



**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

Notice of Time and Location Change

**LEGISLATIVE/HUMAN RESOURCES
COMMITTEE MEETING**

Tuesday, April 11, 2023

10:30 a.m.

Training Resource Center, 2nd Floor

375 11th Street

Oakland, CA 94607

Notice is hereby given that the Tuesday, April 11, 2023 Legislative/Human Resources Committee meeting of the Board of Directors has been rescheduled from 10:15 a.m. to 10:30 a.m. The meeting will be held in the Administration Building Training Resource Center at 375 11th Street, Oakland, California due to Board Room renovations.

Dated: April 6, 2023

A handwritten signature in blue ink that reads 'Rischa S. Cole'.

Rischa S. Cole
Secretary of the District

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**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Legislative/Human Resources Committee
Tuesday, April 11, 2023
10:30 a.m.
Training Resource Center, 2nd Floor
375 11th Street
Oakland, CA 94607**

***** Please see appendix for public participation instructions*****

Committee Members: Directors Lesa R. McIntosh {Chair}, John A. Coleman, and William B. Patterson

ROLL CALL:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification or referring a matter to staff when responding to items that are not listed on the agenda.

DETERMINATION AND DISCUSSION:

1. Legislative Update: (Viatella)
- Receive Legislative Update No. 03-23 and consider positions on the following bills: AB 30 (Ward) Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program; AB 727 (Weber) Product Safety: Cleaning Products: Perfluoroalkyl and Polyfluoroalkyl Substances; and SB 361 (Dodd) Water Resources: Stream Gages
 - Update on Legislative Issues of Interest to EBMUD

ADJOURNMENT:

Disability Notice

If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

Document Availability

Materials related to an item on this agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.



APPENDIX

Legislative/Human Resource Committee Meeting Tuesday, April 11, 2023 – 10:30 a.m.

*EBMUD Board committee meetings will be conducted in person and via Zoom.
These meetings are recorded and live-streamed.*

Online* Online

<https://ebmud.zoom.us/j/98022213415?pwd=Q0JkaXptbSt3eW5XRElvRUNIZHRpUT09>

Webinar ID: 980 2221 3415

Passcode: 352334

By Phone

Telephone: 1 669 900 6833

Webinar ID: 980 2221 3415

Passcode: 352334

International numbers available: <https://ebmud.zoom.us/u/kdplKckQaS>

*To familiarize yourself with Zoom, please visit <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

Providing public comment - *The EBMUD Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.*

- Each speaker is allotted 3 minutes to speak; the Committee Chair has the discretion to amend this time based on the number of speakers
- The Secretary will track time and inform each speaker when the allotted time has concluded
- Comments on **non-agenda items** will be heard at the beginning of the meeting
- Comments on **agenda items** will be heard when the item is up for consideration
- The Secretary will call each speaker in the order received

In person

- Fill out and submit a blue speaker card which is available in the meeting room

Via Zoom

- Use the raise hand feature in Zoom to indicate you wish to make a public comment
<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>
 - If you participate by phone, press *9 to raise your hand
- When prompted by the Secretary, please state your name, affiliation if applicable, and topic

Submitting written comments or materials

- Email written comments or other materials for the Board of Directors to SecOffice@ebmud.com
- Please indicate the meeting date and agenda item number or non-agenda item topic in the subject of the email. Contact information is optional.
- **Please email by 4 p.m. the day prior to the scheduled regular meeting;** written comments and other materials submitted to the Board of Directors will be filed in the record.

To observe the Legislative/Human Resources Committee Meeting,
please visit: <https://www.ebmud.com/about-us/board-directors/board-meetings/>

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: April 6, 2023

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager *CCC*

FROM: Kathy Viatella, Manager of Legislative Affairs *KV*

SUBJECT: Legislative Report No. 03-23

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate, on April 11, 2023.

RECOMMENDED ACTION

Approve positions on the following bills: 1) Support AB 30 (Ward) Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program; 2) Support AB 727 (Weber) Product safety: cleaning products: perfluoroalkyl and polyfluoroalkyl substances; and 3) Support SB 361 (Dodd) Water resources: stream gages.

STATE LEGISLATION

RECOMMENDED POSITION

AB 30 (Ward)	ATMOSPHERIC RIVERS: RESEARCH, MITIGATION, AND CLIMATE FORECASTING PROGRAM	SUPPORT
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Existing law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program (atmospheric rivers program) in the Department of Water Resources (DWR), and requires DWR, when money has been appropriated, to research climate forecasting and the causes and impacts that climate change has on atmospheric rivers. In addition, DWR is to operate reservoirs in a manner that improves flood protection, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers.

