

MEETING OF THE
BOARD OF DIRECTORS OF THE
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
Jointly with the
PUBLIC AFFAIRS AND LEGISLATION COMMITTEE
October 17, 2011, 8:30 a.m.
Conference Room 101

Committee:

Director Hinman, Chairman
Director Clark
Director Dick

Staff: K. Hunt, K. Seckel, D. Cordero,
K. Davanaugh, D. Burke

Ex Officio Member: J. Finnegan

MWDOC Committee meetings are noticed and held as joint meetings of the Committee and the entire Board of Directors and all members of the Board of Directors may attend and participate in the discussion. Each Committee has designated Committee members, and other members of the Board are designated alternate committee members. If less than a quorum of the full Board is in attendance, the Board meeting will be adjourned for lack of a quorum and the meeting will proceed as a meeting of the Committee with those Committee members and alternate members in attendance acting as the Committee.

PUBLIC PARTICIPATION

Public comments on agenda items and items under the jurisdiction of the Committee should be made at this time.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED - Determine there is a need to take immediate action on item(s) and that the need for action came to the attention of the District subsequent to the posting of the Agenda. (Requires a unanimous vote of the Committee)

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING --

Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection in the lobby of the District's business office located at 18700 Ward Street, Fountain Valley, California 92708, during regular business hours. When practical, these public records will also be made available on the District's Internet Web site, accessible at <http://www.mwdoc.com>.

PRESENTATION

1. SDG&E POWER SEPTEMBER 8, 2011 POWER OUTAGE
(Approx. Presentation Time: 10 minutes)

ACTION ITEMS

2. ESTABLISHMENT OF LEGISLATIVE POSITIONS
 - a. H.R. 1340 End Unnecessary Costs Caused by Report Mailing Act of 2011
 - b. H.R. 2538 Reducing Environmental Barriers to Unified Infrastructure and Land Development (REBUILD) Act of 2011
 - c. H.R. 2842 – Bureau of reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011

DISCUSSION ITEMS

3. LEGISLATIVE ACTIVITIES
 - a. Federal Legislative Report (Barker)
 - b. State Legislative Report (Townsend)
 - c. County Legislative Report (Lewis)
 - d. State and Federal Legislative Matrix

INFORMATION ITEMS - (THE FOLLOWING ITEMS ARE FOR INFORMATIONAL PURPOSES ONLY – BACKGROUND INFORMATION IS INCLUDED IN THE PACKET. DISCUSSION IS NOT NECESSARY UNLESS REQUESTED BY A DIRECTOR.)

4. POLLING ON ORANGE COUNTY WATER
5. PUBLIC AFFAIRS ACTIVITIES REPORT
6. WATER EDUCATION SCHOOL PROGRAM- MONTHLY PARTICIPATION DATA

OTHER ITEMS

7. REVIEW ISSUES RELATED TO LEGISLATION, OUTREACH, PUBLIC INFORMATION ISSUES, AND MET

ADJOURNMENT

NOTE: At the discretion of the Committee, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated, and may be subject to action by the Committee. On those items designated for Board action, the Committee reviews the items and makes a recommendation for final action to the full Board of Directors; final action will be taken by the Board of Directors. Agendas for Committee and Board meetings may be obtained from the District Secretary. Members of the public are advised that the Board consideration process includes consideration of each agenda item by one or more Committees indicated on the Board Action Sheet. Attendance at Committee meetings and the Board meeting considering an item consequently is advised.

Accommodations for the Disabled. Any person may make a request for a disability-related modification or accommodation needed for that person to be able to participate in the public meeting by telephoning Maribeth Goldsby, District Secretary, at (714) 963-3058, or writing to Municipal Water District of Orange County at P.O. Box 20895, Fountain Valley, CA 92728. Requests must specify the nature of the disability and the type of accommodation requested. A telephone number or other contact information should be included so that District staff may discuss appropriate arrangements. Persons requesting a disability-related accommodation should make the request with adequate time before the meeting for the District to provide the requested accommodation.

SDG&E September 8, 2011 Power Outage



Summary

- **3:30 pm, Thursday, September 8, 2011**
- **San Diego Gas & Electric lost power to 1.4 million customers**
 - **South Orange County**
 - **all of San Diego**
 - **parts of Riverside**
 - **Northern Baja California.**
- **25 separate actions resulted in outage**
- **Restoration 12 hours after**



General Response Concerns

- **SONGS** - reported no problems
- **Hospitals** – primarily logistical needs
- **Airport** – 1 flight diverted to John Wayne
- **Amtrak** – All trains were stopped at the LA County – Orange County line
- **Residents with medical equipment**



Impacted Water Utilities

- **SMWD**
- **SCWD**
- **MNWD**
- **San Juan Capistrano**
- **SOCWA**
- **San Clemente**
- **Agencies on Standby**
 - **Garden Grove**
 - **Irvine**
 - **Met**



WEROC Response

- **WEROC Radio**
 - Radio roll call
 - Limited response
 - Poor Sound Quality
 - Investigating possible reasons
- **OA EOC Response**
 - Requested WEROC representation
 - Operated in the Command Center
- **CA DPH Coordination**
 - Started early and continued throughout



Resource Requests

- Fuel Truck or Trailer for deliveries
- Fuel for generators
- 3 – 600 KW generators
- OR
- 4 – 4” female to female couplings; fire hydrant connections
- 2 fire hoses, 50 ft’ each, 200 psi, food grade



Lessons Learned

- **Communications**
 - Phones without power requirements
 - WEROC radio policy needs review
 - Add text messaging to cell phone plans
- **Resource request process**
 - Request EARLY
 - Need more info on Generator Requests
 - Pre-identify EXACT fuel needs



Lessons Learned (cont'd)

- **Response**
 - Activate EOC
 - Initiate emergency response process
- **Agreements with Critical Vendors**
 - Know what critical resources are needed
 - Pre-Identify at minimum 3 companies that can provide critical resources
 - Have open PO's with them
 - Have emergency phone numbers
 - Consider joint agreements with neighbor agencies



We Were Lucky

Questions?





ACTION ITEM
October 19, 2011

TO: Board of Directors

FROM: **Public Affairs & Legislation Committee**
(Directors Hinman, Dick, Clark)

Kevin Hunt
General Manager

Staff Contact: David Cordero

SUBJECT: ESTABLISHMENT OF LEGISLATIVE POSITIONS

STAFF RECOMMENDATION

Staff recommends the Board of Directors adopt the following legislative positions:

H.R. 1340	End Unnecessary Costs Caused by Report Mailing Act of 2011	SUPPORT
H.R. 2538	Reducing Environmental Barriers to Unified Infrastructure and Land Development (REBUILD) Act of 2011	SUPPORT
H.R. 2842	Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011	SUPPORT

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

SUMMARY

Director Barbre requested last month that the Public Affairs & Legislation (PAL) Committee discuss at its October meeting two federal legislative bills. The first bill was H.R. 2538: The “Reducing Environmental Barriers to Unified Infrastructure and Land Development Act of 2011” also known as the “REBUILD Act.” The second bill was H.R. 2842: The “Bureau of

Budgeted (Y/N):	Budgeted amount:	Core __	Choice __
Action item amount:		Line item:	
Fiscal Impact (explain if unbudgeted):			

Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011.” Both bills seek to reduce regulatory barriers that impede water and power infrastructure projects. Additionally, staff has one additional federal bill for committee consideration: H.R. 1340: The “End Unnecessary Costs Caused by Report Mailing Act of 2011;”

DETAILED REPORT

H.R. 1340 – End Unnecessary Costs Caused by Report Mailing Act of 2011

Summary: This bill would amend the federal Safe Drinking Water Act (SDWA) to remove the mandatory requirement that public water systems “mail” their annual water quality Consumer Confidence Report (CCR) to their retail customers. Instead, the public water systems would be authorized to provide a written notice to their customers that the CCR is available on the system’s internet website and by mail, upon request. Public water systems that have violated drinking water standards for regulated contaminants would still have to comply with the existing mailing requirements. In the event of a violation, this bill would also require the addition of health concerns language to that water system’s CCR.

Background: The federal Safe Drinking Water Act (SDWA) requires public water systems to mail annual water quality reports to their customers. These reports are more commonly referred to as Consumer Confidence Reports (CCRs) and provide a summary of the source and types of contaminants identified in drinking water supplies.

The cost of distributing these reports by postal mail may represent a considerable expense for water systems when alternative communication options may be equally effective. For instance, many public water systems now post their CCR on their website in addition to mailing the reports to their customers. Many systems, however, would prefer to eliminate the expense of designing, printing and mailing the reports and simply notify their customers that they can view the CCR on their website. However, public water systems are required to “mail” their CCR because this part of the Safe Drinking Water Act has not been updated since 1996 - when Internet availability and usage was not as prevalent as it is in 2011.

H.R. 1340 represents one of many Congressional efforts seeking to reduce unnecessary and costly regulations and examining ways to amend existing laws to provide regulatory relief and savings to taxpayers.

Analysis: The passage and signing into law of H.R. 1340 would be the first in a two-step process before public water systems in California would benefit from the change in federal law. Similar state legislation allowing the Department of Public Health (DPH) to authorize electronic posting or distribution of CCRs would also need to pass and be signed into law.

A coalition of drinking water trade associations including the American Water Works Association, Association of Metropolitan Water Agencies, and the Association of California Water Agencies recently submitted a letter to U.S. Representative Bill Young, the sponsor of H.R. 1340, expressing support and noting the cost savings and increased efficiency that could be achieved by using modern communication technologies. The organizations also underscored the importance of preserving the public’s option for receiving mailed reports and ensuring that the public maintains robust access to water quality information.

Staff Comments: MWDOC has estimated that Orange County water ratepayers would save approximately \$249,000 annually if water retailers were no longer required to print and mail their CCRs. Using FY 2008/09 as an example, MWDOC's 28 member agencies and the cities of Anaheim, Fullerton and Santa Ana spent approximately \$176,400 on graphic design and printing and \$72,500 on mailing CCRs to more than 1.04 million Orange County customers.

Staff believes H.R. 1340 represents an important step forward in updating Federal law to reflect advances in technology and changes in public habits and practices (i.e. people now gravitate to websites for information and depend less on getting information via U.S. mail.) Additionally, significant time and cost savings can be achieved if printing and mailing CCRs to all customers is no longer required. This benefits both the public water systems and their ratepayers alike.

Status: H.R. 1340 was referred to House Committee on Energy and Commerce and then referred to the Subcommittee on Environment and the Economy in April. No further action has been taken.

Recommended Position: SUPPORT

H.R. 2538 – The “Reducing Environmental Barriers to Unified Infrastructure and Land Development Act of 2011” also known as the “REBUILD Act.”

Summary: This legislation would authorize any state to enter into a Memorandum of Understanding with the federal government to assume the environmental review responsibilities of the federal government for infrastructure and land development projects that are subject to National Environmental Protection Act (NEPA) compliance. Although the state would still be required to uphold the same standards or greater, by assuming these responsibilities, states could integrate federal compliance into their own state approval process. This would help streamline construction timelines and eliminate the need for redundant reviews at the federal level.

Background: H.R. 2538 is based upon the success of a federal pilot program established in 2005 federal transportation legislation that allows states to take responsibility for ensuring federal environmental standards are followed on certain projects. The Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) created a pilot program that allowed a limited number of states to assume the responsibility for ensuring that National Environmental Policy Act (NEPA) compliance for highway projects under the Federal Highway Administration (FHWA). Those states that were involved in the pilot program saw the length of time to complete a project review reduced by an average of 17 months.

Analysis: H.R. 2538 would streamline what many proponents consider a time-consuming environmental review process on infrastructure projects. States would still be required to uphold the same NEPA standards or greater but they would be allowed to integrate NEPA compliance into their own state approval process. In California, the bill would make it easier for the state to coordinate the review and compliance with NEPA within its own, more stringent, California Environmental Quality Act (CEQA). Proponents of H.R. 2538 have stated that going through just the state process could take 18 months off the five-to-ten years it can take to complete environmental reviews and ensure compliance in the early stages of a major project.

The bill also includes safeguards to ensure that federal environmental regulations are being met. It requires regular audits of all state NEPA programs and creates a federal mechanism to initiate corrective action for states that are determined to be noncompliant. If necessary, a state’s NEPA responsibilities may also be revoked by the federal government.

Staff Comments: H.R. 2538 is sponsored by Rep. Ken Calvert and co-sponsored by Rep. Gary Miller and Rep. Dana Rohrabacher. The bill represents a positive step forward in the area of regulatory streamlining and efficiency for water infrastructure projects in California. H.R. 2538 will help proposed projects move more efficiently through the regulatory review and approval process and make it possible for approved projects to begin construction and be completed sooner. As a result, new jobs would be available sooner and local economies would be stimulated at a time when it is sorely needed.

Status: H.R. 2538 was referred to the House Committee on Natural Resources in July. No further action has yet been taken.

Recommended Position: SUPPORT

H.R. 2842: The “Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011.”

Summary: H.R. 2842 would provide blanket authorization for the installation of small hydropower generation systems on U.S. Bureau of Reclamation canals and conduits. It also would require the Bureau of Reclamation to offer preference to water agencies for the development of such projects under a federal lease of power privilege. Small canal and conduit projects of less than 1.5 megawatts would be exempted from the environmental assessment requirements of the National Environmental Policy Act (NEPA).

Analysis: This bill seeks to streamline what supporters characterize as burdensome and unnecessary federal regulations and rules for irrigation/water districts and electric utilities that seek to develop small conduit hydropower on canals and conduits owned by the U.S. Bureau of Reclamation (Reclamation). Conduit is defined in the bill as all ditches, pipelines, canals, and other manmade water conveyances that are operated for the distribution of water for agricultural, municipal, or industrial use and not primarily for the generation of electricity. H.R. 2842 protects water user interests by specifically re-affirming hydropower development as secondary to water supply and delivery purposes and ensuring that there will be no financial and operational impacts to existing water and power users. It also protects agreements that the water users have on existing conduit generation projects and provides additional safeguards to ensure such projects do not undermine water deliveries.

Many western water users operate existing irrigation canals and ditch systems with the untapped potential for producing significant amounts of clean, renewable energy with minimal or no environmental impacts. The hydropower generation units would be placed on already disturbed ground within existing facilities that have already gone through federal environmental review. However, current regulations require another NEPA analysis despite the fact that the Interior Department’s current Reclamation Manual allows for NEPA categorical exclusions for “minor construction activities associated with authorized projects...which merely augment or supplement, or are enclosed within existing facilities.”

The challenge confronting western water users that wish to develop small hydropower projects is the time, cost and uncertainty involved in complying with the environmental review requirements under NEPA. It has been reported that environmental assessments alone for non-construction actions have taken more than a year and cost nearly \$1 million in outside expenses. This prolonged regulatory review and approval process, the considerable cost involved, and the uncertainty that is created has hindered more widespread development of this clean, renewable source of electricity.

The Bureau of Reclamation supports many of the bill’s goals but is opposed to exempting 1.5-megawatt projects from NEPA review. While recognizing that conduits and canals are existing man-made structures where environmental impacts associated with construction have already occurred or been mitigated, there is a belief that hydropower generators can be efficiently developed within the existing environmental review requirements. The Department of the Interior also opposes the provision in the bill that would grant a waiver of NEPA to all projects of 1.5 MW or less. Other bill opponents say that developers already can exempt low-impact hydropower projects through either the U.S. Bureau of Reclamation or the Federal Energy Regulatory Commission.

Status: H.R. 2842 was referred to the House Natural Resources Committee in September. The bill was then referred to the Subcommittee on Water and Power which held hearings, marked up the bill, and ordered the bill reported out of committee in October. No further action has yet been taken.

Staff Comments: This bill appears to provide no direct benefit to the Metropolitan Water District of Southern California or its member agencies. However, it would be beneficial to other water and irrigation districts in the western United States that wish to generate clean, renewable hydropower that can be used to pump water and sell electricity to the grid. The revenue could be used to help pay for aging infrastructure and facility modernization. These projects would also produce jobs and stimulate local economies where small hydropower generation systems would be installed. Staff recommends support of H.R. 2842 as it would assist other western states water/irrigations districts and could benefit Metropolitan and its members agencies at some point in the future.

Recommended Position: SUPPORT

Attachments:

- 1) H.R. 1340
- 2) H.R. 2538
- 3) H.R. 2842

112TH CONGRESS
1ST SESSION

H. R. 1340

To amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2011

Mr. YOUNG of Florida (for himself and Mr. BILIRAKIS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “End Unnecessary
5 Costs Caused by Report Mailing Act of 2011”.

