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OUTREACH ALERT

June 5, 2019

Members Urged to Join Coalition, Contact Legislators Over Concerns with Proposed Fee on Public Water Systems

AB 402 Set for Hearing on June 19 in Senate Environmental Quality Committee

ACWA's State Legislative Committee held an emergency meeting today and took an oppose-unless-amended position on AB 402 (Quirk), which would authorize the State Water Resources Control Board to assess fees on all public water systems in order to subsidize regulatory oversight costs of local primacy agencies (LPAs). The Senate Environmental Quality Committee will consider the bill at its June 19 hearing.

The bill passed the Assembly floor without opposition because the author's intent (as expressed by committee staff) was to authorize the State Water Board to fund the program by assessing fees only on small public water systems. However, ACWA recently learned that it is the intent of the author to amend the bill to authorize the State Water Board to establish and collect fees on all public water systems in order to subsidize this program. Given this new information, ACWA has significant concerns with the bill that were not identified in the Assembly:

1. ACWA objects to how the author characterized the bill before it passed out of the Assembly and believes the Senate Environmental Quality Committee should vote "no" on AB 402 unless amended to reflect the author's original intent.
2. The State Water Board's interpretation of AB 402 is that it authorizes the agency to assess a tax on all public water systems in order to subsidize the funding stabilization program. ACWA strongly opposes taxing its members to subsidize this program.
3. Recent legislation that allows the State Water Board to authorize consolidations of small water systems that fail to provide safe drinking water will likely reduce the regulatory oversight costs of LPAs, reducing the need for this bill.
4. Existing law already grants LPAs with expansive fee authority.

Requested Actions

ACWA urges member agencies to take the following actions immediately. **Members whose service areas include any of the elected officials on the Senate Environmental Quality Committee (listed below) are especially encouraged to participate.**

- 1. Sign on to ACWA's coalition letter** opposing AB 402 by contacting Legislative Advocate Kristopher Anderson at krisa@acwa.com. The deadline to be included on the coalition letter before it is submitted to the Senate Environmental Quality Committee is **June 10 at noon**.
- 2. Contact Your Senator(s) and Assembly Member(s) by phone** to oppose the language in AB 402 that would create a funding stabilization program by assessing a fee on all public water agencies. Legislators' contact information can be found on the California Legislature's [website](#), while **talking points** are also available for your use.
- 3. Member agencies with Senators serving on the Environmental Committee should contact their offices** to oppose AB 402 and to express your agency's concerns with the intent of the bill. Contact information is provided below:

| Contact | Phone Number |
|--|----------------|
| Senator Benjamin Allen (Chair) | (916) 651-4026 |
| Senator Patricia C. Bates (Vice Chair) | (916) 651-4036 |
| Senator Jerry Hill | (916) 651-4013 |
| Senator Nancy Skinner | (916) 651-4009 |
| Senator Henry Stern | (916) 651-4027 |
| Senator Jeff Stone | (916) 651-4028 |
| Senator Bob Wieckowski | (916) 651-4010 |

4. Testify at June 19 Hearing. Please plan to have an agency representative testify with an oppose-unless-amended position at the June 19 Senate Environmental Quality Committee hearing. The hearing will be held at 9:30 a.m. in State Capitol Room 3191. Please notify Legislative Advocate Kristopher Anderson at krisa@acwa.com if you plan to attend and testify.

Background

LPAs are county health offices that provide regulatory oversight of small public water systems—systems with more than 14 and less than 200 connections. Several LPAs have returned their oversight responsibilities to the State Water Board because, in some counties, fees collected from small public water systems have outpaced regulatory oversight costs. AB 402 is an attempt to help LPAs retain their oversight authority.

The previously stated intent of the bill was to create a funding stabilization program, which LPAs could opt into and would be overseen by the State Water Board. By participating in this program, LPAs would delegate their authority to establish and collect fees on small public water systems to the State Water Board while retaining their regulatory oversight authority.

Questions

For questions about AB 402, please contact ACWA Legislative Advocate [Kristopher Anderson](mailto:kristopher@acwa.com) at (916) 441-4545.



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