AB 30 (Ward), as introduced on December 5, 2022, would expand DWR's atmospheric rivers program to include Forecast-Informed Reservoir Operations (FIRO). To do this, AB 30 would primarily do three things: 1) rename the atmospheric rivers program the "Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program"; 2) require DWR to develop and implement new models and forecasting methods to better predict the impact of

atmospheric rivers on water supply, flooding, post-wildfire debris flow, and environmental conditions; and 3) require DWR to take actions within its existing authority to implement FIRO.

Atmospheric rivers are long, narrow bands of water vapor, essentially giant rivers in the atmosphere pushed along by strong winds. They can carry roughly 25 times the amount of water that flows through the mouth of the Mississippi River. Atmospheric rivers supply on average between 40 and 50 percent of California's precipitation and snowpack annually. Climate change is increasing the frequency and intensity of atmospheric rivers, which can cause problems such as flooding and mudslides.

According to DWR, FIRO takes "advantage of scientific improvements in forecasting atmospheric rivers to better anticipate and manage large storm events while maximizing opportunities to increase water supply" and "allows for coordinated, early releases of water in advance of strong atmospheric rivers, creating additional reservoir capacity to manage incoming inflows." FIRO originated at Lake Mendocino in a pilot project with Sonoma Water, the U.S. Army Corps of Engineers, and Scripps Institution of Oceanography at U.C. San Diego. FIRO is also being developed in the Santa Ana River Watershed in Orange County to improve groundwater recharge with stormwater storage.

AB 30 is intended to update and broaden DWR's atmospheric rivers program to ensure DWR can continue improving atmospheric river prediction capabilities and forecast models, which could allow for more flexibility in reservoir operations to support water management decisions and flood mitigation. AB 30 would help water agencies such as EBMUD by providing more accurate forecasts of when and where an atmospheric river will make landfall and how much precipitation (both rain and snow) will fall. This will assist water supply managers and flood control operators make reservoir storage decisions based on more precise information.

AB 30 is consistent with EBMUD's 2023 state legislative initiatives on climate change and water supply reliability and resilience. The bill is not anticipated to result in additional costs to EBMUD and could provide benefits in terms of more accurate forecasting of atmospheric rivers to better inform reservoir operations.

EBMUD has supported prior legislation to improve atmospheric river forecasting. In 2019, EBMUD supported AB 557 (Wood) that would have provided funding to the DWR's atmospheric rivers program to continue its research and clarify that the research could improve the accuracy of atmospheric river forecasting. AB 557 failed to advance out of the legislature though the legislature subsequently provided funding for the atmospheric rivers program in multiple state budgets, including the current fiscal year 2022-23 state budget.

The official support and opposition list to AB 30 is shown below.

Support

Sonoma Water (sponsor)
Association of California Water Agencies
California Chamber of Commerce
California Farm Bureau Federation
California Municipal Utilities Association
California Special Districts Association
Contra Costa County
Irvine Ranch Water District
Mojave Water Agency
Northern California Water Association
Orange County Water District
San Bernardino Valley Water District
San Diego County Water Authority
Santa Clara Valley Water District
Santa Rosa, City of
Turlock Irrigation District
Upper San Gabriel Valley Municipal Water District
Yuba Water Agency

Opposition

None listed

AB 727 (Weber)	PRODUCT SAFETY: CLEANING PRODUCTS: PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES	SUPPORT
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Existing law, beginning January 1, 2025, generally prohibits any person from manufacturing, delivering, selling, or offering for sale any cosmetic product in California that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). Existing law similarly prohibits, beginning July 1, 2025, a person from manufacturing, delivering, selling, or offering for sale in the state any new textile articles that contain regulated PFAS and requires a manufacturer to use the least toxic alternative when removing regulated PFAS in textile articles to comply with the law.

AB 727 (Weber), as amended on March 14, 2023, is intended to reduce the use of PFAS by prohibiting PFAS in cleaning products. Specifically, AB 727 would, beginning January 1, 2025, primarily do two things: 1) prohibit any person from manufacturing, selling, delivering, distributing, holding, or offering for sale in this state a cleaning product that contains intentionally added PFAS and 2) prohibit cleaning products and cleaning product components from containing PFAS above a certain threshold, as specified in the bill.

According to the Senate Committee on Environmental Quality, PFAS are a class of man-made chemical compounds that “are extremely stable and chemically unreactive, which makes PFAS very useful in creating long-lasting and resistant products. As such, PFAS have been produced and used in consumer products since the 1940s, often as surface coatings to repel water, dirt, oil, and grease. They have been used in food packaging, stain- and water-repellent fabrics, nonstick products such as Teflon, and in fire-fighting foams.” Extensive research has shown that there are health risks associated with PFAS, including perfluorooctanoic acid (PFOA) and perfluorooctanesulfonate (PFOS).