6 **SEC. 2. CONSUMER CONFIDENCE REPORTS BY COMMUNITY**
7 **WATER SYSTEMS.**

8 (a) METHOD OF DELIVERING REPORT.—Subpara-
9 graph (A) of section 1414(c)(4) of the Safe Drinking
10 Water Act (42 U.S.C. 300g-3(c)(4)) is amended—

1 (1) in subparagraph (A), by striking “The Ad-
2 ministrator, in consultation” and inserting the fol-
3 lowing:

4 “(i) IN GENERAL.—The Adminis-
5 trator, in consultation”;

6 (2) by striking “to mail to each customer” and
7 inserting “to provide in accordance with the mailing
8 requirement of clause (ii) or (iii), as applicable, to
9 each customer”; and

10 (3) by adding at the end the following:

11 “(ii) MAILING REQUIREMENT IN CASE
12 OF VIOLATION OF MCL.—In the case of a
13 community water system for which there
14 has been a violation of the maximum con-
15 taminant level for any regulated contami-
16 nant during the year concerned, the regu-
17 lations under clause (i) shall require each
18 report to be mailed.

19 “(iii) MAILING REQUIREMENT ABSENT
20 ANY VIOLATION OF MCL.—In the case of a
21 community water system for which there
22 was no such violation during the year con-
23 cerned, the regulations under clause (i)
24 shall require the system to comply with one

1 of the following (to be selected by the sys-
2 tem):

3 “(I) Mail each report.

4 “(II) Make each report available
5 on the system’s Web site and, upon
6 request, by mail and provide notice in
7 plain language (either by using cus-
8 tomized message space on the cus-
9 tomer’s bill or by enclosing a flier
10 within the customer’s bill) that—

11 “(aa) the system’s water has
12 remained in compliance with the
13 maximum contaminant level for
14 each regulated contaminant dur-
15 ing the year concerned; and

16 “(bb) a consumer confidence
17 report is available on the sys-
18 tem’s Web site and, upon re-
19 quest, by mail.

20 “(iv) RELATION TO OTHER PROVI-
21 SIONS.—For purposes of subparagraphs
22 (C) and (D), references to the mailing re-
23 quirement of this subparagraph refer to
24 the requirements of clauses (ii) and (iii).”.

1 (b) CONTENT OF REPORT.—Clause (iii) of section
2 1414(e)(4)(B) of the Safe Drinking Water Act (42 U.S.C.
3 300g-3(e)(4)(B)) is amended by striking “(IV) for any
4 regulated” and all that follows through the period at the
5 end of the clause and inserting “(IV) for any regulated
6 contaminant in such water system for which there has
7 been a violation of the maximum contaminant level during
8 the year concerned, the brief statement in plain language
9 regarding the health concerns that resulted in regulation
10 of such contaminant (as provided by the Administrator in
11 regulations under subparagraph (A)), a description in
12 plain language of the specific contaminant measurements
13 which caused the violation and the possible effects on
14 health and welfare, a description in plain language of the
15 actions being taken to correct the violation so as to be
16 in compliance with this Act, and a statement of the date
17 by which compliance will be attained.”.

18 (c) APPLICATION; ADMINISTRATIVE ACTIONS.—The
19 amendments made by this section apply beginning on the
20 day that is 90 days after the date of the enactment of
21 this Act. Not later than such day, the Administrator of
22 the Environmental Protection Agency shall promulgate re-
23 vised regulations and take such other actions as may be

5

1 necessary to carry out the amendments made by this sec-
2 tion.

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112TH CONGRESS
1ST SESSION

H. R. 2538

To amend the National Environmental Policy Act of 1969 to authorize assignment to States of Federal agency environmental review responsibilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2011

Mr. CALVERT (for himself, Mr. LEWIS of California, Mr. MCKEON, Mr. GALLEGLY, Mr. GARY G. MILLER of California, Mr. ROHRABACHER, Mr. CARDOZA, and Mr. DENHAM) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the National Environmental Policy Act of 1969 to authorize assignment to States of Federal agency environmental review responsibilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reducing Environ-
5 mental Barriers to Unified Infrastructure and Land De-
6 velopment Act of 2011 Act” or the “REBUILD Act”.

1 **SEC. 2. ASSIGNMENT TO STATES OF FEDERAL ENVIRON-**
2 **MENTAL REVIEW RESPONSIBILITIES.**

3 Title I of the National Environmental Policy Act of
4 1969 (42 U.S.C. 4331 et seq.) is amended by adding at
5 the end the following new section:

6 **"SEC. 106. ASSIGNMENT TO STATES OF ENVIRONMENTAL**
7 **REVIEW RESPONSIBILITIES WITH RESPECT**
8 **TO CERTAIN PROJECTS IN THE STATE.**

9 "(a) ASSUMPTION OF RESPONSIBILITY.—

10 "(1) IN GENERAL.—Subject to the other provi-
11 sions of this section, with the written agreement of
12 the responsible Federal official and a State, which
13 may be in the form of a memorandum of under-
14 standing, the responsible Federal official may assign,
15 and the State may assume, the responsibilities of the
16 responsible Federal official under the National Envi-
17 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
18 seq.) with respect to one or more covered Federal
19 projects of the responsible Federal official within the
20 State.

21 "(2) ADDITIONAL RESPONSIBILITY.—If a State
22 assumes responsibility under paragraph (1) the re-
23 sponsible Federal official may assign to the State,
24 and the State may assume, all or part of the respon-
25 sibilities of the responsible Federal official for envi-
26 ronmental review, consultation, or other action re-

1 quired under any Federal environmental law per-
2 taining to the review or approval of covered projects
3 of the responsible Federal official.

4 “(3) PROCEDURAL AND SUBSTANTIVE RE-
5 QUIREMENTS.—A State shall assume responsibility
6 under this section subject to the same procedural
7 and substantive requirements as would apply if that
8 responsibility were carried out by the responsible
9 Federal official.

10 “(4) FEDERAL RESPONSIBILITY.—Any respon-
11 sibility of the responsible Federal official not explic-
12 itly assumed by the State by written agreement
13 under this section shall remain the responsibility of
14 the responsible Federal official.

15 “(5) NO EFFECT ON AUTHORITY.—Nothing in
16 this section preempts or interferes with any power,
17 jurisdiction, responsibility, or authority of an agen-
18 cy, other than the agency of the responsible Federal
19 official for a covered project, under applicable law
20 (including regulations) with respect to the project.

21 “(b) STATE PARTICIPATION.—

22 “(1) APPLICATION.—Not later than 180 days
23 after the date of enactment of this section, each re-
24 sponsible Federal official shall promulgate regula-
25 tions that establish requirements relating to infor-

1 mation required to be contained in any application
2 of a State to assume responsibility under this section
3 with respect to covered Federal projects of the re-
4 sponsible Federal official, including, at a min-
5 imum—

6 “(A) the projects or classes of projects for
7 which the State anticipates exercising the au-
8 thority that may be granted under this section;

9 “(B) verification of the financial resources
10 necessary to carry out the authority that may
11 be assigned under this section; and

12 “(C) evidence of the notice and solicitation
13 of public comment by the State relating to as-
14 sumption of responsibility under this section by
15 the State, including copies of comments re-
16 ceived from that solicitation.

17 “(2) PUBLIC NOTICE.—

18 “(A) IN GENERAL.—Each State that sub-
19 mits an application under this subsection shall
20 give notice of the intent of the State to submit
21 such application not later than 30 days before
22 the date of submission of the application.

23 “(B) METHOD OF NOTICE AND SOLICITA-
24 TION.—The State shall provide notice and so-
25 licit public comment under this paragraph by

1 publishing the complete application of the State
2 in accordance with the appropriate public notice
3 law of the State.

4 “(3) SELECTION CRITERIA.—A responsible Fed-
5 eral official may approve the application of a State
6 under this section only if—

7 “(A) the regulatory requirements under
8 paragraph (2) have been met;

9 “(B) the responsible Federal official deter-
10 mines that the State has the capability, includ-
11 ing financial and personnel, to assume the re-
12 sponsibility; and

13 “(C) the head of the State agency having
14 primary jurisdiction over covered projects with
15 respect to which responsibility would be as-
16 signed to the State pursuant to the application
17 enters into a written agreement with the re-
18 sponsible Federal official described in sub-
19 section (c).

20 “(4) OTHER FEDERAL AGENCY VIEWS.—If a
21 State applies to assume a responsibility of a respon-
22 sible Federal official that would have required the
23 responsible Federal official to consult with another
24 Federal agency, the responsible Federal official shall

1 solicit the views of the Federal agency before ap-
2 proving the application.

3 “(c) WRITTEN AGREEMENT.—A written agreement
4 under this section shall—

5 “(1) be executed by the Governor of the State
6 or the head of the State agency referred to in sub-
7 section (b)(3)(C);

8 “(2) be in such form as the responsible Federal
9 official may prescribe; and

10 “(3) provide that the State—

11 “(A) agrees to assume all or part of the re-
12 sponsibilities of the responsible Federal official
13 described in subsection (a);

14 “(B) expressly consents, on behalf of the
15 State, to accept the jurisdiction of the Federal
16 courts for the compliance, discharge, and en-
17 forcement of any responsibility of the respon-
18 sible Federal official assumed by the State;

19 “(C) certifies that State laws (including
20 regulations) are in effect that—

21 “(i) authorize the State to take the
22 actions necessary to carry out the respon-
23 sibilities being assumed; and

24 “(ii) are comparable to section 552 of
25 title 5, including providing that any deci-

1 sion regarding the public availability of a
2 document under those State laws is review-
3 able by a court of competent jurisdiction;
4 and

5 “(D) agrees to maintain the financial re-
6 sources necessary to carry out the responsibil-
7 ities being assumed.

8 “(d) JURISDICTION.—

9 “(1) IN GENERAL.—The United States district
10 courts shall have exclusive jurisdiction over any civil
11 action against a State for failure to carry out any
12 responsibility of the State under this section.

13 “(2) LEGAL STANDARDS AND REQUIRE-
14 MENTS.—A civil action under paragraph (1) shall be
15 governed by the legal standards and requirements
16 that would apply in such a civil action against the
17 responsible Federal official had the responsible Fed-
18 eral official taken the actions in question.

19 “(3) INTERVENTION.—The responsible Federal
20 official shall have the right to intervene in any ac-
21 tion described in paragraph (1).

22 “(e) EFFECT OF ASSUMPTION OF RESPONSI-
23 BILITY.—A State that assumes responsibility under sub-
24 section (a) shall be solely responsible and solely liable for
25 carrying out, in lieu of the responsible Federal official, the

1 responsibilities assumed under subsection (a), until the
2 termination of such assumption of responsibility.

3 “(f) LIMITATIONS ON AGREEMENTS.—Nothing in
4 this section permits a State to assume any rulemaking au-
5 thority of the responsible Federal official under any Fed-
6 eral law.

7 “(g) AUDITS.—

8 “(1) IN GENERAL.—To ensure compliance by a
9 State with any agreement of the State under sub-
10 section (c) (including compliance by the State with
11 all Federal laws for which responsibility is assumed
12 under subsection (a)), for each State participating in
13 the program under this section, the responsible Fed-
14 eral official shall conduct—

15 “(A) semiannual audits during each of the
16 first 2 years of the effective period of the agree-
17 ment; and

18 “(B) annual audits during each subsequent
19 year of such effective period.

20 “(2) PUBLIC AVAILABILITY AND COMMENT.—

21 “(A) IN GENERAL.—An audit conducted
22 under paragraph (1) shall be provided to the
23 public for comment for a 30-day period.

24 “(B) RESPONSE.—Not later than 60 days
25 after the date on which the period for public

1 comment ends, the responsible Federal official
2 shall respond to public comments received
3 under subparagraph (A).

4 “(h) REPORT TO CONGRESS.—Each responsible Fed-
5 eral official shall submit to Congress an annual report that
6 describes the administration of this section by such offi-
7 cial.

8 “(i) TERMINATION BY RESPONSIBLE FEDERAL OFFI-
9 CIAL.—The responsible Federal official with respect to an
10 agreement with a State under this section may terminate
11 the agreement and any responsibility or authority of the
12 State under this section with respect to such agreement,
13 if—

14 “(1) the responsible Federal official determines
15 that the State is not adequately carrying out the re-
16 sponsibilities assumed by the State under this sec-
17 tion;

18 “(2) the responsible Federal official provides to
19 the State—

20 “(A) notification of the determination of
21 noncompliance; and

22 “(B) a period of at least 30 days during
23 which to take such corrective action as the re-
24 sponsible Federal official determines is nec-

1 essary to comply with the applicable agreement;
2 and

3 “(3) the State, after the notification and period
4 provided under subparagraph (B), fails to take satis-
5 factory corrective action, as determined by respon-
6 sible Federal official.

7 “(j) DEFINITIONS.—In this section:

8 “(1) COVERED FEDERAL PROJECT.—The term
9 ‘covered Federal project’ means—

10 “(A)(i) except as provided in clause (ii)
11 and subparagraph (B), any project that is fund-
12 ed by, carried out by, or subject to approval or
13 disapproval by a responsible official, including
14 any project for which a permit or other author-
15 ization by a responsible Federal official is re-
16 quired; and

17 “(ii) in the case of projects funded, carried
18 out by, or subject to review, approval, or dis-
19 approval by the Secretary of the Army, and ex-
20 cept as provided in subparagraph (B), includes
21 only such projects of the Corps of Engineers;
22 and

23 “(B) the preparation of any statement re-
24 quired by section 102(2)(C).

1 “(2) RESPONSIBLE FEDERAL OFFICIAL.—The
2 term ‘responsible Federal official’ means—
3 “(A) the Secretary of the Interior;
4 “(B) the Secretary of Transportation;
5 “(C) the Administrator of the Environ-
6 mental Protection Agency;
7 “(D) the Secretary of the Army; and
8 “(E) the head of a Federal agency, with
9 respect to the preparation of statements under
10 section 102(2)(C) for major Federal actions (as
11 that term is used in that section) of the agen-
12 cy.”.

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112TH CONGRESS
1ST SESSION

H. R. 2842

To authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2011

Mr. TIPTON (for himself and Mr. GOSAR) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bureau of Reclamation
5 Small Conduit Hydropower Development and Rural Jobs
6 Act of 2011”.

7 **SEC. 2. AUTHORIZATION.**

8 Section 9(c) of the Reclamation Project Act of 1939
9 (43 U.S.C. 485h(c)) is amended—

1 (1) by striking “The Secretary is authorized to
2 enter into contracts to furnish water” and inserting
3 “(1) The Secretary is authorized to enter into con-
4 tracts to furnish water”;

5 (2) by striking “(1) shall” and inserting “(A)
6 shall”;

7 (3) by striking “(2) shall” and inserting “(B)
8 shall”;

9 (4) by striking “respecting the terms of sales of
10 electric power and leases of power privileges shall be
11 in addition and alternative to any authority in exist-
12 ing laws relating to particular projects” and insert-
13 ing “respecting the sales of electric power and leases
14 of power privileges shall be an authorization in addi-
15 tion to and alternative to any authority in existing
16 laws related to particular projects, including small
17 conduit hydropower development”; and

18 (5) by adding at the end the following:

19 “(2) When carrying out this subsection, the Secretary
20 shall first offer the lease of power privilege to an irrigation
21 district or water users association operating the applicable
22 transferred work, or to the irrigation district or water
23 users association receiving water from the applicable re-
24 served work. The Secretary shall determine a reasonable

1 time frame for the irrigation district or water users asso-
2 ciation to accept or reject a lease of power privilege offer.

3 “(3) The National Environmental Policy Act of 1969
4 (42 U.S.C. 4321 et seq.) shall not apply to small conduit
5 hydropower development, excluding siting of associated
6 transmission on Federal lands, under this subsection.

7 “(4) The Power Resources Office of the Bureau of
8 Reclamation shall be the lead office of small conduit hy-
9 dropower activities conducted under this subsection.

10 “(5) Nothing in this subsection shall obligate the
11 Western Area Power Administration, the Bonneville
12 Power Administration, or the Southwestern Power Admin-
13 istration to purchase or market any of the power produced
14 by the facilities covered under this subsection and none
15 of the costs associated with production or delivery of such
16 power shall be assigned to project purposes for inclusion
17 in project rates.

18 “(6) Nothing in this subsection shall alter or impede
19 the delivery and management of water by Bureau of Rec-
20 lamation facilities, as water used for conduit hydropower
21 generation shall be deemed incidental to use of water for
22 the original project purposes. Lease of power privilege
23 shall be made only when, in the judgment of the Secretary,
24 the exercise of the lease will not be incompatible with the
25 purposes of the project or division involved, nor shall it

1 create any unmitigated financial or physical impacts to the
2 project or division involved, and shall be on such terms
3 and conditions as in the judgment of the Secretary in con-
4 sultation with the appropriate irrigation district, will ade-
5 quately protect the planning, design, construction, oper-
6 ation, maintenance, and other interests of the United
7 States and the project or division involved.

8 “(7) Nothing in this subsection shall alter or affect
9 any existing agreements for the development of conduit
10 hydropower projects or disposition of revenues.

11 “(8) In this subsection:

12 “(A) CONDUIT.—The term ‘conduit’ means any
13 Bureau of Reclamation tunnel, canal, pipeline, aque-
14 duct, flume, ditch, or similar manmade water con-
15 veyance that is operated for the distribution of water
16 for agricultural, municipal, or industrial consump-
17 tion and not primarily for the generation of elec-
18 tricity.

