



# Santa Clara Valley Water District

**File No.:** 21-0700

**Agenda Date:** 6/22/2021

**Item No.:** \*3.1.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Adopt Recommended Positions on State Legislation: AB 252 (R. Rivas and Salas) Multi-benefit Land Repurposing Incentive Program; AB 652 (Friedman) Juvenile Product Safety: Perfluoroalkyl and Polyfluoroalkyl Substances; \*AB 897 (Mullin) Office of Planning and Research: Regional Climate Networks, Climate Adaptation Action Plans; and Other Legislation Which May Require Urgent Consideration for a Position by the Board.

### **RECOMMENDATION:**

- A. Adopt a Position of "Support" on: AB 252 (R. Rivas and Salas) Multi-benefit Land Repurposing Incentive Program; and
- B. Adopt a Position of "Support" on: AB 652 (Friedman) Juvenile Product Safety: Perfluoroalkyl and Polyfluoroalkyl Substances.
- C. \*Adopt a Position of "Support" on: AB 897 (Mullin) Office of Planning and Research: Regional Climate Networks, Climate Adaptation Action Plans.

### **SUMMARY:**

**AB 252 (R. Rivas and Salas) Multi-benefit Land Repurposing Incentive Program.**

**Position Recommendation: Support**

**Priority: 3**

Under the Sustainable Groundwater Management Act (SGMA), local Groundwater Sustainability Agencies (GSAs) must ensure the proper management of groundwater basins, including that farmland irrigation or other uses do not pump water faster than the local groundwater basin can refill. To do this, it has been suggested that significant amounts of farmland could be taken out of production in key areas to reduce water demand. This bill seeks to provide financial incentives to farmers to convert some farmland to other less water intensive uses.

AB 252 would require the Department of Conservation (DOC) to establish the Multi-benefit Land Repurposing Program to fund local programs on multi-benefit land repurposing in critically over drafted basins. Local GSAs or counties would provide per-acre payments and grants to farmers to incentivize land conversion towards less water-intensive uses while maximizing public benefits on repurposed land.

***Importance to Santa Clara Valley Water District (Valley Water)***

Agriculture holds an important presence in the state economy. It provides jobs from the production of numerous agricultural commodities. While agriculture continues to succeed, its intensive water demand must be carefully managed so as not to exhaust groundwater basins. In addition to the SGMA requirements to recharge groundwater, the current severe drought conditions in our state have created an increasing need to reduce water demand. One of the strategies suggested includes the conversion of farmland for other natural purposes that reduce water usage and allow for groundwater recharge.

To support such a transition, this bill provides funding for local programs that could convert farmland into multi-benefit open spaces, such as floodplains, pollinator habitats, or parks. Not only do these open spaces consume less water, they also facilitate groundwater recharge since they allow water to freely make its way into the ground. This strategy is expected to garner benefits for the farmer, in the form of payment, and the overall health of the groundwater basin while reducing the potential loss caused by fallowing farms.

While AB 252 will not provide direct benefits to Valley Water unless a basin within Santa Clara County becomes critically over drafted, the reduction in water use in other critically over drafted basins reduces pressure on Valley Water's imported water sources.

Staff recommends that the Board adopt a position of "Support" on AB 252.

***Pros***

- Would provide grants for land repurposing towards less water-intensive uses where most needed.
- Repurposing of land into multi-benefit open spaces would support groundwater recharge.

***Cons***

- Only critically over drafted basins would qualify for land conversion funding.

**AB 652 (Friedman) Juvenile Product Safety: Perfluoroalkyl and Polyfluoroalkyl Substances.**  
**Position Recommendation: Support**  
**Priority: 3**

AB 652 would, on and after July 1, 2023, prohibit any person (including manufacturers) from commercially selling or distributing any new, not previously owned, juvenile products containing intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). Instead of PFAS chemicals,

manufacturers must use the least toxic alternative.

A juvenile product is defined as a product designed for use by infants and children younger than age 12. Examples include booster seats, infant carriers, strollers, and sleeping products.

Intentionally added PFAS is defined as having a functional or technical effect in the product.

### ***Importance to Valley Water***

PFAS are a class of more than 4,700 man-made chemicals widely used in manufacturing due to their unique ability to repel water, dirt, oil, and grease. This chemical property makes them extremely persistent in the environment which is why they are known as “forever” chemicals. Once released, PFAS tend to accumulate in groundwater before contaminating the drinking water supply.

Providing safe drinking water is one of Valley Water’s central missions. PFAS has recently gained heightened awareness from state and federal drinking water regulators as a chemical which may cause serious health effects. Exposure may lead to increased cholesterol levels, changes in liver enzymes, increased risk of high blood pressure in pregnant women, decreased infant birth weights, and increased risk of kidney or testicular cancer. In children, exposure also may lead to decreased immune response, impaired kidney function, and delayed onset of menstruation.

AB 652 would reduce PFAS exposure from juvenile products and reduce the amount of PFAS contamination that ultimately may impact the water supply.

Staff recommends that the Board adopt a position of “Support” on AB 652.

### ***Pros***

- Would reduce PFAS exposure in infants and children and likely improve health outcomes.
- Could reduce drinking water contamination due to PFAS.

### ***Cons***

- Lack of enforcement mechanism may dampen the bill’s effectiveness.

**\*AB 897 (Mullin) Office of Planning and Research: Regional Climate Networks, Climate Adaptation Action Plans.**

**Position Recommendation: Support**

**Priority: 3**

AB 897 would require the Office of Planning and Research (OPR) to facilitate the creation of regional climate networks and regional climate adaptation action plans by providing guidelines and technical

assistance to local entities.

On or before July 1, 2022, OPR would establish geographic boundaries for regional climate networks and publish guidelines on how local entities can form one, including information on how to establish governance boards within a network.

On or before January 1, 2023, OPR would provide guidelines on what information, analyses, and contents a regional climate network should include in a regional climate adaptation action plan. By that date, OPR would make recommendations to certain policy and budget committees of the Legislature on potential sources of financial assistance for the implementation of action plans. Lastly, OPR would provide technical assistance for regions seeking to establish a regional climate network and for already established networks in the process of developing an action plan.

### ***Importance to Valley Water***

Climate change is expected to alter the local climate in Santa Clara County and cause more frequent droughts, increasing storm intensity, and rising sea levels. Addressing these impacts is crucial to ensuring that Valley Water can continue to provide a clean, reliable water supply, natural flood protection, and water resources stewardship in the future.

Valley Water's Climate Change Action Plan (CCAP) outlines the goals and strategies for addressing climate change in each of our mission areas, including water supply reliability, flood risk reduction, water resources stewardship, and emergency response. With climate adaptation projects such as the South San Francisco Shoreline Project and our recycled water facilities, Valley Water is taking a leadership role in addressing climate change.

AB 897 would support our efforts by facilitating increased coordination with our regional partners and stakeholders. By working more closely together with other local entities, climate action can be streamlined and made more efficient. Most importantly, the bill creates a new pathway for potential funding to support climate action plans, which could support our own projects as well.

### ***Pros***

- Provides guidelines and technical assistance for the creation of regional climate networks and regional climate adaptation plans.
- Encourages more regions to prepare for climate change impacts with an emphasis on regional coordination.
- Requires OPR to make recommendations for potential sources of financial assistance.

### ***Cons***

- Funding for implementation of a grant program is not included and would need to be appropriated at a later time.

**FINANCIAL IMPACT:**

There is no financial impact associated with these items.

**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:**

- \*Original Board Agenda Memo
- \*Supplemental Board Agenda Memo

**UNCLASSIFIED MANAGER:**

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