In addition to having historically been used in food packaging, stain- and water-repellant fabrics, nonstick products, and fire-fighting foam, PFAS have been used in cleaning products such as dishwasher detergent, laundry detergent, floor waxes, and floor polishes.

EBMUD has an extensive water quality program, which includes sampling, testing, and treatment, to ensure that customers receive high-quality drinking water that meets or exceeds all state and federal regulatory requirements. EBMUD voluntarily monitored its drinking water in 2020-2021 for several PFAS chemicals including PFOA and PFOS and did not detect significant concentrations of these substances.

With regard to wastewater, the State Water Resources Control Board issued an investigative order that requires publicly owned treatment works (treatment plants) to monitor for a variety of PFAS compounds in influent, effluent, and biosolids. EBMUD’s Main Wastewater Treatment Plant, is part of a PFAS monitoring study in collaboration with the San Francisco Bay Regional Water Quality Control Board through the Regional Monitoring Program run by the San Francisco Estuary Institute.

The first phase of the study showed PFAS in the influent and effluent of all Bay Area municipal wastewater, including EBMUD’s, but at levels comparable to, or much lower than, the level of PFAS found in household products. The second phase of the study initiated in 2022 is looking at upstream sources to better understand how residential, commercial, and specific industrial sources contribute to PFAS found in wastewater. The results from this phase are expected to be released by summer of 2023.

Seeing as PFAS are ubiquitous in consumer and industrial products, and water and wastewater agencies have limited means to control the trace amounts of these chemicals that enter the environment from a variety of sources; a source control or pollution prevention approach may offer the best way to reduce PFAS in the environment and protect public health.

AB 727 takes a pollution prevention approach to address the proliferation of PFAS in the environment by eliminating their use in cleaning products. The bill is consistent with EBMUD’s 2023 state legislative initiative on water quality. The bill could result in increased cleaning product costs to EBMUD, but the long-term benefit of eliminating a source of PFAS in household products could outweigh those costs.

EBMUD has supported prior legislation to address PFAS pollution at its source. In 2022, EBMUD supported AB 1817 (Ting) that banned PFAS in textile products. AB 1817 was signed into law (Chapter 762 of 2022). Also in 2022, EBMUD supported AB 2247 (Bloom) that would have required manufacturers of PFAS or products containing PFAS sold or distributed in California to report those PFAS or products containing PFAS on a publicly accessible database. AB 2247 was vetoed. In 2021, EBMUD supported AB 1200 (Ting) that banned food packaging containing PFAS and required chemical disclosures for cookware sold in California. AB 1200 was signed into law (Chapter 503 of 2021).

AB 727 is co-sponsored by the California Association of Sanitation Agencies and the Environmental Working Group. An official support/opposition list for AB 727 is not currently available.

SB 361 WATER RESOURCES: STREAM GAGES SUPPORT
(Dodd)

Existing law, the Open and Transparent Water Data Act, requires the Department of Water Resources (DWR), the State Water Resources Control Board (SWRCB), and the Department of Fish and Wildlife (DFW), to coordinate and integrate existing water and ecological data from local, state, and federal agencies. Existing law requires DWR and SWRCB to develop a plan to deploy a network of stream gages that includes a determination of funding needs and opportunities for modernizing and reactivating existing gages and deploying new gages. Existing law also requires DWR and SWRCB, in consultation with DFW, the Department of Conservation (DOC), the Central Valley Flood Protection Board (CVFPB), interested stakeholders, and, to the extent they wish to consult, with local agencies, to develop the plan to address significant gaps in information necessary for water management and the conservation of freshwater species.

SB 361 (Dodd), as amended March 29, 2023, would require DWR and SWRCB, upon appropriation of funds by the legislature, to reactivate, upgrade, and install new stream gages where lack of data contributes to conflicts in water management or where water can be more effectively managed for multiple benefits, including water supply management, flood management, water quality management, and ecosystem management. The bill requires DWR and SWRCB to use the recommendations and data provided in the recently released report entitled the “California Stream Gaging Prioritization Plan 2022” (Stream Gaging Plan) prepared by DWR, SWRCB, DFW, DOC and the California Geological Survey, to reactivate, upgrade, install and maintain stream gages across California’s watersheds and to establish minimum operations and maintenance standards and gage data standards to support accessibility and interoperability by 2030.

SB 361 would require the data from all stream gages operating with any public money to be published as provisional data within 10 days of collection and be made publicly available on the state’s open water data platforms. The bill also requires other duties of DWR and the SWRCB to consult with local agencies and other stakeholders on funding for the long-term maintenance of

stream gages and data management tools, as well as requiring updates to standards and processes for tracking data for water management purposes.