19 “(B) IRRIGATION DISTRICT.—The term ‘irriga-
20 tion district’ means any irrigation, water conserva-
21 tion, multicounty water conservation district, or any
22 separate public entity composed of two or more such
23 districts and jointly exercising powers of its member
24 districts.

1 “(C) RESERVED WORK.—The term ‘reserved
2 work’ means any conduit that is included in project
3 works the care, operation, and maintenance of which
4 has been reserved by the Secretary, through the
5 Commissioner of the Bureau of Reclamation.

6 “(D) TRANSFERRED WORK.—The term ‘trans-
7 ferred work’ means any conduit that is included in
8 project works the care, operation, and maintenance
9 of which has been transferred to a legally organized
10 water users association or irrigation district.

11 “(E) SECRETARY.—The term ‘Secretary’ means
12 the Secretary of the Interior.

13 “(F) SMALL CONDUIT HYDROPOWER.—The
14 term ‘small conduit hydropower’ means a facility ca-
15 pable of producing 1.5 megawatts or less of electric
16 capacity.”.

○

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***Municipal Water District of Orange County, California
Washington Update***

October 11, 2011

Overview of Washington with emphasis on “Infrastructure Bank Proposals”

Congress is in the middle of several different challenges this fall, legislative initiatives dealing with the economy, efforts to pass the final Fiscal Year 2012 Spending Bills, and assisting the Joint Committee on Debt Reduction, also known as the “Super Committee” to find \$1.2-5 Trillion in federal cuts, new revenues or savings over the next ten years.

The existing Continuing Resolution for federal funding expires on Friday, November 18th. Currently, Senator Daniel Inouye (D-Hawaii), Chairman of the Senate Appropriations Committee, believes that the Congress will most likely pass a series of small “minibuses”, rather than one large spending bill, known commonly as an Omnibus Appropriations Bill.

President Obama has spent a lot of time touting his “\$447 Billion Jobs Bill” which is expected to be considered by the Senate this week. The hallmark feature on the Obama Jobs Bill is a provision which would create a 5.6 % surtax on households earning more than one million dollars per year. Generally speaking, Senate Democrats support the “millionaire tax” while Senate Republicans oppose it.

The Obama Jobs Bills is considered by many here as simply another “Stimulus Bill” which many observers believe was “wasteful spending”. The path of success for the Obama Jobs Bill is difficult in the Senate, but the House is almost surely to oppose it.

Meanwhile, there are different ***“Infrastructure Bank Proposals or Models”*** being discussed to fund infrastructure projects in America. Given the state of the economy and our federal spending process, I thought it might be useful to provide a quick overview of the different approaches under consideration. As a side note, the practice of using National Infrastructure Banks has achieved some widespread success in Europe with national governments assisting local governments with loans in order to build large scale public works projects.

For MWDOC, think of the process as a “loan” from a national “Infrastructure Bank” (should a program be adopted by the Congress) which would mostly likely be at market rates, guaranteed by the feds, maybe with slightly better terms than a private bank or wall street. The “loan” would *require NEPA and many other federal reviews*. It could be used as a tool to diversify MWDOC’s debt structure should it decide to “bond” for a large infrastructure project.

Grants, not loans, might be made to rural areas where there might be compelling environmental or financial reasons to help such communities.

Three Current Infrastructure Bank Proposals

In theory, a government infrastructure bank would be capitalized by federal appropriations, and this capital could leverage a greater volume of debt borrowed by governments or by private-sector partners. In some of the more recent proposals, these banks would be funded entirely by appropriations and would have no authority to borrow money for loans or investments. At present, the three main infrastructure bank proposals are:

- **The National Infrastructure Development Bank Act (H.R. 402)** introduced by Representative Rosa DeLauro (D-CT). The bank would be owned by the government, capitalized by annual appropriations of \$5 billion per year for five years, and would be authorized to issue a variety of debt instruments that would not be guaranteed by the federal government. Funds would be used for loans and loan guarantees on eligible infrastructure projects.
 - Modeled after the European Investment Bank and other development banks around the world, it would include an independent and objective Board of Directors.
 - The bank board would have the authority to, among other things, issue “public benefit” bonds; make loans and offer loan guarantees; and purchase and sell infrastructure-related loans and securities on the global capital market.
 - The bank would consider infrastructure projects in the realm of transportation, the environment, energy, and telecommunications.
 - The bank is capitalized with authorized appropriations of \$5 billion a year for 5 years as paid in capital, like the Obama budget, and a total of \$250 billion in total subscribed capital available from the Treasury if needed.

- **American Infrastructure Financing Authority (referred to as “AIFA”)** (S. 652) introduced by Senator John Kerry (D–MA), and co-sponsored by Senator Mark Warner (D-VA) and Senator Kay Bailey Hutchison (R-TX). The Authority would be a government entity funded by a one-time appropriation of \$10 billion that would be used to provide loans and loan guarantees to eligible infrastructure projects. S. 652 does not authorize the Authority to borrow money. The Kerry and DeLauro plans allow for a wide range of infrastructure investments—water, transportation, and energy, etc. See Senator Kerry’s press release.
 - AIFA is independent of the political process. It would fund the most important and most economically viable projects across the country, our states, and our communities.
 - AIFA is also fiscally responsible. While AIFA will receive initial funding from the government, after that it must become self-sustaining.
 - Finally, AIFA relies on the private sector. It can never provide more than 50 percent of a project’s costs, and in many cases would provide much less, just enough to bring in private investment.

- **National Infrastructure Bank**, proposed by President Obama in his FY12 budget. It would be part of the U.S. Department of Transportation (DOT) and would be funded by an appropriation of \$5 billion per year in each of the next six years. It would be permitted to provide loans, loan guarantees, and grants to eligible infrastructure projects for transportation only. If this were successful, it could possibly lead to water infrastructure loans.
 - The Infrastructure Bank (I-Bank) would receive \$30 billion over 6 years.
 - The I-Bank would reside within U.S. DOT and would be run by an Executive Director with a board of officials from the Department and other Federal Agencies.
 - The I-Bank would publish an Investment Prospectus that would govern investment decisions and describes analytical criteria.
 - As currently envisioned, initially the I-Bank would focus on transportation-related investments. In the future the model could be expanded to other infrastructure sectors.

Noteworthy Support

Patrick Natale, P.E., Executive Director, American Society of Civil Engineers: “The time is right for a National Infrastructure Bank; the concept has worked on the state level and can help us prioritize important investments. It also is time to re-energize the federal government’s role in infrastructure. For too long, we have watched infrastructure crumble and the economy slow. We must take the time and opportunity to create jobs, make our infrastructure safer, and keep the economy strong in the long-term. Our crumbling infrastructure can no longer support a thriving economy, or for that matter, a thriving public. ...The biggest question we face is funding. The FY 12 budget proposes \$5 billion for the Infrastructure Bank, and a total of \$30 billion over six years – but what is the long-term funding plan? Will the bank continue to rely on general funds or will it become self-sustaining? Will we be able to match this new program with new revenue? If transportation investments must now be subjected to PAYGO, how will we address the long term viability of the gas tax? The more they propose, the more we have to question. If the administration and Congress are really serious about winning the future with infrastructure, are they willing to ask people to pay a little more in the present?”

Tom Donohue, US Chamber President and CEO: “What do you do when your needs are great, but your purse strings are tight? You do what Americans have always done—innovate. Be creative. Think outside the box. Make the absolute most out of the resources you have. A national infrastructure bank does all those things. ...A national infrastructure bank is a great place to start securing the funding we need to increase our mobility, create jobs and enhance our global competitiveness.”

Robert Puentes, Senior Fellow, Metropolitan Policy Program, Brookings Institute: “A more competitive U.S. economy needs a better infrastructure system. In a time of limited resources, improving the federal investment process should be a priority over finding ways to merely increase the amount of funding for infrastructure. If designed and implemented appropriately, a national infrastructure bank would be a targeted mechanism to deal with new federal infrastructure spending. A National Infrastructure Bank (NIB) would provide a better project selection process for neglected federal investment in infrastructure, such as capital projects across jurisdictions and state borders, but also there would be more rigorous evaluation of projects across different types of infrastructure.

Yet an NIB is not a silver bullet for dealing with infrastructure reform, either. It would not overhaul the current federal investment, but be limited only to new projects funded through its mechanism. In the end, an NIB should be thought of as a precision tool and not a blunt instrument..”

Noteworthy Dissent

Senator James Inhofe (R-OK): “I will end on a final note about infrastructure banks, which is a very hot topic these days. First of all, we have government infrastructure banks for transportation: at the federal level we have TIFIA and at the state level we have State Infrastructure Banks which are capitalized by the federal government. What most proponents of a new infrastructure bank want is a mechanism to give out more grants. Banks don't give out grants; they give out loans. There is also currently a mechanism for giving out federal

transportation grants-it is called the highway bill. I don't believe an infrastructure bank will increase total transportation investment-it will only take money away from what would otherwise go through the existing highway and transit programs. The only thing you are going to do is move decision making from States to US DOT officials in Washington-an outcome I do not support.”

Majority Leader Eric Cantor (R-VA), the House Republican Whip: "Reports from across the country show that dollars intended for infrastructure improvement in the President's first stimulus are being wasted, so how will his latest be any different? Additionally, federal infrastructure projects are typically slow to commence on the ground, meaning that this new effort will do little in the immediate future to kick start the economy."

Ronald Utt, Ph.D. Herbert and Joyce Morgan Senior Research Fellow, The Heritage Foundation: “Resistance to higher fuel taxes to fund state and federal transportation programs has prompted President Obama and some members of Congress to endorse a federal infrastructure “bank.” The idea is to circumvent budgetary limits on federal spending to provide more money for highways, transit, and other infrastructure. Although each proposal differs in significant ways, all would lead to a concentration of infrastructure investment decisions in Washington, D.C., bypassing state departments of transportation and other government entities that are responsible for most such decisions under existing law.”

Current Status and Outlook on Infrastructure Banks

It’s still too soon to predict what will happen on a National Infrastructure Bank program. With bipartisan sponsorship, and with details that allow all sides to claim some sort of political victory, and public support from a diverse coalition, including the AFL-CIO and the US Chamber of Commerce, the Senate proposal seems to have gained the most traction at this point. Senator Kerry said he’s floated his version of the bank to White House officials and that they were supportive. The Obama Administration has backed \$53 billion in new federal infrastructure spending — and has also backed infrastructure banks in its last three budget proposals. The proposals are likely headed for more debate this fall and into next year. Ultimately, such a program will need Congressionally support.

A quick recap of our requests submitted for FY2012 includes the following:

1. A competitive grant program for the EPA State and Tribal Assistance Grant Program account, also known as the STAG Program. (This program designed to help fund our Ocean Water Desalination Project efforts.)
 - a. At press time, the Senate Interior and Environment Appropriations Subcommittee has still not completed its recommendations for funding for STAG Competitive Grant Funding.

2. A competitive grant program for the Army Corps of Engineers, Environmental Infrastructure Program. (This program designed to help fund our Desalination Project efforts.)
3. A competitive grant program for the Department of Agriculture’s Natural Resources Conservation Service. (This program designed to help fund our Satellite Computer Sprinkler Program.)

We recommended that instead of Congress eliminating program funding in each of these accounts that the programs be changed to “competitive grant programs”.

FEDERAL FUNDING REQUESTS

<i>Potential Source of Funding</i>	<i>Description</i>	<i>Amount Requested</i>	<i>Status</i>
Natural Resources Conservation Service (NRCS) U.S. Dept of Agriculture	SmarTimer Irrigation Controller Installations	TBD	The House and the Senate declined to fund a competitive grant program citing general funding challenges this year.
South Orange Coastal Ocean Water Desalination Project	Federal Appropriations and an Authorization for Federal Funds for the Desalination Project	TBD	<p><i>Appropriations:</i> Repeating from last month’s report, the House and the Senate declined to fund a competitive grant program for the Army Corps of Engineers for this year, citing general funding challenges. We did receive excellent feedback from our Orange County House Members and generally a positive response from the Senate side.</p> <p>A reminder, there is \$40 Million authorized for California Water Infrastructure Projects and MWDOC was a leader in obtaining this Federal Authorization.</p> <p>We have worked with the Senate primarily to open and fund this account and were advised by Senator Feinstein’s Office last week that due to the Budget</p>

			<p>Control Act activities in July and August, it was simply too difficult for the Subcommittee to launch a new grant program this year.</p> <p>Importantly, the Senate Energy and Water Subcommittee did allocate funds which Senator Feinstein’s Office pointed us to during our meeting.</p> <p>****Under the WATERSMART Program, Senator Feinstein put \$18.5 Million into the bill for Watersmart grants; and under the Title XVI Water Reclamation / Reuse Program, the Senator put \$23.6 Million into that program for grants to be administrated by the Bureau of Reclamation.</p> <p>MWDOC can seek funds from these two accounts during the FY2012 year.</p> <p>The House or Representatives will still need to approve or compromise on these funded amounts. By comparison, the House included \$11 Million for WATERSMART, and \$16.1 for Title XVI related projects in their bill.</p> <p><u>NEW:</u></p> <p>As mentioned earlier, the Senate Appropriations Subcommittee with jurisdiction over the STAG program has still not marked up its bill. We are hopeful that EPA can create a competitive grant program that can assist MWDOC with Desal related feasibility related studies and work.</p> <p>To summarize, we suggested that the EPA State and Tribal Assistance Account (STAG) be converted from an Earmarked Account to a Competitive Grant Program Account.</p>
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			<p>Authorizations: Reviewing from our previous submissions to Congress, MWDOC has submitted an \$18 million authorization request to Senator Boxer for the Water Resources Development Act Bill (also known as the WRDA Bill) for our Desal Project. Senator Feinstein informed us that our submission from last year would be reconsidered this year.</p>
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GENERAL CONGRESSIONAL UPDATES

<p>Congressional Session Status</p>	<p>The Hoover Power Act, HR 470, passed the House by Voice Vote on October 3, 2011. It is now under consideration in the US Senate.</p> <p>Note that the Congress, under statute, must vote up or down on the recommendations of the Joint Committee on Debt Reduction by late December. This was mandated as a result of the Budget Control Act and the increase of the national debt ceiling debate of earlier this summer. If the Congress doesn't pass such a bill which contains at a minimum – \$1.2 Trillion in cuts or revenue increases, then there will be automatic reductions in federal spending across the board. This would include the Department of Defense and also the Medicare program. (Although cuts in Medicare would be capped at 2%).</p>
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JCB 10-11-2011

M E M O R A N D U M

To: MWDOC Public Affairs and Legislative Committee

**From: Christopher Townsend, President
Heather Stratman, Senior Director
Casey Elliott, State Capitol Director
Matthew Hicks, Associate**

Date: October 11, 2011

Subject: Monthly Political and Activity Report

State Political Highlights

Governor Brown had until October 9th to act on all bills passed by the Legislature before adjournment. Reading late into the night, Governor Brown reviewed hundreds of bills in what he termed a “very unusual process.” Governor Brown ultimately vetoed about 17 percent of the end-of-session bills after signing 466 bills and vetoing 97. This veto rate is much higher than the 5 percent when he was previously governor from 1975 to 1983.

In the final days, Governor Brown acted on a number of bills ranging in topic, including approving a bill that will restrict all ballot initiatives to appear before voters at November general elections. In the water arena, the Governor approved an ACWA-supported bill, AB 1292 (Hernandez), which authorizes the state to issue revenue bonds for deposit in the Safe Drinking Water Revolving Fund to capture matching funds from the federal government. This program funds critically needed drinking water infrastructure improvements throughout California. In addition, the Governor approved AB 938, which requires notifications of contaminated drinking water be provided in English, Spanish, and any other language spoken by 10% or more of the affected population.

Looking at the remainder of 2011, the Governor and Legislature will remain focused on implementing and defending their budget proposal, which has been the source of numerous legal challenges and referenda efforts. In addition to the legal uncertainties surrounding the budget, State revenues continue to come in below expected levels. The Governor and Legislature balanced the budget in part by factoring the state would collect \$4 billion in unanticipated revenue; however, September revenue collections were approximately \$300 million below expectations and California is now \$705.5 million or 3.6 percent behind what state leaders expected. If the current revenue trend continues then the State will enact as much as \$2.5 billion in “trigger cuts” to schools and social services that were approved earlier this year as part of the State budget. To avoid this reality, the Service Employees International Union pushed for a change in the budget “trigger” language that would have required the Brown Administration to consult with lawmakers on possible alternatives. However, Governor Brown ended up vetoing the bill following opposition from the Department of Finance, which sought to keep the triggers intact.

The Legislature will reconvene on January 4, 2012 unless the Governor calls for another extraordinary session.

