



SUSTAINABILITY AND ENVIRONMENTAL LEGISLATION, REGULATIONS AND ISSUES

The City of Santa Clara is committed to creating a sustainable city for residents and businesses. Interest in sustainability and environmental issues, at both the state and federal levels, will likely result in new legislation and regulation changes that could significantly impact the City. Monitoring and advocacy efforts will be geared towards ensuring that emerging legislation and regulations align with the City's interests in providing sustainable services to its residents. This Legislative Advocacy Position summary focuses on various sustainability and environmental issues that could potentially impact our community.

California Environmental Quality Act Reform

The issue of reform of the California Environmental Quality Act (CEQA) has not been addressed comprehensively since the 2014 California legislative session. Various subsequent legislative efforts (e.g., AB 1560, AB 1515) have included elements of CEQA reform to support increased housing production or to advance other legislative priorities. The City of Santa Clara generally supports opportunities to further reform the CEQA process that support greater efficiency and transparency and alignment with objective environmental goals while protecting local land use authority.

Additionally, the City is actively working to update its transportation policies to analyze vehicle miles traveled, in lieu of level of service, in relation to transportation impacts for projects to ensure compliance with SB 743.

Clean Energy and Energy Conservation

The City, and its electric utility Silicon Valley Power (SVP), actively engages in energy policies that move residents and businesses toward a cleaner future ensuring reliable, affordable and sustainable power, with effective local accountability as a fundamental requisite. Preserving local decision-making authority ensures that the best interests of the community are taken into account, actions are tailored to local priorities, and is key to the goal of delivering reliable, affordable and sustainable power. Locally elected representatives are more responsive to the needs of our community as decisions are made through a public process, allowing customers to directly participate in the decision making.

The City will continue to engage in discussions, legislation, and policy, regarding energy related issues including renewable energy, energy efficiency and conservation, resiliency, smart grid solutions, energy storage, distributed energy and transportation electrification, among other things. The City has had an Environmental Stewardship and Renewable Portfolio Standard Policy Statement since 2008. The City advocates for goals and policies that remain technology agnostic and commercially available, and avoids policies that choose specific technologies or energy procurement mandates that can lead to increased customer costs while discouraging innovation. The City supports legislation that remove barriers to the electrification of buildings and transportation and legislation that provides regulatory streamlining of reporting and other actions that also preserves local decision-making authority.

Contaminants of Emerging Concern

In order to ensure that tap water is safe to drink, the U.S. Environmental Protection Agency (USEPA) and the State Water Resources Control Board (State Board) prescribe

regulations that limit the amount of certain contaminants in water provided by public water systems. The quality of drinking water is carefully regulated by the federal government. In 1974, Congress passed the Safe Drinking Water Act, requiring the USEPA to establish uniform standards for drinking water. The Safe Drinking Water Act was further amended in 1986 and 1996, adding even more stringent standards. In California, these standards are enforced by the State Water Resources Control Board Division of Drinking Water. These regulations are constantly being reviewed and revised. As new contaminants of emerging concern are found, studied and published, legislation can follow promoting or expediting new water quality regulations.

Green House Gas (GHG) Emission Reductions

Sustainability is an important goal for the City. The City monitors legislation that may have a regional and local impact on greenhouse gas emissions to advocate for effective and equitable approaches to emissions reduction especially to California Air Resources Board's (CARB) identified Disadvantaged Communities (DAC) and the Bay Area Air Quality Management District's (BAAQMD) identified Community Air Risk Evaluation (CARE) communities.

The Global Warming Solutions Act of 2006 (AB 32), requires California to reduce its GHG emissions to 1990 levels by 2020, and set the frame work for 40% reduction from 1990 GHG levels by 2030 and 80% reduction targets from 1990 GHG levels by 2050. The City supports a comprehensive approach to climate policy that optimizes GHG reductions across multiple sectors (transportation, electricity, buildings, etc.). The City advocates for the flexibility to optimize the portfolio of GHG emission reduction opportunities identified in the City's Climate Action Plan and include new renewable energy procurement, energy efficiency, demand response, smart grid solutions, energy storage, emission trading, among other actions to the portfolio. The City's Climate Action Plan is heavily reliant on Silicon Valley Power to implement and further accelerate greenhouse gas reductions. The City has initiated a comprehensive update to the City's Climate Action Plan, recently entering into a contract with a consultant to support this effort. A detailed schedule for community engagement and preparation of the comprehensive update is under preparation, but the update is anticipated to be complete in early 2021.

