, failing to align their process with the reform's intent.

The report also highlighted issues in special districts, noting, "[w]hile some cities and counties disregarded their legal obligations under the FMA, many of the worst abuses this cycle occurred with school district and special district redistricting, which was not subject to the FMA's transparency, outreach, or line-drawing requirements."

The most important legislation for special districts was AB 764 (Bryan), which strengthened the FAIR MAPS Act of 2019 by extending transparency and reforms to county boards of education, school districts, community college districts, and special districts.

This new law explicitly prohibits counties, county boards of education, cities, school districts, community college districts, and special districts from considering incumbents and their home addresses during redistricting. Additionally, cities, counties, and education districts with populations over 250,000 must share a redistricting public education and outreach plan at least a month before the first meeting.

The bill also mandates that all local jurisdictions follow a ranked list of criteria when drawing boundaries, ensuring that special districts, school districts, and community college districts have election districts that are relatively equal in population, contiguous, maintain communities of interest, have clear and understandable lines, and are compact.

County boards of education, school districts, and community college districts with populations over 250,000 will be required to adopt additional transparent redistricting policies that mirror those of cities and counties in the 2021 redistricting cycle. Key provisions include:

- ▶ Posting draft maps seven days before adoption.
- ▶ Providing video, audio, or written documentation of public hearings related to redistricting.
- ▶ Keeping redistricting materials and information on the agency’s website for at least 10 years.
- ▶ Holding at least one public workshop on redistricting and five public hearings (two meetings before and three after the release of draft maps)
  - » Special districts and small education districts must hold at least one workshop before draft maps and two public hearings after their release.
  - » Assuming the special district has a website, they must keep redistricting materials and information on their website for at least 10 years.

Other municipal redistricting bills signed by the Governor, [SB 314 \(Ashby\)](#) and [AB 34 \(Valencia\)](#), do not affect special districts but illustrate the state’s intention for greater reforms in agencies identified in the California Common Cause report as not fully complying with the FAIR MAPS Act. These bills require Sacramento and Orange Counties, respectively, to use Citizens Redistricting Commissions for all future redistrictings, with 14 local residents and two alternates as members. These positions are not political appointments, further reducing political interference in the redistricting process. Similar laws have been enacted for Fresno, Kern, and Riverside Counties.

However, not all introduced legislation was enacted. Governor Newsom vetoed [AB 1248 \(Bryan\)](#), which would have mandated independent redistricting commissions in cities and counties with over 300,000 residents and education districts with over 500,000 people, and [SB 52 \(Durazo\)](#), which would have required the same for all charter cities with a population of over 2.5 million people, targeting the City of Los Angeles.

With this being the first legislative session after the 2020-2021 redistricting, further bills impacting future redistricting in 2030 are likely to be considered in the coming years.

Despite the new laws being perceived as burdensome by some, it’s noteworthy that in the 2020-2021 cycle, each of the special districts we worked with voluntarily mirrored the FAIR MAPS Act in their redistrictings. These processes were successful, leading to better community understanding, fair districts, and public engagement such that special districts were commonly adopting maps based on public submissions.

The legislature has shown an interest in fairer redistricting and, while some may fairly bristle at more directives from Sacramento, special districts have demonstrated their capability for fair redistricting even when not legally obligated.

# Significant New Labor Laws for 2024

By Ryan Quadrel, Esq., SBEMP Attorneys

During its 2023 session, the California State Legislature turned its focus away from the pandemic and back to regulating the workplace. Here is a run-down of five key labor bills that will take effect on January 1, 2024, and their implications on public agency employers. In summary:

- ▶ Temporary employees must be included in the same bargaining unit as permanent employees.
- ▶ Public agencies can be jointly liable for unpaid wages resulting from a contract with property services or long-term care industries.
- ▶ Employers must adopt a workplace violence prevention plan and maintain a violent incident log.
- ▶ Paid sick leave entitlement is expanded to five days or 40 hours.
- ▶ Rebuttable presumption of retaliation is established for adverse employment action against whistleblower within 90 days of protected activity.

**Assembly Bill 1484 (Zbur): Temporary employees must be included in the same bargaining unit as permanent employees.**

In response to the increased hiring of temporary employees by public agencies, AB 1484 aims to put temporary workers on equal footing with permanent workers represented by a union. In many respects, public

agencies will now be required to treat temporary workers equally when it comes to labor relations.

Specifically, this new law requires that public employers recognize the following rights of temporary employees:

- ▶ Upon request by the union, to be included in the same bargaining unit as permanent workers
- ▶ Upon request, to have their terms and conditions of employment negotiated in a single MOU
- ▶ Upon hire, to be provided with a job description, wage rates, eligibility for benefits, anticipated length of employment and procedures to apply for open, permanent positions
- ▶ To have this same information provided to the worker's union representative within five business days of hire

Additionally, when public agencies make the required disclosures to union representatives pursuant to Government Code Section 3558 (e.g., job title, department, work location, contact information), this information must now include the anticipated end date for each temporary employee, or the actual end date if the worker was released since the prior list was provided.

Workers who fit the broad definition of "temporary employees" include seasonal workers, "extra help"



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employees, per diems and any other type of worker “hired to perform the same or similar type of work that is performed by permanent employees represented by a recognized employee organization.”

Earlier drafts of the bill sought to give temporary employees access to grievance procedures to challenge disciplinary actions without cause after 30 days of employment. This measure faced strong opposition from many public agencies and agency organizations, including CSDA, Rural County Representatives of California, and the League of California Cities. Fortunately, this requirement was stricken from the bill before the Governor signed it.

The bill has teeth, as any violations are actionable as an unfair practice charge before the California Public Employment Relations Board.

As for the practical effect of AB 1484, SBEMP agrees with the opponents that it will tend to discourage the use of temporary employees because of the increased administrative and financial burdens that it creates for public agencies. Also, placing temporary workers in the same bargaining unit as permanent workers will create asymmetrical interests between workers who are eligible for long term benefits and those who are not.

Public agencies should review the utilization of temporary employees to determine both the financial impact and the effect that these additional requirements might have on existing labor relations.

**Assembly Bill 520 (Santiago): Public agencies can be jointly liable for unpaid wages resulting from a contract with property services or long-term care industries.**

The California Labor Commissioner has limited jurisdiction over public agencies and, as a general rule, the Labor Code does not apply to public agencies unless the law states otherwise. AB 520 extends the reach of the Labor Commissioner to any public agencies that contract with

employers in the property services or long-term care industries, defined as follows:

- “Property services” means janitorial, security guard, valet parking, landscaping and gardening services
- “Long-term care” means the operation of a skilled nursing facility, intermediate care facility, certain residential care or retirement facilities, home health agency, or home care organization

Under existing law, individuals and private entities receiving contracted labor from these industry service providers are jointly liable for unpaid wages and penalties if the Labor Commissioner finds the service provider violated the Labor Code. Now, public employers will be subject to same joint liability as private employers under these circumstances.

Public agencies should carefully scrutinize these service contracts and consider additional oversight of resulting labor practices. To protect against joint liability, SBEMP recommends drafting these labor contracts with appropriate indemnity language and standards for the terms and conditions of employment to ensure a labor contractor’s compliance with the Labor Code.

Before a public agency can become jointly liable under this new law, it is entitled to notice and a hearing of any claim before the Labor Commissioner. Public agencies are unlikely to have previously handled such a claim, but must now be prepared to respond and participate in the proceedings with legal counsel to defend its interests, which may not always be aligned with the service provider.

**Senate Bill 553 (Cortese): Employers must adopt a workplace violence prevention plan and maintain a violent incident log.**

This bill requires all employers to adopt a comprehensive prevention plan with specific requirements for the procedures that employees should follow to prevent, avoid, respond to, and report incidents of workplace violence.

It further requires that employers maintain a violent incident log documenting every incident, post-incident response and investigation. The log must contain specific information about the incident including the location, circumstances, persons involved, consequences and contact information for the person completing the log, while omitting any element of personal identifying information sufficient to allow identification of any person involved in a violent incident.

SB 553 applies to most public agencies, but it does not apply to health care facilities, corrections facilities, or law enforcement agencies classified as a department or participating department.

As employers are preparing annual updates to their employment handbook policies, the workplace violence prevention plan should be an area of focus. Drafting the plan itself may be straightforward, but the requirements for customizing and implementing it in the workplace are highly specific and could generate noncompliance if handled incorrectly.

Even after the plan is rolled out, it must be reviewed and updated annually with evaluation of incidents that occurred, as specified.

SB 553 also grants standing to a collective bargaining representative of an employee to seek a temporary restraining order on behalf of an employee, as specified.

**Senate Bill 616 (Gonzalez): Paid sick leave entitlement is expanded to five days or 40 hours.**

This bill increases employee leave entitlement from three days (24 hours) to five days (40 hours). Employers may continue to provide accrual of one hour for every 30 hours worked or implement any other accrual rate, so long as employees accrue no less than 24 hours by the 120th day of employment and 40 hours by the 200th day of employment.

Employers who use an accrual cap must now increase that cap to 80 hours (10 days) and increase the use limit to 40 hours (five days) per 12-month period. Employers can also continue to front load sick leave which, in our view, tends to be the simplest method and can help avoid making costly mistakes.

Employees subject to a collective bargaining agreement are still exempt from an accrual requirement, and employers cannot require a collective bargaining employee who uses sick days to search or find a replacement worker for those days. As a reminder, employers cannot retaliate against employees who use paid sick leave and California law creates a rebuttable presumption of retaliation if any adverse action is taken within 30 days of a protected activity.

The expansion of paid sick leave requires both policy updates and administrative review to ensure successful implementation when the new law takes effect on January 1, 2024.

**Senate Bill 497 (Smallwood-Cuevas): Rebuttable presumption of retaliation is established for adverse employment action against whistleblower within 90 days of protected activity.**

The California State Legislature has historically recognized a strong public interest in protecting workplace whistleblowers. Employees are protected from retaliation if they make certain disclosures of information about suspected violations of the law.

An employee filing a lawsuit for unlawful retaliation must ultimately prove causation, i.e., that the protected disclosure was a contributing factor in the employer's decision to take an adverse employment action against the employee (e.g., termination, demotion or suspension). SB 497 now makes it easier for an employee to prove causation by creating a rebuttable presumption of retaliation when the adverse employment action occurred within 90 days of the protected disclosure.

SB 497 applies this rebuttable presumption to California laws that protect an employee who engages in any of the following activities: disclosing information about suspected unlawful activity to a government agency; reporting suspected violations of the Labor Code; or reporting suspected violations of the Equal Pay Act.

Whistleblower retaliation claims often go to trial and hinge upon who the jury finds more credible. This new law makes it even more likely that these claims will go to trial and, as such, is expected to increase the cost of defense. SBEMP predicts that the rebuttable presumption will also lead to more retaliation claims being filed.

Now more than ever, employers should have established policies and procedures in place to create proper channels for employees to report suspected unlawful activity. It is crucial that management be trained to recognize and appropriately respond to whistleblowers.

# Updated Procedures for Remote Meetings During State of Emergency

By Victoria Hester, Partner, and Anne Branham, Associate, [Best Best & Krieger LLP](#)

On October 8, 2023, [Assembly Bill 557](#) ("AB 557"), sponsored by California Special Districts Association (CSDA) and introduced by Assembly Member Gregg Hart, was signed into law. This bill updates and amends the procedures agencies have grown accustomed to under the COVID-era rules adopted as [AB 361 \(R. Rivas\)](#) in 2021 and otherwise set to expire December 31, 2023.

In general, the Brown Act permits local agencies to use teleconferencing for the benefit of the public and the legislative body, as long as all procedural requirements are met and the statutory and constitutional rights of the public are protected. The stated purpose of AB 557 is to retain some of the meeting options first made available under AB 361, while ensuring that principles of transparency and accountability continue to be safeguarded by public agencies. This is especially important as agencies continue to face threats from emergencies ranging from wildfires to contagious illnesses.