Water Bond Update

As requested by the Committee, TPA followed up with the Clean Waters & Jobs for California Coalition (CWJC) to learn more about their efforts to support the proposed 2012 Water Bond. This new coalition was coordinated by the ACWA, the CA Latino Water Coalition, and the CA Alliance for Jobs in an effort to bring together business, labor, public water agencies, agriculture, and other groups to educate and build awareness among the public about our state's water system and the need for investment to upgrade and repair the system.

Their mission includes:

- Educating and building awareness among third parties, the media and opinion leaders about the problems facing our water system and the need to act now to repair and upgrade the system.
- Conducting research to better understand public awareness of California's water system, our ecosystem, our state's water quality and future water needs so our coalition and public agencies can better communicate with California residents, policy makers and opinion leaders.
- Conducting regional press events, forums and other educational activities to highlight local water system challenges and proposed solutions.

The CWJC is publically advocating for the passage of the 2012 Water Bond because in their view, the bond "provides an essential mechanism to secure the public's investment in projects and programs that benefit the entire state." In addition, CWJC argues that the bond will leverage \$30 billion in additional funds from local, regional, and statewide levels as well as support tens of thousands of jobs.

The CWJC is a public benefit corporation, 501(c)(4), and will not be engaged in any campaign activities nor will it retain a lobbyist to conduct state lobbying activities.

For more background, please find attached informational items and a list of coalition members provided by CWJC.

California Forward Update

California Forward released their July 2011 final framework, entitled "Smart Government: Making California Work Again." TPA has been in contact with California Forward's Orange County representative, Todd Priest of Pringle & Associates, as well as California Forward's Senior Fiscal Policy Advisor, Fred Silva. California Forward is still on track to incorporate parts of their framework as an initiative scheduled for the November 2012 ballot.

- TPA provided MWDOC with a draft member agency letter on the California Forward Guidelines.
- TPA is in contact with California Forward Senior Fiscal Policy Advisor, Fred Silva, and will remain in contact throughout CA Forward's process of drafting language for the initiative.
- If appropriate, after preliminary draft language has been released, TPA will act as a liaison between California Forward and the District.
- TPA has also been in contact with ACWA, which recently met with the CA Forward Executive Director James Mayer. ACWA was previously concerned that CA Forward's proposed language could lead to reallocation of property tax funding. However, ACWA is now satisfied with the July 11th version after meeting with CA Forward. ACWA believes the new language clarifies that such "local agreements would require the approval of each participating agency," and therefore, alleviating ACWA's concerns of forced redistribution of property tax revenue.

Specific Activities for the Month:

- TPA continues to monitor legislation that could potentially have an impact on the District. This includes bills that were held in committee, become two-year bills, along with legislation that could be potentially gutted and amended.
- TPA provided MWDOC with an overview of bills of interest signed and vetoed by the Governor prior to October 9th deadline.
- TPA has been in contact with California Forward's new Orange County representative.
- TPA attended legislative staffer briefings at the South Orange Coastal Desalination Project at Doheny State Beach on August 16th and August 26th put on by MWDOC staff. TPA will assist MWDOC in securing updated letters of support for the project, and briefing legislators and their staff on the importance of this project.



California's Water System: It's Time to Fix It.

Investments Needed to Protect Our Water Supply and Delivery System

Abundant rains ended a three-year drought this spring, but California's water worries are not over. The foundation of our water system – the network of levees, pipes, canals, storage facilities, recycling and treatment plants and other water infrastructure – is outdated and in need of a major upgrade. Reliable water supplies for people and the environment are at risk. The stakes are extremely high, yet many don't fully understand the problem, the fixes needed, or the consequences of inaction.

- **Aging infrastructure puts pressure on local agencies:** Many California communities rely on pipelines, reservoirs and plants built 50 years ago or more. Many of the facilities are reaching the end of their usable life and are in need of serious upgrade or repair in order to continue to meet water needs. In addition, new infrastructure is needed to tie together local, regional and statewide water systems so the water we do have can be used more efficiently.
- **Statewide system at risk:** Local water agencies continue to invest in water recycling, conservation and other strategies as funding and other factors allow, but many regions depend on our statewide system to keep reliable water flowing. It has been more than 30 years since California invested in its statewide water system – including the State Water Project – at the level needed.
- **Declining Delta environment threatens water supply reliability:** The Sacramento-San Joaquin River Delta (Delta), a source of water for two-thirds of the state, is experiencing major ecological decline and is becoming a less reliable source of water due to environmental protections and drought. As a result, many agencies are relying heavily on groundwater supplies, causing unintended overdraft in some basins. Major infrastructure upgrades are needed to increase storage capacity, to replenish groundwater sources and decrease stress on the Delta.
- **Increasingly stringent water quality standards require investments:** Local water agencies are responsible for meeting many stringent federal and state water quality regulations to ensure the water they deliver is clean and safe. As new regulations continue to be added and existing standards grow tougher, investments in water treatment facilities are desperately needed to allow water agencies to meet these strict water quality standards.
- **Climate change and population growth create supply/demand imbalance:** As the earth warms due to climate change, melting snow and ice are causing ocean levels to rise, adding pressure to the aging levees in the Delta and threatening the security of the fresh water supplies. The warmer climate is also slowly reducing the Sierra Nevada snowpack, causing a large portion of our water supply to melt earlier and faster, making it more difficult to capture for later use. Simultaneously, California's population is steadily growing and is expected to reach 60 million by 2050. California cannot continue to meet the new demands for fresh water supplies with the existing infrastructure in place.



Invest in Our Future!

Water is the lifeblood of our economy, quality of life and environment. We must make immediate and ongoing investments to upgrade our system of waterways, levees, pipes, canals, storage facilities and other water infrastructure. Clean Water & Jobs for California will work to educate Californians about the need to invest in and modernize our water system to ensure an adequate and reliable water supply for the Golden State.

To learn more, visit www.FixCalWater.com



Frequently Asked Questions

July 15, 2011

Why is a reliable water supply so important?

Water is the lifeblood of our economy, environment and our quality of life. The infrastructure that captures, stores and delivers water is responsible for providing water to feed our families, to grow our crops, to fuel our economy and jobs, and to protect and sustain our natural treasures and environment.

Our water system is directly responsible for the health and quality of life of California's 37 million residents and for the vitality of our \$1.8 trillion economy.

How does a reliable water supply impact our economy and jobs?

Every industry, every job in California needs water. Without water, you cannot grow crops. Without water, you cannot build new homes or businesses. Without water, you cannot run manufacturing plants.

Every few years we see the financial and personal impacts of a California drought – causing billions in agricultural and other economic losses and resulting in the loss of tens of thousands of jobs.

What is wrong with California's water system?

Abundant rains ended a three-year drought this spring, but California's water worries are not over. The foundation of our water system – the network of levees, pipes, canals, storage facilities, recycling and other water infrastructure – is outdated and in need of a major upgrade. Reliable water supplies for people, the economy and the environment remain in critical condition. The stakes are extremely high, yet many people don't fully understand the problem, the fixes needed, or the consequences of inaction.

What is Clean Water and Jobs for California?

Clean Water & Jobs for California (CWJC) is a new coalition of business, labor, public water agencies, agriculture and other groups organized to educate Californians about the continued problems facing our state's water system and the need to invest now to upgrade and repair the system before it is too late. The mission of Clean Water & Jobs for California is to:

- Educate and build awareness among third parties, the media and opinion leaders about the problems facing our water system and the need to act now to repair and upgrade the system.
- Conduct research to better understand public awareness of California's water system, our ecosystem, our state's water quality and future water needs so our coalition and public agencies can better communicate with California residents, policy makers and opinion leaders.
- Conduct regional press events, forums and other educational activities to highlight local water system challenges and proposed solutions.

A myriad of problems plague our water system, including:

- **OUTDATED AND UNSAFE INFRASTRUCTURE:** In a recent Infrastructure Report Card issued by the American Society of Civil Engineers, California received a grade of “F” in a number of critical areas related to water infrastructure. California’s core water infrastructure – pipes, levees, canals, storage facilities, recycling – is aging and needs an upgrade. Much of our infrastructure is more than 100 years old.

In an April 2011 report, the California Research Bureau identified the following statewide water-related infrastructure funding demands:

- Drinking water infrastructure: \$39 billion (over a period of 20 years)
 - Wastewater infrastructure: \$29.9 billion (over a period of 20 years)
 - Flood infrastructure: \$26 billion (over a period of 20 years)
 - Delta ecosystem restoration: \$3.6 billion (plus \$46 million a year over 50 years)
- **LOST OPPORTUNITIES:** Heavy rains refilled reservoirs this spring, but vast amounts of water went to the ocean unused because we lack the capacity to capture and store it for future dry years. In fact, at its peak this spring more than 180,000 cubic feet of water washed out to sea every second from the Sacramento River alone. At that rate, we would lose enough water in one month to supply 2.5 million families for an entire year. Though reservoirs are brimming and rivers are running high this year, shifts in our rainfall patterns due to our ever changing climate could put us deep into another drought in a year or two. We need to invest today in projects that capture more water in wet years to get us through the dry years.
 - **DELTA AT RISK:** The Sacramento-San Joaquin River Delta, the single most important link in California’s water system, is failing. The Delta provides water for more than 25 million Californians, including Southern California homes and businesses, and much of our state’s economy. More than 2.5 million acres of farmland is irrigated by Delta water. And the Delta is the largest natural estuary on the West Coast, home to hundreds of species of fish and wildlife. Delta levees, which are at risk of collapse, also protect homes, farms and businesses and are vital to California’s economy and public safety.

Didn’t the heavy rains and snow solve our water problems?

No, not even close. While the rains in 2011 were much-needed, the abundant water this year actually exposed the real problems with our state’s inadequate water system. Aging levees are in danger of becoming overwhelmed by high river flows. Flood concerns are mounting. And we cannot capture and store water in wet years for use during dry years.

The bottom line is that our water infrastructure is woefully inadequate to serve the state’s population today and in the future. Unless action is taken to fix our broken water system, experts warn our state will continue to see-saw through wet and dry years, with the potential for a catastrophic failure of our water delivery system due to collapsing levees or a failing Delta that will devastate our economy, environment and public safety.

Didn't the Legislature pass a package of water reforms in 2009?

Yes. The comprehensive water package came together in 2009 after years of negotiations and collaboration between legislators of both parties, the Governor's Office, state and local entities, public water agencies, environmental, business, agriculture, labor groups and all water users in the state.

The 2009 package was historic and established the framework to achieve the co-equal goals: securing a clean, reliable water supply and protecting the fragile Delta ecology. The water package set ambitious targets for water use efficiency, and established a framework for better management of the Delta and our precious groundwater resources.

It also included a statewide general obligation water bond for the 2012 ballot to provide some of the much-needed funding to begin to repair our state's water infrastructure. The 2009 legislative package was a positive step forward, but many of its reforms will not be fully implemented without the funding to make them happen – whether from the water bond or a similar new revenue stream.

Why is the water bond critical?

The water bond provides an essential mechanism to secure the public's investment in projects and programs that benefit the entire state. Passage of the bond would also leverage more than \$30 billion in additional funds from local, regional and statewide agencies.

And the infrastructure projects funded by the bond will support tens of thousands of jobs throughout the state – jobs we desperately need.

What if we don't act? Then what?

Failure to invest to upgrade and repair our water infrastructure jeopardizes our economy, quality of life and our environment. Without the necessary system upgrades and infrastructure investments, California will be subjected to continual droughts, water supply shortages and public safety risks. For instance, a major Delta levee collapse due to a catastrophic earthquake would cause our entire water system to shut down for up to two years – jeopardizing the water supply for 25 million users and costing our economy \$40 billion. Everyone remembers the devastating impact of Hurricane Katrina on the Gulf Coast. Much of that damage was due to insufficient infrastructure and aging levees.

Our water infrastructure cannot be rebuilt overnight. Making up for decades of neglect will require a lot of planning, design, construction, time and money.

We must act now to address our water challenges.

How do I get involved?

Visit www.FixCalWater.com to get information, sign up and learn how to get involved.



California's Water System: It's Time to Fix It. Investments Needed to Protect Our Environment

Abundant rains ended a three-year drought this spring, but California's water worries are not over. The foundation of our water system – the network of levees, pipes, canals, storage facilities, recycling and treatment plants and other water infrastructure – is outdated and in need of a major upgrade. Reliable water supplies for people and the environment remain at risk. The stakes are extremely high, yet many don't fully understand the problem, the fixes needed, or the consequences of inaction.

California's Water Problems Put Our Environment at Risk

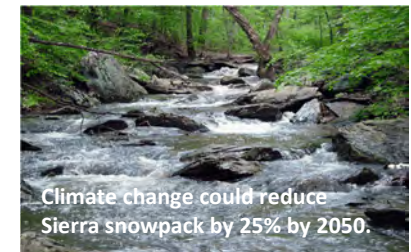
- **Delta at risk:** The Sacramento-San Joaquin River Delta (Delta) is the largest natural estuary on the West Coast, home to hundreds of species of fish and wildlife. The Delta is also a vital source of drinking water for two-thirds of the state. But the Delta faces tremendous pressures, because the current system was never designed to accommodate 25 million water users while also sustaining the region's natural habitat. We need to make investments to restore Delta habitat and ecosystems, to fortify levees and water ways, and to secure Delta water resources so it can continue to be a critical source of water for people and habitat.
- **Preparing for climate change:** Experts agree that long-term climate change is occurring and that it is already affecting California's water resources. Winter snowpack in the Sierra Nevada – the backbone of the state's water supply – is expected to shrink by at least 25% by 2050. A state climate report issued in April 2009 found that changing precipitation patterns will "result in longer and drier droughts and decreased groundwater levels, coupled with a higher frequency and severity of extreme flooding events."
- **Reducing dependency on the Delta and dealing with reduced water supplies through enhanced water conservation, recycling and efficiency:** In order to meet the growing water supply needs of our environment, our people and our economy, we must make more efficient use of the limited water that California has through expanded conservation and water recycling efforts. Experts say an additional 1.4 million acre-feet to 1.7 million acre-feet of wastewater could be recycled by 2030. And we must make efforts to conserve water and use water more efficiently. Lastly, we must make smart investments in responsible storage projects that allow us to capture water in wet years to use in drier years.



Delta is the largest estuary on the West Coast.



California must balance water needs of environment and people.



Climate change could reduce Sierra snowpack by 25% by 2050.



Water recycling facility

Invest in Our Future!

Water is the lifeblood of our economy, quality of life and environment. We must make immediate and ongoing investments to upgrade our system of waterways, levees, pipes, canals, storage facilities and other water infrastructure. Clean Water & Jobs for California will work to educate Californians about the need to invest in and modernize our water system to ensure an adequate and reliable water supply for the Golden State.

To learn more, visit www.FixCalWater.com



California's Water System: It's Time to Fix It. Investments Needed to Protect Our Economy and California Jobs

Abundant rains ended a three-year drought this spring, but California's water worries are not over. The foundation of our water system – the network of levees, pipes, canals, storage facilities, recycling and treatment plants and other water infrastructure – is outdated and in need of a major upgrade. Reliable water supplies for people and the environment remain at risk. The stakes are extremely high, yet many don't fully understand the problem, the fixes needed, or the consequences of inaction.

California's Water Problems Threaten Our Economy and Jobs

- **Every industry and every job in California needs water:** All industries and jobs in California rely on water in one way or another. From manufacturing to farming, construction to high-tech, an ample supply of water is critical to ensure our continued economic growth.
- **Economic growth halted due to lack of water supplies:** In California, you cannot build a new development of significant size without identifying a source of water. Water rationing and shortages have already stalled development in some parts of the state. In 2008, for instance, nine residential and commercial construction projects were put on hold in Riverside County because the local water district couldn't guarantee a 20 year water supply.
- **Catastrophic failure could cost \$40 billion in economic damage and disrupt water supplies for two years:** Scientists warn that even a moderate-sized earthquake or flood could result in the breach of levees in the Sacramento-San Joaquin River Delta (Delta) and cut off water supplies for 25 million Californians, thousands of acres of farms and millions of businesses for up to two years. According to the Public Policy Institute of California, such a breach would cost our economy \$40 billion.
- **Farmers and agricultural industry at risk:** Agriculture is one of California's largest industries, responsible for \$32 billion in economic activity each year, while supporting over 1.1 million California jobs, according to the California Farm Bureau Federation. But our farms have been hit hard by reductions in water supplies due to the crisis in the Delta. Water supplies have been reduced by nearly 30%, forcing farmers to fallow nearly 500,000 acres of land in 2009 – a \$3 billion economic loss in one year. Water cutbacks not only impact farmers, but they have a ripple effect throughout our economy, hurting truckers, ports and the shipping industry, packaging and processing plants, restaurants, grocery stores and other retailers, as well as driving up food costs for all consumers.



Every industry, every job needs water.



Jones Tract levee failure, 2004.



Farm jobs are at risk due to water shortages.

Invest in Our Future!

Water is the lifeblood of our economy, quality of life and environment. We must make immediate and ongoing investments to upgrade our system of waterways, levees, pipes, canals, storage facilities and other water infrastructure. Clean Water & Jobs for California will work to educate Californians about the need to invest in and modernize our water system to ensure an adequate and reliable water supply for the Golden State.

