



May 4, 2021

Assembly Member Lorena Gonzalez, Chair  
Assembly Appropriations Committee  
State Capitol, Room 2114  
Sacramento, CA 95814

**Subject: AB 377 – Rivas (Oppose)**

Dear Assembly Member Gonzalez:

The City of Lompoc is writing to respectfully state our opposition to Assembly Bill 377 (Rivas). We appreciate the opportunity to provide input in the legislative process.

The City of Lompoc shares the goals of improving water quality and enhancing beneficial uses of California's waterways. We believe, however, the approach AB 377 takes to achieve this goal is fundamentally flawed. While amendments have been made to the initial proposed bill, they have not adequately addressed our issues and concerns.

**AB 377 PROPOSES TO CIRCUMVENT ESTABLISHED STATE AND FEDERAL SURFACE WATER QUALITY REGULATORY PERMITTING PROCESSES THROUGH HEAVY HANDED, PUNITIVE LEGISLATION.**

AB 377 eliminates the regulatory discretion and permitting authority of the State Water Resources Control Board and the Regional Water Quality Control Board, in conflict with provisions of the Porter-Cologne Act. This legislation would negate years of considered stakeholder input and deliberations on the part of State and Regional Board members, and their staff, in implementation of the federal Clean Water Act and the Porter-Cologne Water Quality Control Act.

As amended, the legislation restricts Water Board authority to extend existing compliance agreements and draft new agreements, and prioritizes enforcement over all other actions designed to achieve surface water quality. This punitive approach to compliance will result in significant financial penalties to California's cities and counties, disproportionately impacting the small disadvantaged communities, such as the City of Lompoc, it seeks to benefit. There are no textual amendments to this proposed legislation that will resolve this fundamental flaw.

**ADEQUATE FUNDING FOR SMALL DISADVANTAGED COMMUNITIES IS ESSENTIAL TO ACHIEVE DESIRED IMPROVEMENTS IN STORM WATER AND SURFACE WATER QUALITY**

Small municipalities in California became subject to NPDES Phase II MS4 permit requirements for storm water after the adoption of Proposition 218. As a result, while many storm water regulations constitute unfunded mandates, small disadvantaged cities have not had success in establishing storm water utilities and associated funding to address state storm water requirements. Small disadvantaged communities need financial support, not penalties, to assist them in improving surface water quality. The significant fines proposed by AB 377 would not

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increase funding for local surface water quality improvement, but rather would further deplete the limited operating funds of already struggling small, rural, disadvantaged communities.

**INDIVIDUAL PENALTIES AND ENFORCEMENT WILL NOT ADDRESS SURFACE WATER ISSUES THAT REQUIRE A WATERSHED-WIDE APPROACH**

The City of Lompoc is located at the terminal end of a 896 square mile watershed, comprised of open space, forest land, agricultural land, and three small rural communities. No amount of penalties will change the fact the City of Lompoc, and the other two small communities in this huge watershed, cannot begin to influence the overall water quality of the 92-mile-long Santa Ynez River. In addition, due to the presence of three dams upstream, the Santa Ynez River only flows occasionally during heavy winter rains, hampering ongoing water quality assessment and restricting methods available for surface water improvement.

Thank you for considering the City of Lompoc's concerns regarding AB 377.

Sincerely,

Jenelle Osborne, Mayor  
City of Lompoc

- c. Lompoc City Council
  - Jim Throop, City Manager
  - Jeff Malawy, City Attorney
  - Monique Limon, California State Senate, 19<sup>th</sup> District
  - State Assembly Appropriations Committee
  - Robert Rivas, California State Assembly Member, 30<sup>th</sup> District
  - Jordan Cunningham, California State Assembly Member, 35<sup>th</sup> District