Lead Testing of Drinking Water in California Schools

The State Water Resource Control Board's (SWRCB) Division of Drinking Water (DDW), along with the State Department of Education, created regulations in 2017 regarding potable water lead monitoring in schools. In addition, AB 746, signed by the Governor in 2017, required all water agencies to provide testing at fixtures, such as drinking fountains and kitchen sinks, for lead in drinking water for all K-12 public, private, and preschools and child day care facilities located on public school property built before 2010. The City of Santa Clara supports this legislation that protects the health of children who might be exposed to lead and staff is working with the School Districts to complete the required testing. City staff completed required sampling (172 samples at 33 schools) by July 1, 2019. All samples, with the exception of one sample taken at John Sutter Elementary School, were well below the EPA action level of 15 ppb. The fixture was immediately taken out of service and replaced by Santa Clara School District. Resampling at the site resulted in a ND (no-detect) for lead. Sampling results from the testing were given to state and school officials and published in the City's Annual Consumer Confidence Report. Although not a requirement, the City proactively completed sampling at City libraries. All sample results were below the EPA action level of 15 ppb.

Assembly Bill 2370 requires all licensed child day care and preschool facilities located on private property in California to test for lead levels in their drinking water. AB 2370 requires licensed child day care facilities which are located in a building that was constructed before January 1, 2010, to have its drinking water tested for lead contamination levels on a specified schedule and to notify parents or legal guardians of children enrolled in the day care center of the requirement to test the drinking water and the results of the test. If a licensed child day care center is notified that it has elevated lead levels, AB 2370 requires the day care center to immediately make inoperable and cease using the affected fountains and faucets and obtain a potable source for water for children and staff. Testing for lead levels in drinking water must be conducted between January 1, 2020 and by the end of 2022. Day care facilities are responsible for the cost of testing and any subsequent repairs. The City supports legislation that protects the health of children who might be exposed to lead and staff is working with the School Districts; however, consideration should be given to ensure proper funding is made available for the required monitoring, reporting and potential remediation work.

Per- and Poly-fluoroalkyl Substances (PFASs)

Perfluorooctanesulfonic Acid (PFOS) and Perfluorooctanoic Acid (PFOA) are fluorinated organic chemicals that are part of a larger group of chemicals referred to as per- and poly-fluoroalkyl substances (PFASs). PFOS and PFOA have been extensively produced and studied in the United States. They have been used extensively in consumer products such as carpets, clothing, fabrics for furniture, paper packaging for food, and other materials (e.g., cookware) designed to be waterproof, stain-resistant or non-stick. In addition, they have been used in fire-retarding foam and various industrial processes.

In May 2016, the Environmental Protection Agency (EPA) issued a lifetime health advisory for PFOS and PFOA for drinking water, advising municipalities that they should notify their customers of the presence of levels over 70 parts per trillion in community water supplies. The EPA recommended that the notification of customers include information on the increased risk to health, especially for susceptible populations.

Assembly Bill 756 (Codified as Health and Safety Code section 116378) authorizes the SWRCB to order a public water system to monitor for PFOS and PFOA.

The City of Santa Clara has conducted four quarters of monitoring for PFOS and PFOA at wells selected by the SWRCB. All monitoring has resulted in non-detections. City staff are working closely with the Department of Drinking Water in order to comply with all regulations and requested monitoring related to PFOS and PFOA is completed.

As required by California Senate Bill 1422, the SWRCB will formally adopt a definition of microplastics in drinking water by July 1, 2020. It is unknown whether there are any human health effects from exposure to microplastics in drinking water. There is no standard definition of microplastics, however, they are generally understood to be plastic particles smaller than 5 millimeters (mm) in size. Much work remains to be done to characterize and understand the human health effects of microplastics specific to ingestion in drinking water. Recognizing the need for a better understanding of microplastics, the World Health Organization (WHO) included a study of microplastics occurrence and health effects in drinking water in their 2020-2021 budget. WHO's preliminary assessment (August 2019) is that microplastics in drinking water don't appear to pose a health risk at current levels. However, WHO acknowledged that more research is needed.

Prohibition of Oil Drilling off the California Coast

In 2017, the President's Administration announced its intent to allow additional offshore drilling around the United States, including a location in the Pacific Ocean along the

Northern California coast. Offshore drilling is widely considered to carry significant risk to the environment and to worker safety. Additionally, the resourcing of additional fossil fuels is at odds with the climate protection goals of California and Santa Clara.