To learn more, visit www.FixCalWater.com



California's Water System: It's Time to Fix It. Investments Needed to Protect Agriculture and Farm Jobs

Agriculture is one of California's largest industries, responsible for \$37 billion in direct farm gate revenue each year, while supporting more than 1.1 million California jobs. But our farms have been hit hard by reductions in water supplies due to the crisis in the Sacramento-San Joaquin River Delta (Delta) and years of drought and lack of supply. From 1967 to 2007 California farms doubled their economic output while using 14% less water, according to the California Department of Water Resources. Still, not all agricultural water needs are being met. Investments are needed to ensure a reliable water supply for farms, farming communities and farm jobs.

California's Water Problems Put Farmers, Farm Workers and Rural Communities at Risk

- **Water supply cutbacks to farms:** During the drought, water supplies to Central Valley farms were reduced by nearly 30%, and water to Southern California farms was also reduced. Without long term fixes to the Delta and enhanced capacity to store water in wet years to prepare for dry years, water for farms will likely be reduced even more in future years of drought and water shortages. We must make investments now to protect farms and farm jobs from the inevitable dry years.
- **Taking fields out of production:** In 2009, water supply cutbacks forced farmers to fallow nearly 269,000 acres of land, resulting in \$769 million in economic loss. Rather than an isolated occurrence, lack of water supply threatens to take crops out of production every year we have below-average rainfalls.
- **Farm jobs lost:** Thousands of farm jobs have been lost, potentially forever, in a region where unemployment in some cities nears 40%.
- **Supporting industries and rural communities hit hard:** Water cutbacks not only impact farmers, but they have a ripple effect throughout our economy, hurting truckers, ports and the shipping industry, packaging and processing plants, restaurants, grocery stores and other retailers. Rural communities that rely upon farming and farm revenues for their economy and to support public services like schools and police and fire protection also suffer.
- **Water shortages could increase costs for locally-grown food:** Lack of sufficient water supplies increase water costs and force local farmers to take fields out of production. All of which increase the cost of locally-grown food. That's less money that families have for other necessities.



Orchard taken out of production due to water shortages, 2009.



Farm worker March for Water, 2009.



Local farms help keep food costs low.

Invest in Our Future!

Water is the lifeblood of our economy, quality of life and environment. We must make immediate and ongoing investments to upgrade our system of waterways, levees, pipes, canals, storage facilities and other water infrastructure. Clean Water & Jobs for California will work to educate Californians about the need to invest in and modernize our water system to ensure an adequate and reliable water supply for the Golden State.

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The County of Orange Report

Presented October 17, 2011
By Lewis Consulting Group

Orange County Finance

Orange County's finances are still being rocked by the loss of \$48 Million of Vehicle License Fees (VLF) in this year's California Budget raid. The County is pursuing both a legal and legislative remedy; however, a legislative remedy is stalled until next year at the earliest. In the meantime, the approximate \$48 Million is an on-going and annual loss. In addition, Supervisor Moorlach has pointed out that next year's budget will be challenged with a hit of roughly \$26 Million to the General Fund to pay for the County's increase in pension contributions as well as a still unknown increase for health care costs.

At the October 4th County Board of Supervisor's meeting, Supervisors adopted a plan of tough cutbacks to deal with their new fiscal reality. Sheriff Hutchens and District Attorney Rackauckas made impassioned pleas to either minimize or exempt their respective departments from cuts, but the Board approved the County CEO's budget adjustment plan. Among the cuts approved were: District Attorney - \$4.7 Million; Sheriff's Department - \$6.2 Million; Probation Department - \$4 Million; Health Care Agency - \$6 Million; Aid to Families with Dependent Children - \$7 Million.

County Pension Lawsuit

Orange County recently settled with the Association of Orange County Deputy Sheriffs for a reimbursement of legal fees after the County had exhausted their legal remedies in an attempt to nullify the retroactive portion of the pension benefits granted by the Board action in 2001. In 2001, the Board of Supervisors had unanimously granted the now controversial 3% at 50 retirement benefit. The County settled for \$1.3 Million of the estimated \$3 Million that AOCDS claims as their legal fees.

MWDOC Public Opinion Survey

The MWDOC poll is set to be in the field on Tuesday, October 18th. Input was requested from interested parties including MWDOC member agencies, MWDOC Board members, private water retailers, and some individuals from the public. The survey of 500 Orange County residents is expected to be in the field for 3-5 days and results and analysis will be presented to MWDOC shortly thereafter.

Redistricting

Attempts to possibly referend the recently adopted California Congressional Districts have been dropped. Barring any successful legal challenge, new lines are set for the 2012 election for Congress, State Assembly, Board of Equalization and the Orange County Board of Supervisors.

However, it is still anyone's guess what will happen with California's newly adopted State Senate Districts. The referendum spearheaded by State Senator Mimi Walters appears to be on track to gather sufficient signatures (504,760) by November 13th to invalidate these lines. If, as expected, the Courts were to adopt new Senate Districts, there could be a spectacular political domino effect in Orange County and across the state.

Are you ready for some football?

The County, following the leadership of Supervisor Nelson, has formally endorsed the proposed City of Industry site for a potential new football team and stadium. The industry site is in competition with a proposed downtown Los Angeles site and Supervisors believe the proposed stadium off the 57 freeway is close enough to possibly provide an economic boost to Orange County as well as being a much more convenient site to which Orange County football fans could travel.

BILL	<u>SUMMARY</u>	<u>LATEST ACTION</u>	<u>MWDOC POSITION</u>	<u>OTHER POSITIONS</u>
AB 19	Building Standards: Water Meters: Multiunit Structures	4/27/2011		
Fong (D)	Requires a water purveyor providing water service to a newly constructed multiunit residential structure or mixed-use residential and commercial structure, including a structure that is part of a common interest development, that submits and application for a water connection after a specified date, to require the installation of the meter or submeter to measure water to each unit as a condition of new water service. Requires the submeter to meet specified requirements. Relates to billing and disclosure.	In ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT: Reconsideration granted.		
AB 49	Development: Expedited Permit Review	5/27/2011		
Gatto (D)	Relates to permit streamlining and development projects. Requires the Office of Permit Assistance to provide information to developers explaining the permit approval process and to assist them in meeting statutory environmental quality requirements, to assist state and local agencies in streamlining the permit approval process and applicants to identify needed permits, to develop related guidelines providing local permit process technical assistance, and to develop a consolidated project information form.	In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.		
AB 54	Drinking Water	10/7/2011		
Solorio (D)	Requires a mutual water company that operates a public water system to submit a map depicting approximate service boundaries. Disallows expansion without approval. Requires a company financial reserve fund. Requires board member training. Relates to projects funded under the Safe Drinking Water Revolving Fund and application processing. Relates to annexation. Relates to safe drinking water standards compliance. Requires an assessment by such company to pay water quality violation related civil fines.	Signed by GOVERNOR. Chaptered by Secretary of State. Chapter No. 512 [Effective Rule]		
AB 83	Environment: CEQA Exemption: Recycled Water Pipeline	4/11/2011		
Jeffries (R)	Amends existing law regarding California Environmental Quality Act environmental impact reports. Exempts a project for the installation of a new pipeline for the distribution of recycled water within an improved public street, highway, or right-of-way.	In ASSEMBLY Committee on NATURAL RESOURCES: Failed Passage. Reconsideration granted.	MWDOC: Support (4/6/11)	OCWD: Support

AB 134	Sacramento Regional County Sanitation District	9/6/2011		
Dickinson (D)	Authorizes the Sacramento Regional County Sanitation District to file an application for a permit to appropriate a specified amount of water that is based on the volume of treated wastewater that the district discharges into the Sacramento River and recovers for reuse. Authorizes the State Water Resources Control Board to grant a permit to appropriate that treated wastewater upon terms and conditions determined by the board. Requires the board to comply with specified related requirements.	Signed by Governor. Chaptered by Secretary of State. Chapter No. 212 [Effective Rule]		IRWD: Oppose MWD: Oppose (2/8/11, 5/10/11)
AB 148	Local Government: Ethics Training: Disclosure	5/27/2011		
Smythe (R)	Defines the term ethics laws, for purposes of training for officers and employees of a local government, to include compensation setting guidelines as established by specified organizations. Requires the local agency to post the ethics training record on the local agency's Internet Web site, if any, and to submit a copy of the record to the Attorney General. Requires a local agency that has adopted a written attendance compensation policy to post the policy on the local agency's Web site.	In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.		IRWD: Watch
AB 157	Safe, Clean and Reliable Drinking Water Supply Act	2/24/2011		
Jeffries (R)	Reduces the total amount of bonds authorized to be issued pursuant to the Safe, Clean and Reliable Drinking Water Supply Act of 2012. Makes conforming reductions to amounts specified to be allocated from these bond funds for certain purposes.	To ASSEMBLY Committees on WATER, PARKS AND WILDLIFE and ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.		IRWD: Oppose
AB 246	Water Quality: Enforcement	9/7/2011		
Wieckowski [D]	Authorizes a regional water quality control board to delegate to its executive officer the authority to apply for judicial enforcement to the Attorney General, a district attorney, a city attorney of a city with a population that exceeds 750,000, or a city attorney for a city and county. Authorizes a district attorney, a city attorney of a city with a specified population to bring civil actions under the Porter-Cologne Water Quality Act and only upon approval of the Attorney General.	In SENATE. From third reading. To Inactive File.		IRWD: Oppose
AB 262	California Regional Water Quality Control Boards	2/18/2011		
Harkey (R)	Revises the description of the boundaries of the Santa Ana Regional Water Quality Control Board and the San Diego Regional Water Quality Control Board.	To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.		IRWD: Watch

AB 275	Rainwater Capture Act of 2011	10/9/2011		
Solorio (D)	Enacts the Rainwater Capture Act of 2011. Authorizes residential, commercial, and governmental landowners to install, maintain, and operate rain barrel systems and rainwater capture systems for specified purposes. Requires a local agency to notify a public water system of any permit program. Authorizes a landscape contractor to enter into a prime contract for the construction of such system, if it is used exclusively for landscape irrigation. Authorizes such contractors to design and install exterior parts.	Vetoed by GOVERNOR.	MWDOC: Support (7/20/11)	
AB 403	Public Drinking Water Standards: Hexavalent Chromium	9/6/2011		
Campos (D)	Requires the Department of Public Health to post its progress on the establishment of primary drinking water standard hexavalent chromium on the department's Internet Web site. Includes the adoption of a primary drinking water standard for hexavalent chromium among the proposed regulations relating to maximum contaminant levels for primary or secondary water standards that are subject to a review by the Department of Finance of not more than 90 days.	In ASSEMBLY. From Unfinished Business. To Inactive File.		MWD: Support (5/10/11) IRWD: Watch
AB 550	Sacramento-San Joaquin Delta: Peripheral Canal	3/25/2011		
Huber (D)	Prohibits the construction of a peripheral canal that conveys water from a diversion point in the Sacramento River to a location south of the Sacramento-San Joaquin Delta, unless expressly authorized by the Legislature. Requires the Legislative Analyst's Office to complete an economic feasibility analysis prior to the enactment of a statute authorizing the construction of a peripheral canal. Prohibits the construction and operation of a peripheral canal from diminishing water quality.	To ASSEMBLY Committees on WATER, PARKS AND WILDLIFE and APPROPRIATIONS.	MWDOC: Oppose (4/20/11)	IRWD: Oppose OCWD: Oppose MWD: Oppose
AB 555	Local Agency Formation	2/16/2011		
Norby (R)	Makes a technical, nonsubstantive change to the procedures for the formation, change of organization, and reorganization of cities and special districts.	INTRODUCED		
AB 576	Delta Plan: Financing	3/31/2011		
Dickinson (D)	Requires the Delta Stewardship Council to develop a long-term finance plan to pay for the costs of implementing the Delta Plan by a specified date. Prohibits the council from adopting new fees for these purposes unless authorized by statute. Authorizes the council, before adopting and collecting long-term revenue sources, to seek to obtain early funding contributions from entities that may benefit from implementation of the Plan and to track those contributions.	In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.	MWDOC: Oppose unless Amended (4/6/11)	MWD: Support if Amended

AB 685	State Water Policy	8/25/2011		
Eng (D)	Requires all specified relevant state agencies to implement state policy regarding the right to clean, affordable, and accessible water, upon revising existing, and upon adopting or establishing new policies, regulations, and grant criteria, when such actions affect the rights established by this act. Authorizes a regional water management group to coordinate its planning activities to address or incorporate into its plan a basin plan developed and adopted by a regional water quality control board.	In SENATE Committee on APPROPRIATIONS: Held in committee.		
AB 741	Onsite Wastewater Disposal	7/25/2011		
Huffman (D)	Amends an existing law authorizing a property owner included within an assessment district for construction of a main trunkline or collector sewer lines, to request construction plumbing to connect his or her property to the adjoining public sewer system, and creates a lien. Relates to funding. Authorize defined entities, to use this provision for the purpose of converting properties from onsite septic systems and connecting them to the sewer system and for replacing or repairing existing sewer laterals.	Signed by GOVERNOR. Chaptered by Secretary of State. Chapter No. 106 [Effective Rule]	MWDOC: Support (4/6/11)	IRWD: Sponsor MWD: Support (5/10/11)
AB 779	Municipal Water Districts: Oversight	3/31/2011		
Fletcher (R)	Authorizes a municipal water district to establish an independent oversight committee to assist in tracking and reviewing revenues of the district to advance capital improvements, operations and maintenance of district facilities, and allocation methodologies. Authorizes an independent oversight committee to perform specified functions for those purposes.	Re-referred to ASSEMBLY Committee on LOCAL GOVERNMENT.	MWDOC: Oppose 5/18/11	WBMWD: Oppose
AB 849	Water: Use Efficiency: Graywater Building Standards	10/8/2011		
Gatto (D)	Repeals the authority of a city, county, or other local agency to adopt building standards that prohibit entirely the use of graywater. Authorizes the adoption of standards that are more restrictive than required under state requirements. Requires that an ordinance enacted pursuant to this authority include the local climatic, geological, or topographical conditions requiring different building standards. Requires the local entities consult with the local public health department prior to permit issuance.	Chaptered by Secretary of State. Chapter No. 577 [Effective Rule]	MWDOC: Support (8/17/11)	
AB 903	Sacramento-San Joaquin Delta	4/12/2011		
Berryhill, B. (R)	Makes legislative findings relative to the importance of dredging the Sacramento-San Joaquin Delta. Requires the State Water Resources Control Board, the Department of Water Resources, and the Department of Fish and Game to take specified actions with regard to dredging the Delta.	In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.		

