

MEMORANDUM

June 22, 2018

To: ACWA State Legislative Committee
From: Richard Filgas, State Legislative Assistant
Re: 2018 State Legislative Committee Meeting Schedule

Below is **bill packet #1** for the State Legislative Committee meeting on **Friday, June 29, 2018**.
The meeting will begin at 10:00 a.m. at the Capitol Event Center, 1020 11th St., Sacramento.

If you have questions or concerns regarding any of the bills in the packet, please contact the advocate assigned to the bill prior to the meeting.

The ACWA State Legislative Committee will meet on the following dates in 2018:

➤ August 10, 2018

Annual Planning Meeting: October 26, 2018

All meetings will begin promptly at 10:00 a.m. and will adjourn around 12:00 p.m. If you have any questions please email Richard Filgas, ACWA State Legislative Assistant, at richardf@acwa.com, or call at (916) 441-4545.

Excused Absences and Designation of an Alternate

Active participation by members appointed to the ACWA State Legislative Committee is critical to the success of its mission as described in the ACWA Bylaws and the ACWA Committee Guidelines. Therefore, regular attendance is essential. The ACWA Committee Guidelines state that two unexcused absences from the Committee will constitute a resignation of the Committee Member. The Committee Member should submit a request for an excused absence to the Region Chair, or if unavailable, to the Region Vice-Chair, and copy Wendy Ridderbusch via email at WendyR@acwa.com.

The State Legislative Committee Chair has been asked to provide clarification as to whether a Committee Member not able to attend a meeting is authorized to designate an alternate to act on behalf of the Committee Member. ACWA bylaws and committee guidelines do not provide for designation of alternates for Committee Members. The Committee's long-standing practice, however, has been and will continue to be to allow a Member of the Committee with an excused absence to designate an alternate. The Committee Member will be required to secure the concurrence of the appropriate ACWA Region Chair for the alternate. The Committee Member should provide the name of the approved alternate to Richard Filgas prior to the Committee meeting. The alternate will be authorized to fully participate in all discussions of the Committee and to vote on issues before the Committee. Committee Members, including alternates, act on behalf of the region for which they were appointed to represent.

ACWA State Legislative Committee's Guidelines for Taking Positions on Legislation

Last Revised January 2018

Background

A number of controversial bills are introduced each year in the California Legislature. It is always important to understand how ACWA takes positions on legislation. An explanation of that process follows, including details on ACWA's State Legislative Committee's Annual Planning Meeting.

State Legislative Committee: A Definition

ACWA's State Legislative Committee (the Committee) is a standing and limited committee composed of not more than four representatives from each of ACWA's ten geographically-based regions, for a total of not more than forty members. Representatives are: (1) nominated by an ACWA member agency; (2) recommended from that pool of candidates by the Chair of the respective region (in most cases in consultation with the region's board) to the ACWA President; and (3) appointed by ACWA's President for a two-year term.

The Role of ACWA Members and the Committee's Annual Planning Meeting

To establish priorities for the legislative session, each summer the Committee notifies all ACWA member agencies via announcements in ACWA News, via e-mail and through a direct letter to the agency General Manager that the Committee is accepting proposals for legislation to review and consider for sponsorship or support. ACWA's State Legislative Department compiles the proposals, completes a thorough analysis of each submission, and provides it to Committee Members with a recommendation for action. The Committee then reviews the proposals in the fall at its annual planning meeting and determines legislative priorities for the following year, including which proposals will or will not be sponsored or supported by ACWA.

Committee Meetings

During the regular legislative session, which begins in January of odd-numbered years, the Committee meets approximately every three weeks, for a total of ten meetings a year, to review legislation. Special meetings may be called on an as-needed basis. ACWA positions on legislation are determined by a vote of the Committee (i.e., Committee Members and approved alternates) based on analyses and recommendations prepared by ACWA legislative staff. Analyses are sent to members of the Committee and other ACWA members, as requested, in one or more electronic mailings before each Committee meeting. The Committee discusses each bill during its meetings and votes on positions to guide ACWA staff advocacy efforts on the legislation.