In response to the administration's proposal, Governor Brown signed AB 1775 and SB 834 in September 2018 that ban new offshore drilling by prohibiting the State Lands Commission from issuing new leases for oil-related infrastructure in the state's coastal waters. It is in Santa Clara's interest to support and complement State efforts to oppose allowing additional oil drilling off the California coast.

Recycling and Solid Waste

In September 2015, the California Air Resources Board (CARB) announced its intent to ban landfill disposal of food waste and other organics by 2025 in hopes of further reducing methane emissions from landfills. SB 1383, signed into law by Governor Brown in 2016, reinforced CARB's focus on diverting organics from landfills. The bill established 2014 disposal as a baseline, then sets a state target of reducing disposal 50% by 2020 and 75% by 2025. CalRecycle began drafting regulations to implement the organics diversion provisions of SB 1383. The most recent draft regulations released in October 2019 are intensive, requiring inspection/enforcement, public education and outreach. They are also more prescriptive in terms of food recovery and color coding of bins.

However, creating the composting and anaerobic digester infrastructure needed to process the additional food waste will require overcoming significant statewide funding, siting and land use and environmental permitting challenges. A key issue is the need for a realistic, market-driven definition of "organics."

It is in the City's interest to continue to monitor the progress and implementation of these efforts as they relate to its utility functions of wastewater, water, and solid waste management and to the City's greenhouse gas reduction goals and approaches. The final regulations need to provide clear and flexible pathways to achieve compliance. In December 2019, the City Council authorized the City Manager to enter agreements with Mission Trail Waste Systems for collection and GreenWaste Recovery, Inc. for processing of solid waste. Under the new agreements, the City will be leveraging mixed waste processing of solid waste to capture organics for composting. The City should monitor and advocate for legislation and regulations that enable mixed waste processing and composting to remain viable pathways for compliance.

Sanitary Sewer Overflows (SSOs)

The City's Pretreatment Program, Fats, Oils & Grease (FOG) Inspection Program, and Operations and Maintenance of the Sanitary Sewer collections system through a rigorous inspection protocol all work to lessen the number of Sanitary Sewer Overflows (SSOs) as way to protect water quality, public health, and the overall environment. The City is supportive of legislative and regulatory efforts on both the State and Federal level that assist in the City's mission. These efforts may be in the form of source control, whereby things like FOG or wipes and rags are kept out of the sanitary system, or they may be in the form of innovative operational tools and infrastructure funding. More broadly, the City supports pollution prevention efforts that keep pollutants, such as pharmaceuticals and hazardous materials out of the sanitary sewer system. Additionally, the City supports current proposed legislation, AB 1672, Bloom that will prohibit single-use wet wipe products from being flushed down the toilet that are being labeled as flushable. Many of these products are labeled as "flushable" giving people the impression they are safe to flush, when in fact they are not. Many wastewater treatment plants, pump stations, and sanitary sewer collection systems experience operational issues as a result of wet wipes being flushed down toilets. These operational issues require costly operational repairs. These products do not break down in the sewer

collection system and clump together thus causing clogging issues in the sanitary sewer collection system and in pumps. Additionally, these wipes contribute to sanitary sewer overflows negatively impacting human health and the natural environment such as local creeks and the San Francisco Bay.

South Bay Salt Ponds Restoration Project

The salt pond conversion project, to restore the salt ponds to their natural ecosystem and provide flood protection, is ongoing. A large amount of fresh water enters the San Francisco Bay from wastewater treatment plants in South Bay cities, including Santa Clara. These inputs of freshwater are included in the hydrodynamic modeling work conducted to evaluate the impact of alternatives on such things as salinity, water quality, and water levels. Project partners, such as the California State Coastal Conservancy, the California Department of Fish and Game, the U.S. Fish and Wildlife Service, Santa Clara Valley Water District, Alameda County Flood Control and Water Conservation District, and the U.S. Army Corps of Engineers, and members of the public are collaborating to implement the first phase of the current restoration plan. The project needs to be tracked, due to its proximity and possible impact on the Regional Wastewater Facility, which Santa Clara jointly owns with the City of San Jose.