AB 361 allowed a local agency, during a Governor-proclaimed state of emergency, to meet under revised teleconference rules after making a determination that meeting in person presents imminent risks to health or safety. Unlike traditional teleconference meetings under the Brown Act, these emergency remote meetings do not require posting agendas at all teleconference locations,

identifying each teleconference location on the agenda, or ensuring a quorum of the legislative body participates from within the agency's jurisdiction.

Many local agencies relied on the provisions of AB 361 during the now-expired COVID-19 state of emergency. It was also employed during the severe 2022-23 winter storms.

AB 557, which will take effect January 1, 2024, incorporates two main updates to the revised teleconference meeting rules established by AB 361:

- ▶ The agency's governing body may now renew its findings in support of continued teleconference meetings under the revised requirements every 45 days (AB 361 required the findings to be remade every 30 days). This is intended to provide some relief for agencies that may hold regular meetings on a monthly basis that happen to occasionally fall just more than 30 days apart due to the nature of the calendar.
- ▶ The original December 2023 sunset is eliminated from the remote meeting procedures established by AB 361, meaning that those meeting procedures now remain available to local agencies indefinitely beyond 2023.

Thus, agencies can still apply the relaxed teleconferencing rules during a Governor-declared state of emergency (although the existence of state or local social distancing measures is no longer a factor in determining whether remote meetings may be held). In addition, agencies continue to have the option to rely on traditional teleconferencing requirements under Government Code section 54953(b), or to allow remote attendance on a case-by-case basis using the emergency and just cause provisions found in section 54953(f) (otherwise known as the "[AB 2449](#) rules").

# COURT CASES OF INTEREST

CSDA Legal Advisory Working Group

Cases of Interest Report: 2023 Actions and Pending Matters



Case Name and Venue	Subject Area	What's At Stake?	CSDA Action	Updates
<b><i>Pico Neighborhood Association and Maria Loya v. City of Santa Monica</i></b>  <b>- Supreme Court of California</b>	<b>California Voting Rights Act (CVRA)</b>	<p>Plaintiffs challenged the at-large election system in the City of Santa Monica. Key issues that the Court of Appeal are to consider include:</p> <ul style="list-style-type: none"> <li>-What are the elements the plaintiffs must show to prove a violation of the CVRA?</li> <li>-Is an election “racially polarized” for purposes of the CVRA where Latino and white levels of support for candidates differ, but the Latino-preferred candidate wins?</li> <li>-What is the appropriate court-ordered remedy where a violation is found?</li> </ul> <p>California Supreme Court now considering “what must a plaintiff prove in order to establish vote dilution under the California Voting Rights Act?”</p>	<p><b>CSDA joined Cal Cities to file an amicus brief to the Second District Court of Appeal in support of Santa Monica on 2/5/20, a favorable opinion was issued, which was subsequently depublished by the Supreme Court.</b></p> <p><b>CSDA joined Cal Cities to file an amicus brief to the California Supreme Court in support of the Santa Monica on 6/15/21.</b></p>	<p><b><i>Court opinion issued 8/24/23.</i></b></p> <p><b><i>Supreme Court ruled in favor of plaintiffs and reversed and remanded to Court of Appeal to consider whether plaintiff can establish “vote dilution” under new standard established by CA Supreme Court: proof that, under some lawful alternative electoral system, the protected class would have the potential, on its own or with the help of crossover voters, to elect its preferred candidate.</i></b></p>

Case Name and Venue	Subject Area	What's At Stake?	CSDA Action	Updates
<b><i>Broad Beach Geologic Hazard Abatement District v. All Persons Interested</i></b>  <b>- Second District Court of Appeal</b>	<b>Proposition 218/ Assessments</b>	<p>Appellant is a geologic hazard abatement district formed under the GHAD Law that proposed an assessment in 2017 to fund a sand nourishment project in Malibu. 12 sets of homeowners objected to the assessment on several grounds, primarily under Proposition 218. Among the issues on appeal are:</p> <ol style="list-style-type: none"> <li>1. Did the GHAD properly identify, and allocate, special benefits and general benefits of the project to be funded by the assessment?</li> <li>2. Did the GHAD properly allocate the special benefits of the assessment among the assessed parcels in light of the special benefits identified?</li> <li>3. Was the GHAD obliged to account for the cost of eminent domain?</li> </ol>	<p>On 1/3/22, CSDA joined CSAC, Cal Cities, CA Assn of GHADs to file an amicus brief to the Second District Court of Appeal in support of Broad Beach Geologic Hazard Abatement District.</p>	<p><b><i>Court opinion issued 8/2/22.</i></b></p> <p><b><i>Unfavorable decision for local governments, upheld trial court decision to invalidate assessment. The court held Prop 218 requires district to separate and quantify “general benefits” v. special benefits – regardless of subjective intent of district.</i></b></p> <p><b><i>GHAD declined to file for review.</i></b></p>

Case Name and Venue	Subject Area	What's At Stake?	CSDA Action	Updates
<b><i>Davis v. Fresno Unified School District</i></b>  <b>- Supreme Court of California</b>	<b>Bonds/ Validation Statutes</b>	<p>This case involves the construction of a school pursuant to a “lease-leaseback” arrangement. FUSD leased the project site to Harris Construction Company for \$1 a month, and Harris then subleased the property back to FUSD in exchange for monthly payments that would pay for the construction of the school. FUSD paid the monthly payments with proceeds obtained from bond sales.</p> <p>Davis v. Fresno Unified School District (2020) 57 Cal. App. 5th 911 (Davis II) held that the lease-leaseback agreement was not a contract subject to validation under Government Code section 53511(a) because it failed to include a financing element. The Court further held that Davis could pursue a taxpayer’s action seeking the remedy of disgorgement of funds FUSD paid Harris to construct the school – roughly 36 million dollars.</p> <p>Harris and FUSD filed petition for review with the California Supreme Court. <b><u>The Supreme Court limited review to the following issue:</u></b> Is a lease-leaseback arrangement in which construction is financed through bond proceeds, rather than by or through the builder, a “contract” within the meaning of Government Code section 53511?</p>	<p>On 8/20/21, CSDA joined Cal Cities to file a joint amicus brief to the California Supreme Court in support of Fresno Unified, arguing that lease-leaseback financings are “contracts” subject to validation under Government Code section 53511.</p>	<p><b><i>Court opinion issued 4/24/23.</i></b></p> <p><b><i>Unfavorable decision held that a lease-leaseback construction financing arrangement is not a “contract” subject to validation by a public agency because there is no nexus to indebtedness or debt financing.</i></b></p>

Case Name and Venue	Subject Area	What's At Stake?	CSDA Action	Updates
<b><i>Tansavatdi v. City of Rancho Palos Verdes</i></b>  <b>- Supreme Court of California</b>	<b>Design Immunity/ Duty to Warn</b>	<p>CSDA is providing amicus support to challenge the published Court of Appeal decision in the Tansavatdi case. The decision conflicts with other Court of Appeal decisions on the question of whether “design immunity” applies to an alleged failure to warn of a “concealed trap” under Government Code 830.8.</p> <p>The case involves a plaintiff’s appeal from summary judgment granted to the City in a roadway design case. The plaintiff alleged her decedent’s bicycle collided with a truck because the street did not have a bike lane in the portion approaching the collision site. She further argued that the City failed to warn bicyclists of the absence of a bike lane. The California Supreme Court will decide the following: Can a public entity be held liable under Government Code section 830.8 for failure to warn of an allegedly dangerous design of public property that is subject to Government Code section 830.6 design immunity?</p>	<p>On 10/22/21, CSDA joined CSAC, Cal Cities, CAJPA, and ICRMA to file an amicus brief to the California Supreme Court, in support of Rancho Palos Verdes.</p>	<p><b><i>Court opinion issued 4/24/23.</i></b></p> <p><b><i>Unfavorable decision held that design immunity privilege does not extend to claims alleging that a public agency “failed to warn” of a design element that resulted in a dangerous condition. Public agencies retain a duty to warn of known dangers that a design feature presents to the public.</i></b></p>

## COURT CASES OF INTEREST

NEW LAWS OF 2024

Case Name and Venue	Subject Area	What's At Stake?	CSDA Action	Updates
<b>County of Sacramento v. Everest National Ins. Co.</b>  <b>- 9th Cir. Court of Appeals (Federal)</b>	<b>Employer Liability/ Insurance Code section 533</b>	<p>Does Insurance Code section 533 bar insurance coverage of a public agency employer for vicarious liability for management staff's violation of employees' right to be free of retaliation under FEHA?</p> <p>How ought IC section 533 be harmonized with provisions of the Government Claims Act which require public employers to defend and indemnify their management employees against suit absent criminal conduct or punitive damages? Should the 9th Circuit certify this question to the California Supreme Court for decision?</p>	<b>On 5/23/22 CSDA joined Cal Cities, CSAC, PRISM and CAJPA to file a brief to the Ninth Circuit Court of Appeals.</b>	<p><b><i>Court opinion (unpublished) issued 2/13/23.</i></b></p> <p><b><i>Unfavorable decision for public employers, finding that Sacramento County's claim is barred by Insurance Code § 533. Directs public employers to seek exemption from State Legislature.</i></b></p>

Case Name and Venue	Subject Area	What's At Stake?	CSDA Action	Updates
<b><i>City of San Buenaventura v. United Water Conservation District</i></b>  <b>- Supreme Court of California</b>	<b>Proposition 26/218 ; Standard of Review</b>	<p>Does a statute requiring a 3:1 ratio for groundwater pumping charges violate Proposition 26?</p> <p>The petition for review in this case raises an important legal question of statewide interest about the standard of review and legal principles that trial courts should apply in determining whether to invalidate a groundwater pumping fee or charge under the standards of Article XIII C of the California Constitution (Proposition 26).</p>	<b>On 8/9/22 CSDA ACWA to file a letter in support of the petition for review to the California Supreme Court.</b>	<b><i>Petition for review denied on 8/10/22.</i></b>

## COURT CASES OF INTEREST

NEW LAWS OF 2024

Case Name and Venue	Subject Area	What's At Stake?	CSDA Action	Updates
<b><i>City of Gilroy v. Superior Court</i></b>  <b><i>Law Foundation of Silicon Valley v. Superior Court (City of Gilroy)</i></b>  <b><i>- Sixth District Court of Appeal</i></b>	<b>California Public Records Act; Records Retention Policies</b>	<p>In this case involving CPRA requests for “body-cam” video records, the issues involve how an agency may reasonably discern what is being sought in a records request, how a request intersects with the agency records retention policy, and how or if any relevant records should be preserved.</p> <p>The superior court denied the Foundation’s request for injunctive relief that would prevent the City from prospectively deleting records pursuant to its retention policies for 3 years after receiving any future CPRA requests. It further ruled that the City did not violate the CPRA by failing to preserve PDRD footage, which was automatically erased under the City’s preexisting 1-year document retention policy. However, the court awarded declaratory relief in favor of the Foundation to the effect that the City should have searched for PDRD footage in connection with the Foundation’s 2018 CPRA requests. The court also granted awards and reasonable fees to the Foundation finding that the City violated the CPRA.</p>	<b>On 10/18/22 CSDA and Cal Cities filed an amicus brief in each of the writ appeals in support of the City of Gilroy to the Sixth DCA.</b>	<b><i>Pending.</i></b>  <b><i>Argued and submitted on 9/12/23. Opinion due before EOY.</i></b>



