

To: Orange County Sanitation District
From: Townsend Public Affairs, Inc.
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Subject: Legislative and Public Affairs Agenda Report

State Political Update

In February, Legislators have been focused on introducing new legislation before the deadline on February 21. Based off of previous year bill introduction totals, we can assume that over 2,000 new bills will be introduced in 2020, the vast majority in the few days leading up to February 21.

Once bills are introduced, they must sit for 30 days before they can be heard in any committee. After the deadline we should have the full list and perspective of all bills that will be considered in 2020.

Legislators have also slowly started budget subcommittee hearings on legislative proposals introduced in the Governor's January Budget Proposal. These subcommittee hearings will continue into May to ensure the timely adopted of the Budget before the deadline on June 15.

Below is a list of key upcoming deadlines in the Legislature:

February 21 – Last day for new bills to be introduced

April 2 – Spring Recess begins upon adjournment

Governor Newsom State of the State

On February 19, Governor Newsom delivered his second annual State of the State Address to a joint session of the Legislature. The beginning of the speech was focused on the opportunity that California has to continue to be a leader in the nation. Governor Newsom stated that California is the rocket fuel powering America's resurgence, and made it clear that he believes that resurgence began under President Obama.

The remainder of the Governor's speech focused on one topic: homelessness. The Governor's remarks highlighted the current and new efforts that his Administration is making to replace the existing scattered approach to homelessness and mental health with a coordinated crisis level approach. He touched on funding that he announced in his January budget as well as policies included in his January Executive Order to secure temporary trailers and tents for emergency shelters for homeless individuals. Finally, he highlighted new measures that he and his Homeless Task Force would be focused on, including holding local governments accountable to take action and a new "do-it-or-lose-it" policy to hold local governments responsible for results.

The key points included:

- Trailers have been sent to Oakland and Los Angeles and are currently on the way to the Santa Clara, Riverside, Contra Costa and Sonoma Counties and the City of Stockton.
- Is making 286 state properties, vacant lots, fairgrounds and armories available now to be used by local governments, for free, for homeless solutions. Lease templates are ready to be executed.
- Focused on working with the Legislature to pass and sign legislation that will expand exemptions to the permitting process for all homeless shelters and supportive housing statewide.
- Revisiting mental health programs like Laura’s Law and other conservatorships to ensure that are structured in an updated and viable manner, including lowering the threshold for those with mental illnesses, particularly those experiencing homelessness who turn down medical aid.
- Focused on integrating care, boosting preventative healthcare, and expanding the Whole Person Care Pilot programs statewide.
- Will be working on reforming Proposition 63, the Mental Health Services Act. The Governor stated that he was not currently proposing changing the funding programs for how much funding Counties receive, but rather updating the criteria to ensure that the funding can be used on necessary uses, like addiction treatment.
 - The Governor specifically stated that there is \$160 million in unspent Proposition 63 money that counties have not spent, and if those dollars were not spent by June 30, the State would be stepping in to spend the money.
- Lowering the legal bar for providing forced treatment to the mentally ill.
- Establishing a unified homelessness data system.
- Committed to working with the Legislature on passing laws that will increase housing production, eliminate red tape, eliminate delays for building affordable, multifamily homes, and focus on building high-density housing near transit.
 - Focused on increasing density in a way that promotes equity, affordability and inclusion.

Throughout his speech, the Governor highlighted his focus on consequence and accountability. He stated that the State was taking a close look at all of the available resources and monies that local governments have access to, would be conducting comprehensive audits, and that he would be working to ensure that available funding was being spent and was being spent in an effective manner to help solve homelessness.

PFAS/PFOA Response Levels

Addressing Per- and Polyfluoroalkyl Substances (PFAS) has been a priority of local water and wastewater agencies for the majority of 2019 and into 2020. The issue is growing in severity and is bolstered by the announcement of notification and response levels in 2019 from the State Water Resources Control Board’s Division of Drinking Water, who have the authority to set the amounts Statewide.

In February 2020, the Division of Drinking Water adjusted the response levels to be 10 parts per trillion (ppt) for perfluorooctanoic acid (PFOA) and 40 ppt for perfluorooctane sulfonic acid (PFOS) based on a running four-quarter average. Meaning, water districts with supplies that test for higher than those amounts are required to take that particular water source out of use, treat the water delivered, or provide public notification.

Wastewater treatment agencies have recently found PFAS related chemicals in certain types of both effluent and influent, catapulting them into the policy discussion surrounding PFAS regulations. Many stakeholders including CASA are assuming that a much larger action on maximum contaminant levels (MCL) will be addressed in the coming year. TPA will keep OCSD informed of any actions by the State regarding PFAS.

Bills of Interest

Although the bill introduction deadline is not until February 21 and there are more than 1,000 bills expected to be introduced before then, below is a snapshot of some bills of potential interest to OCSD:

AB 1672 (Bloom) – Solid waste: nonwoven disposable products. (OCSD Supports)

AB 1672 requires labels indicating that a product should not be flushed on specified nonwoven disposable products. CASA has worked for over a year on this legislation to prevent the flushing of wipes down the drain that do not break down during the normal sanitary system cycle and end up causing problems in collection and treatment. CASA has been negotiating with the nonwoven disposable product industry for the past year and hopes to come to an agreement during this legislative year. **AB 1672 recently passed the Assembly Floor and is now in the Senate waiting to be assigned to policy committee.**

AB 1924 (Grayson) – Housing development: fees

AB 1924 would require that a fee levied or imposed on a housing development project by a local agency be proportionate to the square footage of the proposed unit or units. This bill only applies to fees that are authorized under the Mitigation Fee Act. Additional legislative clarification is needed from Assembly Member Grayson's office to understand if it is his intention to leave off connection and capacity charges like the ones OCSD charges. **AB 1924 was introduced on January 14, 2020 and has been referred to the Assembly Local Government Committee.**

AB 2093 (Gloria) – Public records: writing transmitted by electronic mail: retention

AB 2093 is a revival of AB 1184 (Gloria) from last year that was vetoed by the Governor. AB 2093 would require a public agency, for purposes of the California Public Records Act, to retain and preserve for at least 2 years every public record that is transmitted by electronic mail. This bill received significant opposition last year, as public agencies argued that this would effectively require local agencies to store innocuous, redundant, or irrelevant material that could cost them hundreds of thousands of dollars per year in additional data storage capacity. **AB 2093 was introduced on February 5, 2020 and may be heard in Committee after March 7.**

SB 1052 (Hertzberg) – Water quality: municipal wastewater agencies.

SB 1052 authorizes municipal wastewater agencies to enter into voluntary agreements with entities responsible for stormwater management – including municipal, industrial, and commercial stormwater dischargers – to more appropriately manage stormwater and dry weather runoff. Current law grants explicit stormwater capture authority to a just few specific municipal wastewater agencies that have sought the explicit ability to do so through piecemeal legislation. OCSD is one of those wastewater agencies that has the explicit authority. **SB 1052 was introduced on February 18 and is waiting to be assigned to policy committees.**