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June 28, 2017

Honorable Evan Low, California State Assembly

Subject: SB 231 – Support

Dear Assemblyman Low:

On behalf of the City of Cupertino, I am writing to express **SUPPORT for SB 231** which would clarify that the definition of “sewer” in the Proposition 218 Omnibus Implementation Act includes storm sewers.

The City of Cupertino, along with other San Francisco Bay Area public agencies which are members of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), share a Regional National Pollutant Discharge Elimination System (NPDES) permit to discharge municipal stormwater to receiving water bodies in the San Francisco Bay Area. Since its inception, SCVURPPP has been a recognized leader in stormwater management and monitoring in the San Francisco Bay region, and continues to be dedicated to protecting and improving the quality of local water bodies.

SB 231 would make the classification of storm sewers consistent with the Proposition 218 classification of similar infrastructure services related to sewer, water, and refuse collection. The current inconsistency creates an unnecessary and presumably unintended barrier to local governments’ ability to raise funds to tap stormwater as a potentially large source of water supplies and to reduce pollutants in stormwater.

The impact of this barrier has become overwhelming, as a combination of the following factors has hit local governments:

- California’s continuing cycles of drought severely impact local government’s ability to efficiently provide water as well as other municipal services.

- Acknowledgement by scientists and water policy makers that storm sewers, as sources of water pollution, are often as significant (if not more so for some pollutants) as sanitary sewers (which have a Proposition 218 exemption).
- Total maximum daily load (TMDL) and municipal National Pollutant Discharge Elimination System (NPDES) permits require municipalities to reduce pollutants in stormwater by fantastical amounts: 49% reduction of mercury, 89% reduction of polychlorinated biphenyls (PCBs), and 100% reduction of trash in San Francisco Bay Area waters.

SB 231 would address this barrier by correcting a technical inconsistency in the law while maintaining the spirit of the limited exemptions allowed under Proposition 218.

Thank you for supporting this important legislation.

Sincerely,



Savita Vaidhyanathan

Mayor

City of Cupertino

cc: Assemblyman Evan Low, 28th District (via email) assemblyman.low@assembly.ca.gov
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