Case Name and Venue	Subject Area	What's At Stake?	CSDA Action	Updates
<b><i>Barajas v. City of Petaluma</i></b>  <b>- First District Court of Appeal</b>	<b>Revenues/ Mitigation Fee Act</b>	<p>This case involves the Mitigation Fee Act (Cal. Gov. Code § 66001, et seq.). The City's most recent round of "five-year findings" under the Mitigation Fee Act (specifically, Government Code section 66001(d)) were due 180 days after June 30, 2018. The City was approximately two-months late in making them. Petitioner filed suit claiming that the mere delay, by itself, mandated that the City refund all development fee proceeds it was holding (approximately \$33 million), plus any additional amounts the City collected after June 30, 2018. Additionally, Petitioner argued that the City's failure to adopt updated nexus studies in support of the five-year findings also required the refund. The trial court denied the petition, and the case is now on appeal.</p>	<b>CSDA intends to file an amicus brief along with coalition partner Cal Cities. Brief deadline TBD.</b>	<b><i>Pending.</i></b>

Case Name and Venue	Subject Area	What's At Stake?	CSDA Action	Updates
<p><i>Hamilton and High, LLC, et al. v. City of Palo Alto, et al.</i></p> <p>- Supreme Court of California</p>	<p>Revenues/ Mitigation Fee Act/ Statute of Limitations</p>	<p>This case involves the Mitigation Fee Act (Cal. Gov. Code § 66001, et seq.). The published decision from the Sixth District unsettles the law by extending AB 1600 – and its refund remedy for untimely or inadequate 5-year reports – to fees paid in lieu of compliance with a zoning standard. (Here, a parking in-lieu fee.) In addition, it muddies the law as to the statute of limitations for a refund claim and allows the time for suit to run from when the district rejects a claim for refund, putting no time limit on when that claim for refund can be made. Here that means about \$1m refund of 2013 fees first requested in 2020 and to be paid – with interest – in 2023.</p> <p>Special districts are concerned about the accrual of refund claims and the statute of limitations for asserting them. The petition for review was filed 4/28, and an amicus letter will be helpful if filed around 5/25 – when the answer to the petition is due.</p>	<p>CSDA filed a letter in support of the petition for review filed by Palo Alto on 5/24/23, along with coalition partners Cal Cities and CSAC.</p>	<p><i>Petition for review denied on 7/19/23.</i></p>

Case Name and Venue	Subject Area	What's At Stake?	CSDA Action	Updates
<b>Howard Jarvis Taxpayers Ass'n v. Coachella Valley Water District</b>  <b>- Fourth District Court of Appeal</b>	<b>Proposition 218/ Revenues</b>	<p>This case involves a challenge by HJTA to canal water charges which distinguish between municipal and industrial (M&amp;I) users with growing demand and need for expensive, marginal supplies, and agricultural users with declining demand.</p> <p>The trial court invalidated the rates and awarded the plaintiffs millions in refunds based on the difference between the rates paid and flat rates. CVWD asserts a host of errors in a case which tests many issues of first impression. Some of the issues include:</p> <ol style="list-style-type: none"> <li>1. Can a plaintiff challenge rates they do not pay, or should HJTA have been limited to a challenge to domestic rates?</li> <li>2. Should this case have been limited to the administrative record?</li> <li>3. the issues briefed in Patz, i.e., the evidentiary standard for ratemaking and the standard of judicial review;</li> <li>4. The duty to pay under protest under HSC 5472; and</li> <li>5. The appropriate remedies in a Prop. 218 / 26 case. (The amicus brief has yet to be narrowed in scope.)</li> </ol>	<b>CSDA intends to file an amicus brief along with coalition partner Cal Cities. Brief deadline December 2023.</b>	<b>Pending.</b>

Case Name and Venue	Subject Area	What’s At Stake?	CSDA Action	Updates
<b>Stone v. Alameda Health System</b>  <b>- Supreme Court of California</b>	<b>Labor Code/ Wage Orders</b>	<p>The California Supreme Court granted review in this case to consider the following issues:</p> <p>(1) Are all public entities exempt from the obligations in the Labor Code regarding meal and rest breaks, overtime, and payroll records, or only those public entities that satisfy the “hallmarks of sovereignty” standard adopted by the Court of Appeal in this case?</p> <p>(2) Does the exemption from the prompt payment statutes in Labor Code section 220, subdivision (b), for “employees directly employed by any county, incorporated city, or town or other municipal corporation” include all public entities that exercise governmental functions?</p> <p>(3) Do the civil penalties available under the Private Attorneys General Act of 2004, codified at Labor Code section 2698 et seq., apply to public entities?</p> <p>CSDA is concerned about the impacts this case may have on JPA’s or other entities (e.g., EIFDs, CRIAs) that special district agencies may have a role in creating and supporting.</p>	<b>CSDA intends to file an amicus brief along with coalition partners. Brief deadline TBD.</b>	<b>Pending.</b>

Case Name and Venue	Subject Area	What's At Stake?	CSDA Action	Updates
<b><i>Legislature of the State of CA v. Weber (Hiltachk)</i></b>  <b><i>- Supreme Court of California</i></b>	<b>Revenues/ CBRT Initiative</b>	<p>Petitioners (Legislature, Governor Newsom, Former Senator Burton) filed a preelection challenge to the CBRT initiative, known as the "Taxpayer Protection and Government Accountability Act." Petitioners assert that the measure is an unlawful revision of the California constitution by initiative, and that it would also impair essential government functions.</p> <p>CSDA is strongly opposed to the CBRT initiative and has been encouraging our members to adopt resolutions opposing the measure, given the dramatic adverse impacts the initiative would have on special districts if approved by voters.</p>	<p><b>CSDA filed a letter in support of the petition for review along with coalition partners on 9/28/23. If the petition is granted, an amicus brief is likely to follow.</b></p>	<p><b><i>Pending.</i></b></p>

## COURT CASES OF INTEREST

NEW LAWS OF 2024

Case Name and Venue	Subject Area	What's At Stake?	CSDA Action	Updates
<b><i>Roberts v. Coachella Valley Water District</i></b>  <b><i>- Fourth District Court of Appeal</i></b>	<b>Proposition 26/ Remedies</b>	<p>CVWD imposes replenishment assessment charges by statute on those who pump groundwater it replenishes. Plaintiff sues for a class of domestic customers challenging rates that no domestic customer pays directly. The trial court concluded the Coachella Basin cannot be divided in and that CVWD was obliged to recover its costs from all three areas of benefit equally. It therefore concluded CVWD had violated Prop. 26. It imposed a refund remedy of the difference between rates actually paid and what a uniform rate would have been, across all basins and for three years in issue. It ordered \$10s of millions in refunds without requiring HSC 5472 compliance (i.e., payment under protest) or even a GCA claim as to one year and issued a writ requiring CVWD to comply with Prop. 26 in the future, risking a contempt proceeding (rather than a new lawsuit) if plaintiffs disagree with future rates.</p> <p>Issues include:</p> <ol style="list-style-type: none"> <li>1. Prop. 26 requires rates to be fair or reasonable, not perfect.</li> <li>2. De novo judicial review is not ratemaking.</li> <li>3. No refund remedy is available under Prop. 218 or 26, at least not without compliance with HSC 5472, which also applies to special districts.</li> </ol>	<b>CSDA intends to join an amicus brief in support of CVWD along with coalition partners. Filing estimated in January 2024.</b>	<b><i>Pending.</i></b>

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## Notes:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



**weir@lavwma.com**

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**From:** Jacqueline Zipkin <JZipkin@ebda.org>  
**Sent:** Tuesday, February 13, 2024 9:52 AM  
**To:** Alex Ameri (alex.ameri@hayward-ca.gov); Anthony Smith (awsmith@cityoflivermore.net); Chuck Weir (weir@lavwma.com); Dan Gill (dgill@dsrsd.com); David Donovan; Howard Cin; Jimmy Dang; Morehouse, Hayes; Paul Eldredge; Roland Williams (roland@cvsan.org)  
**Subject:** FW: Urgent Call to Action: Tell Senate Leadership to Support S. 1430 for PFAS Liability Protection

Managers - FYI

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**From:** NACWA <ealert@nacwa.org>  
**Sent:** Tuesday, February 13, 2024 9:06 AM  
**To:** Jacqueline Zipkin <JZipkin@ebda.org>  
**Subject:** Urgent Call to Action: Tell Senate Leadership to Support S. 1430 for PFAS Liability Protection



**Urgent Call to Action: Tell Senate Leadership to Support S. 1430 for PFAS Liability Protection**

EPA's proposed designation of PFOA and PFOS as hazardous substances under CERCLA without liability protection for water systems presents – which could be finalized this spring – a daunting challenge for our sector, potentially placing the financial burden of environmental cleanup on utilities and their ratepayers, rather than on the polluters responsible for the contamination. This move could significantly impact our ability to provide affordable clean water services.

The introduction of [S. 1430, the Water Systems PFAS Liability Protection Act](#), by Sen. Cynthia Lummis, is a beacon of hope. This pivotal legislation aims to preserve the essential "polluter pays" principle of CERCLA, ensuring that water utilities are shielded from CERCLA liability for PFAS. By supporting S. 1430, we can protect water systems from undue liability and continue our mission of delivering clean water services without the looming threat of PFAS litigation.

**Here's How You Can Help:**

**Reach Out to Your Senators in February:** Please send [this letter](#) as soon as possible urging your Senate delegation and Senate leadership to support S. 1430. Feel free to personalize the letter with insights from your own utility, or just send the letter as is. In addition to reaching out to your two Senate offices, it is essential to also urge the support of Senate Majority Leader Chuck

Schumer (send the letter to Majority Leader Schumer to Tim Ryder, [tim\\_ryder@schumer.senate.gov](mailto:tim_ryder@schumer.senate.gov) and Adrian Deveny, [Adrian\\_Deveny@schumer.senate.gov](mailto:Adrian_Deveny@schumer.senate.gov)).

NACWA and our partners in the Water Coalition Against PFAS – including AMWA, AWWA, WEF, NAWC, and NRWA – have heard directly from key Senate offices that they are seeing significant opposition to any CERCLA protections for water systems and that Senate Leadership needs to hear strong, direct utility support for S. 1430. As a community, we must ensure that the opponents of this legislation are not the dominant voices reaching the Senate.

Please ensure you inform NACWA of your outreach on S. 1430, either by copying [Danielle Cloutier](#) or by sharing your letter with us after it is sent.

**We're Here to Help:** If you need help identifying the right point of contact within Senate offices, NACWA is ready to assist. Our team can provide guidance and support to ensure your voice is heard where it matters most. Don't hesitate to reach out for assistance in making your advocacy efforts as effective as possible.

**Spread the Word:** Share this call to action with your colleagues, peers, and within your network. The more voices that echo this message, the stronger our impact will be. Together we can emphasize the importance of protecting water systems and ratepayers from undue PFAS cleanup liability and maintaining the "polluter pays" principle.

Our collective action can make a difference. By supporting S. 1430, we reaffirm our commitment to environmental stewardship and public health, ensuring that water utilities remain focused on their vital mission rather than bearing the cost of PFAS contamination. By sending the attached letter, you can help ensure the Senate fully appreciates the impact CERCLA will have on public utilities and the communities you are charged with protecting.

Thank you for your action and support for this critical advocacy effort. Please reach out to [Danielle Cloutier](#) or any member of NACWA's legislative team with questions or to discuss further.

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**National Association of Clean Water Agencies**  
1130 Connecticut Ave NW, Suite 1050, Washington, DC 20036,  
[\(202\) 833-2672](tel:(202)833-2672) | [nacwa.org](http://nacwa.org)

Manage your [NACWA communications preferences](#) at any time.



