



# Santa Clara Valley Water District

**File No.:** 18-0334

**Agenda Date:** 5/8/2018

**Item No.:** 7.2.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Recommended Position on State Legislation: AB 2166 (Caballero) California Farm Bill Agricultural Technology; AB 2371 (Carillo) Water Use Efficiency; AB 2779 (Stone) Recycling: Single-Use Plastic Beverage Container Caps; and Other Legislation Which May Require Urgent Consideration for a Position by the Board.

### **RECOMMENDATION:**

- A. Adopt a position of "Support" on: AB 2166 (Caballero) California Farm Bill Agricultural Technology;
- B. Adopt a position of "Support" on: AB 2371 (Carillo) Water Use Efficiency; and
- C. Adopt a position of "Support" on: AB 2779 (Stone) Recycling: Single-Use Plastic Beverage Container Caps.

### **SUMMARY:**

**AB 2166 (Caballero) California Farm Bill Agricultural Technology (A-04-16-2018)**

**Position Recommendation: Support**

**Priority: 3**

AB 2166 implements several programs to advance the use of technology, streamline regulation, and promote career pathways in agriculture. The bill does the following.

- 1) Requires the Board of Governors of the California Community Colleges to develop a model Agricultural Business and Technology Program, to encourage career pathways that encourage agriculture technology that improves efficient water use, efficient energy use, greenhouse gas reduction, proper fertilizer and pesticide use, or that automate part of the farming process to make farm workers more efficient.
- 2) Requires the Department of Food and Agriculture to create and maintain a user-friendly website that provides farmers with comprehensive information about the regulatory requirements, and guidance to operate and manage a farm.
- 3) Requires the County Agriculture Commissioner to include in their annual report to the Secretary of Food and Agriculture on the condition of agriculture in their county, a survey of internet accessibility to identify gaps in internet accessibility on farms.

- 4) Establishes the Agriculture Growth Council, consisting of the Secretary of Food and Agriculture, the Secretary of the Natural Resources Agency, the Secretary of Environmental Protection, the Director of Water Resources, the Director of the State Water Resources Control Board, the Chair of the Air Resources Board, the Director of Pesticide Regulation, one member of the public appointed by the Speaker of the Assembly, one member of the public appointed by the Senate Committee on Rules, and one member of the public appointed by the Governor. The public members shall have a background in agriculture. The purpose of the Council shall be to plan for regulatory alignments that aid grower compliance, reduce costs to the agriculture industry, protect the environment, and to make recommendations for regulatory alignments to the proper agency or department.
- 5) Creates a tiered tax credit for up to \$50,000 for the deployment of agricultural technology based on the size of the farm.
- 6) Appropriates \$78,650,000 from the General Fund for various agriculture related programs within the California Department of Food and Agriculture and the University of California:
  - (a) \$1,500,000 to the Department of Food and Agriculture for purposes of the Buy California Program. A program that created a partnership between government and industry to promote consumption of California-grown agricultural products to California consumers.
  - (b) \$45,000,000 to the Department of Food and Agriculture for purposes of the Statewide Plant Pest Prevention and Management Program.
  - (c) \$1,500,000 to the Department of Food and Agriculture for purposes of implementing the website on running a farm as required by this bill.
  - (d) \$20,000,000 to the Department of Food and Agriculture for purposes of creating the Agriculture Technology Innovation Institute.
  - (e) \$500,000 to the Department of Food and Agriculture for the purposes of supporting the Agricultural Growth Council established by this bill.
  - (f) \$10,000,000 annually to the University of California, Division of Agriculture and Natural Resources for applied agriculture research.
  - (g) \$150,000 to Olinga Learning, a nonprofit organization, for purposes of its Wings of Knowledge Initiative and the program's 2019 and 2020 cohort. The Wings of Knowledge Initiative aims to empower young people to improve their rural communities. The program strives to empower middle and high school students to engage in the science, technology, engineering and math programs that improve their communities. On or before July 1, 2021, Olinga Learning shall report to the Legislature on the program.

### *Importance to the District*

Agriculture holds an important presence in the economy of Santa Clara County. It provides jobs from the production of numerous agricultural commodities, while maintaining open space. While agriculture continues to succeed, it is increasingly difficult to find young adults who are willing to pursue careers in the field. AB 2166 seeks to reverse the trend and promote careers in agricultural technology so that the state can continue to enjoy a strong agricultural sector. The bill also provides funding for several programs and a tax credit that would directly benefit

farmers within the District's jurisdiction, while also decreasing emissions of greenhouse gases and increasing the efficient use of water, energy, fertilizer, and pesticides.

While farmers in many areas around the state have found their sources of water curtailed significantly in the last several years due to droughts and regulatory challenges, farmers in the District's jurisdiction have enjoyed a reliable source of groundwater. To bolster water conservation in the agricultural sector, the District has implemented several programs to promote water use efficiency.

For example, the District currently provides farmers with an opportunity to participate in the Farm Irrigation Efficiency Mobile Lab (Mobile Lab). The Mobile Lab provides farmers with a review of their irrigation systems, followed up with a comprehensive summary of its efficiency, and a consultation with a technician. Such programs employ the latest technologies to improve water use and provide crops with the optimal amount of water needed to maximize yields.

Advancing best practices and implementation of new technologies in the state's agricultural sector is in the best interest of the people of California.

Staff recommends that the Board adopt a position of "Support" on AB 2166.