According to the author, “Currently, there is a lack of transparency, consistency and access associated with the quality and accuracy of various sources of water data. More than 70 percent of local watersheds in California have no history of stream gaging, less than half of the active stream gages provide data on key metrics for water management, and many do not provide real-time reporting. Without robust water data, it is difficult, time consuming, and costly for the state and water managers to appropriately plan for and mitigate water management, economic, climate change, ecological, and other uncertainties. SB 361 will facilitate the collection of comprehensive streamflow information and other water data that are essential to manage water for multiple needs, including water supply, flood protection, water quality, and protection of critical freshwater ecosystems.”

SB 19 (Dodd, Chapter 361, Statutes of 2019) required SWRCB and DWR to develop a plan to deploy a network of stream gages to address significant gaps in information necessary for water management and the conservation of freshwater species. As a result of SB 19, the Stream Gaging Plan was published in March 2023 and offers four core recommendations to improve the state’s stream gage network: 1) integrate third-party gages; 2) improve and expand the state’s gaging system; 3) prioritize funding for stream gages; and 4) streamline regulatory permitting. SB 361 takes the next step to implement the recommendations in the Stream Gaging Plan.

In August 2022, the Newsom Administration released "California's Water Supply Strategy: Adapting to a Hotter, Drier Future" (Strategy), which outlines California’s strategy and priority actions to adapt and protect water supplies in an era of rising temperatures. Under the broad umbrella of “improving forecasting, data, and management, including water rights modernization,” the Strategy details the need for a multi-agency effort to install 430 new stream gages and upgrade or reactivate 200 more across the state.

In January 2023, the Governor’s proposed budget plan for fiscal year 2023-24 was released and includes \$4.675 million from the General Fund over two years to begin implementing recommendations from the Stream Gaging Plan, focusing first on reactivation of historical stream gages.

SB 361 is intended to result in better statewide data that will lead to better water management decisions, a benefit for the entire state as well as EBMUD. The bill and corresponding budget proposal could provide funding for upgrades and reactivation of EBMUD stream gages and potentially for maintenance of those gages. Costs to EBMUD could include needing to deploy more staffing resources to monitor any upgraded or reactivated stream gages and to ensure timely reporting of data to the state in the manner prescribed by DWR and SWRCB pursuant to the bill’s provisions.

Though water management data for the state's streams and rivers is a relatively new topic of legislation that EBMUD has not previously considered, SB 361 is consistent with EBMUD's mission to "manage the natural resources with which the District is entrusted."

The official support and opposition list to SB 361 is shown below.

Support

The Nature Conservancy (sponsor)
Association of California Water Agencies (ACWA)
Audubon California
California Association of Professional Scientists
California Association of Winegrape Growers
California Cattlemen's Association
California Central Valley Flood Control Association
California Coastkeeper Alliance
California Municipal Utilities Association
California Native Plant Society, Alta Peak Chapter
California State Association of Counties (CSAC)
California Trout
Clean Water Action
Defenders of Wildlife
Environmental Defense Fund
Friends of The River
Greenbelt Alliance
Leumer Consulting, INC.
Mono Lake Committee
Northern California Water Association
Planning and Conservation League
Sierra Club California
Solano County Water Agency
Trout Unlimited
Wine Institute

Opposition

None listed

CCC:KCV:jw/dm

Attachments

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ASSEMBLY BILL

No. 30

Introduced by Assembly Member Ward
(Principal coauthor: Assembly Member Mathis)
(Coauthors: Assembly Members Aguiar-Curry, Alanis, Bennett,
Connolly, Friedman, Kalra, Pellerin, and Schiavo)
(Coauthor: Senator Niello)

December 5, 2022

An act to amend the heading of Article 8 (commencing with Section 347) of Chapter 2.5 of Division 1 of, and to repeal and add Section 347 of, the Water Code, relating to atmospheric rivers.

LEGISLATIVE COUNSEL'S DIGEST

AB 30, as introduced, Ward. Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.

Existing law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program in the Department of Water Resources. Existing law requires the department, upon an appropriation for purposes of the program, to research climate forecasting and the causes and impacts that climate change has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers.

This bill would rename that program the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program. The bill would require the department to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve

predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions. The bill would also require the department to take all actions within its existing authority to operate reservoirs in a manner that improves flood protection in the state and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Atmospheric rivers provide California with up to one-half
4 its annual water supply and account for more than 90 percent of
5 the state's flood damages.

6 (b) Research suggests that as the climate continues to warm,
7 California will grow increasingly dependent on atmospheric rivers
8 for its water supply.

9 (c) Advances in the understanding and forecasting of
10 atmospheric rivers underpins and extends the viability of
11 forecast-informed reservoir operations, thereby enabling greater
12 water supply reliability and flood protection across the state.