Livermore-Amador Valley Water Management Agency  
Celebrating 50 years 1974 - 2024

February 22, 2024

California Senators Padilla and Butler; Senate Majority Leader Schumer

Dear Senator [Name]

The Livermore-Amador Valley Water Management Agency (LAVWMA) is a joint powers agency whose member agencies include the City of Livermore, City of Pleasanton, and the Dublin San Ramon Services District. LAVWMA and its member agencies are water utilities striving to provide a safe, affordable public service to our ratepayers. We are concerned that EPA's proposed designation of PFOA and PFOS as hazardous substances under CERCLA, which is now in final review at OMB, will cause water systems and our ratepayers, rather than polluters, to incur environmental cleanup liability that should be faced by the entities responsible for that pollution. **We therefore ask you to support a statutory protection for water systems from liability under CERCLA for PFAS to help ensure polluters, not the public, pay for PFAS cleanup.**

From the start, CERCLA was built on a "polluter pays" principle, envisioned as holding companies that produced and profited from hazardous substances that were discharged into the environment responsible for their cleanup. This polluter pays principle is laudable, but unfortunately, the proposed designation of PFOA and PFOS (nondegradable "forever chemicals," which are now ubiquitous in the environment) means that drinking water and wastewater systems that passively receive these substances into their systems could face CERCLA cleanup liability simply because an upstream polluter deposited the chemicals in their water supplies.

A CERCLA designation for PFAS exposes drinking water and wastewater utilities like ours to potential litigation from the actual polluters. PFAS users and producers can abuse litigation to reduce their own clean-up costs and increase costs on water utilities, costs which we are then forced to pass along to ratepayers. Even when water systems are able to successfully defend ourselves in court against CERCLA claims, the cost of that litigation alone could contribute to the ongoing water affordability challenge.

CERCLA liability will be an additional burden on top of the significant treatment costs utilities will incur to meet Safe Drinking Water Act and Clean Water Act PFAS regulations. CERCLA would unjustly make ratepayers pay yet again for the environmental remedial burden that should be borne by the companies that produced and profited from PFAS for decades.

With this proposed rule under final review this spring, it is critical that Congress move quickly to ensure that water systems and their ratepayers are not unfairly punished for PFAS contamination for which they bear zero responsibility or blame. LAVWMA and its member agencies **therefore**

The Honorable Senator [Name]  
S. 1430 Support  
February 22, 2024  
Page 2

**urge you to support S. 1430, the Water Systems PFAS Liability Protection Act**, introduced by Senator Cynthia Lummis. This bill would preserve the “polluter pays” principle under CERCLA and ensure that water utilities can continue to focus their efforts on maintaining water quality.

Again, we ask that you support S. 1430 and protect water system ratepayers by providing statutory liability protections related to PFAS under CERCLA.

Sincerely,

Bob Carling  
Chair, LAVWMA Board of Directors

c: LAVWMA Member Agencies  
Zone 7 Water Agency  
National Association of Clean Water Agencies

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## **ITEM NO. 12 GENERAL MANAGER'S REPORT**

### **Action Requested**

None at this time. This is an information item only.

### **Summary**

The General Manager's (GM) tenure began on April 17, 2014. A two-year extension was approved on April 20, 2016, a three-year extension was approved on February 21, 2018, and an additional three-year extension was approved on February 17, 2021. The agreement requires a report on hours worked during the fiscal year at each Board meeting. There is a limitation of 1,000 hours per fiscal year. For the fiscal year ending June 30, 2024 the General Manager has billed LAVWMA approximately 500 hours, which is normal due to the number of capital projects.

In addition to the brief descriptions below, there are several items of interest for the Board's review:

#### **1. Asset Management.**

DSRSD staff have been focused on training to use the CSEAM (Lucity) Mobile app. This will help us keep the equipment data accurate. Staff is busy adding ID tags to the equipment. The tags include a QR code that can be scanned to initiate work orders in the field. Another 60-80 have recently been added. Staff is working on getting the administrative staff that is handling all of the purchases to put the info in Lucity as it comes across their desk. Staff is ramping up their preventative maintenance program and have begun tracking the Pulse check reading on the pump station equipment as part of the PM. Currently its used as a troubleshooting tool for LAVWMA however we are working on updating the PM templates so it's part of the checklist. There is a lot to modify. The idea is that at some point you can reduce the frequency of the PMs. Staff are also focused on ISO 55000 certification for DSRSD's asset management program. They have written a policy and just took some training on creating a Strategic Asset Management Plan. LAVWMA will be included in that when it is complete.

#### **2. FYE24 Capital Project Planning**

Please refer to the Action Item List, **Attachment 12.a** for a status report on all capital projects for FYE24. The General Manager is working closely with DSRSD staff to ensure that projects are managed as effectively as possible. The Action Item List has been modified to track all capital projects in addition to other key tasks.

#### **3. Succession Planning**

Work on this task is on target. A more elaborate GM Flyer, with details on the application process was distributed at the CASA conference in Palm Springs, January 24-26, 2024. Job ads



were purchased at various websites, including CSDA, CWEA, and California City News. The posting on CASA's website was free. The final filing date is February 21, 2024. Applications have been trickling in. A report will be provided to the Board during the closed session on February 21, 2024.

#### **4. PG&E Costs and Max Demand Data**

There is information in the Quarterly Report of Operations citing DSRSD staff efforts to minimize demand charges. They continue to do a great job. **Attachment 12.b** is a summary of all PG&E costs for FYE23. It is presented in tabular and chart form. The average kWh cost for the FYE24 is \$0.23842/kWh. As noted in the Quarterly Report of Operations, PG&E costs are still below budget even with significant wet weather.

#### **5. Modifications to the Joint Powers Agreement**

We have started the process of developing an Amended and Restated Joint Powers Agreement. The current agreement dates back to 1997 and focuses on the expansion project. Nearly all of that language is no longer applicable and can be deleted. The language that requires development within approved general plans will be maintained. The language related to out of service area projects will be modified to coincide with the policy adopted in 2017. The 1997 JPA is very detailed on cost sharing and that can be simplified to match the revised debt service, fixed, and variable costs used in the budget process. The 1997 JPA is also silent on ownership of the wastewater and has no mention of recycled water. Revisions to the JPA will be developed to encourage water recycling, which will also be beneficial in meeting the requirements of the new version of the Nutrients Watershed Permit. Please refer to the information in the previous report. A draft revision will be discussed with the SAG and brought back to the Board for consideration at an upcoming meeting.

#### **6. Modifications to the Agreement for Maintenance of Agency Facilities with DSRSD**

Another current project is to revise the agreement for maintenance services of Agency facilities with DSRSD. That agreement was originally approved in 1980 and was modified in 2021 to address inequities in the indemnification section. The attachment to the agreement lists facilities that are no longer managed by LAVWMA, and either don't exist or are managed exclusively by either DSRSD or Livermore. One issue that has recently surfaced is the management of capital projects for sole use facilities, specifically the Livermore Interceptor Pipeline. The repair project has required substantial DSRSD staff time that has detracted from their own projects. This may be a one-time event that will be unlikely to occur again, but the responsibility question should be reviewed. This process has just begun and will also include the SAG members. This may also require a revisit of the Sewer Service Agreement Contract between LAVWMA and all three member agencies that was amended in 2021 as a result of the bond refunding.

Following is a brief description of major activities since the November 15, 2023 Board meeting:

- Attended LAVWMA O&M meetings with DSRSD, Livermore and Pleasanton staff.
- Updated Capital Project Planning and Action Item List.
- Drafted November 15, 2023 minutes and sent out for review. Updated based on comments received.
- Prepared items for the February 21, 2024 Board meeting and prepared the packet for distribution. Made updates to website as needed for files and legal requirements.
- Managed various capital projects, including reviewing all documents, for the pump purchase, SLSS improvements project, and Livermore Interceptor Pipeline Replacement Project.
- Monitored the status of the pump replacement and Livermore Interceptor Pipeline Replacement project with frequent site visits and photo documentation.
- Continued working with DSRSD staff for pipeline inspection project to begin late summer 2024.
- Logged into DSRSD system to review and approve invoices and review and respond to emails.
- Worked with DSRSD staff, Carollo Engineers, Defreitas Pipeline Incorporated on the Livermore Pipeline repair project. Attended weekly project meetings with DSRSD and Carollo staff. Met several times with General Counsel and DSRSD staff to discuss easement issues and language. Engaged the services of Downey Brand to assist with legal issues regarding permit requirements for possible removal of the existing Livermore Interceptor Pipeline where it crosses Arroyo Mocho Creek.
- Attended weekly meetings with FEMA, CalOES, and DSRSD staff.
- Visited the pipeline replacement project several times per week to document progress through photos and observations.
- Reviewed, made minor edits, and commented on DSRSD's 2nd quarter O&M report.
- Continued reviewing PG&E bills to ensure they are using the proper rate schedule. Maintained all data in a spreadsheet for proper tracking and budget preparation.
- Kept SAG members informed on various issues and projects. Hosted SAG meeting on February 14, 2024.
- Continued to work with General Counsel to track legislation of interest to LAVWMA and the member agencies.
- Continued working with DSRSD staff to manage electrical use at the pump station.
- Monitored progress of other pump station and O&M projects managed by DSRSD staff.
- Reviewed and approved invoices for SLSS design, Livermore pipeline repair, and other projects for payment by DSRSD.
- Continued to Discuss Asset Management issues with DSRSD staff. LAVWMA continues to follow their lead.

- Worked with DSRSD staff on various inquiries regarding projects near the forcemain to ensure there would be no issues of concern with the integrity of the forcemain.
- Continued working with Administrative Assistant II Sheree Davis to discuss responsibilities and procedures.
- Attended EBDA Managers Advisory Committee (MAC) meetings. Made notes of same and shared with SAG members.
- Continued reviewing EBDA issues of concern including permit, bacteriological testing results, and nutrient permitting.
- Began the process of developing an amended and restated JPA.
- Began the process of modifying the 1980 maintenance agreement with DSRSD.
- Revised the GM recruitment flyer and took to CASA. Had the flyer posted on CASA, CWEA, CSDA, and CA CityNews websites. Monitored and responded to questions and resume submittals.
- Gave a presentation at the CASA Associates Committee meeting on January 24, 2024 regarding what GMs look for in consultants and managing consultant agreements.
- Prepared and submitted monthly invoices for LAVWMA General Management services.
- Reviewed and approved DSRSD monthly invoices for O&M services.
- Continued working with EBDA and LAVWMA agency staff to address enterococcus and other permit issues.
- Used DocuSign system for Board Resolutions, Agreements, minutes, and other documents.
- Reviewed EBDA, DSRSD, and DERWA agenda packets.
- Reviewed and directed handling of scanned mail sent by DSRSD staff.
- Responded to various emails and phone calls from outside agencies and organizations.

### **Next Meeting**

The next Regular Board meeting is scheduled for May 15, 2024, at the DSRSD Board Room. There are two Special Board meetings scheduled for March 14, and 28, 2024 for the GM recruitment interviews and agreement approval.

### **Recommendation**

None at this time. This is an information item only.