AB 912	Local Government: Organization	7/25/2011		
Gordon (D)	Authorizes a local agency formation commission, where the commission is considering a change of organization that consists of the dissolution of a district that is consistent with a prior action of the commission, to immediately order the dissolution if initiated by the district board, or if the dissolution was initiated by an affected local agency, by the commission, or by petition, to hold at least one noticed public hearing on the proposal, and to order the dissolution, unless a majority protest exists.	Signed by GOVERNOR. Chapters by Secretary of State. Chapter No. 109 [Effective Rule]		
AB 954	Water Replenishment Districts	3/10/2011		
Calderon, C (D)	Requires information in certain engineering surveys and reports and in related determinations, to pertain to the groundwater in each basin within the water replenishment district. Provides that the board of directors of a water replenishment district, would be required, to impose an assessment in an amount that is calculated to pay for costs that include the actual cost of replenishing the groundwater basin, removing contaminants from the groundwater basin, and the administrative costs of the district.	To ASSEMBLY Committees on LOCAL GOVERNMENT and WATER, PARKS AND WILDLIFE.		
AB 964	Water Rights: Appropriation	10/8/2011		
Huffman (D)	Authorizes obtaining a right to appropriate water for a small irrigation use upon registering the use with the State Water Resources Control Board and applying the water to reasonable and beneficial use. Allows more than one such registration. Requires conditions for crop frost protection. Prohibits such use registration for a facility served or used pursuant to a permit or license for domestic or municipal use. Provides the requirements stream system registration. Relates to stream flow requirements.	Chapters by Secretary of State. Chapter No. 579 [Effective Rule]		IRWD: Support
AB 977	Harbors and Ports: Loans: OC Dana Point Harbor	3/31/2011		
Harkey (R)	Relates to the acquisition, construction, and operation of small craft harbors. Requires the Department of Boating and Waterways to extend all phases of certain loan contracts for such purposes between the department and the County of Orange, OC Dana Point Harbor.	In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.		
AB 1048	Water Quality: Recycled Water and Wastewater: Fluoride	3/16/2011		
Harkey (R)	Requires the State Water Resources Control Board to adopt a statewide policy establishing standards for levels of fluoride in recycled water and wastewater.	Re-referred to ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.		
AB 1283	Safe, Clean, and Reliable Drinking Water Supply Act	2/18/2011		
Berryhill, B. (R)	Declares the intent of the Legislature to enact legislation relating to the Safe, Clean, and Reliable Drinking Water Supply Act of 2012.	INTRODUCED		

ACA 4	Local Government Financing: Voter Approval	8/29/2011		
Blumenfeld (D)	Proposes an amendment to the Constitution to create an additional exception to the 1% limit for a tax rate imposed by a city, county, city and county, or special district to service bonded indebtedness incurred to fund specified public improvements and facilities, or buildings used primarily to provide sheriff, police, or fire protection services, that is approved by 55% of the voters of the city, county, city and county, or special district.	To Assembly Inactive File		
SB 31	Local Government: Lobbyist Registration	3/31/2011		
Correa (D)	Enacts a comprehensive scheme to regulate lobbying entities that lobby local government agencies, including requirements to register and make periodic reports regarding certain lobbying activities. Requires each agency to create a commission to implement and enforce these provisions. Provides that any person who knowingly or willingly violates a provision, or knowingly or willfully aides and abets any person in violation of any provision is guilty of a misdemeanor.	Re-referred to SENATE Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS.		
SB 34	Water Resources Investment Act of 2011	5/4/2011		
Simitian (D)	Requires revenues and charges collected under the Water Resources Investment Program to be deposited in the state Water Resources Investment Program Fund and a number of regional investment accounts within the fund. Requires money in the regional accounts be for water-related projects and programs. Requires state account moneys be appropriated for specified statewide water-related programs and the Delta plan, mercury contamination in the Sacramento-San Joaquin Delta, and for related bond debt service.	From SENATE Committee on GOVERNANCE AND FINANCE: Do pass to Committee on APPROPRIATIONS.	MWDOC: Oppose 5/18/11	MWD: Oppose 5/10/11 IRWD: Oppose
SB 46	Public Officials: Compensation Disclosure	6/6/2011		
Correa (D)	Requires every designated employee and other person, except a candidate for public office, who is required to file a statement of economic interests to include a compensation disclosure form that provides compensation information for the preceding calendar year. Requires every agency to post of that agency's Internet Web site information contained on the compensation disclosure form filed by a person required to file a statement of economic interests. Requires the adoption of emergency regulations.	In SENATE. Read second time. To third reading.		IRWD: Oppose unless Amended
SB 52	Water Quality: Sacramento Regional Sanitation District	5/2/2011		
Steinberg (D)	Appropriates funds to the Department of Water Resources from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 to provide financial assistance to the Sacramento Regional County Sanitation District to offset rate increases associated with the costs of capital improvements to the district's regional sewage treatment plant.	In SENATE Committee on ENVIRONMENTAL QUALITY: Failed passage. Reconsideration granted.		MWD: Watch (2/8/11)

SB 160	Local Government: Reorganization	2/10/2011		
Huff (R)	Makes a technical, nonsubstantive change to the Cortese Knox Hertzberg Local Government Reorganization Act, which provides the authority and procedure for the initiation and completion of changes of organization for cities and districts.	INTRODUCED To SENATE Committee on RULES.		
SB 186	The Controller	6/29/2011		
Kehoe (D)	Authorizes the Controller to exercise discretionary authority to perform an audit or investigation of any county, city, special district, joint powers authority, or redevelopment agency. Expands existing law, providing that if reports are not made in a specified manner of if there is reason to believe that reports are false, an investigation may be made and a copy of the results transmitted to the grand jury of the county, to also include a special district, joint powers authority, or redevelopment agency.	In ASSEMBLY Committee on LOCAL GOVERNMENT: Failed passage. Reconsideration granted.		
SB 200	Sacramento-San Joaquin Delta: Bay Delta Conservation	3/24/2011		
Wolk (D)	Amends the Delta Reform Act of 2009 that requires the Delta Stewardship Council to consider the Bay Delta Conservation Plan (BDCP) for inclusion in a specified Delta Plan and the authorizes the incorporation of the plan into the Delta Plan if the BDCP meets certain requirements. Requires any state agency that is responsible for authorizing or implementing any action of the BDCP to ensure the action is consistent with specified requirements prescribed by these provisions.	In SENATE. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES AND WATER.	MWDOC: Oppose (4/6/11)	IRWD: Oppose MWD: Oppose
SB 215	Invasive Aquatic Species: Mussels	9/26/2011		
Huff (R)	Extends the repeal date of existing law that generally prohibits a person from possessing, importing, shipping, or transporting, or from placing, planting, or causing to be placed or planted in any water within the state, dreissenid mussels, and authorizes the Director of Fish and Game or his or her designee to engage in enforcement activities. Provides that a person who violates, resists, delays, obstructs, or interferes with the implementation of these provisions is subject to a penalty.	Signed by GOVERNOR. Chaptered by Secretary of State. Chapter No. 332 [Effective Rule]	MWDOC: Support (4/20/11)	IRWD: Support OCWD: Support MWD: Support
SB 224	Public Contracts: Department of Water Resources	10/8/2011		
Pavley (D)	Amends existing law regarding public contract approvals by the Department of General Services and requires the securing of a minimum number of competitive bids, with an exemption thereto. Makes those provisions inapplicable to any contract entered into by the Department of Water Resources for the acquisition, sale, or transmission of power, or related services. Authorizes the department to award contracts for acquisition of special equipment, and contracts with a specified minimum monetary threshold.	Chaptered by Secretary of State. Chapter No. 587 [Effective Rule]	MWDOC: Support (7/20/11)	IRWD: Support MWD: Support

SB 297	Renewable Energy Resources: Hydroelectric Generation	4/14/2011		
Cannella (R)	Amends the State Renewable Portfolio Standard Program that includes a small hydroelectric general facility as an eligible renewable energy resource. Revises the definition of renewable energy resource to include a hydroelectric generation facility of any size, and removes other restrictions regarding which such facilities meet the definition of an eligible renewable energy resource. Makes other conforming changes.	In SENATE. Read second time and amended. Re-referred to Committee on ENERGY, UTILITIES AND COMMUNICATIONS.	MWDOC: Support (4/20/11)	MWD: Support
SB 571	Water Commission: Water Plan: Water Resources	4/13/2011		
Wolk (D)	Provides for the organization of the State Water Commission as a separate agency in state government. Enacts the Water Resources Investment Planning Act to establish regional water planning agencies and a state water investment plan. Provides the frequency for plan updates. Requires the State Department of Water Resources and regional agencies to submit related reports to the commission. Prescribes the contents of the reports and the purpose for developing the reports.	In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	MWDOC: Oppose 5/18/11	MWD: Oppose (5/10/11)
SB 607	Water Resources Board: Brackish Groundwater Treatment	9/6/2011		
Walters (R)	Requires the Water Resources Control Board to either amend the State Ocean Plan, or adopt separate standards, to address water quality objectives and effluent limitations that are specifically appropriate for brackish groundwater treatment system facilities that produce municipal water supplies for local use.	Signed by Governor. Chaptered by Secretary of State. Chapter No. 241 [Effective Rule]		
SB 701	Central Basin Municipal Water District: Report	4/7/2011		
Calderon, R. (D)	Requires the Central Basin Municipal Water District to report on the status of the Central Groundwater Basin and seawater barrier operations. Requires the municipal water district to provide an annual update of that report. Requires the Department of Water Resources and the Water Replenishment District of Southern California to cooperate with the municipal water district in the completion of the report. Requires the Board of Directors of the Central Basin Municipal Water District to consist of 7 directors.	Re-referred to SENATE Committees on NATURAL RESOURCES AND WATER and GOVERNANCE AND FINANCE.		MWD: Oppose (4/12/11)
SB 834	Integrated Regional Water Management Plans: Contents	10/2/2011		
Wolk (D)	Requires an integrated regional water management plan to address specified water quality and water supply matters and identify the manner in which the plan furthers a specified state policy concerning reducing reliance on the Sacramento-San Joaquin Delta for water supply and improving regional self-reliance for water, if the region depends on water for the watershed. Requires integrated regional water management plans to incorporate that requirement. Relates to plan funding.	Vetoed by GOVERNOR.		MWD: Watch

H.R. 470	The Hoover Power Allocation Act of 2011	10/4/2011		
Heck (NV 3)	A bill to further allocate and expand the availability of hydroelectric power generated at Hoover Dam.	Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 185.	MWDOC: Support 3/2/11	MWD: Support OCWD: Support
S. 519	The Hoover Power Allocation Act of 2011	8/30/2011		
Reid (NV)	A bill to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.	Placed on Senate Legislative Calendar under General Orders. Calendar No. 138.	MWDOC: Support	MWD: Support
H.R. 567	Public Employee Pension Transparency Act	2/9/2011		
Nunes (CA-21)	<p>Public Employee Pension Transparency Act - Amends the Internal Revenue Code to deny tax benefits relating to bonds issued by a state or political subdivision during any period in which such state or political subdivision is noncompliant with specified reporting requirements for state or local government employee pension benefit plans.</p> <p>Requires plan sponsors of a state or local government employee pension benefit plan to file with the Secretary of the Treasury an annual report setting forth: (1) a schedule of the funding status of the plan; (2) a schedule of contributions by the plan sponsor for the plan year; (3) alternative projections for each of the next 20 plan years relating to the amount of annual contributions, the fair market value of plan assets, current liability, the funding percentage, and other matters specified by the Secretary; (4) a statement of the actuarial assumptions used for the plan year; (5) a statement of the number of plan participants who are retired or separated from service and are either receiving benefits or are entitled to future benefits and those who are active under the plan; (6) a statement of the plan's investment returns; (7) a statement of the degree to which unfunded liabilities are expected to be eliminated; and (8) a statement of the amount of pension obligation bonds outstanding.</p> <p>Directs the Secretary to develop model reporting statements and create and maintain a public website, with searchable capabilities, for purposes of posting</p>	Referred to the House Committee on Ways and Means.	MWDOC: Support 4/6/11	

S. 347	Public Employee Pension Transparency Act	2/15/2011		
Burr (NC)	<p>Public Employee Pension Transparency Act - Amends the Internal Revenue Code to deny tax benefits relating to bonds issued by a state or political subdivision during any period in which such state or political subdivision is noncompliant with specified reporting requirements for state or local government employee pension benefit plans.</p> <p>Requires plan sponsors of a state or local government employee pension benefit plan to file with the Secretary of the Treasury an annual report setting forth: (1) a schedule of the funding status of the plan; (2) a schedule of contributions by the plan sponsor for the plan year; (3) alternative projections for each of the next 20 plan years relating to the amount of annual contributions, the fair market value of plan assets, current liability, the funding percentage, and other matters specified by the Secretary; (4) a statement of the actuarial assumptions used for the plan year; (5) a statement of the number of plan participants who are retired or separated from service and are either receiving benefits or are entitled to future benefits and those who are active under the plan; (6) a statement of the plan's investment returns; (7) a statement of the degree to which unfunded liabilities are expected to be eliminated; and (8) a statement of the amount of pension obligation bonds outstanding.</p>	Read twice and referred to the Committee on Finance.	MWDOC: Support 4/6/11	
H.R. 2664	Reauthorization of the Water Desalination Act of 1996	7/29/2011		
Napolitano (CA)	Reauthorizes the Desalination Act of 1996 and allocates \$2 million a year through 2016 for the operation, management and maintenance of facilities to carry out research, development and demonstration activities to develop technologies and methods that promote brackish groundwater desalination	Referred to the Subcommittee on Water and Power.	MWDOC: Support if Amended (8/17/11)	



INFORMATION ITEM

October 19, 2011

TO: Board of Directors

FROM: **Public Affairs & Legislation Committee**
(Directors Hinman, Dick, Clark)

Kevin Hunt
General Manager

Staff Contact: Darcy Burke

SUBJECT: **Polling Study**

STAFF RECOMMENDATION

Staff recommends the Public Affair and Legislation Committee receive and file this report.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

SUMMARY

In July, staff brought the polling study to the Public Affairs and Legislation Committee for discussion. Since that meeting, staff has been working with John Lewis and Associates to develop a survey that would capture the public’s sentiment on water rates, water supply, ocean desalination, water conservation/efficiency, the proposed Water Bond and the Bay Delta.

Outreach efforts for question review and submittal were conducted over a six week period. Questions were submitted from MWDOC Member Agencies and from Citizens for Responsible Desal. All questions that were submitted were considered and a final survey instrument was developed. The survey is ahead of schedule and should be in the field the week of October 10th.

DETAILED REPORT

Previous public opinion polling authorized by the MWDOC Board indicated that the public was aware of the water supply shortage that existed at the time. Participants were supportive of water use efficiency measures such as washing full loads of laundry, taking

Budgeted (Y/N): Y	Budgeted amount: \$100,000.00
Action item amount: \$15,000	Line item: 21-7010
Fiscal Impact (explain if unbudgeted): \$15,000 was included in the line item for polling	

shorter showers and reducing the volume and frequency of outdoor irrigation. They also supported the development of ocean desalination.

In a recent SDCWA study conducted by Rea & Parker Research, results indicated that the public's opinion of continued water-use efficiency is that it is the "right thing to do." (A PowerPoint of the summary is attached.) This ethic, however, decreased slightly as a civic responsibility equal to or greater than preventing litter and pollution. It is now in the same category as jury duty, voting and recycling used materials. Generally, the respondents indicated that they would continue their water efficient practices even when it is no longer mandatory. The support for ocean desalination fell to 13% from a high of 27% in 2006. During that same time period, water recycling went from 9% in 2006, to 4% in 2009 to 15% in 2011.

In order to capture the sentiments of Orange County registered voters, the following poll has been developed:

2011 Public Opinion Survey

Hello, this is _____ from opinion research calling. We are calling orange county residents to participate in an important brief survey about issues concerning daily life in Orange County. Would you be willing to participate in this community survey?

1. I am going to mention nine utilities that serve the needs of residents and businesses in Orange County. Considering only those utilities that you pay for, which would you say is the best value for the amount of money that you pay. (rotate)
 - A. Cable/Satellite TV
 - B. Water
 - C. Sewer
 - D. Telephone (land line)
 - E. Cellular telephone
 - F. Gas
 - G. Electric
 - H. Trash collection
 - I. Internet access
 - J. Other
2. What are your next two choices for best value? (rotate)
 - A. Cable/Satellite TV
 - B. Water
 - C. Sewer
 - D. Telephone (land line)
 - E. Cellular Telephone
 - F. Gas
 - G. Electric
 - H. Trash Collection
 - I. Internet Access
 - J. Other
3. The water you receive in your home comes from several different sources. Please state whether or not you believe Orange County currently gets its water from each of the following sources. (choose all that apply)

- A. Reservoir storage
 - B. Groundwater
 - C. Colorado River Water
 - D. Rivers, lakes or streams
 - E. Rainwater
 - F. Snow melt in the Sierra Nevada mountains
 - G. State Water project
 - H. The Sacramento-Bay Delta
 - I. Ocean desalination
 - J. Recycled water
4. Do you believe that your city or local water district does an effective job keeping you informed about your local water issues?
 - A. Very Effective
 - B. Somewhat Effective
 - C. Not Effective
 - D. Don't Know/Refused (Don't Read)
 5. Do you receive your water bill in the mail or via email – or is your water bill paid by a third party like a landlord or HOA?
 - A. Mail
 - B. Email
 - C. Third Party
 - D. Don't Know/Refused (Don't Read)
 6. If there was important water news to share with you, how would you prefer to receive it? (up to 2 selections)
 - A. Phone Call
 - B. Text message
 - C. Mail
 - D. Email
 - E. Local TV News
 - F. Water Bill Insert
 - G. Radio
 - H. Newspaper
 - I. Social Media (such as Facebook or twitter)
 - J. Blogs
 - K. Other
 - L. Don't Know/Refused (Don't Read)
 7. When thinking about Orange County's current water supply, how would you describe our current status?
 - A. Very Reliable
 - B. Somewhat Reliable
 - C. Somewhat Unreliable
 - D. Very unreliable
 - E. Don't Know/Refused (Don't Read)
 8. During the past year, would you say your household's water usage has been...*
 - A. Increasing,
 - B. Staying about the same
 - C. Decreasing,
 - D. Don't know/refused (don't read)
 9. (only for those who have decreased usage) what was the primary motivation for you to cut back on water usage?
 - A. Saving money

- B. Water Agency notices to conserve water
 - C. Messages from the media
 - D. It is the “right” thing to do
 - E. Rising water rates
 - F. Cooler/wetter weather
 - G. Mandatory water restrictions
 - H. Other
 - I. Don’t Know/Refused (Don’t Read)
10. (only for those who have decreased usage) do you think that your reduced use of water is permanent or temporary?
- A. Permanent
 - B. Temporary
 - C. Don’t Know/Refused (Don’t Read)

Due to Southern California’s unpredictable climate there are some years when we have enough rainfall and snowpack to meet our water needs. Sometimes we can have water droughts that last for years.

