



May 13, 2021

The Honorable Cristina Garcia
California State Assembly
State Capitol, Room 2013
Sacramento, CA 95814

RE: AB 1195 (C. Garcia): Drinking water – OPPOSE UNLESS AMENDED

Assembly Appropriations Committee

Dear Assembly Member Garcia:

On behalf of the Metropolitan Water District of Southern California (Metropolitan), I regret to inform you of our opposition to your bill AB 1195, unless the measure is amended to clarify the role and responsibilities of a new drinking water commissioner charged with overseeing public water systems located in southern Los Angeles County and within the jurisdictional boundaries of the Water Replenishment District of Southern California (WRD). As drafted, AB 1195 would vest the commissioner with broad authorities that could be duplicative and overlapping with Metropolitan, our member agencies, and WRD which could lead to confusion and potentially conflicts among agencies in the region.

As a regional water wholesaler, Metropolitan delivers water to 26 member agencies (including 14 cities, 11 municipal water districts, and one county water authority) which in turn, directly or through their sub-agencies, provide water to approximately 19 million people in Southern California. Metropolitan and our member agencies also undertake extensive and collaborative planning efforts with an eye towards the future to ensure a safe and reliable drinking water supply for the region.

Assembly Bill 1195 would require the State Water Resource Control Board to appoint a commissioner to implement the Safe and Affordable Funding for Equity and Resilience Program (SAFER Program) created by SB 200 (Monning, 2019) to provide funding and other tools to ensure all Californians have access to safe and affordable drinking water. Metropolitan supported SB 200 and commends your efforts to access SAFER program resources to help struggling water agencies operating in southern Los Angeles County. That said, we are concerned that the approach proposed in the bill may detract from solving the problem because the authorities granted the commissioner are very broad and unclear about how they would accelerate on-the-ground solutions and avoid duplication with existing efforts.

As drafted, AB 1195 would grant the commissioner the responsibility and authority to lead planning for long-term sustainability of public water systems in southern Los Angeles County, oversee the work of the WRD in assessing governance strategies in the region, oversee expenditures of all state funding for groundwater cleanup in the region, oversee the operations of the Central Basin Municipal Water District (CBMWD), a member agency of Metropolitan, and require and direct an audit of the CBMWD. The bill does not limit the authority of the proposed commissioner, other than by a geographical location: the southern Los Angeles County area consistent with the service area of the WRD, and therefore, raises concerns given the commissioner's ability to:

- (1) Develop and submit to the State Water Board a plan for the long-term sustainability of public water systems in the designated area, without any limitation to particular public water systems or a system that is failing in some way.
- (2) Oversee CBMWD without provision for protecting that agency's membership and participation at Metropolitan.
- (3) Assist operators of public water systems, without limiting that authority to any particular public water system or a system that is failing in some way.
- (4) Evaluate public water systems and other water infrastructure in the region, without specifying failing public water systems and the particular water infrastructure or criteria for the water infrastructure that can be subject to such authority.
- (5) Oversee all state funding for groundwater cleanup on behalf of the State Board, without any criteria for such oversight.

In addition to the foregoing, AB 1195 restricts surface and groundwater rights of public water systems generally, without any reference to the applicability of jurisdiction over those water rights by the State Water Board, court judgments, watermasters, other statutes such as the Sustainable Groundwater Management Act, or Article X, Section 2 of the California Constitution. The bill proposes an overly broad change to water rights of all public water systems throughout the state without a review of existing rights, their source, or a need to change any existing laws. The proposed changes conflict with existing property rights. The proposed restrictions could potentially interfere with water rights that form the basis for conjunctive use and cyclic storage programs in the Metropolitan service area. The changes may also interfere with Metropolitan's rights and agreements in Central Valley groundwater storage programs. Metropolitan requests the role of the commissioner be limited to assisting small failing public water systems in identifying solutions and access available assistance through existing programs at the State Water Board. In addition, we respectfully request that you strike the water rights provision as the intended purpose of the language is unclear given the bill's targeted focus on fostering collaboration and solutions to assist small urban water systems in southern Los Angeles County.

In general, we request the following amendments:

- (1) Strike Section 1 of the bill that seeks to restrict and redefine existing water rights.
- (2) Strike Section 116689(e) that would allow the Commission to oversee the activities of Central Basin Municipal Water District.

- (3) Define the scope of the bill to address the needs of the 29 small community water systems located in southern Los Angeles County that struggle to provide clean, reliable and affordable drinking water.
- (4) Add language to clarify that nothing in Section 116689 is intended to supersede existing water rights, the authority of Metropolitan, its member agencies, or the Los Angeles Local Agency Formation Commission, or other existing laws.

Last year, the Legislature authorized state funds for the WRD to assess small disadvantaged community water systems in southern Los Angeles County. The bill requires the commissioner to oversee the assessment without justification. We recommend WRD have an opportunity to complete the assessment before new legislation is enacted, which will better inform the role of the commissioner.

While Metropolitan's board-adopted policies for 2021 strongly support efforts to ensure ongoing access to safe and affordable drinking water to all residents within our service area, including underserved communities, AB 1195 includes problematic and overly broad provisions and powers that could interfere with existing laws, vested rights, and overlap established government structures and authorities. For these reasons, Metropolitan must respectfully oppose your bill unless it is amended to address our concerns. Should you have questions about our position or proposed amendments, please contact our Legislative Representative in our Sacramento office Kathy Viatella at kviatella@mwdh2o.com or (619) 517-5823.

Sincerely,



Jeff Kightlinger
General Manager

cc: Assembly Member Lorena Gonzalez, Chair, Assembly Appropriations Committee
Members of the Assembly Appropriations Committee
Jennifer Swenson, Principal Consultant, Assembly Appropriations Committee
William Weber, Consultant, Assembly Republican Caucus