### **Attachments**

- 12.a Action Item List
- 12.b PG&E Costs Summary

## LAVWMA Action Item List

Month: Feb-24

SAG Task	Responsible Party	Due Date	Status	Completion Date
Items for February 2024 LAVWMA Board Meeting.	SAG	NA	Normal financial and project status reports, 2nd Quarter O&M Report, report on Livermore Pipeline Repair Project, SLSS Project, Pump and Motor replacement/rebuild project, update on legal and legislative issues, and the GM report, including an update on the recruitment process.	
Operations Coordination Committee Task	Responsible Party	Due Date	Status	Completion Date
<b>FYE23 Replacement Projects: See Items Below</b>	Weir/Delight	Various dates	Refer to information below.	
Total project cost now at \$1,800,000 including construction, engineering, construction management, and DSRSD staff assistance.	Weir	7/31/2024	Contract awarded to McGuire & Hester for \$1,394,000. Notice to Proceed effective August 28, 2023 and scheduled to take 320 calendar days. Main equipment items have been ordered. HydroScience, did the design and is also doing the construction management. Submittals are coming in and being reviewed. Issues with delays in a sole-sourced valve from Dezurik. Intent is to complete everything but the valve by the original due date in July 2024. The valve may not arrive until November and would be installed when weather allows.	
Replace three 500 HP pumps and rebuild two motors	Weir	1/31/2024	Three pumps delivered to pump station on October 3, 2023. Pump No. 1 installed, new motor connected, and began running in lead position on October 11, 2023. Pump has been accepted and have approved invoice for payment of that pump. Pumps 3 and 5 have been installed as well as motor no. 3. Motor no. 5 should be installed this week. At that time both pumps will be tested simultaneously so that the manufacturer's rep only has to visit the site once. Once the pumps are accepted, the final payment can be made, less an allowance for getting the revised O&M Manuals.	
Cathodic Protection Projects	Nakamura/Murphy	7/31/2023	DSRSD staff is working with JDH Corrosion to get the final report, which will likely lead to some future projects.	
PLC Upgrade at the Pump Station. Estimated cost \$300,000	Ching	6/30/2025	Will be included in DSRSD SCADA project, which is design build. Project has begun. The design-builder, Woodard & Curran, has submitted the 80% design documents. Over the next few months, staff will work with Woodard & Curran to develop a Guaranteed Maximum Price for "construction services", which includes final design, construction and construction management services. Due to long lead times for PLC equipment and parts, the construction of the project is not expected to be commence until early 2025.	
Pipeline Inspection. Estimated cost \$100,000	Halliday	8/1/2024	National Pipe is under contract. Traffic plans are in development. The siphons will be inspected this time. An RFP will be issued for the inspection work. The work plan provided by National Pipe has been turned over to Engineering to create an RFQ to go out for Bid. The project will most likely be delayed until summer 2024 due to flows and the nature of work.	
Replace 17 valve actuators at the pump station. Estimated cost is \$255,555.	Murphy	12/31/2023	There are seventeen valves that have electric actuators at the pump station. The new valves have been received. DSRSD staff will work with DW Nicholson to assist with installation of these actuators. We are planning on pulling new wire in for these actuators as there have been many wire issues in the past. This will also help with automating these actuators and making them available via SCADA for the Operators. Planning on starting installation early 2024.	
Backup Power Improvements at the Pump Station	Nakamura/Murphy	6/30/2025	There have been no recent power outages. However, past experience with PG&E unreliability and consultant studies have determined that a system for quickly connecting a portable generator capable of running up to four pumps during emergencies would help ensure continuous pumping even during storms and PG&E outages. A portable generator was tested during the storms of early 2023. However, it took at least two days to make all the connections. A generator tap box provides a safe and efficient means of connecting a portable or auxiliary power source in the event of an electrical outage. The project consists of the installation of a generator tap box and other necessary electrical equipment, including a transformer, to facilitate the connection of a mobile rental genset at the LAVWMA Pump Station. This will allow the connection to be made within a few hours. We will target completing a consultant design by end of March 2024. Then depending on the estimated cost, we may need to formally bid the project. The transformer lead time is likely around one year, so construction completion would be targeted for around June 2025.	
Livermore Pipeline Repair Project	Ching/Castro	11/30/2023	Construction began, October 3, 2023, the project has reached approximately 20% completion and it is anticipated to be completed in March 2024. Project costs are now estimated at \$6,100,000. Previous issues with CDFW and RWQCB have not resulted in further concerns and has remained largely quiet. An easement with Zone 7 has been approved and will be considered by the Board of Supervisors in February. The Livermore easement is nearing completion. Staff continues to work with FEMA and CalOES on sources for project funding.	
<b>Other Items</b>				
Wet Weather Issues	Sevilla	3/31/2024	Many storms in December - February tested all facilities, with no serious issues.	
Live test of SLSS system	Sevilla	3/31/2023	Was successfully tested in March 2023. Planning meeting for next test scheduled for November 28, 2023.	
Live test of Alamo Canal discharge during wet weather	Carson/Sevilla	TBD	Was successfully tested in March 2023.	
Wet Well Isolation Gates	Quinlan	12/31/2023	The expense exceeds the benefit, the gate has a small weep when closed which does not affect performance of the pump station, and with the new SOP for wet well cleaning the gate remains in the open position. This item will be removed from the list in the next edition.	11/8/2023
EBDA Enterococcus Issue	Sevilla		No issues at this time.	
YTD O&M Expenses compared to budget	Gill, Weir	Ongoing	No issues at this time. PG&E costs continue to be high primarily due to lower recycled water so far this year and increasing rates from PG&E. Refer to PG&E cost data information.	

## PG&amp;E Energy Cost Summary for FYE24

## Detailed Monthly Charges

## Meter A Rate Schedule B20S - Business High Use

Month	Customer Charge			Demand Charge Max Peak								Total Monthly Cost	Demand Charge Max Part Peak					
	Number	Unit	Unit Cost	Cost	Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	Cost	Number P1	Unit	Unit Cost	Cost	Number P2	Unit
06/13 - 07/13/2023	31	Days	\$64.36706	\$1,995.36		kW		\$0.00		kW		\$0.00	\$0.00		kW	\$ -		kW
07/14 - 08/13/2023	31	Days	\$71.71405	\$2,223.14		kW				kW					kW	\$ -		kW
08/14 - 09/12/2023	30	Days	\$73.24377	\$2,197.31		kW				kW				24	kW	\$ 7.34000	\$ 105.70	kW
09/13 - 10/12/2023	30	Days	\$75.53835	\$2,266.15		kW				kW					kW			kW
10/13 - 11/12/2023	31	Days	\$75.53835	\$2,341.69	362	kW	\$2.57000	\$930.34		kW		\$930.34			kW			kW
11/13 - 12/12/2023	30	Days	\$75.53835	\$2,266.15		kW				kW		\$0.00	\$0.00		kW			kW
12/13 - 01/11/2024	30	Days	\$87.26920	\$2,618.08		kW		\$0.00		kW		\$0.00	\$0.00		kW			kW
		Days		\$0.00		kW		\$0.00		kW		\$0.00	\$0.00		kW			kW
		Days		\$0.00		kW		\$0.00		kW		\$0.00	\$0.00		kW			kW
		Days		\$0.00		kW		\$0.00		kW		\$0.00	\$0.00		kW			kW
		Days		\$0.00		kW		\$0.00		kW		\$0.00	\$0.00		kW			kW
		Days		\$0.00		kW		\$0.00		kW		\$0.00	\$0.00		kW			kW
		Days		\$0.00		kW		\$0.00		kW		\$0.00	\$0.00		kW			kW
<b>TOTALS</b>	213			\$15,907.88	362				0			\$930.34		24				0

## Meter B Rate Schedule B20S - Business High Use

Month	Customer Charge			Demand Charge Max Peak								Total Monthly Cost	Demand Charge Max Part Peak						
	Number	Unit	Unit Cost	Cost	Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	Cost		Number P1	Unit	Unit Cost	Cost	Number P2	Unit
06/13 - 07/13/2023	31	Days	\$64.36706	\$1,995.36	25	kW	\$32.86000	\$477.00	26	kW	\$35.58000	\$387.94	\$864.94	24	kW	\$ 6.56000	\$91.42	31	kW
07/14 - 08/13/2023	31	Days	\$71.71405	\$2,223.14	25	kW	\$35.58000	\$889.50		kW		\$0.00	\$889.50	24	kW	\$ 7.34000	\$176.16		kW
08/14 - 09/12/2023	30	Days	\$73.24377	\$2,197.31	96	kW	\$35.58000	\$2,049.41	24	kW	\$36.41000	\$349.54	\$2,398.94	25	kW	\$ 7.34000	\$110.10	24	kW
09/13 - 10/12/2023	30	Days	\$75.53835	\$2,266.15	24	kW	\$36.41000	\$524.30	36	kW	\$2.57000	\$37.01	\$561.31	90	kW	\$ 7.58000	\$409.32		kW
10/13 - 11/12/2023	31	Days	\$75.53835	\$2,341.69	904	kW	\$2.57000	\$2,323.28		kW			\$2,323.28		kW				kW
11/13 - 12/12/2023	30	Days	\$75.53835	\$2,266.15	84	kW	\$2.57000	\$215.88		kW		\$0.00	\$215.88		kW				kW
12/13 - 01/11/2024	30	Days	\$87.26920	\$2,618.08	33	kW	\$2.57000	\$53.71	34	kW	\$3.03000	\$37.77	\$91.49		kW				kW
		Days		\$0.00		kW		\$0.00		kW			\$0.00		kW				kW
		Days		\$0.00		kW		\$0.00		kW		\$0.00	\$0.00		kW				kW
		Days		\$0.00		kW		\$0.00		kW		\$0.00	\$0.00		kW				kW
		Days		\$0.00		kW		\$0.00		kW		\$0.00	\$0.00		kW				kW
		Days		\$0.00		kW		\$0.00		kW		\$0.00	\$0.00		kW				kW
TOTALS	213			\$15,907.88	1191				120			\$7,345.34		163				55	

## Meters A &amp; B Combined Rate Schedule B20S - Business High Use

Month	Customer Charge			Demand Charge Max Peak								Total Monthly Cost	Demand Charge Max Part Peak								
	Number	Unit	Unit Cost	Cost	Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	Cost	Number P1	Unit	Unit Cost	Cost	Number P2	Unit			
06/13 - 07/13/2023	31	Days		\$ 3,990.73		25	kW		\$0.00		kW		\$387.94	\$864.94		24	kW	\$ 91.42		31	kW
07/14 - 08/13/2023	31	Days		\$ 4,446.27		25	kW	\$35.58000	\$528.14			\$0.00	\$889.50		24	kW	\$ 176.16		0	kW	
08/14 - 09/12/2023	30	Days		\$ 4,394.63		96	kW		\$0.00			\$349.54	\$2,398.94		49	kW	\$ 215.80		24	kW	
09/13 - 10/12/2023	30	Days		\$ 4,532.30		24	kW	\$36.41000	\$524.30	36	kW	\$2.57000	\$37.01	\$561.31	90	kW	\$ 7.58000	\$ 409.32		0	kW
10/13 - 11/12/2023	31	Days		\$ 4,683.38		1266	kW		\$0.00			\$0.00	\$3,253.62		0	kW	\$ -		0	kW	
11/13 - 12/12/2023	30	Days		\$ 4,532.30		84	kW					\$0.00	\$215.88		0	kW	\$ -		0	kW	
12/13 - 01/11/2024	30	Days		\$ 5,236.15		33	kW		\$0.00			\$37.77	\$91.49		0	kW	\$ -		0	kW	
		Days		\$ -		0	kW		\$0.00			\$0.00	\$0.00		0	kW	\$ -		0	kW	
		Days		\$ -		0	kW					\$0.00	\$0.00		0	kW	\$ -		0	kW	
		Days		\$ -		0	kW					\$0.00	\$0.00		0	kW	\$ -		0	kW	
		Days		\$ -		0	kW					\$0.00	\$0.00		0	kW	\$ -		0	kW	
		Days		\$ -		0	kW					\$0.00	\$0.00		0	kW	\$ -		0	kW	
TOTALS	213			\$31,815.76	1553					36			\$8,275.68		187				55		