13 (d) Furthermore, research on atmospheric rivers can be used to
14 refine climate projections of extreme weather and water events
15 and changes in Sierra snow.

16 (e) Forecast-informed reservoir operations is a critical climate
17 resilience strategy.

18 SEC. 2. The heading of Article 8 (commencing with Section
19 347) of Chapter 2.5 of Division 1 of the Water Code is amended
20 to read:

21
22 ~~Article 8. Atmospheric Rivers: Research, Mitigation, Rivers~~
23 ~~Research and Forecast Improvement Program: Enabling Climate~~
24 ~~Forecasting Adaptation Through Forecast-Informed Reservoir~~
25 ~~Operations and Hazard Resiliency (AR/FIRO)~~
26

27 SEC. 3. Section 347 of the Water Code is repealed.

1 ~~347. (a) The Atmospheric Rivers: Research, Mitigation, and~~
2 ~~Climate Forecasting Program is hereby established in the~~
3 ~~Department of Water Resources.~~

4 ~~(b) Upon appropriation of special fund moneys, including, but~~
5 ~~not limited to, private funds, for these purposes, the department~~
6 ~~shall conduct research relating to climate forecasting and the causes~~
7 ~~and impacts that climate change has on atmospheric rivers, and~~
8 ~~shall take all actions within its existing authority to operate~~
9 ~~reservoirs in a manner that improves flood protection in the state~~
10 ~~and to reoperate flood control and water storage facilities to capture~~
11 ~~water generated by atmospheric rivers, thereby increasing water~~
12 ~~supply, hydropower availability, and the reliability of water~~
13 ~~resources in the state.~~

14 SEC. 4. Section 347 is added to the Water Code, to read:

15 347. (a) The Atmospheric Rivers Research and Forecast
16 Improvement Program: Enabling Climate Adaptation Through
17 Forecast-Informed Reservoir Operations and Hazard Resiliency
18 (AR/FIRO) Program is hereby established in the Department of
19 Water Resources.

20 (b) (1) The department shall research, develop, and implement
21 new observations, prediction models, novel forecasting methods,
22 and tailored decision support systems to improve predictions of
23 atmospheric rivers and their impacts on water supply, flooding,
24 post-wildfire debris flows, and environmental conditions.

25 (2) The department shall take all actions within its existing
26 authority to operate reservoirs in a manner that improves flood
27 protection in the state and to reoperate flood control and water
28 storage facilities to capture water generated by atmospheric rivers.
29 The goals of integrating forecast-informed reservoir operations
30 into department operations shall be to increase water supply,
31 hydropower availability, and water supply reliability. The
32 department may use research generated by this program to refine
33 climate projections of extreme weather and water events and
34 changes in Sierra snow.

1		
2	REVISIONS:	
3	Heading—Line 2.	
4		

AMENDED IN ASSEMBLY MARCH 14, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 727

Introduced by Assembly Member Weber

February 13, 2023

An act to ~~amend Section 108680~~ add Chapter 17 (commencing with Section 109030) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 727, as amended, Weber. Product safety: ~~packaging of household substances~~; cleaning products: perfluoroalkyl and polyfluoroalkyl substances.

Existing law, beginning January 1, 2025, prohibits a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS), as defined. Existing law similarly prohibits, beginning January 1, 2025, a person from manufacturing, distributing, selling, or offering for sale in the state any new, not previously owned, textile articles that contain regulated PFAS, except as specified, and requires a manufacturer to use the least toxic alternative when removing regulated PFAS in textile articles to comply with these provisions.

This bill, beginning January 1, 2025, would prohibit a person from manufacturing, selling, delivering, distributing, holding, or offering for sale in the state a cleaning product that contains regulated PFAS, as specified.

Existing law requires the State Department of Public Health to adopt standards for the packaging of substances that pose hazards to children,

as specified. Existing law defines a “household substance” as any substance that is customarily produced or distributed for sale for consumption or use, or customarily stored by individuals in or about the household, and meets specified criteria.

This bill would additionally include any substance that is customarily produced or distributed for sale for consumption or use, or customarily stored by individuals in or about their residence.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 17 (commencing with Section 109030)
2 is added to Part 3 of Division 104 of the Health and Safety Code,
3 to read:

4
5 CHAPTER 17. CLEANING PRODUCTS CONTAINING PFAS

6
7 109030. For purposes of this chapter, the following definitions
8 apply:

9 (a) “Air care product” means a chemically formulated consumer
10 product labeled to indicate that the purpose of the product is to
11 enhance or condition the indoor environment by eliminating
12 unpleasant odors or freshening the air.

