



STEERING COMMITTEE

Agenda Report

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File #: 2024-3569

Agenda Date: 4/24/2024

Agenda Item No: 2.

FROM: Robert Thompson, General Manager

SUBJECT:

LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF MARCH 2024

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

Receive and file the Legislative Affairs Update for the month of March 2024.

BACKGROUND

The Orange County Sanitation District's (OC San) legislative affairs program includes advocating for OC San's legislative interests; sponsoring legislation (where appropriate); and seeking Local, State, and Federal funding for projects and programs.

RELEVANT STANDARDS

- Maintain influential legislative advocacy and a public outreach program
- Build brand, trust, and support with policy makers and community leaders
- Maintain collaborative and cooperative relationships with regulators, stakeholders, and neighboring communities

PROBLEM

Without a strong advocacy program, elected officials may not be aware of OC San's mission, programs, and projects and how they could be impacted by proposed legislation.

PROPOSED SOLUTION

Continue to work with Local, State, and Federal officials to advocate for OC San's legislative interests. Help to create and monitor legislation and grants that would benefit OC San, the wastewater industry, and the community. To assist in relationship building efforts, OC San will continue to reach out to elected officials through facility tours, one-on-one meetings, and trips to Washington D.C. and Sacramento.

RAMIFICATIONS OF NOT TAKING ACTION

If OC San does not work with Local, State, and Federal elected officials, legislation could be passed that negatively affects OC San and the wastewater industry. Additionally, a lack of engagement may result in missed funding opportunities.

ADDITIONAL INFORMATION

Activities in March

- **Federal Update:**

On March 12, OC San staff submitted a letter of concern regarding passive receiver liability for PFAS cleanup under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (attached). The letter was submitted to Senator Tom Carper, Chairman, and Senator Shelley Moore Capito, Ranking Member, for the Committee on Environment and Public Works. The letter requested the Committee to amend CERCLA to ensure agencies such as ours receive protections from frivolous and unwarranted litigation.

- **State Update:**

On March 5, OC San took a support position on Senate Bill (SB) 1034 (attached). This bill adds a clause to the “unusual circumstances” definition pertaining to a request of the California Public Records Act. SB 1034 allows agencies to focus on keeping their communities safe during a state of emergency.

On March 22, OC San took a support position on Assembly (AB) 2626 (attached). This bill addresses near-term challenges for local governments through a 10-year extension for compliance with the Zero-Emission Vehicle mandates. This would allow the industry to improve electric vehicle and battery technologies.

Activities in April

- **Federal Update:**

The US EPA issued its final PFAS rules. The rules establish drinking water standards and designate PFAS chemicals as hazardous substances under CERCLA. OC San’s Federal lobbyist and associations anticipate litigation from the water sector challenging the science relied upon by EPA to set the four parts per trillion level of the standard. There is no immediate or near-term impact to OC San. We continually discuss developments of PFAS regulations with OCWD.

- **State Update:**

On April 8, OC San took an oppose position on Senate Bill (SB) 1210 (attached). This bill would prohibit a connection fee or capacity charge for water, sewer, and electrical services from exceeding one percent of the reported building permit value for that housing unit.

On April 8, OC San took a support position on Assembly Bill (AB) 2515 (attached). This bill seeks to ensure that additional PFAS compounds are kept out of the environment. The bill would also 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 product is compliant with these provisions and does not contain any regulated PFAS compounds.

On April 8, OC San took a support position on Senate Bill (SB) 1072 (attached). This bill would clarify that if a water or wastewater rate or charge results in collecting revenues in excess of the costs of service, the excess revenues would be used to reduce future rates or charges. Ratepayers would not be entitled to any refund; however, ratepayers will retain the right to a refund for billing errors.

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- Federal Legislative Update
- Federal Matrix
- State Legislative Update
- State Matrix
- PFAS Cleanup Under CERCLA Letter of Concern
- SB 1034 Letter of Support
- AB 2626 Letter of Support
- SB 1210 Letter of Oppose
- AB 2515 Letter of Support
- SB 1072 Letter of Support