Total Monthly Cost			Demand Charge Max Demand								Total Monthly Cost			Energy Charges Peak					
Unit Cost	Cost		Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	Cost		Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	
	\$0.00			kW		\$0.00		kW		\$0.00	\$0.00		kWh		\$ -		kWh		
	\$0.00		741	kW	\$ 33.08000	\$24,512.28		kW		\$0.00	\$24,512.28		kWh				kWh		
	\$105.70		1124	kW	\$ 33.08000	\$22,309.15	1124	kW	\$34.08000	\$15,322.37	\$37,631.52		kWh				kWh		
			1240	kW	\$ 34.08000	\$25,355.52	1124	kW	\$34.08000	\$15,322.37	\$40,677.89		kWh				kWh		
			603	kW	\$ 34.08000	\$20,550.24		kW			\$20,550.24	240	kWh	\$ 0.18388	\$ 44.13		kWh		
			758	kW	\$ 34.08000	\$25,832.64		kW		\$0.00	\$25,832.64		kWh				kWh		
			1124	kW	\$ 34.08000	\$24,260.42	1124	kW	\$40.38000	\$16,641.94	\$40,902.36		kWh		\$ -		kWh		
				kW		\$0.00		kW			\$0.00		kWh		\$ -		kWh		
				kW		\$0.00		kW		\$0.00	\$0.00		kWh		\$ -		kWh		
				kW		\$0.00		kW		\$0.00	\$0.00		kWh		\$ -		kWh		
				kW		\$0.00		kW		\$0.00	\$0.00		kWh		\$ -		kWh		
				kW		\$0.00		kW		\$0.00	\$0.00		kWh		\$ -		kWh		
	\$0.00	\$ -		kW		\$0.00		kW		\$0.00	\$0.00		kWh		\$ -		kWh		
\$105.70			5590				3372				\$190,106.93	240				0			

Total Monthly Cost			Demand Charge Max Demand								Total Monthly Cost			Energy Charges Peak					
Unit Cost	Cost		Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	Cost		Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	
\$ 7.34000	\$95.42	\$186.84	1412	kW	\$ 29.78000	\$24,415.76	1348	kW	\$33.08000	\$18,699.80	\$43,115.56	1233	kWh	\$ 0.20656	\$254.69	922	kWh	\$ 0.20674	
		\$176.16	99	kW	\$ 33.08000	\$3,274.92		kW		\$0.00	\$3,274.92	2471	kWh	\$ 0.20674	\$510.85		kWh		
\$ 7.58000	\$72.77	\$182.87	96	kW	\$ 33.08000	\$1,905.41	92	kW	\$34.08000	\$1,254.14	\$3,159.55	1683	kWh	\$ 0.20674	\$347.94	1052	kWh	\$ 0.20674	
		\$409.32	92	kW	\$ 34.08000	\$1,881.22	92	kW	\$34.08000	\$1,254.14	\$3,135.36	1427	kWh	\$ 0.20674	\$295.02	1059	kWh	\$ 0.18388	
			977	kW	\$ 34.08000	\$33,296.16		kW			\$33,296.16	3335	kWh	\$ 0.18388	\$613.24		kWh		
			998	kW	\$ 34.08000	\$34,011.84		kW		\$0.00	\$34,011.84	3117	kWh	\$ 0.18388	\$573.15		kWh		
			975	kW	\$ 34.08000	\$21,044.40	990	kW	\$40.38000	\$14,657.94	\$35,702.34	2080	kWh	\$ 0.18388	\$382.47	1268	kWh	\$ 0.20393	
				kW		\$0.00		kW			\$0.00		kWh		\$0.00		kWh		
				kW		\$0.00		kW		\$0.00	\$0.00		kWh		\$0.00		kWh		
				kW		\$0.00		kW		\$0.00	\$0.00		kWh		\$0.00		kWh		
				kW		\$0.00		kW		\$0.00	\$0.00		kWh		\$0.00		kWh		
	\$0.00	\$ -		kW		\$0.00		kW		\$0.00	\$0.00		kWh		\$0.00		kWh		
\$955.18			4649				2522				\$155,695.73	15346				4301			

Total Monthly Cost			Demand Charge Max Demand								Total Monthly Cost			Energy Charges Peak					
Unit Cost	Cost		Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	Cost		Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	
	\$0.00	\$ 186.84	1412	kW		\$ -	1348	kW		\$18,699.80	\$ 43,115.56	1233	kWh		\$ 254.69	922	kWh		
	\$0.00	\$ 176.16	840	kW		\$ -	0	kW		\$0.00	\$ 27,787.20	2471	kWh		\$ 510.85	0			
		\$ 288.56	1220	kW		\$ -	1216	kW		\$16,576.51	\$ 40,791.07	1683	kWh		\$ 347.94	1052			
		\$ 409.32	1332	kW		\$ -	1216	kW		\$16,576.51	\$ 43,813.25	1427	kWh		\$ 295.02	1059			
		\$ -	1580	kW		\$ -	0	kW		\$0.00	\$ 53,846.40	3575	kWh		\$ 657.37	0			
		\$ -	1756	kW		\$ -	0	kW		\$0.00	\$ 59,844.48	3117	kWh		\$ 573.15	0			
		\$ -	2099	kW		\$ -	2114	kW		\$31,299.88	\$ 76,604.70	2080	kWh		\$ 382.47	1268			
		\$ -	0	kW		\$ -	0	kW		\$0.00	\$ -	0	kWh		\$ -	0			
		\$ -	0	kW		\$ -	0	kW		\$0.00	\$ -	0	kWh		\$ -	0			
		\$ -	0	kW		\$ -	0	kW		\$0.00	\$ -	0	kWh		\$ -	0			
		\$ -	0	kW		\$ -	0	kW		\$0.00	\$ -	0	kWh		\$ -	0			
		\$ -	0	kW		\$ -	0	kW		\$0.00	\$ -	0	kWh		\$ -	0			
		\$ -	0	kW		\$ -	0	kW		\$0.00	\$ -	0	kWh		\$ -	0			
\$1,060.88			10239				5894				\$345,802.66	15586				4301			

Total Monthly Cost			Energy Charges Part Peak								Energy Charges Off Peak				Total Monthly Cost															
Cost			Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	Cost	Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	Cost												
\$0.00	\$0.00			kWh		\$ -		kWh		\$0.00		kWh		\$0.00		kWh		\$ -												
				kWh		\$ -		kWh		\$0.00	276136	kWh	\$ 0.13807	\$38,126.10		kWh		\$ -												
			6	kWh	\$ 0.16837	\$ 1.01		kWh		\$1.01	198413	kWh	\$ 0.13807	\$27,394.88	163225	kWh	\$ 0.13807	\$22,536.48												
	\$0.00			kWh				kWh			244150	kWh	\$ 0.13807	\$33,709.79	207810	kWh	\$ 0.13783	\$28,642.45												
	\$44.13			kWh				kWh			183254	kWh	\$ 0.13783	\$25,257.90		kWh														
\$0.00	\$0.00			kWh				kWh			367106	kWh	\$ 0.13783	\$50,598.22		kWh		\$ -												
\$0.00	\$0.00			kWh				kWh			310456	kWh	\$ 0.13783	\$42,790.15	203750	kWh	\$ 0.14954	\$30,468.78												
	\$0.00			kWh				kWh				kWh		\$0.00		kWh		\$0.00												
\$ -	\$0.00			kWh				kWh				kWh		\$0.00		kWh		\$0.00												
	\$0.00			kWh				kWh				kWh		\$0.00		kWh		\$0.00												
	\$0.00			kWh				kWh				kWh		\$0.00		kWh		\$0.00												
\$0.00	\$0.00			kWh				kWh		\$0.00		kWh		\$0.00		kWh		\$ -												
\$44.13			6				0				\$1.01				1579515				\$217,877.04				574785				\$299,524.74			

Total Monthly Cost		Energy Charges Part Peak							Total Monthly Cost	Energy Charges Off Peak							Total Monthly Cost		
Cost		Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	Cost	Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	Cost		
\$190.61	\$445.30	1111	kWh	\$0.16819	\$186.86	830	kWh	\$0.16837	139.75	\$326.61	224387	kWh	\$0.13789	\$30,940.72	135720	kWh	\$0.13807	\$18,738.86	\$49,679.58
\$0.00	\$510.85	2123	kWh	\$0.16837	\$357.45		kWh		\$357.45		8393	kWh	\$0.13807	\$1,158.82		kWh		\$0.00	\$1,158.82
\$217.49	\$565.43	1360	kWh	\$0.16837	\$228.98	865	kWh	\$0.16837	145.64	\$374.62	5683	kWh	\$0.13807	\$784.65	3383	kWh	\$0.13807	\$467.09	\$1,251.74
\$194.73	\$489.75	1264	kWh	\$0.16837	\$212.82		kWh		\$212.82		4794	kWh	\$0.13807	\$661.91	4485	kWh	\$0.13783	\$618.17	\$1,280.08
	\$613.24		kWh				kWh				445239	kWh	\$0.13783	\$61,367.29		kWh			\$61,367.29
\$0.00	\$573.15		kWh				kWh				452473	kWh	\$0.13783	\$62,364.35		kWh		\$0.00	\$62,364.35
\$258.58	\$641.05		kWh				kWh				279381	kWh	\$0.13783	\$38,507.08	162574	kWh	\$0.14954	\$24,311.32	\$62,818.40
	\$0.00		kWh				kWh					kWh		\$0.00		kWh			\$0.00
\$0.00	\$0.00		kWh				kWh					kWh		\$0.00		kWh		\$0.00	\$0.00
	\$0.00		kWh				kWh					kWh		\$0.00		kWh			\$0.00
	\$0.00		kWh				kWh					kWh		\$0.00		kWh			\$0.00
\$0.00	\$0.00		kWh				kWh		0.00	\$0.00		kWh		\$0.00		kWh		\$0.00	\$0.00
\$3,838.79		5858				1695		\$1,271.50		1420350		\$195,784.83		306162		\$239,920.27			

Total Monthly Cost		Total Monthly Cost								Total Monthly Cost									
		Energy Charges Part Peak								Energy Charges Off Peak									
Cost		Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	Cost	Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	Cost		
\$190.61	\$ 445.30	1111	kWh		\$ 186.86	830	kWh		\$0.00	\$326.61	224387	kWh	\$ -	135720	kWh		\$ 18,738.86		
\$0.00	\$ 510.85	2123	kWh		\$ 357.45	0	kWh		\$0.00	\$357.45	284529	kWh	\$ -	0	kWh		\$ -		
\$217.49	\$ 565.43	1366	kWh		\$ 229.99	865	kWh			\$375.63	204096	kWh	\$ -	166608	kWh		\$ 23,003.57		
\$194.73	\$ 489.75	1264	kWh		\$ 212.82	0	kWh			\$212.82	248944	kWh	\$ -	212295	kWh		\$ 29,260.62		
\$0.00	\$ 657.37	0	kWh		\$ -	0	kWh			\$0.00	628493	kWh	\$ -	0	kWh		\$ -		
\$0.00	\$ 573.15	0	kWh		\$ -	0	kWh			\$0.00	819579	kWh	\$ -	0	kWh		\$ -		
\$258.58	\$ 641.05	0	kWh		\$ -	0	kWh			\$0.00	589837	kWh	\$ -	366324	kWh		\$ 54,780.09		
\$0.00	\$ -	0	kWh		\$ -	0	kWh			\$0.00	0	kWh	\$ -	0	kWh		\$ -		
\$0.00	\$ -	0	kWh		\$ -	0	kWh			\$0.00	0	kWh	\$ -	0	kWh		\$ -		
\$0.00	\$ -	0	kWh		\$ -	0	kWh			\$0.00	0	kWh	\$ -	0	kWh		\$ -		
\$0.00	\$ -	0	kWh		\$ -	0	kWh			\$0.00	0	kWh	\$ -	0	kWh		\$ -		
\$0.00	\$ -	0	kWh		\$ -	0	kWh			\$0.00	0	kWh	\$ -	0	kWh		\$ -		
\$0.00	\$ -	0	kWh		\$ -	0	kWh			\$0.00	0	kWh	\$ -	0	kWh		\$ -		
\$3,882.92		5864				1695				\$1,272.51	2999865				\$0.00	880947			



