



WEST BASIN MUNICIPAL WATER DISTRICT
17140 S. Avalon Blvd., Suite 210
Carson, CA 90746

AGENDA NO. 19B

MAY 1, 2009 – Communications

Gray (Chair), Kwan

MAY 26, 2009 – Board Meeting

Prepared by: E.J. Caldwell

Submitted by: Ron Wildermuth

Approved by: Rich Nagel

ACTION CALENDAR

AB 804 – QUAGGA MUSSEL LIABILITY

SUMMARY:

As introduced by Assembly Member Isadore Hall, this bill would provide that an operator of a water delivery and, or storage facility system, who exercises measures to control and eradicate dreissenid mussels would not be subject to any civil or criminal liability for the introduction of the species as a result of the day-to-day operation of the facilities.

According to the sponsor of the bill, the Association of California Water Agencies (ACWA), even when a water system operator responsibly implements a sound plan, complete eradication of quagga mussels is not guaranteed, nor a likely outcome. Consequently, if mussels are spread through water deliveries made by public water systems, despite implementation of a science based control plan, the water system operator and its employees are potentially subject to criminal and civil penalties.

Staff Recommendation

In 1988, dreissenid mussels, which include quagga and zebra mussels, were first discovered in the in the Great Lakes region, inside the United States. Since this time, these mussels have spread across the U.S., causing billions of dollars in damages and have now been found in California. Because this invasive species reproduces so rapidly, complete eradication is near impossible. For this reason, the author is seeking to limit the civil and criminal liability of parties who act responsibly.

As analyzed by the Assembly Committee on Judiciary, AB 804 is "non-controversial." The author has received support for this measure from Association of California Water Agencies (ACWA), California Central Valley Flood Control Association, California Municipal Utilities Association, California Special Districts Association, East Bay Municipal Utility District, Eastern Municipal Water District, El Dorado Irrigation District, Friant Water Authority, Las Virgenes Municipal Water District, Metropolitan Water District of Southern California, Regional Council of Rural Counties, Sierra Club California, Southern California Water Committee, Three Valleys Municipal Water District, Valley Ag Water Coalition, and Western Municipal Water District. There is currently no formal opposition to AB 804.

This bill is scheduled to be heard by the Assembly Committee on Judiciary on April 21. For the reasons stated herein; **staff recommends a Support position on AB 804.**

STRATEGIC BUSINESS PLAN IMPLEMENTATION:

Goal 1, Reliability – Maintain a level of local water reliability that supports the regional economy, our community and customer agency needs.

Goal 3, Water Quality – Provide high quality water that meets the needs of our customers.

COMMITMENT STATEMENT:

Water Reliability – West Basin is committed to innovative planning and investments to provide water supply reliability and drought protection.

Water Quality – West Basin is committed to providing safe, high quality water by meeting current and anticipated water quality requirements.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

This item was reviewed by the Communications Committee on May 1, 2009 and recommended for approval at the May 26, 2009 Board meeting.

RECOMMENDED MOTION:

That the Board adopts a Support position on AB 804, as authored by Assembly Member Isadore Hall.

LIST OF EXHIBITS:

Exhibit "A" - Copy of AB 804