ACWA's Positions on Legislation

The Committee takes positions on legislation that, if enacted, would impact ACWA members. The Committee may take the following positions on legislation: Oppose, Support, Oppose Unless Amended, Support if Amended, Not Favor, Favor, Not Favor Unless Amended, Favor if Amended, and Watch (neutral). ACWA's legislative staff testifies at hearings and lobbies legislators and staff through meetings and member agency contacts on all positions except

Watch, Favor and Not Favor. For Favor and Not Favor positions, written communication of ACWA's position is provided to the legislator.

Positions are not normally taken on legislation if member agencies are on opposite sides of an issue. Exceptions include legislation that, if enacted, would establish poor precedent if applied broadly to ACWA member agencies.

If a particular bill requires further review before consensus on an official ACWA position can be determined, policy subcommittees may be formed to assist the Committee's review of proposed legislation.

Motions During Debate

When bringing or debating a motion before the State Legislative Committee, the following process will apply. The three steps for bringing a motion before the State Legislative Committee (committee) are:

- (a) A Committee Member makes a motion
- (b) Another Committee Member seconds the motion
- (c) The Chair states the motion

Once the motion has been stated by the Chair, it is open to formal discussion. While only one motion can be considered at a time, and a motion must be disposed of before any other question is considered;

- (a) A motion may be amended before it is voted on, either by the consent of the Committee Members who moved and seconded, or by a new motion and second, which is then approved by the Committee.
- (b) A motion may be tabled before it is voted on by motion made to table, which is then seconded and approved by the Committee.
- (c) A motion may be rejected without further discussion of or action on the motion by a motion of "objection to consideration," which is then seconded and approved by the Committee.
- (d) Further discussion of a motion can be terminated by a motion "to call the question," which is then seconded and approved by the Committee. Any Committee Member, including the Chair, may make or second a motion.

Amendment Development Process

If the Committee takes an Oppose Unless Amended or Support if Amended position, the Committee will typically discuss the concepts for the amendments at the meeting. Then a Committee Member(s) or ACWA's legislative staff, in consultation with Committee Members as needed, will develop the amendments after the meeting.

In some situations, a Committee Member, staff or a guest may develop an amendment set for consideration by the Committee at the meeting. In order to facilitate an informed decision by the Committee, it is the Committee's policy to have proposed written amendment sets available for review by the Committee as soon as is feasible. Therefore, absent extenuating

circumstances, proposed written amendments should be provided to ACWA staff for distribution to the Committee at least forty-eight hours in advance of the Committee meeting. If extenuating circumstances exist so that a guest cannot provide an amendment set to staff 48 hours in advance of the meeting, a guest may ask a Committee Member to present the amendment set (as opposed to guests distributing amendment sets at the meeting without any prior vetting).

Information Sharing

To provide adequate information to the entire ACWA membership, the Committee sponsors an annual Legislative Symposium, provides state legislative updates in ACWA News, posts positions and other information on the State Legislative Committee page of ACWA's Web site, and sends out advisories and alerts on key legislation. State Legislative Committee Members may access information on the State Legislative Committee page by logging in on acwa.com and navigating to the My ACWA tab > ACWA Committees > State Legislative Committee > 2018 State Legislative Committee Meeting Materials (Members Only). ACWA's legislative department is available to provide specific information on bills, and Committee Members are encouraged to communicate ACWA positions on priority legislation at the region level. ACWA's State Legislative Department appreciates being informed by ACWA members of positions taken by ACWA members on legislation.

For more information, contact Wendy Ridderbusch, ACWA Director of State Legislative Relations, at (916) 441-4545 or wendyr@acwa.com.

ACWA State Legislative Committee

June 29, 2018

Capitol Event Center, 1020 11th St. Sacramento

10:00 a.m. – 12:00 p.m.