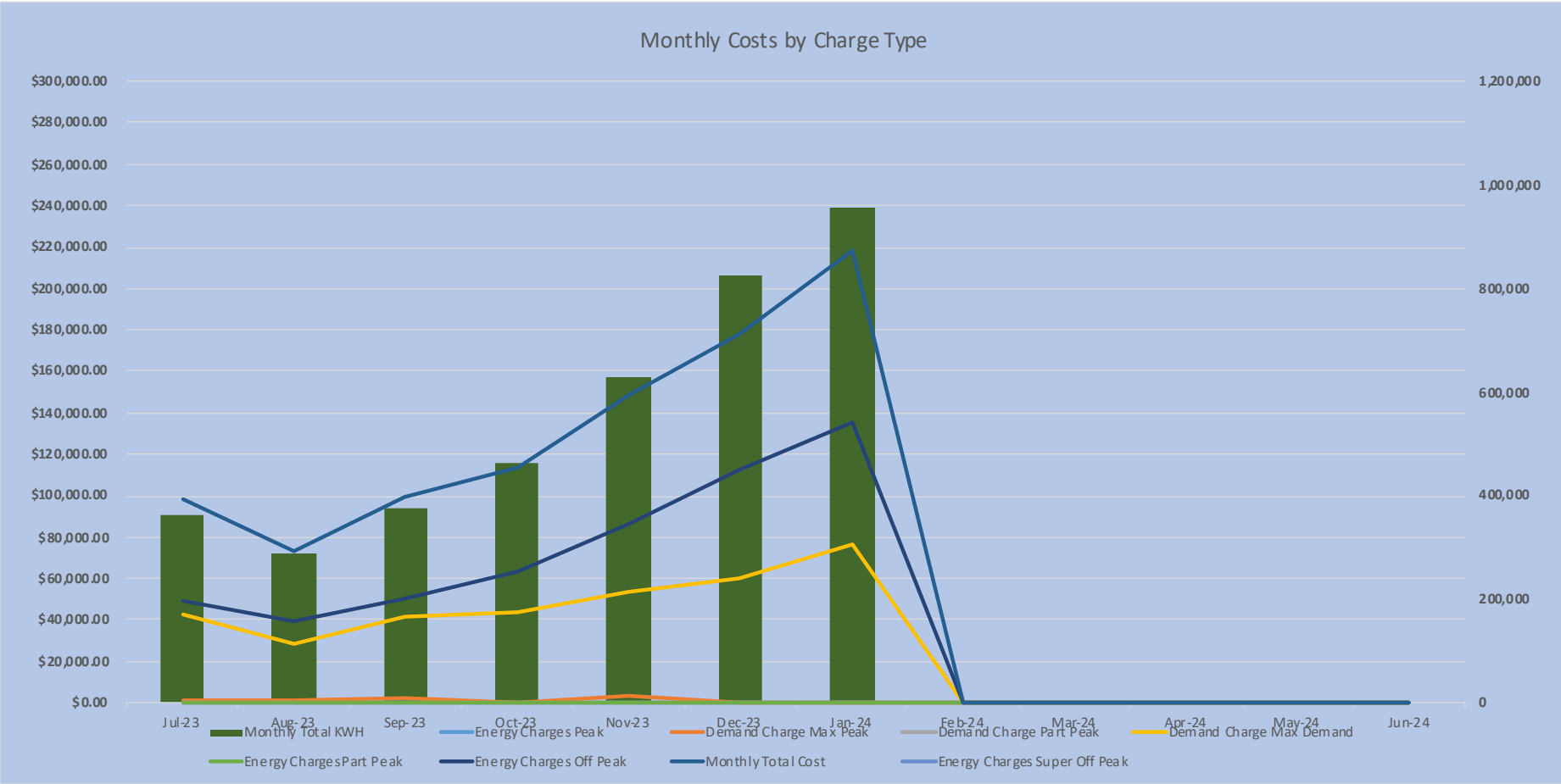
Energy Charges Super Off Peak								Total Monthly Cost	Power Factor Adjustment	Energy Commission Tax	PDP Program Credits	Total Monthly Cost	Total kWh	Average \$/kWh
Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	Cost							
	kWh		\$0.00		kWh		\$0.00	\$0.00				\$1,995.36	0	NA
	kWh		\$0.00		kWh		\$0.00	\$0.00	(\$110.45)	\$82.84		\$64,833.91	276136	\$0.23479
	kWh		\$0.00		kWh		\$0.00	\$0.00	(\$144.66)	\$108.50	(\$14.11)	\$89,816.63	361644	\$0.24836
	kWh		\$0.00		kWh		\$0.00	\$0.00	(\$203.38)	\$135.59		\$105,228.49	451960	\$0.23283
	kWh		\$0.00		kWh		\$0.00	\$0.00	(\$100.92)	\$55.05		\$49,078.43	183494	\$0.26747
	kWh		\$0.00		kWh		\$0.00	\$0.00	(\$128.49)	\$110.13		\$78,678.65	367106	\$0.21432
	kWh		\$0.00		kWh		\$0.00	\$0.00	(\$205.68)	\$154.27		\$116,727.95	514206	\$0.22701
	kWh		\$0.00		kWh		\$0.00	\$0.00				\$0.00		#DIV/0!
	kWh		\$0.00		kWh		\$0.00	\$0.00				\$0.00		#DIV/0!
	kWh		\$0.00		kWh		\$0.00	\$0.00				\$0.00		#DIV/0!
	kWh		\$0.00		kWh		\$0.00	\$0.00				\$0.00		#DIV/0!
	kWh		\$0.00		kWh		\$0.00	\$0.00				\$0.00		#DIV/0!
0			\$0.00	0			\$0.00	\$0.00	(\$893.58)	\$646.38	(\$14.11)	\$506,359.42	2154546	\$0.23502

Energy Charges Super Off Peak								Total Monthly Cost	Power Factor Adjustment	Energy Commission Tax	PDP Program Credits	Total Monthly Cost		
Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	Cost							
	kWh		\$0.00		kWh		\$0.00	\$0.00	(\$72.84)	\$109.26		\$96,650.61	364203	\$0.26538
	kWh		\$0.00		kWh		\$0.00	\$0.00	\$10.39	\$3.90		\$8,605.13	12987	\$0.66260
	kWh		\$0.00		kWh		\$0.00	\$0.00	\$9.82	\$4.21		\$10,144.50	14026	\$0.72326
	kWh		\$0.00		kWh		\$0.00	\$0.00	\$9.12	\$3.91		\$8,367.82	13029	\$0.64225
	kWh		\$0.00		kWh		\$0.00	\$0.00		\$134.57		\$100,076.23	448574	\$0.22310
	kWh		\$0.00		kWh		\$0.00	\$0.00		\$136.68		\$99,568.06	455590	\$0.21855
	kWh		\$0.00		kWh		\$0.00	\$0.00	\$22.26	\$133.59		\$102,027.21	445303	\$0.22912
	kWh		\$0.00		kWh		\$0.00	\$0.00				\$0.00		#DIV/0!
	kWh		\$0.00		kWh		\$0.00	\$0.00				\$0.00		#DIV/0!
	kWh		\$0.00		kWh		\$0.00	\$0.00				\$0.00		#DIV/0!
	kWh		\$0.00		kWh		\$0.00	\$0.00				\$0.00		#DIV/0!
	kWh		\$0.00		kWh		\$0.00	\$0.00				\$0.00		#DIV/0!
0			\$0.00	0			\$0.00	\$0.00	(\$21.25)	\$526.12	\$0.00	\$425,439.56	1753712	\$0.24259

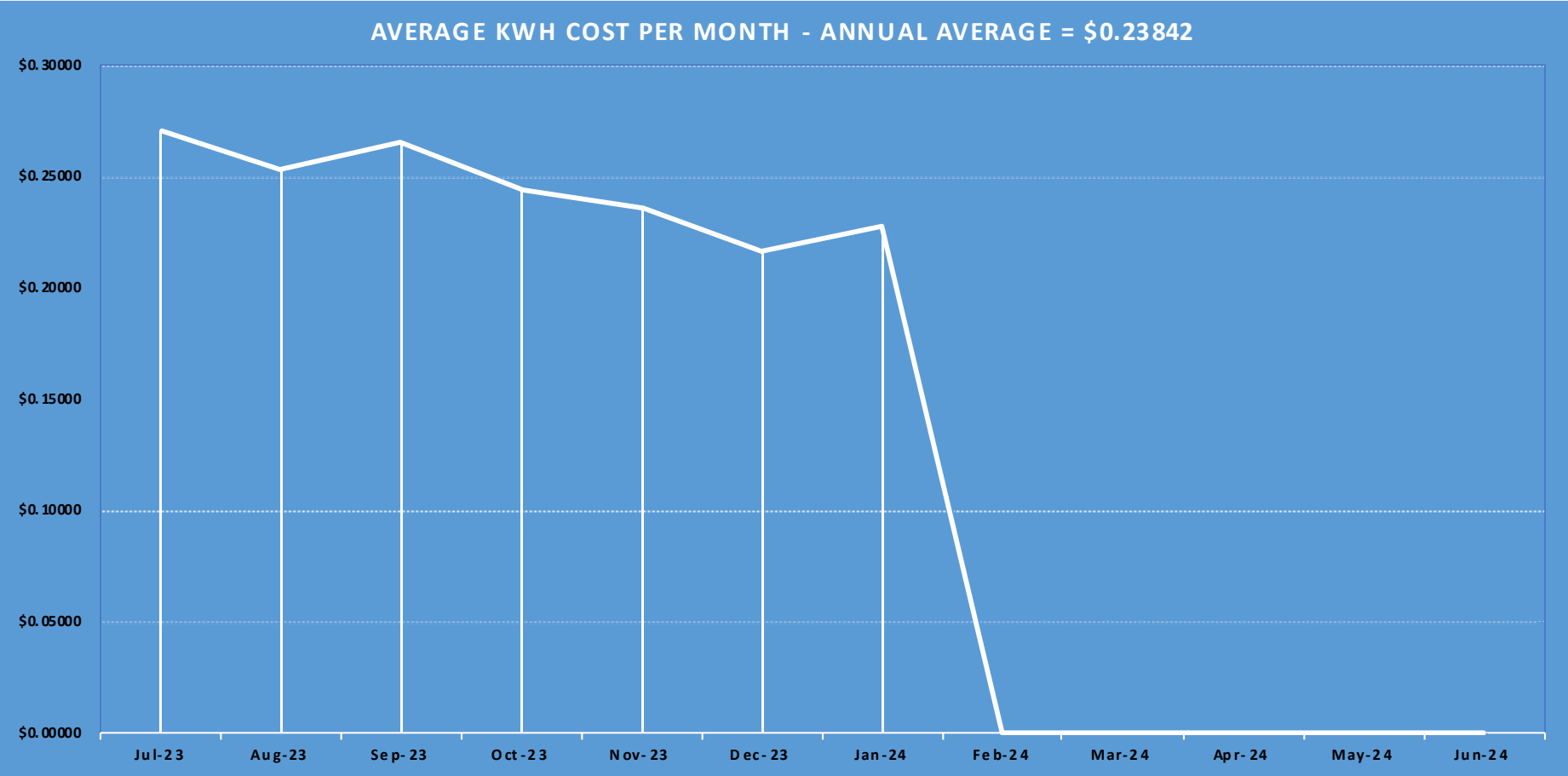
Energy Charges Off Peak								Total Monthly Cost	Power Factor Adjustment	Energy Commission Tax	PDP Program Credits	Total Monthly Cost	Total kWh	Average \$/kWh
Number P1	Unit	Unit Cost	Cost	Number P2	Unit	Unit Cost	Cost							
0	kWh	\$	-	0	kWh		\$0.00	\$0.00	(\$72.84)	\$ 109.26	\$0.00	\$98,645.98	364,203	\$0.27085
0	kWh	\$	-	0	kWh		\$0.00	\$0.00	(\$100.06)	\$ 86.74	\$0.00	\$73,439.04	289,123	\$0.25401
0	kWh	\$	-	0	kWh		\$0.00	\$0.00	(\$134.84)	\$ 112.71	(\$14.11)	\$99,961.13	375,670	\$0.26609
0	kWh	\$	-	0	kWh		\$0.00	\$0.00	(\$194.26)	\$ 139.50		\$113,596.31	464,989	\$0.24430
0	kWh	\$	-	0	kWh		\$0.00	\$0.00	(\$100.92)	\$ 189.62	\$0.00	\$149,154.66	632,068	\$0.23598
0	kWh	\$	-	0	kWh		\$0.00	\$0.00	(\$128.49)	\$ 246.81	\$0.00	\$178,246.71	822,696	\$0.21666
0	kWh	\$	-	0	kWh		\$0.00	\$0.00	(\$183.42)	\$ 287.86	\$0.00	\$218,755.16	959,509	\$0.22799
0	kWh	\$	-	0	kWh		\$0.00	\$0.00	\$0.00	\$ -	\$0.00	\$0.00	0	#DIV/0!
0	kWh			0	kWh		\$0.00	\$0.00	\$0.00	\$ -	\$0.00	\$0.00	0	#DIV/0!
0	kWh			0	kWh		\$0.00	\$0.00	\$0.00	\$ -	\$0.00	\$0.00	0	#DIV/0!
0	kWh			0	kWh		\$0.00	\$0.00	\$0.00	\$ -	\$0.00	\$0.00	0	#DIV/0!
0	kWh			0	kWh		\$0.00	\$0.00	\$0.00	\$ -	\$0.00	\$0.00	0	#DIV/0!
0	kWh			0	kWh		\$0.00	\$0.00	\$0.00	\$ -	\$0.00	\$0.00	0	#DIV/0!
0			\$0.00	0			\$0.00	\$0.00	(\$914.83)	\$1,172.50	(\$14.11)	\$931,798.98	3,908,258	\$0.23842

