March 12, 2020

The Honorable Ben Allen, Chair
Senate Environmental Quality Committee
State Capitol, Room 2205
Sacramento, CA 95814

RE: SB 1052 (Hertzberg): Support & Co-sponsor

Dear Senator Allen,

The California Association of Sanitation Agencies (CASA) strongly supports SB 1052, which would authorize any wastewater treatment entity in California to undertake voluntary programs and projects to divert and treat industrial, commercial, and municipal stormwater and dry weather runoff. CASA is statewide trade association representing a variety of public agencies that provide essential public services to millions of Californians, including wastewater collection, treatment, and disposal, as well as water recycling, biosolids management, and renewable energy deployment.

Wastewater treatment in California is provided by a variety of types of governmental entities based on differing community needs and history. Our members include cities, counties, joint powers authorities, and a variety of independent and dependent special districts such as municipal utility districts, water districts, community services districts, sanitation districts, sanitary districts, and county sanitation districts. Each of these types of districts has specific statutory authority that governs the provision of wastewater service in their communities.

For a very long time (and for good reason) wastewater and stormwater have been managed through separate systems in the vast majority of California jurisdictions. Wastewater is managed by the wastewater provider through the sanitary sewer systems, and stormwater is managed by municipalities under a separate permit in a stormwater system. One of the reasons this has historically been the case is to ensure the large influx of stormwater during major wet weather events doesn’t overwhelm the sanitary sewer system, which can produce overflows and threaten the system’s ability to protect water quality through effective treatment.

As California’s demand for potable water continues to increase, so too does the desire to offset the use of potable water with other sources of underutilized supply, such as stormwater and recycled water. Additionally, there has been a significant regulatory focus in recent years on the water quality implications associated with stormwater discharges, and accordingly, regulatory requirements have evolved to limit the introduction of pollutants from stormwater into receiving waters. Compliance with the regulatory requirements for stormwater discharges, which falls on industrial sites and local governments, can be quite burdensome.
At the same time, many communities are beginning to embrace the “one-water” approach to water management and are considering their best options for optimizing water quality and supply in their watersheds. In recent years, some municipalities with stormwater management responsibility have turned to their wastewater treatment providers to assist with stormwater discharge obligations given their existing treatment systems and expertise. Where projects like these are viable, local control and voluntary agreements can provide mutually beneficial arrangements to jointly achieve local water quality objectives, and in the right circumstances, can supplement local recycled water supply.

However, some types of special districts are arguably limited in their authorizing acts to providing only wastewater treatment and disposal, and could be precluded from entering into projects involving the diversion and treatment of stormwater or dry weather runoff. While this limitation has never prompted a legal challenge, it has resulted in several wastewater districts seeking explicit legislative approval to enter into projects of this nature (SB 485 (Hernandez, Chapter 678, Statutes of 2015), AB 810 (Campbell, Chapter 209, Statutes of 2001), and AB 1892 (Harman, Chapter 79, Statutes of 2002).

SB 1052 would extend the authority to voluntarily enter into projects involving the diversion and treatment of stormwater or dry weather runoff to all wastewater providers in California. Furthermore it would ensure that exercise of this authority requires full voluntary agreement between all of the governmental entities involved in a proposed project, and affords the protocols and protections required by existing law for these kinds of projects (including existing ratepayer processes). Together, we believe this legislation promotes regional water management innovation and creates an additional tool for local control.

For these reasons we strongly support SB 1052 and request the committee pass the bill when it is heard during the April 1st hearing.

Sincerely,

Jessica Gauger
Director of Legislative Advocacy

CC:  Cynthia Castillo, Office of Senator Hertzberg
      Senate Environmental Quality Committee
      Senate Governance and Finance Committee