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- | | |
|--|------------------------|
| 1. Welcome | Brian Poulsen, Chair |
| 2. Self-Introductions | Members, Guests, Staff |
| 3. Executive Director's Report | Tim Quinn |
| A. Federal Update | |
| B. Other | |
| 4. Deputy Executive Director for Government Relations' Report | Cindy Tuck |
| 5. Review of Bill Packet #1 and #2 | |
| 6. Other Business | |
| 7. Adjourn | |

Reminder: Next State Legislative Committee Meeting on **August 10, 2018**

*Bill packets are also available online by logging on to www.acwa.com.

To access, go to the About My ACWA tab > ACWA Committees > State Legislative > 2018 State Legislative Committee Meeting Materials (Members Only)

BILL PACKET #1

Table of Contents

ASSEMBLY BILLS:	8
AB 1867 Employment discrimination: sexual harassment: records	8
AB 2501 Drinking water: consolidation and extension of service	10
AB 2902 Hazardous substances	14
SENATE BILLS:	17
SB 914 Local agency contracts: construction manager at-risk construction contracts.....	17
SB 1133 Water quality control plans: funding.	19

ASSEMBLY BILLS:

AB 1867 Employment discrimination: sexual harassment: records

Author: Reyes

Introduced: 01-12-18

Amended: 06-14-18

Sponsors: N/A

Supporters: California Conference of Machinists, California Employment Lawyers Association, California Teamsters Public Affairs Council, California Conference Board of the Amalgamated Transit Union, International Longshore and Warehouse Union, UNITE HERE!, Professional and Technical Engineers, Local 21, Utility Workers Union of America, SAG-AFTRA, Jockeys' Guild, Consumer Attorneys of California Engineers and Scientists of CA, Local 20

Opposition: Associated General Contractors, California Apartment Association, California Bankers Association, California Chamber of Commerce, California Grocers Association, California Manufacturers and Technology Association, National Federation of Independent Business, California Association of Winegrape Growers, The Wine Institute, San Fernando Valley Chamber of Commerce, California Ambulance Association, California Hotel & Lodging Association, California Association of Health Services at Home (CAHSAH), Official Police Garage Association of Los Angeles, Gilroy Chamber of Commerce, Brea Chamber of Commerce, Rancho Cordova Chamber of Commerce, Camarillo Chamber of Commerce, California League of Food Producers, Family Business Association of California, Santa Maria Valley Chamber of Commerce, North Orange County Chamber, Greater Coachella Valley Chamber of Commerce, Associated Builders and Contractors Association, Inc. – Northern California Chapter, California Retailers Association, California Travel Association, San Diego Regional Chamber of Commerce

Assigned to: Adam Quiñonez/Emilye Reeb

Current Position:

Watch

Recommended Position:

Watch

Summary: Existing law, the California Fair Employment and Housing Act (Act), prohibits an employer from taking steps that constitute harassment against an employee, including sexual harassment. The Act also prohibits an employer from failing to take corrective action to remedy harassment in the workplace if the employer knows or should have known of the harassment and requires an employer to take all reasonable steps necessary to prevent discrimination and harassment from occurring.

The Act requires the Department of Fair Employment and Housing (Department) to provide employers with a poster and an information sheet regarding sexual harassment and requires employers to display the poster in an accessible area of the workplace and either provide each employee with a copy of the information sheet or provide a specified minimum curriculum of sexual harassment education. The Act requires employers with 50 or more employees to provide at least two hours of prescribed training and education regarding sexual harassment to all supervisory employees within six months of their assumption of a supervisory position and once every two years, as specified.

This bill would require an employer with 50 or more employees to maintain records of employee complaints of sexual harassment for ten years from the date of filing. The bill would authorize the Department to seek an order mandating an employer that violates the recordkeeping requirement to comply.

Summary of Amendments: As amended on June 14, this bill would reduce the time that employers must keep records of employee complaints from ten years to a minimum of five years after the date of termination of employment of the accused. The bill would also specify that the records are “internal complaint records” of employee complaints of sexual harassment.

