



Agenda Report

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FROM: Robert Thompson, General Manager

SUBJECT:

LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF FEBRUARY 2024

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

Receive and file the Legislative Affairs Update for the month of February 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/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 February

- At the end of February, OC San staff, Rebecca Long, attended the CASA Washington DC Policy Forum. During this conference, congressional staff, the EPA, and various agencies and associations presented on bills of interest, current policy issues, and a political look ahead for 2024.

Activities in March

- **Federal Update:**
On March 12, OC San staff submitted the attached letter of concern regarding passive receiver liability for PFAS cleanup under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). 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 (see attached letter). 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. During a state of emergency, agencies may face a surge in demand for their services while simultaneously experiencing resource constraints. These constraints can include shortages in staffing, equipment, and supplies, and immediate safety concerns, making it difficult to promptly respond to public record requests to stay within the compliance period. SB 1034 allows agencies to focus on keeping their communities safe in a state of emergency.
- On March 8, OC San staff and Townsend Affairs attended the CASA State Legislative Committee meeting where current bills and positions were discussed. During the meeting, the attached Assembly Bill 3073 (Haney): Wastewater testing for illicit substances was discussed. OC San staff communicated that this is not a bill that OC San will be supporting and would propose that CASA does not support it as it is not the responsibility of a wastewater treatment plant to monitor drug use in the community. It was communicated that supporting the bill in its current concept could be a slippery slope and lead to further regulations. CASA and its membership took a vote and decided on a Support as Amended position. CASA is suggesting to the author that the bill now becomes voluntary and to be a pilot project.

- Additionally, staff and Townsend Public Affairs are working collaboratively on support positions for two bills:
 - Senate Bill 903 by Senator Skinner. This is a CASA sponsored bill, which would prohibit the distribution, selling, or offering for sale a product that contains intentionally added PFAS unless the California Department of Toxic Substances Control has decided that the use of PFAS in the product is a currently unavoidable use.
 - Assembly Bill 2626 by Assemblymember Dixon will extend the compliance dates for local governments set forth in the Advanced Clean Fleets Regulation by 10 years. This would allow for zero-emission vehicle and battery manufacturers to advance technologies to address issues specific to medium- and heavy-duty fleet vehicles. The bill will also prohibit CARB from taking enforcement action against a local government for violating the Advanced Clean Fleets Regulation if the alleged violation occurs before January 1, 2025.

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 3073 (Haney) Bill Text