11. During times of water supply shortages, water agencies ask the public to voluntarily increase their conservation and cut back on their water use. What impact do these calls for increased voluntary conservation have on your water use? On a scale of 1-5, with 5 being a great deal of influence, and 1 being no influence at all, how much influence do these calls for conservation by water agencies have on your water use?
- A. 5 - Great influence
 - B. 4 – a lot of influence
 - C. 3 – some influence
 - D. 2 – little influence
 - E. 1 – No influence at all
12. If sometime in the future we were in a drought and you were told that water rationing could happen in your community within six months, unless residents took immediate action to conserve, would you change your water using habits?
- A. Yes
 - B. No
 - C. Don’t Know/Refused (Don’t Read)
13. What source of information would most influence your decision about the need to conserve water? (up to 3 selections)
- A. Water provider
 - B. Newspaper
 - C. Radio
 - D. State Government
 - E. Local Government
 - F. Television
 - G. Billboards
 - H. Direct Mail
 - I. Neighbor or friend
 - J. Place of business or employer
 - K. Other/none of the above
14. Do you believe the cost of water is **(rotate)**
- A. Expensive
 - B. Fair/reasonable
 - C. Inexpensive

- D. Don't Know/Refused (don't read)
15. Are you aware of any major issues associated with the Sacramento Bay Delta?
- Yes
 - No
16. How important do you think the Sacramento Bay Delta is to Orange County's water supply?
- Very important
 - Somewhat important
 - Not important
 - Unsure/don't know (don't read)
17. (first split) on a 5 point scale with 1 being no importance and 5 being very important, where would you rate the importance of water conservation in orange county?
(second split) on a 5 point scale with 1 being no importance and 5 being very important, where would you rate the importance of water use efficiency in orange county?
- 5 – Very Important
 - 4
 - 3
 - 2
 - 1 – Not important at all
18. Are you aware of rebates on water saving devices?
- Yes
 - No
 - Refused (don't read)
19. If yes to Q19, have you ever taken advantage of any of the rebates?
- Yes
 - No
 - Refused/Don't Know
20. Which of the following 7 options do you believe would be the most effective in solving a water shortage? (up to 2 selections) (rotate)
- Ocean Desalination
 - Be more efficient with water
 - Use Recycled water
 - Increase storage
 - Raise water rates
 - Import more water
 - Permanent water restrictions
21. When thinking about increasing Orange County's water supply, do you think ocean desalination is a good idea or a bad idea?
- Good idea
 - Bad idea
 - Don't Know/Refused (Don't Read)
22. Appearing on the November 2012 election ballot will be the "safe, clean and reliable drinking water supply act of 2012". The ballot summary says – "In order to protect water quality and ensure safe clean drinking water, meet the water supply needs of California residents, farms, businesses, expand water conservation and recycling, restore fish and wildlife habitat, reduce polluted runoff that contaminates rivers, streams, beaches and bays, and protect the safety of water supplies threatened by earthquakes and other natural disasters, the state of California shall issue bonds totaling eleven billion one-hundred and forty million dollars paid from existing state funds subject to independent, annual audits and city oversight."
If the election were held today, how would you vote Yes or No on this measure?

- A. Yes
 - B. No
 - C. Don't Know/Refused (Don't Read)
23. (FOR NO VOTERS ONLY) Would you consider voting "Yes" if the amount of the bond was lower?
- A. Yes
 - B. No
 - C. Don't Know/Refused (Don't Read)
24. (FOR YES RESPONDENTS OF Q24 ONLY) Which level of state bond issuance for this measure would switch your vote to Yes?
- A. 9 Billion dollars
 - B. 7 Billion dollars
 - C. 5 Billion dollars
 - D. 3 Billion dollars
 - E. Less than 3 Billion dollars
 - F. Don't Know/Refused (Don't Read)
25. In your opinion, which of the following are the two most significant threats to a long term reliable water supply in Orange County?
- A. Drought
 - B. Periodic pipe ruptures
 - C. Pollution
 - D. Earthquakes
 - E. Delta levee failures
 - F. Flood
 - G. Wildfires

CROSSTABULATIONS

- Age
- Gender
- Political affiliation
- Ethnicity
- Supervisor District (as of 2010 election)
- Assembly District (as of 2010 election)
- Groundwater cities vs. non groundwater cities (Aliso Viejo, Brea, Laguna Beach, Laguna Niguel, Laguna Woods) [USED FOR ONLY Q3]
- Home owner or renter

Once the field polling is complete, John Lewis and Associates will compile the results and prepare a comprehensive report with the findings and cross tabulations. Staff will work with John Lewis and Associates once the findings are complete and bring the results back to the committee for review.

**Public Affairs Activities Report
September 19, 2011 – October 16, 2011**

<p>Member Agency Relations</p>	<p>Director Thomas and Darcy are meeting with OCWD and are in the initial stages of planning the Fifth Annual OC Water Summit. Sponsorship outreach is in progress and the program is in development. Disney is developing graphics and electronic pieces for distribution.</p> <p>Darcy and Tiffany continue to work with MWDOC's Metropolitan Directors and Metropolitan staff regarding the current inspection trip season. A State Water Project Trip hosted by Director Dick on behalf of Assemblyman Silva and Senator Huff is scheduled for October 21 and 22.</p> <p>Darcy attended Metropolitan's PIO meeting on September 22 at Union Station. The next meeting will be combined with the Water Use Efficiency Coordinators group and focus on messaging and implementation of the Long Term Water Conservation Market Transformation Plan.</p> <p>Darcy met with Eleanor Torres of Orange County Water District and Gina Pineda regarding the last billing cycle of the shared Prop 50 grant.</p> <p>Jessica attended the Education Coordinators meeting hosted by Metropolitan on September 22. Jessica updated staff of MET and the MET member agencies on the MWDOC water education programs and public affairs activities.</p> <p>Jessica participated in the Children's Water Education Festival planning committee meeting on October 13.</p> <p>Jessica is preparing for the next Public Affairs Workgroup meeting, which will take place on October 18 at MWDOC. The meeting will focus on water education.</p>
<p>Community Relations</p>	<p>Darcy met with Ben Edwards of Hurley to discuss future partnership efforts including using social media platforms, video services and an on-site event for Hurley employees.</p> <p>Darcy met with Evan Marks of the Ecology Center and Ben Edwards of Hurley to discuss partnership efforts regarding the SOCOD project, Metropolitan's Community Partnership Program and a possible Water: Do More with Less display at South Coast Plaza.</p>

	<p>Darcy and David attended the Clean Water and Jobs for California (CWJC) briefing with Tim Quinn of ACWA, Shawn Coburn of Coburn Farms and Mario Santoyo of California Latino Water Coalition and Friant Water on September 28. CWJC is looking for letters of support and financial assistance in their polling and education efforts.</p> <p>Darcy and Joe Berg met with Eco Cover, a local manufacturer of recycled paper water efficient mulch alternatives. Joe provided some direction for participation for future Water Use Efficiency involvement and Darcy reviewed the Water: Do More with Less program and other possible partnerships.</p> <p>Darcy and Michael Thies attended the Central Basin Metropolitan Caucus. Bob Garcia, Golden State Advocacy, presented on recent legislation signed by the Governor and the impact to Central Basin and its member agencies.</p>
<p>School Program</p>	<p>To date, 67,313 students have been scheduled to participate in the 2011-12 Water Education School Program. Thus far, 7,888 students have been served through the program. The participation goal for the 2011-12 program is currently 79,374 students, although that number may increase if agencies opt to sponsor additional students.</p> <p>Jessica and public affairs intern Melissa Covarrubias participated in Discovery Science Center's Educator's Evening of Science. Information regarding the School Program was distributed to Orange County teachers, many of whom expressed interest in participating in the program.</p> <p>Jessica met with staff of Discovery Science Center to discuss the School Program and member agency branding. We are proposing to develop new table covers that display the MWDOC and DSC logos as well as the corresponding member agency logo in which the assembly is taking place.</p> <p>Jessica worked with a reporter from <i>Water System Operator</i> magazine on a story regarding the annual Poster & Slogan Contest. Information on the Water Education School Program will also be provided. The article will not be released until early 2012.</p>
<p>Media Relations</p>	<p>Bureau of Reclamation, MWDOC Sea Water Pilot Desalination Study QA/QC and Peer Review. Posting on the Bureau website that provides an overview of the South Orange Coastal Ocean Desalination Project and the current status of the research and study work. Article attached</p>

	<p>Stu News Laguna Beach, <i>Green also means saving water and energy – take part in the Water District’s Smartscape Info/Expo, Oct 1-2 (Lagune Beach County Water District)</i>. Article mentioned MWDOC as a participating in LBCWD’s Smartscape Info/Expo. Article attached</p> <p>NBC-LA – Algae Bloom in Tap Water Affecting Some in Southland. Website posting on the earthy taste and smell in the imported water supply caused by a persistent algae bloom in the east branch of the State Water Project. MWDOC, Irvine Ranch Water District, and Huntington Beach were mentioned as affected agencies/regions. Article attached</p> <p>Valley News (Fallbrook) – Musty Taste/Smell of Tap Water in Four Southland Counties Could Last Weeks, But No Health hazard. Syndicated article on the earthy taste and smell in the imported water supply caused by a persistent algae bloom in the east branch of the State Water Project. MWDOC, Irvine Ranch Water District, and Huntington Beach were mentioned as affected agencies and regions. Article attached</p> <p>Laguna Niguel Patch – Beware the Stink, But It’s Safe to Drink. Article on the earthy taste and smell in the imported water supply caused by a persistent algae bloom in the east branch of the State Water Project. Mentions MWDOC as affected agency. Article attached</p> <p>Natural Resources News Service – Desalination: Little Oversight of California Water Boards. Article about the South Orange Coastal Ocean Desalination Project, concerns about perceived conflicts of interest among water board members and consultants working on projects, skepticism about the need and benefit provided by desalination ocean water, etc. Article attached.</p>
<p>Special Projects</p>	<p>Darcy and Jessica continued meeting with John Lewis and Matt Holder of Lewis Consulting Group to discuss the 2011 Public Opinion Survey. Content was submitted from Citizens for Responsible Desal and Member Agencies for consideration. The survey was finalized on October 7 and is ahead of schedule. The field work is scheduled to begin the week of October 10.</p> <p>Planning is underway for the next Water Policy Forum and Dinner on October 20, 2011. Jessica is taking the lead on planning the event. The keynote speaker, Kevin Starr, has been secured and Jessica and David are working with him to coordinate the content of his talk. The pre-dinner reception will celebrate MWDOC’s 60th anniversary. MWDOC VIPs – including past board members and general managers – will be in attendance and will be interviewed by Jeff Cole as part of the celebration. A final email with the dinner</p>

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	<p>invitation and reminder to register will be distributed on October 12.</p> <p>Darcy and Jessica met with Greg Osti, website developer, regarding developing an independent site for the South Orange Coastal Ocean Desalination Project. Darcy is currently drafting the website navigation map and will present the outline to the project partners as it becomes defined.</p> <p>Darcy and Phil Letrong met with Ed Burrell of Granicus to review system requirements, MWDOC's current equipment, costs and system compatibility.</p> <p>Darcy and the Public Affairs team hosted a brain storming session for all MWDOC departments in order to develop a comprehensive, integrated master editorial calendar for eCurrents, social media platforms, events and other outreach efforts.</p> <p>Darcy conducted a new employee orientation on October 11.</p> <p>Darcy and David participated in MWDOC's October Leadership meeting on October 7.</p> <p>Darcy participated in the California Department of Public Health Services (CDPHS) Operator Certification Stakeholder's meeting. This program has been recently re-organized by Leah Walker, Chief, CDPHS, to improve its efficiency and customer service.</p> <p>Darcy will be attending California Nevada Section, American Water Works Association's (CA-NV-AWWA) Fall Conference in Reno, Nevada. Darcy is presenting one paper and participating on a panel. In addition, she will be participating in Certification Committee meetings, CA-NV-AWWA Board meetings and meeting with the Nevada Bureau of Health and Environmental protection Services.</p> <p>Jessica changed out the slideshow images on the MWDOC website homepage. The new slideshow features historical photos in honor of MWDOC's 60th anniversary.</p>
Water-Use Efficiency	<p>Darcy has been working with Jamba Juice and Hurley in regards to the competition the Chapman University is developing to improve water-use efficiency practices in the dorms. This is the first effort that Chapman is implementing in their new sustainability initiative. These and other corporate partners are being recruited to encourage students and faculty with innovative messaging and prizes.</p> <p>Jessica is in the final stages of developing the water use efficiency marketing plan. The plan will provide an overview for all marketing</p>

	<p>activities that will be conducted on behalf of the district’s water use efficiency programs. Once it is complete, it will be shared with the PAL Committee as well as the Public Affairs and Water Use Efficiency workgroups.</p> <p>Jessica and Joe Berg are working with staff of Metropolitan and the Department of Water Resources to develop a watering index RSS feed. This would allow residents to sign up to receive monthly or weekly emails containing the percent adjust amount for watering their landscape.</p> <p>Jessica, Melissa Covarrubias, and staff of the water use efficiency department staffed MWDOC’s booth at the Laguna Beach Smartscape Expo on October 1-2.</p> <p>Jessica distributed water conservation materials, including door hangers and pillow cards, to the Comfort Inn hotel in Newport Beach.</p> <p>Jessica developed an advertisement layout and a website banner that member agencies may utilize to promote the Turf Removal Program. The ad was used in the Smartscape event brochure which was distributed to attendees.</p>
<p>Legislative Affairs</p>	<p>David, Darcy, Kevin and Director Finnegan participated in a special briefing for water district board presidents and staff on the 2012 water bond. The briefing was presented by Tim Quinn from the Association of California Water Agencies (ACWA), Shawn Coburn of Coburn Farms, and Mario Santoyo of the California Latino Water Coalition and Friant Water. The purpose of the briefing was to introduce the water agencies to the Clean Jobs and Water for California coalition, to re-familiarize board members with the water bond, discuss the state’s political and economic environments and how it could affect the bond at the polls in November 2012, gauge the level of support for the bond among the agencies, and discuss related issues. CWJC is looking for letters of support and financial assistance in their polling and education efforts. David has also arranged for Tim Quinn to return to Orange County on Friday, November 4th to speak on these and other issues at Water Advisory Committee of Orange County (WACO) meeting.</p> <p>David will be attending a state legislative informational hearing at Metropolitan on October 18 entitled, “Water Reliability and Seismic Risks.” This joint information hearing will feature <i>Assemblyman Jose Solorio</i> (Chair, Select Committee on Regional Approaches to Addressing the State’s Water Crisis) and <i>Assemblywoman Bonnie Lowenthal</i> (Chair, Joint Committee on Emergency Management). The purpose of the hearing is for state and local leaders in the fields of water and seismology to discuss current condition of California’s</p>

Item 5

	<p>water delivery system and the recent State action in addressing seismic risk in the San Joaquin River Delta.</p> <p>David will be participating in the annual legislative planning meeting of the Metropolitan Member Agency Legislative Coordinators group. The meeting will take place at Metropolitan on October 20 and will provide an opportunity for Metropolitan and its member agency staff to review the just completed legislative year and begin discussing and planning for 2012.</p> <p>David is organizing a meeting of Orange County legislative staffers on October 24th which will focus on Delta- and Colorado River-related issues. Randall Neudeck and Bill Hasencamp (Metropolitan) will be in attendance to provide the comprehensive updates and answer questions.</p> <p>David continues the process of circulating updated letters of support for the South Orange Coastal Ocean Desalination Project among Orange County's Congressional and State Legislative delegations, and the Orange County Board of Supervisors. The letters will be used to demonstrate legislative support in future outreach activities, as an accompanying document with grant funding requests, and in related activities.</p> <p>David arranged for John Lewis (Lewis Consulting Group) to provide an update on redistricting and Orange County's new legislative boundaries at the recent quarterly meeting of the Independent Special Districts of Orange County.</p>
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MWDOC Sea Water Pilot Desalination Study QA/QC and Peer Review

Project ID: 3879

Principal Investigator: [Saied Delagah](#), (303) 445-2248

Research Topic: Desalination and Water Treatment

Priority Area Assignments: 2012 (Advanced Water Treatment)

Initially Funded Fiscal Year: 2012

Keywords: seawater ro desalination,

Research Question

Municipal Water District of Orange County (MWDOC) is investigating seawater desalination for potable water production. There are multiple aspects to the study that include seawater intake, pretreatment and reverse osmosis treatment. MWDOC has asked Reclamation to participate in this study as a technical advisor. Bill Steele from Reclamation's Southern California Area Office has asked Denver's TSC to provide technical support to MWDOC and provide peer review and QA/QC into the various tasks that will be completed in this study. The pilot research at MWDOC is investigating slant beach wells for subsurface intake, followed by pretreatment for iron and manganese leached from the subsurface and subsequent RO treatment train. The goal of the study is to provide design data for the full scale plant.