#### *Pros*

- Promotes the implementation of agricultural technologies, which includes water use efficiency, through educational programs and tax incentives.
- Promotes regulatory streamlining for agricultural operations that are protective of the environment.
- Seeks to identify areas in the state where agricultural operations lack internet capabilities which limit the number of agricultural technologies that can be implemented.

#### *Cons*

- Includes significant state costs.

### **AB 2371 (Carrillo) Water Use Efficiency (A-04-11-2018)**

**Position Recommendation: Support**

**Priority: 3**

AB 2371 implements six recommendations made by the Independent Technical Panel (ITP) in their final report issued in May 2016 titled, "Recommendations Report to the Legislature on Landscape Water Use Efficiency." The ITP was formed by the Legislature through the adoption of AB 1420 (Laird) in 2007. The purpose of the ITP is to provide the Department of Water Resources and the Legislature information on new demand management measures, technologies, and approaches to water use efficiency.

The report included 19 recommendations, three of which have been implemented to date: one by AB 2515 (Weber) which requires the Model Water Efficient Landscape Ordinance (MWELo) to be updated every two years, and two by AB 1928 (Campos) that was sponsored by the District and which requires the California Energy Commission to create water use efficiency regulations and labeling for landscape irrigation equipment. Both bills were signed into law in 2016.

AB 2371 implements the following six recommendations which were voted on unanimously by the ITP.

- 1) Require the Contractors State Licensing Board (CSLB) to revise the general engineering contractor license examination to include questions on water use efficiency and sustainable practices. The bill also would require the study materials to include the latest version of the MWELo.
- 2) Require a home inspection during a sale of a property to include an inspection of the in-ground landscape irrigation system, including the irrigation controller and its various components.
- 3) Require the Secretary of California Department of Food and Agriculture to adopt plant labeling regulations for nurseries that provide consumers information about the water use of the plant under the Water Use Classification of Landscape Species.
- 4) Require state agencies to update water irrigation systems and consumption when constructing, purchasing, or leasing new properties or replacing irrigation systems, to reduce water consumption and increase water use efficiency. The bill provides a list of potential measures that may be implemented such as replacing turf with drought tolerant plants, using recycled water, or stormwater capture.
- 5) Require the state to contract with or employ certified landscape design professionals when implementing the provisions to comply with the requirements to upgrade landscaping at state owned or leased buildings.
- 6) Require the Water Use Classification of Landscape Species database to be regularly updated and improved to include information that is understandable by the average customer.

#### *Importance to the District*

The District has been committed to water conservation since the early 1990s, implementing a variety of programs that use a mix of incentives and rebates, free device installation, site surveys, and educational outreach to improve water efficiency in homes, businesses, and agriculture. The long-term savings goal, which was updated in the District's 2012 Water Supply and Infrastructure Master Plan (Master Plan), is to save nearly 99,000 acre-feet per year by 2030.

The District is in the process of updating its Master Plan, and as part of this process, will be analyzing additional water use efficiency programs (e.g. storm water capture, leak detection, advanced metering infrastructure, etc.) potentially to add to its portfolio of programs and

increase its long-term water savings goal.

The incremental changes made by AB 2371 to several landscape policies would assist in improving water use across the state. The bill will improve awareness by licensed contractors of the MWELO, reduce the amount of outdoor water use in state buildings, and assist consumers in making informed decisions when purchasing plants by providing information on proper climate and water consumption.

Staff recommends that the Board adopt a position of “Support” on AB 2371.

*Pros*

- Reduces outdoor water use at state buildings.
- Improves appropriate climate and water use labeling on landscaping plants.
- Adds increased water efficient landscaping information required for landscaping and general contractor licensing.

*Cons*

- Adds cost to the state for implementation.
- Increases costs on nurseries to comply with labeling requirements.

**AB 2779 (Stone) Recycling: Single-Use Plastic Beverage Container Caps (I-02-16-18)**  
**Position Recommended: Support**  
**Position Priority: 3**

AB 2779 would require that all single use plastic beverage containers have a cap that is tethered or connected to the beverage container.

*Importance to the District*

The District has an interest in reducing the amount of plastics and metals that are littered and end up in local storm drains flowing to natural waterways. Current plastic beverage containers mostly have caps that separate from the bottle and many times are discarded separately as the beverage is opened to be consumed. Once discarded, these smaller pieces of recyclable plastic or aluminum more easily end up in the food chain when consumed by wildlife. Bottle caps tend to be one of the most commonly found littered items and have significant harmful effects on the environment.

The Regional Water Quality Control Board’s San Francisco Bay Water Quality Control Plan prohibits the discharge of rubbish, refuse, or other solid wastes into surface waters or any place where they will eventually be transported to surface waters. This requirement makes the District, along with other entities, responsible for the cleanup and prevention of litter in District-controlled waterways.

The District operates 10 reservoirs and provides stewardship for hundreds of miles of streams, as well as groundwater resources. The elimination of litter from any source reduces the monetary and labor costs of cleaning up such pollution in District-managed waterways.

Staff Recommends the Board adopt a position of "Support" on AB 2779.

*Pros*

- Reduces the amount of bottle caps collected in the overall volume of litter.
- Reduces the District costs for cleanups.
- Reduces the District's efforts in complying with the waste discharge permits.

*Cons*

- Increases costs for beverage manufacturers to design new bottles/bottlecaps and to retrofit factories to comply with the bill.

**FINANCIAL IMPACT:**

There is no financial impact associated with this item.

**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

None.

**UNCLASSIFIED MANAGER:**

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