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ORANGE COUNTY WATER DISTRICT
ORANGE COUNTY'S GROUNDWATER AUTHORITY

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May 25, 2022

The Honorable Robert Rivas
State Capitol
P.O. Box 942849
Sacramento, CA 95814

RE: AB 2108 (Rivas) Water Policy: Environmental Justice: Disadvantaged and Tribal Representation - Oppose

Dear Assemblymember Rivas:

Orange County Water District (OCWD; the District) regretfully writes in opposition to AB 2108, as amended, due to: (1) lack of current necessity, (2) providing taxpayer funded stipends, (3) impediments to drought resilience by inhibiting future water supply projects.

OCWD is a global leader in water resiliency and is dedicated to the development of a sustainable, safe water supply for 2.5 million people. Home to the Groundwater Replenishment System (GWRS), the world's largest water recycling project, OCWD is constructing the GWRS Final Expansion that, when completed in early 2023, will provide enough water for one million people. OCWD is also leading the way in swiftly addressing PFAS which has been detected in the groundwater basin it manages. OCWD has the following comments on AB 2108:

Historic necessity is not current necessity

Although there could be improvements, AB 2108 recognizes the current status of the state board and regional boards. Since there is no demonstrated current need for the new law OCWD respectfully opposes the bill in its entirety. Specifically, AB 2108 Section 1 (g) states: "Over the last decade, the regional water quality control boards have increasingly emphasized actions to address environmental injustices, including:

- (1) creating the Safe and Affordable Funding for Equity and Resilience (SAFER) Program, a comprehensive approach to implementing the state's commitment to the human right to water by ensuring the estimated 1,000,000 Californians being served contaminated water have solutions for safe, affordable drinking water;
- (2) improving engagement with California Native American tribes and recognizing and protecting tribal beneficial uses;
- (3) developing a comprehensive response to climate change, including addressing disproportionate impacts on vulnerable communities; and,

The Honorable Robert Rivas

May 25, 2022

Page 2 of 2

- (4) administering funding for projects that remediate the harm—or threat of harm—to human health, safety, and the environment caused by existing or threatened surface water and groundwater contamination.”

Stipends

Although the latest draft mock-up removes stipends for regional board members, Section (3) 189.7 (b) (2) states: “Establish a community capacity-building stipend program to promote meaningful civic engagement by disadvantaged communities and tribal communities in the state board and regional board decision making processes by providing funding or services that allow members of the public to overcome barriers, such as technology, language, travel, and income, to public participation.”

Providing state funding of stipends for individual citizens would incentivize individuals or non-profits to seek financial gain to oppose or support projects, at taxpayer expense from funding that is not related to the topic of interest. All stipends in the bill should be removed.

Future water project permitting

There is a need for future large-scale water projects to provide new water supplies that alleviate drought conditions and reduce dependence on imported water from northern California and the Colorado River. As written, it is foreseeable that AB 2108 will create new impediments to permitting water supply projects undermining California’s need for drought resilience. As an example, Section (4) 13149.2 (c) states:

“(c) When issuing an individual waste discharge requirement or waiver of a waste discharge requirement that regulates activity or a facility that may impact a disadvantaged or tribal community, and that includes a time schedule in accordance with subdivision (c) of Section 13263 for achieving an applicable water quality objective, water quality variance, or other permit exemption for achieving applicable water quality objectives, the state board or a regional board shall make a finding on potential environmental justice, tribal impact, and racial equity considerations.”

We are concerned that this language could delay permitting of water supply projects. Due to the need for future water projects that alleviate drought conditions, all permitting-related language should not be a mandate that could reduce new water supplies.

For the above reasons the District opposes AB 2108. Please contact us should you need additional information. Legislative Affairs Liaison Alicia Dunkin may be reached at (714) 477-3750 or adunkin@ocwd.com to help facilitate your requests.

Sincerely,



Michael R. Markus, P.E., D.WRE
General Manager