Staff Comments: Recent events have brought to light the widespread nature of sexual harassment claims in the workplace. In introducing this bill, the author hopes to create a more transparent work environment. SB 1867 would extend record keeping laws to sexual harassment claims since no current statute pertains specifically to sexual harassment records. Current federal laws and state laws mandate that employers maintain personnel records, for a few years. As introduced, this bill would have extended this period, for sexual harassment claims, to ten years.

The June 14 amendments reduce the time that employers must keep sexual harassment complaint records to five years. Opponents of the bill assert that the bill would place additional burdens on employers by adding, a separate document that would add to confusion to current retention requirements. Opponents are also concerned about the lack of a definition for the term “complaint,” which would leave employers guessing what would be required of them.

Most employers with over 50 employees have a designated employee who manages personnel and employee records. Record keeping, on such a minor scale, can be done electronically and with minimal cost to the employer. ACWA staff recommends a “Watch” position.

Recommended Position: Watch

AB 2501 Drinking water: consolidation and extension of service

Author: Chu

Introduced: 02-14-18

Amended: 06-11-18

Sponsors: Leadership Counsel for Justice and Accountability

Supporters: California Coastkeeper Alliance, Clean Water Action, Sierra Club California, California Public Interest Research Group, Trust for Public Lands, California Food Policy Advocates, Environmental Working Group, Environmental Health Coalition, Community Water Center, Rural Community Assistance Corporation, PolicyLink, Plastic Pollution Coalition, California Institute For Rural Studies, Medical Advocates for Health Air, Self-Help Enterprises, Center on Race, Poverty & the Environment, California Environmental Justice Alliance, Center for Sustainable Neighborhoods, The 5 Gyres Institute, Friends Committee on Legislation of California, Center for Community Action and Environmental Justice, Center for Climate Change and Health, Central California Asthma Collaborative, Jim Grant, Diocese of Fresno

Opposition: Association of California Water Agencies

Assigned to: Adam Quiñonez/Emilye Reeb

Current Position:
Oppose Unless Amended
Recommended Position:
Watch

Summary: Existing law authorizes the State Water Resources Control Board (State Water Board) to require public water systems or state small water systems that consistently fail to provide safe drinking water to consolidate with or receive an extension of service from, another

public water system. This authority was granted through a Budget Trailer Bill in 2015, specifically SB 88 (Chapter 27, Statutes of 2015).

According to this authority, a State Water Board mandated consolidation can be either physical or managerial and involves an out-of-compliance water system being subsumed by a receiving water system that is in compliance. Mandated consolidation of public water systems or state small water systems can occur if the system being subsumed is located in a Disadvantaged Community (DAC) and consistently fails to provide safe drinking water to its customers. The State Water Board is required to take several steps before mandating consolidation including, encouraging voluntary consolidation, considering other enforcement remedies, considering the feasibility of consolidation, consulting with the appropriate local area formation commission (LAFCO), consulting with impacted water systems, and holding at least one public meeting.

In addition, under Section 116682(f)(2) of the Health and Safety Code the receiving water system may charge fees to a customer of the subsumed water system that shall not exceed the cost of consolidation.

As introduced, AB 2501 would amend existing law regarding a State Water Board mandated consolidation of a small water system. This bill would provide the authority for the State Water Board also to mandate the consolidation of an individual domestic well. Individual domestic well would be defined as those wells that serve an individual residence or a system with fewer than five connections. This bill would also mandate that the State Water Board consider consolidation of a water system if at least 75% of the residents of that DAC petition the State Water Board for consolidation.

Lastly, as introduced this bill would have repealed a receiving water system's authority to charge customers of the subsumed water system for the cost of consolidation. The bill would have further prohibited the receiving water system from charging any additional fees including, impact fees, connection fees, and mitigation fees to the subsumed system or customers that it would not otherwise charge to other systems or customers not subject to the consolidation.

As amended on April 17, this bill would expand the term "disadvantaged community" in Section 116681(f) of the Health and Safety Code for the purposes of ordered consolidation, so that the term would include a DAC that is a state small water system or a domestic well.

