April 2, 2019

The Honorable Eduardo Garcia
State Capitol, Room 4140
Sacramento, CA 95814

Re: AB 217 Safe Drinking Water for All Act.

Position: Oppose Unless Amended

Dear Assemblymember Garcia:

On behalf of the Regional Water Authority (“RWA”), I am writing to express RWA’s opposition to AB 217 unless it is amended. RWA is a joint powers agency representing 21 water suppliers in Sacramento, Placer, El Dorado, Yolo, and Sutter Counties.

RWA appreciates that you are proposing to address the funding gap for safe drinking water. RWA agrees with that intent. Lack of access to safe drinking water is a public health issue and a social issue that the State must address. We further appreciate that you have been open to suggestions for different types of funding mechanisms, including the creation of a trust.

Specifically, RWA has three issues with AB 217 as amended on March 28, 2019.

1. The fee provisions contained in Article 5 of the bill, Health and Safety Code Section 116771 must be removed. Sacramento region water suppliers have consistently provided the elements of the human right to water – clean, reliable, and affordable water. A fee benefits those who pay, while a tax funds general services. Since the region already meets the human right to water objectives, the proposed fee can only be considered a tax.

Furthermore, the State Constitution requires any funding obligation placed on water suppliers to be uniformly passed on to customers. There are two million people in the Sacramento region currently receiving safe, reliable, and affordable drinking water. Of those, 600,000 are low-income, 450,000 of which, are renters who do not directly receive a water bill. The tax burden would disproportionately fall on low-income households and there is no existing mechanism to counteract the burden on renters when these costs are passed onto them. This unintended consequence is counter-productive to the affordability aspect of the human right to water, while adding no additional benefit to the clean and reliable aspects. With approximately 8-9 million people statewide being low-income renters currently receiving safe drinking water, this issue is further amplified throughout the state.
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2. As currently written, AB 217 would make projects outside of safe drinking water eligible for funding. With limited resources funds must be focused on addressing safe drinking water related projects. Expanding the scope of eligible projects will unnecessarily exacerbate challenges to maintaining and achieving the human right to water in the Sacramento region and across the state.

3. Generally, solutions to safe drinking water in state-regulated systems are known. Generally, solutions to safe drinking water in county-regulated and private wells are unknown. AB 217 does not differentiate funding solutions between the known and unknown problems. The most efficient use of funds would be to solve the known problem first, while simultaneously developing a plan to solve the unknown problem.

Safe drinking water is only one element of the human right to water. With limited resources, overemphasis on one element will come at the expense of others. Unfortunately, in totality, AB 217 does not strike the appropriate balance between all elements of the human right to water and will set back its achievement. For these reasons, RWA must oppose AB 217 as currently in print, but looks forward to resolving these concerns so that the human right to water can be advanced for all Californians.

If you or your staff have any questions, please contact Ryan Ojakian of RWA’s staff at (916) 967-7692 or rojakian@rwah2o.org.

Sincerely,

Rob Swartz  
RWA Interim Executive Director

cc: The Honorable Lorena Gonzalez, Chair, Assembly Appropriations Committee  
Honorable Members, Assembly Appropriations Committee  
Ms. Jennifer Galehouse, Deputy Chief Consultant, Assembly Appropriations Committee  
Mr. Carlos Gonzalez, Chief of Staff, Assemblymember Eduardo Garcia’s Office  
Mr. Josh Tooker, Chief Consultant, Assembly Environmental Safety and Toxic Materials Committee  
Ms. Catherine Freeman, Chief Consultant, Assembly Water, Parks and Wildlife Committee  
Mr. Greg Melkonian, Consultant, Assembly Republican Caucus  
Mr. Calvin Rusch, Consultant, Assembly Republican Caucus