South Bay Shoreline Study

Shoreline areas along San Francisco Bay will risk damages from coastal flooding, with potential impacts to human health and safety, due to future sea level rise. The South San Francisco Bay Shoreline Project is a congressionally authorized study by the US Army Corps of Engineers, together with the Santa Clara Valley Water District and the State Coastal Conservancy, to identify and recommend flood risk management projects for Federal funding. The Corps is looking at projects that will reduce flood risk, restore some of the region's lost wetlands, and provide related benefits such as recreation and public access. This project, and other Bay Area resiliency planning efforts, should be tracked into ensure that Santa Clara's infrastructure and community assets are considered and protected as the Bay Area plans and constructs resiliency projects. Santa Clara has supported Measure AA funding for the South San Francisco Shoreline Study. The San Jose/Santa Clara Regional Wastewater Facility is a critical facility which is co-owned by the City of Santa Clara located on 2,600 acres serving 1.4 million people and Silicon Valley businesses. This facility, along with the Silicon Valley Advanced Water Purification Center, is located in the area of the study as posing significant risk to tidal flooding. Both facilities would benefit from the construction of a coastal levee and habitat restoration. Pre-construction work on the flood control levee began during the Summer of 2019.

Urban Runoff Pollution Prevention

The City supports provisions of National Pollutant Discharge Elimination System permit regulations that are attainable and reflect local conditions and circumstances. Along the same lines, new regulations and/or permit requirements that include numerical limits for municipal urban runoff discharge should be opposed as infeasible and a very expensive way to address the problem. It is in the City's continued interest to support urban runoff pollution prevention regulations, water conservation and recycling, and pollution controls that benefit the City. Policies by Regional Water Quality Boards should recognize the goals of the Clean Water Act but apply an appropriate standard based on local circumstances.

Vegetation and Forest Management

The City supports the modernization of vegetation and forest management practices for wildfire prevention and carbon sequestration. The City is supportive of biomass production for energy, forest thinning, and other activities to improve the health of forests damaged by infestation of bark beetles, plant pathogens, drought, or other hazards that exponentially increase wildfire dangers.

The City has broad interest in the impacts of forest management ranging from fire hazard to electric generation stations and transmission to the general negative impacts on watersheds and carbon sequestration. The City also recognizes that catastrophic wildfires are also a large source of GHG and black-carbon emissions and negatively offset the efforts of all agencies in reducing such emissions. The City supported and continues to support policies, funding mechanisms, and additional resources that strengthen forest management and fire prevention activities and improve emergency preparedness and response.

Wastewater Regulation

The San Jose/Santa Clara Regional Wastewater Facility (RWF) is the largest advanced wastewater treatment plant in the western United States serving a population of over 1.4 million people and over 17,000 businesses across eight cities and the County. The RWF is also the largest discharger to the San Francisco Bay. The RWF is regulated by the National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act administered by San Francisco Bay Regional Water Quality Control Board. The RWF has been successful in meeting the discharge requirements through capital improvements and source control programs. New regulations are focused on Contaminants of Emerging Concern, Toxicity, and Nutrient Reduction.

There are a number of wastewater regulations under consideration or in the implementation phase that warrants monitoring including: the reissued San Francisco Bay Nutrient Watershed Permit that became effective in July 2019; more stringent regulations related to contaminants of emerging concerns; a draft State Toxicity Plan was released in October 2018 and could be adopted by Summer 2020; and Senate Bill 1383, which calls for a 75% reduction in the amount of organic material (biosolids) that can be diverted to landfills from the RWF.

The RWF is also dealing with a number of air quality regulations that will be monitored closely that include: Bay Area Air Quality Management District's (BAAQMD) Rule 11-18, that is intended to assess and reduce human health risks associated with toxic air contaminant emissions from facilities in the Bay Area; the Greenhouse Gas Emissions cap and trade program that was authorized by AB 32 in 2006 and extended through 2030 with adoption of SB 32 in 2017; Greenhouse Gas Emissions – BAAQMD Methane Rules, through treatment plant processes in the digesters at the plant, Rule 13-1 is intended to require facilities to find and eliminate large leaks. A draft of the rule was released in September 2018, although no hearing date has been scheduled yet.

Water Sustainability

The City's Water & Sewer Utilities Department continues its commitment to the sustainability of water resources in Santa Clara. Through the rate setting process, the utilities ensure the funding of operations, capital improvement, and necessary reserves to ensure a fiscally and operationally sustainable infrastructure model. The Department's education and outreach functions, under Council direction, help to promote the vision of Conservation as a California Way of Life to prepare for the next drought even in years of average or above average precipitation. Through study, advocacy, and collaborative efforts with regional partners such as BAWSCA, Valley Water and the City of San Jose,

the City works to maintain the reliability of the water supply to support current customers and to allow for expected growth in the near future and beyond.