13 (b) “Automotive product” means a chemically formulated
14 consumer product labeled to indicate that the purpose of the
15 product is to clean, disinfect, maintain the appearance of, polish,
16 protect, buff, condition, or otherwise care for a motor vehicle.
17 Automotive products include products for washing, waxing,
18 polishing, cleaning, or treating the exterior or interior surfaces
19 of motor vehicles.

20 (c) “Cleaning product” means a finishing product that is an
21 air care product, automotive product, general cleaning product,
22 or a polish or floor maintenance product used primarily for
23 janitorial, domestic, industrial, or institutional cleaning purposes,
24 or a water vessel product.

25 (d) “General cleaning product” means a soap, detergent, or
26 other chemically formulated consumer product labeled to indicate
27 that the purpose of the product is to clean, disinfect, sanitize, or
28 otherwise care for any of the following:

1 (1) *Fabric, dishes, or other wares.*

2 (2) *Surfaces, including, but not limited to, floors, furniture,*
3 *countertops, showers, or baths.*

4 (3) *Other hard surfaces, such as stovetops, microwaves, and*
5 *other appliances.*

6 (e) *“Intentionally added PFAS” means PFAS that a*
7 *manufacturer has intentionally added to a product or component*
8 *and that have a functional or technical effect in the product or*
9 *component.*

10 (f) *“Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS”*
11 *means a class of fluorinated organic chemicals containing at least*
12 *one fully fluorinated carbon atom.*

13 (g) *“Polish or floor maintenance product” means a chemically*
14 *formulated consumer product, such as polish, wax, a stripper, or*
15 *a restorer, labeled to indicate that the purpose of the product is*
16 *to clean, disinfect, polish, protect, buff, condition, temporarily*
17 *seal, strip, or maintain furniture, floors, metal, leather, or other*
18 *surfaces.*

19 (h) *“Water vessel product” means a chemically formulated*
20 *consumer product, such as an all-purpose cleaner or wash, deck*
21 *or nonskid surface cleaner, hull or bottom cleaner, product that*
22 *descales or dissolves marine growth, wax, polish, or restorer,*
23 *labeled to indicate that the purpose of the product is to maintain*
24 *the appearance of, or otherwise care for, a water vessel.*

25 109031. *Commencing January 1, 2025, a person or entity shall*
26 *not manufacture, sell, deliver, distribute, hold, or offer for sale in*
27 *commerce a cleaning product containing any of the following:*

28 (a) *Intentionally added PFAS.*

29 (b) *PFAS in a product or product component at or above any*
30 *of the following:*

31 (1) *25 parts per billion of any individual PFAS, not including*
32 *polymeric PFAS, as measured by targeted PFAS analysis.*

33 (2) *250 parts per billion of any of the following:*

34 (A) *The sum of PFAS, as measured by targeted PFAS analysis.*

35 (B) *The sum of PFAS, as measured by targeted PFAS analysis,*
36 *with prior degradation of precursors.*

37 (C) *The sum of PFAS, as measured by targeted PFAS analysis,*
38 *after degradation.*

39 (3) *50 parts per million of all PFAS combined, including*
40 *polymeric PFAS, as measured in total organic fluorine.*

1 ~~SECTION 1. Section 108680 of the Health and Safety Code~~
2 ~~is amended to read:~~

3 ~~108680. Unless the provisions or the context otherwise requires,~~
4 ~~these definitions, rules of construction, and general provisions~~
5 ~~shall govern the construction of this chapter. As used in this~~
6 ~~chapter:~~

7 ~~(a) “Department” means the State Department of Public Health.~~

8 ~~(b) “Household substance” means any substance that is~~
9 ~~customarily produced or distributed for sale for consumption or~~
10 ~~use, or customarily stored by individuals in or about the household~~
11 ~~or residence and is one of the following:~~

12 ~~(1) A hazardous substance as that term is defined in Section~~
13 ~~108125.~~

14 ~~(2) A food, drug, or cosmetic, as those terms are defined in~~
15 ~~Sections 109900, 109925, and 109935, that (A) is toxic, (B) is~~
16 ~~corrosive, (C) is an irritant, (D) is a strong sensitizer, (E) is~~
17 ~~flammable or combustible, or (F) generates pressure through~~
18 ~~decomposition, heat, or other means; if it may cause substantial~~
19 ~~personal injury or substantial illness during or as a proximate result~~
20 ~~of any customary or reasonably foreseeable handling or use,~~
21 ~~including reasonably foreseeable ingestion by children.~~

22 ~~(3) A substance intended for use as fuel when stored in a~~
23 ~~portable container and used in the heating, cooking, or refrigeration~~
24 ~~system of a residential dwelling.~~

25 ~~(c) “Package” means the immediate container or wrapping in~~
26 ~~which any household substance is contained for consumption, use,~~
27 ~~or storage by individuals in or about the household, and, for~~
28 ~~purposes of household substances, also means any outer container~~
29 ~~or wrapping used in the retail display of any such substance to~~
30 ~~consumers.~~