As amended, this bill would define "domestic well" as a groundwater well used to supply water for the domestic needs of an individual residence or a water system that is not a public water system (PWS) and that has no more than four service connections. This bill would also define an "infill site" as a site within the area served by a subsumed water system that, as of the date of consolidation, is adjacent on at least two sides to any of the following, or any combination of the following: a parcel that is developed for qualified urban uses; a navigable body of water; a park; or a street, highway or other public right of way. This bill would also define "qualified urban use" as any residential, commercial, public institutional, industrial, transit or transportation facility, or retail use, or any combination of those uses.

As amended on April 17, this bill would change the definition of a “small public water system” to reference the definition contained in section 116395 of the Health and Safety Code, which outlines the requirements that local agencies currently use in determining whether a water system is considered a “small water system.”

The April 17 amendments would also change the circumstances in which the State Water Board may order consolidation. The new conditions would allow the State Water Board to order consolidation if it finds that a DAC is reliant on a domestic well that consistently fails to provide an adequate supply of safe drinking water. The bill would also allow the State Water Board to develop and adopt a policy that would provide a process by which members of a DAC may petition the State Water Board to consider ordering consolidation.

In addition, the April 17 amendments would delete existing statute regarding consolidation fees, and would instead provide that, for an ordered consolidation, ongoing service fees or charges imposed on a customer of a subsumed water system shall not exceed the cost incurred to provide the drinking water service.

Finally, as amended, this bill would allow the State Water Board to develop and adopt a policy that would provide a process by which members of a DAC may petition the State Water Board to consider ordering consolidation. As amended, the bill would also revise the prior version which outlined the elements that the State Water Board would need to find before ordering the consolidation or extension of service to reflect the newest definition of “infill sites.”

Summary of Amendments: As amended on June 11, 2018, AB 2501 would authorize the receiving water system to charge fees to customers of the subsumed water system to recover the costs of completing the consolidation or extension of service if those costs are not otherwise recoverable from other sources, as determined by the State Water Board.

Staff Comments: The June 11 amendments address ACWA’s concerns regarding the removal of current authority that allows water agencies to charge customers of a subsumed water system for the cost of the consolidation.

According to the author, the purpose of AB 2501 is to ensure that individual domestic wells and state small water systems can benefit from mandated consolidation. In 2015, a Budget Trailer Bill, SB 88 (Chapter 27, Statutes of 2015), was introduced and quickly passed into law, granting the State Water Board its current authority to mandate consolidation. SB 88 authorized the State Water Board to require public water systems or state small water systems that consistently fail to provide safe drinking water to consolidate with or receive an extension of service from, another public water system. ACWA strongly opposed the policy in SB 88 and the way in which the bill was hurriedly signed into law.

However, current law does not provide the State Water Board with authority to mandate that a domestic well consolidate. Under current law, before ordering consolidation of a system, the

State Water Board must obtain written consent from any domestic well owner within the consolidation area. If no written approval is received, then the well is no longer eligible for any future water-related grant funding from the State, other than for emergency purposes.

Under Section 116682(f)(2) of the Health and Safety Code, the receiving water system may charge fees to the customers of the subsumed water system that shall not exceed the cost of consolidation. Under this authority, a receiving water system could recoup the costs of subsuming an out of compliance system.

This bill would provide the State Water Board the authority to consolidate individual domestic wells. However, before the June 11 amendments, the most significant change proposed by AB 2501 was the removal of the receiving water system's authority to charge any fees related to the consolidation. The April 17 amendments would have allowed water agencies to charge customers for the "costs incurred to provide the drinking water service," however, the bill further specified that subsumed customers could not be charged fees that are not otherwise charged to other new customers. Specifically, the bill stated that:

"(3) For purposes of this section, the receiving water system shall not charge any fees, including, but not limited to, connection fees, capacity fees, or impact fees, to customers of the subsumed water system that it does not otherwise charge to other new customers not subject to the consolidation with the receiving water system and shall not impose any conditions on a subsumed water system or customer of a subsumed water system that it does not otherwise impose on other water systems or new customers not subject to the consolidation with the receiving water system."