## PG&amp;E Monthly Summary Costs FYE23

Month	Customer Charge	Demand Charge Max Peak	Demand Charge Part Peak	Demand Charge Max Demand	Energy Charges Peak	Energy Charges Part Peak	Energy Charges Off Peak	Energy Charges Super Off	Power Factor Adjustment	Commission Tax	Program Credits	Monthly Total Cost	Monthly Total KWH	Average KWH Cost
Jul-23	\$3,990.73	\$864.94	\$186.84	\$43,115.56	\$445.30	\$326.61	\$49,679.58	\$0.00	(\$72.84)	\$109.26	\$0.00	\$98,645.98	364,203	\$0.27085
Aug-23	\$4,446.27	\$889.50	\$176.16	\$27,787.20	\$510.85	\$357.45	\$39,284.92	\$0.00	(\$100.06)	\$86.74	\$0.00	\$73,439.03	289,123	\$0.25401
Sep-23	\$4,394.63	\$2,398.94	\$288.56	\$40,791.07	\$565.43	\$375.63	\$51,183.10	\$0.00	(\$134.84)	\$112.71	(\$14.11)	\$99,961.13	375,670	\$0.26609
Oct-23	\$4,532.30	\$561.31	\$409.32	\$43,813.25	\$489.75	\$212.82	\$63,632.32	\$0.00	(\$194.26)	\$139.50	\$0.00	#####	464,989	\$0.24430
Nov-23	\$4,683.38	\$3,253.62	\$0.00	\$53,846.40	\$657.37	\$0.00	\$86,625.19	\$0.00	(\$100.92)	\$189.62	\$0.00	#####	632,068	\$0.23598
Dec-23	\$4,532.30	\$215.88	\$0.00	\$59,844.48	\$573.15	\$0.00	#####	\$0.00	(\$128.49)	\$246.81	\$0.00	#####	822,696	\$0.21666
Jan-24	\$5,236.15	\$91.49	\$0.00	\$76,604.70	\$641.05	\$0.00	#####	\$0.00	(\$183.42)	\$287.86	\$0.00	#####	959,509	\$0.22799
Feb-24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	#DIV.0!
Mar-24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	#DIV.0!
Apr-24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	#DIV.0!
May-24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	#DIV.0!
Jun-24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	#DIV.0!
<b>Total</b>	\$31,815.76	\$8,275.68	\$1,060.88	#####	\$3,882.92	\$1,272.51	#####	\$0.00	(\$914.83)	\$1,172.50	(\$14.11)	#####	3,908,258	\$0.23842



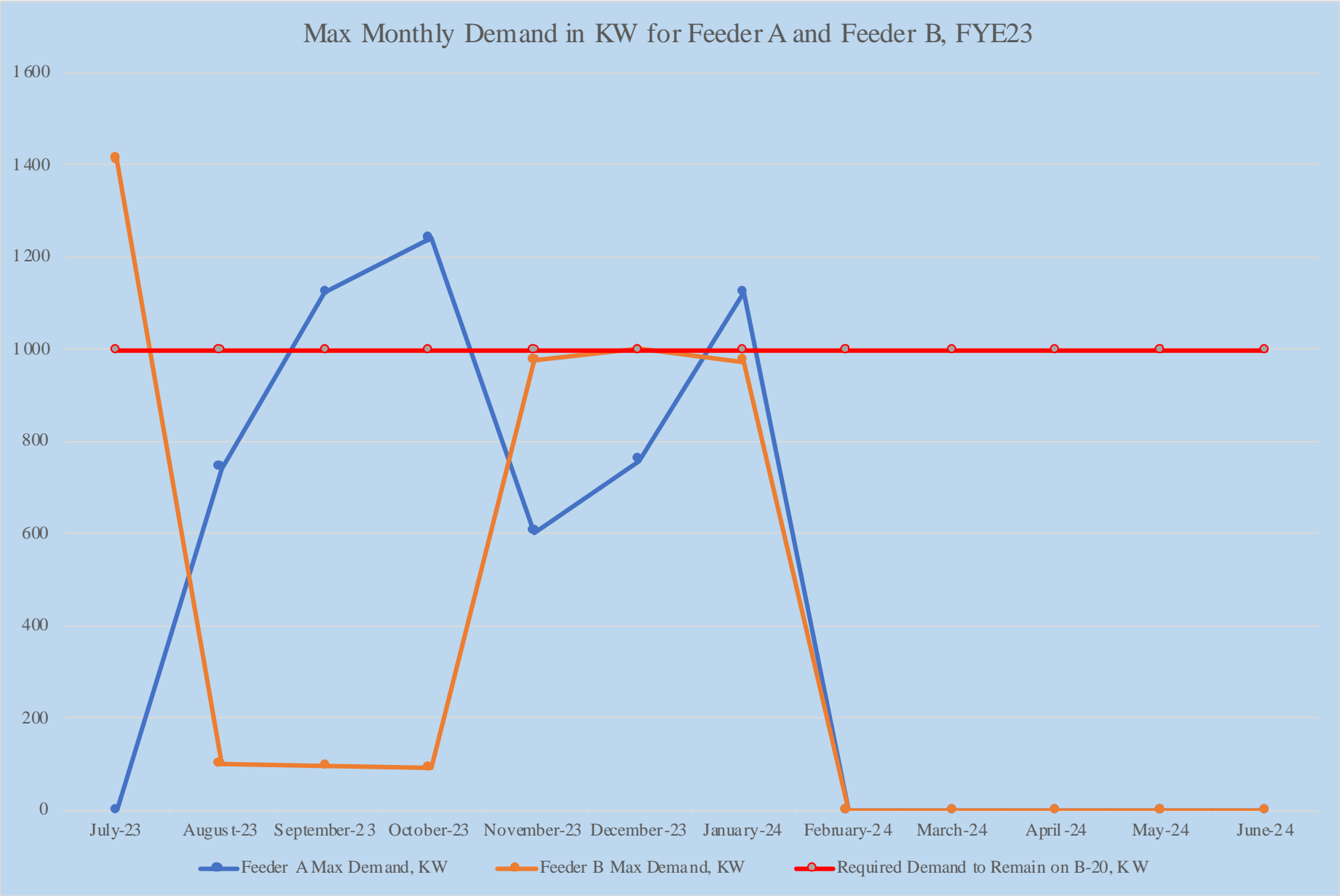
Month	Average KWH Cost per Month - Annual Average = \$0.25813
Jul-23	\$0.27085
Aug-23	\$0.25401
Sep-23	\$0.26609
Oct-23	\$0.24430
Nov-23	\$0.23598
Dec-23	\$0.21666
Jan-24	\$0.22799
Feb-24	#DIV/0!
Mar-24	#DIV/0!
Apr-24	#DIV/0!
May-24	#DIV/0!
Jun-24	#DIV/0!
Average	\$0.23842



Month	Feeder A Max Demand, KW	Feeder B Max Demand, KW	Required Demand to Remain on B- 20, KW
July-23	0	1412	999
August-23	741	99	999
September-23	1124	96	999
October-23	1240	92	999
November-23	603	977	999
December-23	758	998	999
January-24	1124	975	999
February-24	0	0	999
March-24	0	0	999
April-24	0	0	999
May-24	0	0	999
June-24	0	0	999
(1) No. > 999	3	1	

(2) 3 consecutive  
months

***Transfers Off of Schedule B-20:*** PG&E will review its Schedule E-20 accounts annually. A customer will be eligible for continued service on Schedule B-20 if its maximum demand has either: (1) Exceeded 999 kilowatts for at least 5 of the previous 12 billing months; or (2) Exceeded 999 kilowatts for any 3 consecutive billing months of the previous 14 billing months. If a customer's demand history fails both of these tests, PG&E will transfer that customer's account to service under a different applicable rate schedule.





## Fiscal Year Trends

Month	Actual Monthly Total Cost	Actual Monthly Total KWH	Average KWH Cost
Jul-23	\$98,645.98	364,203	\$0.27085
Aug-23	\$73,439.03	289,123	\$0.25401
Sep-23	\$99,961.13	375,670	\$0.26609
Oct-23	\$113,596.31	464,989	\$0.24430
Nov-23	\$149,154.66	632,068	\$0.23598
Dec-23	\$178,246.71	822,696	\$0.21666
Jan-24	\$218,755.16	959,509	\$0.22799
Feb-24	\$0.00	0	#DIV/0!
Mar-24	\$0.00	0	#DIV/0!
Apr-24	\$0.00	0	#DIV/0!
May-24	\$0.00	0	#DIV/0!
Jun-24	\$0.00	0	#DIV/0!
Total	\$931,798.97	3,908,258	\$0.2384
Average	\$77,649.91	325,688	

Fiscal Year	Total KWH by FY	Total Costs by FY	Average KWH Cost by FY	Average Increase by FY	Percent Increase
FYE18	7,619,866	\$1,077,759	\$0.1414		
FYE19	8,710,960	\$1,355,726	\$0.1556	\$0.0142	10.0%
FYE20	7,454,749	\$1,267,923	\$0.1701	\$0.0144	9.3%
FYE21	7,132,800	\$1,329,898	\$0.1864	\$0.0164	9.6%
FYE22	7,333,592	\$1,455,980	\$0.1985	\$0.0121	6.5%
FYE23	9,426,618	\$2,027,090	\$0.2150	\$0.0165	8.3%
FYE24	3,908,258	\$931,799	\$0.2384	\$0.0234	10.9%
Average	7,369,549	\$1,349,453	\$0.1865	\$0.0162	9.1%