31 ~~“Package” does not include the following:~~

32 ~~(1) Any shipping container or wrapping used solely for the~~
33 ~~transportation of any household substance in bulk or in quantity~~
34 ~~to manufacturers, packers, or processors, or to wholesale or retail~~
35 ~~distributors thereof.~~

36 ~~(2) Any shipping container or outer wrapping used by retailers~~
37 ~~to ship or deliver any household substance to consumers unless it~~
38 ~~is the only container or wrapping.~~

39 ~~(d) “Special packaging” means packaging that is designed or~~
40 ~~constructed to be significantly difficult for children under five~~

1 ~~years of age to open or obtain a toxic or harmful amount of the~~
2 ~~substance contained therein within a reasonable time and not~~
3 ~~difficult for normal adults to use properly, but does not mean~~
4 ~~packaging that all such children cannot open or obtain a toxic or~~
5 ~~harmful amount of within a reasonable time.~~

6 (e) ~~“Labeling” means all labels and other written, printed, or~~
7 ~~graphic matter upon any household substance or its package, or~~
8 ~~accompanying the substance.~~

9 (f) ~~“Federal act” means the Poison Prevention Packaging Act~~
10 ~~of 1970 (15 U.S.C. Sec. 1471 et seq.).~~

AMENDED IN SENATE MARCH 29, 2023

SENATE BILL

No. 361

Introduced by Senator Dodd

February 8, 2023

An act to add Sections 145, 145.1, and 145.2 to the Water Code, relating to water resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 361, as amended, Dodd. Water resources: stream gages.

Existing law, the Open and Transparent Water Data Act, requires the Department of Water Resources, the State Water Resources Control Board, and the Department of Fish and Wildlife to coordinate and integrate existing water and ecological data from local, state, and federal agencies. Existing law requires the Department of Water Resources and the board, upon an appropriation of funds by the Legislature, to develop a plan to deploy a network of stream gages that includes a determination of funding needs and opportunities for modernizing and reactivating existing gages and deploying new gages, as specified. Existing law requires the department and the board, in consultation with the Department of Fish and Wildlife, the Department of Conservation, the Central Valley Flood Protection Board, interested stakeholders, and, to the extent they wish to consult, local agencies, to develop the plan to address significant gaps in information necessary for water management and the conservation of freshwater species.

This bill would require the Department of Water Resources and the board, upon appropriation of funds by the Legislature, to reactivate, upgrade, and install new stream gages, as provided. The bill would require the department and board to use the recommendations and data provided in the California Stream Gaging Prioritization Plan 2022 to

complete specified actions by 2030. *The bill would require the department to report to the Legislature, on or before January 1, 2026, and every 2 years thereafter, on progress made in completing those specified actions.* The bill would require the data from all stream gages operating with any public money to be published as provisional data within 10 days of collection and made publicly available on the state's open water data platforms. The bill would require the department and board to develop and adopt a set of standards and processes for assessing, tracking, and reporting the accuracy of stream gages, evapotranspiration data, water meters, and other critical data inputs for water management, as provided. The bill would require the department and the board to consult with interested stakeholders to develop a plan to identify the gaps in the network of automated weather stations and eddy covariance towers to ensure accurate and comprehensive data collection.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) More than 3,200 local watersheds in California (over 70
- 4 percent) do not have any history of stream gaging, and another 15
- 5 percent do not have active, publicly accessible gages today.
- 6 (b) Most watersheds in California also do not have the
- 7 infrastructure needed for accurate water accounting or the ability
- 8 to track in near real-time water and groundwater budgets,
- 9 streamflows, and net changes in the water balance over time.
- 10 (c) California's current water data infrastructure is poorly
- 11 funded.
- 12 (d) Of the ~~4,076~~ *approximately 1,000* active gages in California,
- 13 less than one-half provide data on key metrics for water
- 14 management such as temperature, 45 percent, and sedimentation,
- 15 40 percent.
- 16 (e) The lack of sustained funding for gage operation and
- 17 maintenance is the primary source of gages going offline.
- 18 (f) The United States Geological Survey (USGS) operates 60
- 19 percent of the active gages in California. Most state-operated gages

1 are funded by the Division of Flood Management and the State
2 Water Project.

3 (g) The Department of Water Resources, State Water Resources
4 Control Board, Department of Fish and Wildlife, and California
5 Geological Survey, Department of Conservation recently completed
6 a ~~draft~~ report entitled “California Stream Gaging Prioritization
7 Plan 2022” with specific recommendations and locations to
8 improve California’s stream gage network.