As a result, it would seem that if the costs of consolidation were to be recovered by a water system, they would have to have been spread among all customers. These amendments raised significant concerns.

After a number of meetings with the author and sponsor an agreement was reached to continue to allow water systems to charge fees as a result of consolidation. The June 11 amendments reflect this agreement and ACWA staff recommends moving to a "Watch" position on AB 2501.

Recommended Position: Watch

AB 2902 Hazardous substances

Author: Committee on
Environmental Safety and
Toxic Materials

Introduced: 02-16-18

Amended: 05-25-18

Sponsors: California
Association of
Environmental Health
Associates

Supporters: Department of the
Navy

Opposition:

Assigned to: Whitnie Wiley/Emilye Reeb

Current Position:

Watch

Recommended Position:

Watch

Summary: The Aboveground Petroleum Storage Act (APSA) regulates aboveground storage tanks that contain petroleum and that meet certain requirements. APSA defines an “aboveground storage tank” as a tank that has the capacity to store 55 gallons or more of petroleum and that is substantially or totally above the surface of the ground or is a tank in an underground area, except for certain types of tanks and vessels. A tank containing hazardous waste or extremely hazardous waste is not regulated pursuant to the APSA if the Department of Toxic Substances Control (DTSC) has issued a hazardous waste facilities permit for the tank to the person owning or operating the tank. APSA defines “tank in an underground area” to mean a storage tank that meets certain specifications, including that the storage tank is located in a structure that is at least 10% below the ground surface.

Existing law authorizes a local agency, upon the discovery of a significant violation of any provision regulating the storage of hazardous substances in underground storage tanks that poses an imminent threat to human health or safety or the environment, to affix a red tag, in plain view, to the fill pipe of the noncompliant underground storage tank system to provide notice that delivery of petroleum into the system is prohibited. Existing law prohibits a local agency from issuing or renewing a permit to operate an underground storage tank if the local agency inspects the tank and determines that the tank does not comply with the laws regulating the storage of hazardous substances in underground storage tanks.

As introduced, the bill would revise the definition of “aboveground storage tank” to include a container that has the capacity to store 55 gallons or more of petroleum that is substantially or totally above the surface of the ground. The bill would also exempt from that definition, a tank containing hazardous waste or extremely hazardous waste, if the owner or operator of the storage tank has a permit by rule authorization for the tank from the unified program agency (the agency certified by the Secretary for Environmental Protection). The bill would revise the definition of “tank in an underground area” to include that the storage tank be stationary.

This bill would authorize the owner or operator of a tank in an underground area to use the format adopted by the Office of the State Fire Marshal (State Fire Marshal) to prepare the spill prevention control and countermeasure plan. The bill would provide that a tank in an underground area that holds hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, or other similar devices, or if it is a heating oil tank, is not subject to APSA.

This bill would expand the term “emergency generator tank system” to include an underground storage tank system that provides power supply in the event of a commercial power failure, stores kerosene, and is used solely in connection with those specified systems.

This bill would revise the prohibition on issuing or renewing permits to instead prohibit a local agency from issuing or renewing a permit to operate an underground storage tank to a person operating an underground storage tank to which a red tag is currently affixed. This same prohibition would also apply to a facility that is currently subject to an enforcement action, unless the underlying violations that are the subject of that enforcement action have been corrected.

As amended on March 21, the bill would revise the prohibition on issuing or renewing permits. Instead, this bill would prohibit a local agency from issuing or renewing a permit to operate an underground storage tank to which a red tag is currently affixed. The bill would remove the clause that this prohibition would also apply to facilities that are currently subject to an enforcement action, unless the underlying violations that are subject to that enforcement action have been corrected.

Summary of Amendments: As amended on May 25, this bill would expand the scope of the information that local agencies, regional boards, or the State Water Board may require to be provided. This bill now specifies that any of the entities listed above would be able to require information regarding 1) response actions, 2) costs related to grants issued, and 3) reimbursement requests pursuant to a claim or grant. The amendments would also make it a crime if a person with the obligation to provide the specified entities with the required information does not comply with the request.

As amended, this bill would clarify that an emergency vent that is solely designed to relieve internal pressure is not subject to the requirement that it can either 1) be visually inspected by direct viewing, or 2) has both secondary containment and leak detection in order for the storage tank to which it is attached to meet the definition of a tank in an underground area. The amendments strike the exemption for a tank containing hazardous waste, or extremely hazardous waste, as the exemption provided by the bill is already current law, and remove the clause that would revise the prohibition on issuing or renewing permits. The amendments strike the use of “interstitial space” would be replaced with “containment structure.” The amendments add that a tank in an underground area that has a capacity to store any volume of

petroleum would be included in the definition of “aboveground storage tank” or “storage tank.”

Staff Comments: The analysis by the Assembly Committee on Environmental Safety and Toxic Materials states that AB 2902 would make various technical changes to APSA, the Underground Storage Tank Act (UST), and the Hazardous Materials Business Plan (HMBP) Program. Hazardous waste and materials are regulated by a program that ensures consistency throughout the state in regard to administrative requirements, permits, inspections, and enforcement. The California Environmental Protection Agency (CalEPA) oversees the statewide implementation of the program and its 81 certified local government agencies, known as Certified Unified Program Agencies (CUPAs), which apply regulatory standards established by five different state agencies. Recently, there has been confusion with the definition of "aboveground storage tank" which is problematic for implementing, complying, and enforcing APSA. Further, some tanks currently regulated under the UST program will now be regulated under APSA due to recently adopted regulations. This has also created some uncertainty and confusion regarding those tanks, presenting a need for the bill.

This bill is sponsored by the California Association of Environmental Health Associates (CAEHA) and is intended to provide various clarifications and modifications to definitions to assist small facilities and others in complying with the state’s hazardous waste and hazardous materials laws and regulations. The March 21 amendments removed the language related to facilities that are currently subject to enforcement action being prohibited from issuing or renewing a permit to operate an underground storage tank. ACWA should continue to remain neutral as long as future amendments don’t include constraints or negative impacts on local water agencies in relation to underground storage tanks.

Recommended Position: Watch

SENATE BILLS:

SB 914 Local agency contracts: construction manager at-risk construction contracts.

Author: Dodd

Introduced: 01-22-18

Amended: 06-06-18

Sponsors: California State Association of Counties (CSAC)

Supporters: California State Association of Electrical Workers, California State Pipe Trades Council, Western States Council of Sheet Metal Workers, State Building and Construction Trades Council of California, California Municipal Utilities Association, National Electrical Contractors Association, California Chapter, California Legislative Conference of the Plumbing, Heating and Piping Industry, Rural County Representatives of California (RCRC), Urban Counties of California, International Union of Elevator Contractors, Contra Costa Electric, Inc., Counties of Contra Costa, Napa, Orange, San Bernardino, San Mateo, and Santa Barbara, Napa-Solano Counties Buildings and Construction Trades Council

Opposition: Associated Builders and Contractors, Northern California

Assigned to: Adam Quiñonez/Emilye Reeb

Current Position:

NYC

Recommended Position:

Favor

Summary: Existing law authorizes a county, until January 1, 2023, with approval of the board of supervisors, to utilize construction manager at-risk (CMAR) construction contracts for the erection, construction, alteration, repair, or improvement of any building owned or leased by

the county, subject to certain requirements, including that the method may only be used for projects that are in excess of \$1,000,000. CMAR combines design-bid-build and design-build methods and allows the owner of a project to retain a construction manager in the planning stages, who then becomes the general contractor during the construction process.

As introduced, this bill would authorize the use of the CMAR method of contracting for the erection, construction, alteration, repair, or improvement of any infrastructure, excluding roads.