9 (h) A robust and reliable stream gage network, California
10 Irrigation Management Information System network, and more
11 accurate understanding of diversions and consumptive use can
12 help state, federal, and local agencies better understand the
13 movement of water within and out of a watershed, and manage
14 water resources more effectively for multiple benefits and to help
15 avoid conflicts.

16 (i) Currently, there is a lack of transparency, consistency, and
17 access associated with the quality and accuracy of various sources
18 of water data. These issues make it more difficult, time consuming,
19 and costly for the state and water managers to appropriately plan
20 for and mitigate water management, economic, climate change,
21 ecological, and other uncertainties.

22 (j) The accuracy of gage and other data for water management
23 needs to be assessed and recorded in a consistent and transparent
24 way.

25 SEC. 2. Section 145 is added to the Water Code, to read:

26 145. (a) Upon appropriation of funds by the Legislature for
27 the purposes of this section, the department and the board shall
28 reactivate, upgrade, and install new stream gages where lack of
29 data contributes to conflicts in water management or where water
30 can be more effectively managed for multiple benefits, including,
31 but not limited to, the following benefits:

- 32 (1) Water supply management.
- 33 (2) Flood management.
- 34 (3) Water quality management.
- 35 (4) Ecosystem management.

36 (b) *(1)* The department and the board shall use the
37 recommendations and data provided in the California Stream
38 Gaging Prioritization Plan 2022 (the ~~plan~~ *plan*), *which was*
39 *prepared pursuant to Section 144*, to complete the following
40 actions by 2030:

1 ~~(1)~~

2 ~~(A) Reactivate and maintain at least 161 156 historical stream~~
3 ~~gages.~~

4 ~~(2)~~

5 ~~(B) Upgrade at least 48 39 stream gages to collect additional~~
6 ~~streamflow data with the installation of additional sensors, such~~
7 ~~as temperature and dissolved oxygen sensors, equipped for~~
8 ~~telemetry, namely recording and transmitting of data without~~
9 ~~in-person effort, or at which a flow rating curve to convert stage~~
10 ~~to flow could be added.~~

11 ~~(3)~~

12 ~~(C) Add temperature sensors to at least 536 542 active stream~~
13 ~~gages.~~

14 ~~(4)~~

15 ~~(D) Install new stream gages in at least 432 436 watersheds.~~

16 ~~(5)~~

17 ~~(E) Improve gage quality and management by establishing~~
18 ~~minimum operation and maintenance standards.~~

19 ~~(6)~~

20 ~~(F) Develop gage data standards to support accessibility and~~
21 ~~interoperability, such that data from all sources can be housed,~~
22 ~~analyzed, and shared on a common interface.~~

23 ~~(2) On or before January 1, 2026, and every two years~~
24 ~~thereafter, the department shall report to the Legislature its~~
25 ~~progress made in implementing this subdivision. The report~~
26 ~~required by this paragraph shall be submitted in compliance with~~
27 ~~Section 9795 of the Government Code.~~

28 ~~(c) The department and the board, in consultation with the~~
29 ~~Department of Fish and Wildlife, the Department of Conservation,~~
30 ~~and the Central Valley Flood Protection Board, interested~~
31 ~~stakeholders, and, to the extent they wish to consult, local agencies,~~
32 ~~shall develop the plan shall utilize the funding recommendations~~
33 ~~in the plan to fund the long-term maintenance of these stream~~
34 ~~gages and data management tools based on the funding~~
35 ~~recommendations in the plan and other considerations. tools. In~~
36 ~~doing so, the department and board may consult with local~~
37 ~~agencies and other stakeholders.~~

38 ~~(d) The department and the board shall require that the data~~
39 ~~from all stream gages operating with any public money be~~
40 ~~published as provisional data within 10 days of collection and~~

1 made publicly available on the state’s open water data platforms
2 and consistent with data sharing protocols in the Open and
3 Transparent Water Data Act (Part 4.9 (commencing with Section
4 12400) of Division 6). The department and the board shall establish
5 a process to finalize and update the data.

6 SEC. 3. Section 145.1 is added to the Water Code, to read:

7 145.1. The department and the board, in consultation with the
8 California Water Data Consortium or some equivalent entity, and
9 consistent with existing state efforts, shall develop and adopt a set
10 of standards and processes for assessing, tracking, and reporting
11 the accuracy of stream gages, evapotranspiration data, water meters,
12 and other critical data inputs for water management.

13 SEC. 4. Section 145.2 is added to the Water Code, to read:

14 145.2. The department and the board shall consult with
15 interested stakeholders to develop a plan to identify the gaps in
16 the network of automated weather stations and eddy covariance
17 towers to ensure accurate and comprehensive data collection to
18 support and validate methods to estimate other key elements to
19 the water budget, including evapotranspiration.