Summary of Amendments: As amended on June 6, this bill would define “public entity” to mean a public entity of which the members of the county board of supervisors make up the members of the governing body of that public entity.

The amendments further expand the authorization to utilize CMAR contracts to a public entity, as defined above, following the approval of its governing body. The bill would also expand the authorization to a county or public entity to utilize the CMAR method to include buildings, utility improvements associated with buildings, flood control and underground utility improvements, and bridges.

Staff Comments: This bill would extend the CMAR authority to multiple types of infrastructure projects in counties, excluding roads. The CMAR process allows local agencies to manage one contract and reduce local costs. CMAR also results in expedited project completion, compared to the traditional design-bid-build process where one company designs and another company builds the project.

Last year, AB 851 (Chapter 821, Statutes of 2017) was signed into law extending the sunset period to January 1, 2023 for the authority of counties to use CMAR contracting. The State Legislative Committee adopted a “Favor” position on AB 851, as it not only extended the sunset date for this provision allowing local agencies to continue CMAR contracting, but also allowed Santa Clara Valley Water District to use the design-build method for specified projects.

As amended on June 6, this bill, among other things, would allow the utilization of the CMAR method to include 1) flood control and underground utility improvements, and 2) bridges. According to the state’s Hazard Mitigation Plan, “Floods represent the second most destructive source of hazard, vulnerability and risk, both in terms of recent state history and the probability of future destruction at greater magnitudes than previously recorded.” Expediting projects that would invest in flood control infrastructure is a crucial component in avoiding the recent incidents of damaged spillways at Oroville Dam and breached levees in the Sacramento-San Joaquin Delta. These events have highlighted the state’s dependence on aged flood management infrastructure and the need for continued flood management.

For these reasons, staff recommends that ACWA adopt a “Favor” position on SB 914.

Recommended Position: Favor

SB 1133 Water quality control plans: funding.

Author: Portantino

Introduced: 02-13-18

Amended: 06-06-18

Sponsor: The Los Angeles
County Business
Federation

Supporters: The League of
Cities, Los Angeles County
Division

Opposition:

Assigned to: Whitnie Wiley/Emilye Reeb

Current Position:

Watch

Recommended Position:

Watch

Summary: Existing law, the Los Angeles County Flood Control Act (Act), establishes the Los Angeles County Flood Control District (District) and authorizes the District to control and conserve flood, storm, and other wastewater of the District.

This bill would make nonsubstantive changes to the Act.

Existing law, the Porter-Cologne Water Quality Control Act, requires each California regional water quality control board (regional board) to adopt water quality control plans (Basin Plan). Pursuant to this law, regional boards are also authorized to establish water quality objectives in those Basin Plans, considering certain factors, to ensure the reasonable protection of beneficial uses and the prevention of nuisance.

As amended on March 19, this bill was gutted-and-amended and would authorize a regional board to accept and spend donations of moneys from a municipal separate storm sewer system (MS4s) permittee for the purpose of updating a Basin Plan, making an appropriation. The bill would authorize the Los Angeles regional board to accept and spend certain funds from the District to prepare a major revision to Basin Plan for the Los Angeles region.

As amended on April 24, 2018, district-specific provisions were deleted which would have authorized the Los Angeles regional board to accept and spend funds from the District for major revisions to the Basin Plan. Instead, this bill would allow a regional board to accept and spend donations of moneys from an MS4 permittee for the purpose of updating a Basin Plan as consistent with the designated use of the funds. The amendments also delete findings in the bill that would have declared the Los Angeles Region Basin Plan outdated.

Summary of Amendments: As amended on June 6, this bill would authorize the State Water Board, on behalf of itself or a regional board, to accept donations of moneys from an MS4 permittee for the purpose of updating a Basin Plan.

Staff Comments: According to the author, regional boards have not adequately considered the

costs of implementing pollution control requirements. This bill would remedy the issue by, as mentioned before, allowing MS4 permittees to donate money to update a Basin Plan.

Recommended Position: Watch