Need and Benefit

There is significant need for this project. Unlike other desalination facilities that either have open intake structures or a submerged intake, MWDOC is using a novel slant well intake described in the above section. The intake when proven successful will diminish the effect of impingement and entrainment (I&E) issues associated with other intakes. It will also act as a first line filter at no additional cost since it will use the ocean floor as a media filter of sorts. Currently, the pilot study feed water from the well that is operating has a 0.1 NTU turbidity. This value has been consistent over the last 6 month of testing. Dealing with I&E issues is a large hurdle to overcome for successful coastal sea water desalination, therefore it is a very important aspect of this pilot study.

A consequence of the slant well is that currently, it is tapping inland aquifers and surface waters as well as seawater. When the initial pumping of the slant well started, the feed contained 2500 ppm TDS. That value has since increased to 15000 ppm over the last year. Modeling of the feed predicted this rise in the TDS due to seawater mixing with the brackish water that the well is drawing. It is predicted that a system at full capacity will be running primarily on seawater with little influence from aquifers and surface water, however for the pilot study and the start of the full scale system, the intake would be under the influence of the aquifer and surface water or brackish waters. This brackish water contains iron and manganese (Fe & Mn) that require removal prior to RO. MWDOC is currently studying a pilot system for Fe & Mn removal, and has asked Reclamation to help peer review and provide QA/QC on the

pretreatment. Iron concentrations started at about 1 ppm a year ago and now have leveled off at 10 ppm for the past 4 month. 10 ppm iron would cause irreversible damage to membrane and would have to be dealt with in a pretreatment system. Models are predicting that the influence of iron and brackish water will diminish for the full scale system. However operation of an RO plant would require dealing with the iron prior to RO feed when it is present in the feed at the start of the full scale system.

It is an important and necessary aspect of the piloting to understand the slant wells operation and its effects on desalination system. I&E issues in California as well as other coastal communities must be dealt with for successful commissioning of RO plants.

Research Products

A technical bulletin will be created summerizing the findings of the pilot test study. News release for the Denver News will be prepared.

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Green also means saving water and energy – take part in the Water District’s Smartscape Info/Expo, Oct 1-2

From the Laguna Beach County Water District

Thinking about watering less, but worried you'll have to sacrifice flowering plants, fruit trees, and all of your lawn? Want to add California native plants and other drought tolerant plants, but clueless about their care?

You're not alone. Thousands of home gardeners are seeking advice and information as they rethink their traditional approach to gardening. For many, green is no longer just a color in the garden. It's about saving water and energy, changing the way we garden, and creating beautiful landscapes with less thirsty plants.

To help get your garden ideas growing, the Laguna Beach County Water District is hosting its second annual SmartScape Info/Expo on October 1-2, from 9 a.m. to 4 p.m. at its headquarters office located at 306 Third Street, downtown.

The free event highlights and promotes the benefits of using California friendly plants and efficient irrigation techniques in landscapes.

"What makes the SmartScape Info/Expo unique is its focus on hands-on learning opportunities and face-to-face interactions with knowledgeable landscape and irrigation professionals," says Renae Hinchey, water district general manager. "Each participant involved is a leader in their field or industry and brings the latest products and practices to the table."

This year's event features rebates for irrigation SmartTimer controllers (up to \$425 with no out-of-pocket cost to the consumer during the event), a plant sale featuring California native, succulent, and drought tolerant plants at below wholesale prices, and while supplies last, free compost. Attendees will have the opportunity to visit with the region's gardening and irrigation gurus and learn about the latest water efficient landscape products and services. How-to demonstrations on sprinkler head retrofitting, rainwater harvesting, container gardening, and wildlife habitat garden displays are also planned. In addition, a kid's planting activity is planned.

This year's sponsors include the Metropolitan Water District of Southern California, Toro, Ganahl Lumber, Hunter Industries, Imperial Sprinkler Supply, Inc., Laguna Nursery, Larry's Building Materials, Inc., Rain Bird Corporation, Waste Management, WaterDex, and Susan Trindle/A Native Garden Design, Inc.

Event participants include Master Gardener's, Mike Parker Landscape, Saddleback Valley Landscaping, Bridgecreek Landscape, City of Laguna Beach Water Quality Department, Bushman Rainharvesting, Orange County Stormwater Program, Robert Farnsworth from Saddleback Community College, the Greater Laguna Coast Fire Safe Council, Laguna Beach Chamber of Commerce, Laguna Canyon Foundation, and the Municipal Water District of Orange County.

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Algae Bloom in Tap Water Affecting Some in Southland

Authorities said the odd taste could last for weeks, but is not a health hazard.

Saturday, Oct 1, 2011 | Updated 12:04 PM PDT



New Yorkers are being told to run their taps for 30 seconds before drinking water, cooking with it or using it to make baby formula after tests showed elevated lead levels in some older buildings.

Metropolitan Water District officials were telling Southland residents Saturday not to worry about an algae bloom in part of the state water system that may affect the taste of tap water in parts of four Southern California counties for weeks.

The musty, earthy taste could persist for weeks but poses no health hazard, according to the MWD, the main water wholesaler in Southern California.

The problem could affect the smell and taste of tap water in parts of eastern Los Angeles County, as well as in parts of Orange County, western San Bernardino County and southwest Riverside County, according to the MWD.

"The earthy taste and smell stem from an especially large and persistent algae bloom in the east branch of the State Water Project," said Jim Green of the MWD.

"Metropolitan receives a major portion of its water through the SWP's east branch, which includes Silverwood Lake in the San Bernardino Mountains, and we are working with the state Department of Water Resources which owns and operates the state system to address the situation," Green said. "Consumers, however, can be assured that the taste-and-odor issues they may be experiencing in their tap water do not pose any health risks."

Green suggested refrigerating drinking water to help improve its taste until the problem diminishes.

For the third time in three weeks, DWR water quality experts Thursday applied copper sulfate to control the algae bloom. Officials stressed that the treated water is safe for consumers as well as boaters and swimmers at Silverwood and downstream at Lake Perris. Fish and wildlife also will not be impacted.

Metropolitan also has reduced deliveries from Silverwood Lake, which supplies the district's F.E. Weymouth Water Treatment Plant in La Verne and Robert B. Diemer plant in Yorba Linda, which together provide treated drinking water to about 7 million people in the affected areas.

According to the MWD, the cause has been identified as 2- methylisoborneol, or MIB, a compound produced from the growth of certain algae in freshwater throughout the world. Typically, MIB levels increase when warmer weather accelerates the growth of algae, Green said.

"Unfortunately, MIB is a noticeable needle in the haystack," he said.

"People with sensitive taste and smell can detect the compound in water levels as low as 5 parts-per-trillion. However, water from two treatment plants have experienced MIB concentrations as high as 20 parts-per-trillion," he said. "By comparison, one part-per-trillion is equivalent to just 10 drops of MIB in enough water to fill the Rose Bowl."

MWD supplies water to the city of Pasadena, Foothill Municipal Water District, Upper San Gabriel Valley Municipal Water District, Three Valleys Municipal Water District in eastern Los Angeles County; Inland Valley Utilities Agency and Cucamonga Valley Water District in western San Bernardino County; Eastern Municipal Water District in western Riverside County; and the city of Huntington Beach, the Municipal Water District of Orange County and Irvine Ranch Water District.

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Friday, September 30th, 2011 Issue 39, Volume 15.



RIVERSIDE - People in portions of Riverside and three other Southern California counties may notice a musty taste and odor in their tap water, but it is an aesthetic problem and not a health hazard, the Metropolitan Water District of Southern California reported today.

The situation could persist for weeks in southwest Riverside County, as well as eastern Los Angeles County communities and Orange and western San Bernardino counties, according to the MWD. The impact may vary from region to region, as local agencies blend imported Metropolitan water with local supplies.

"The earthy taste and smell stem from an especially large and persistent algae bloom in the east branch of the State Water Project," said Jim Green, Metropolitan's manager of water system operations.

"Metropolitan receives a major portion of its water through the SWP's east branch, which includes Silverwood Lake in the San Bernardino Mountains, and we are working with the state Department of Water Resources which owns and operates the state system to address the situation," Green said. "Consumers, however, can be assured that the taste-and-odor issues they may be experiencing in their tap water do not pose any health risks."

Green suggested that people consider refrigerating drinking water to help improve its taste until the problem diminishes, which he cautioned may not be for several more weeks.

For the third time in three weeks, DWR water quality experts Thursday applied copper sulfate to control the algae bloom. Officials stressed that the treated water is safe for consumers as well as boaters and swimmers at Silverwood and downstream at Lake Perris. Fish and wildlife also will not be impacted.

Metropolitan also has reduced deliveries from Silverwood Lake, which supplies the district's F.E. Weymouth Water Treatment Plant in La Verne and Robert B. Diemer plant in Yorba Linda, which together provide treated drinking water to about 7 million people in the affected areas.

According to Metropolitan, the cause has been identified as 2- methylisoborneal, or MIB, a compound produced from the growth of certain algae in freshwaters throughout the world. Typically, MIB levels increase when warmer weather accelerates the growth of algae, Green said.

"Unfortunately, MIB is a noticeable needle in the haystack," he said.

"People with sensitive taste and smell can detect the compound in water levels as low as 5 parts-per-trillion. However, water from two treatment plants have experienced MIB concentrations as high as 20 parts-per-trillion," he said. "By comparison, one part-per-trillion is equivalent to just 10 drops of MIB in enough water to fill the Rose Bowl."

Metropolitan member and retail agencies impacted by the problem include the Eastern Municipal Water District in western Riverside County; the city of Pasadena, Foothill Municipal Water District, Upper San Gabriel Valley Municipal Water District, Three Valleys Municipal Water District in eastern Los Angeles County; Inland Valley Utilities Agency and Cucamonga Valley Water District in western San Bernardino County; and the city of Huntington Beach, the Municipal Water District of Orange County and Irvine Ranch Water District.

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Beware the Stink, But It's Safe to Drink

Algae is creating a musty odor in local tap water, but poses no health hazard, officials say. The taste could last for several weeks.

September 30, 2011

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Get ready to break out the Sparkletts or add a slice of lemon to what comes out of the faucet. Local tap water could have a musty taste and odor for the next few weeks, officials said.

The new flavor poses no health hazards but could persist for weeks in portions of Southern California, including Orange County, according to the [Metropolitan Water District](#). The impact might vary from region to region, as water districts blend imported Metropolitan water with local supplies.

"The earthy taste and smell stem from an especially large and persistent algae bloom in the east branch of the State Water Project," said Jim Green, MWD's manager of water system operations.

"We are working with the [state Department of Water Resources](#), which owns and operates the state system, to address the situation," Green told City News Service. "Consumers, however, can be assured that the taste-and-odor issues they may be experiencing in their tap water do not pose any health risks."

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According to Metropolitan, the cause has been identified as 2-methylisoborneol, or MIB, a compound produced from the growth of certain algae in freshwaters throughout the world. Typically, MIB levels increase when warmer weather accelerates the growth of algae, Green said.

"Unfortunately, MIB is a noticeable needle in the haystack," he said. "People with sensitive taste and smell can detect the compound in water levels as low as 5 parts-per-trillion. However, water from two treatment plants have experienced MIB concentrations as high as 20 parts-per-trillion. By comparison, one part-per-trillion is equivalent to just 10 drops of MIB in enough water to fill the Rose Bowl."

The [Municipal Water District of Orange County](#), which helps quench the thirst of most OC cities (except Anaheim, Fullerton and Santa Ana) is one of the agencies affected. Others include the city of Pasadena, Foothill Municipal Water District, Upper San Gabriel Valley Municipal Water District, Three Valleys Municipal Water District in eastern Los Angeles County; the Inland Valley Utilities Agency and Cucamonga Valley Water District in western San Bernardino County; and the Eastern Municipal Water District in western Riverside County.

Desalination: Little Oversight of California Water Boards

By [David Rosenfeld](#), on September 21st, 2011

[Natural Resources News Service](#)



Inside Doheny Beach pilot desal plant

Dana Point, California –When it comes to pushing for energy-intensive ocean desalination projects along the coast of California, the motivation of some water board members is being questioned.

The wife of the pro-desalination chairman of the Metropolitan Water District of Southern California is a consultant to the Orange County water district, and she helped permit the Doheny Beach pilot desalination plant. She is also vocal in encouraging CalDesal, a nonprofit pro-desalination lobbying group supported by public water agencies.

“I think there’s a problem there,” says Debbie Cook, a former Huntington Beach City Council member who has been looking for conflicts of interest among the region’s often overlooked water boards.

Kevin Hunt, district manager, says the fact Foley's wife, Mary Jane, is paid by the district does not violate any law or regulation because Foley is not a board member, but rather an appointed representative to the regional water board.

Reached during a tour of the Doheny Beach desalination pilot project, Foley denies that his wife's involvement with desalination poses any conflict. "She believes in desal," Foley, a retired Army colonel, says. "That's the fundamental problem."



Jack Foley

Asked about his own position on desalination, Foley says he is in complete support.

"But we have a difficult time with a lot of opposition that's not really sustainable," Foley says. "It will fade as we develop more need. Unfortunately, we have an abundance of water right now. In the long run we're going to need desalination. We've probably pushed conservation as far as we can, quite frankly. Any more money poured into it is not going to return that much."

The Metropolitan Water District is a large operation. It provides about half the water for approximately 19 million people in six southern Californian counties. Its annual budget is around \$1.64 billion. It has about 1,850 employees and more than 30 facilities throughout Southern California.

Adding to the skepticism about water boards is the fact that water agencies operate with little public oversight. A recent Orange County [grand jury report](#) highlighted the salaries and benefits water board members receive, often between \$20,000 and \$40,000 per year for what is supposed to be a part-time position.

Beneath the beach sand at Doheny State Beach in Southern California, where a quiet creek reaches the ocean, water officials are demonstrating they can extract more than 500-year-old brackish groundwater from beneath the ocean seafloor and turn it into drinkable tap water. Whether they should, however, is the question.

The well is part of a pilot seawater desalination plant by the Orange County Municipal Water District in preparation for a \$215 million full-scale plant capable of producing 15 million gallons of drinkable water daily. That is about 25 percent of the local projected water needs.

When the full-scale plant is completed in 2018, individuals are expected to have reduced their water consumption by about 10 to 15 percent, down to about 144 gallons per person per day, says Karl Seckel, assistant general manager for the water district.

“Desalination is not a silver bullet,” Seckel says. “It’s just one additional option we have in California to help balance our water resource needs. We know that relying too heavily on one single source is not a good idea. We need to do the additional conservation and recycling.”

In Dana Point, the five local agencies expected to receive the desalinated water from Doheny Beach today get around 90 percent of their water supply from the Colorado River or the San Joaquin Basin near Sacramento. In Southern California overall, about half of the water consumed for household use is imported. And despite record rainfall this spring, the supply is still expected to dwindle in order to protect endangered species and preserve resources.

Imported water comes at a high price, but desalination is even higher. As the cost of importing water increases, it is expected to equal and then surpass the cost of desalination in about 10 to 20 years.



Karl Seckel at creek beneath Doheny Beach

“The urgency and crisis kind of ebbs and flows in California,” Seckel says. “We had a high sense of urgency over the past several years. Rainfall has been heavy this last year so all of a sudden people are thinking the drought and the long-term water supply problems are solved. We’re trying to work to get the general public to understand that’s not correct.”

But conservationists opposed to desalination criticize the project, and about a dozen others like it planned up and down the California coast, for their high-energy use, potential damage to the environment and the effect they might have in postponing the kind of drastic conservation steps fitting of a coastal desert.

“In some of these agencies we see their infrastructure falling apart,” says Conner Everts, who heads the nonprofit Desal Response Group. “They may be good on recycled water, but they haven’t paid attention to some of the other stuff because they’ve re-directed money to desal.”

The dozen or so desalination plants winding their way through the regulatory process in California all plan on using reverse osmosis, which involves pushing water at extremely high pressure through mesh screens, called membranes. Such pressure requires enormous amounts of energy. It takes about half as much energy, for instance, to turn sewage into tap water, something many agencies are already doing.

The cost of importing an acre-foot of water today is around \$800 compared to around \$1,400 for desalination. When considering the actual energy required, desalination comes out much closer.

According to researchers at the University of California Santa Barbara, ocean desalination requires around 3,700 kw/hrs per acre-foot of water produced compared to importing an acre-foot of water into Southern California at around 3,100 kw/hrs.



Whether or not desalinated water will directly offset an equal amount of imported water that would not be pumped south is a key sticking point when it comes to winning over opponents. Locally, Orange County water officials insist they will absolutely reduce their demand on imported water. But overall, the story is not so clear.

“I don’t think it’s ever been explained as a way to decrease the use of imported water,” says Bob Muir, spokesman for Metropolitan Water District of Southern California, which manages the wholesale distribution of imported water. “It’s really to provide more water reliability for the region. Every drop of water desalinated will free up the like amount of water for other uses. The intention[’s] not to offset. It’s really seen as a new water supply for the region.”

The possibility of an earthquake cutting off the water supply to Southern California is another motivating factor for desalination.

Opponents also contest the way many desalination plants propose to draw water from the ocean. By pulling brackish groundwater rather than seawater directly from the ocean at Doheny Beach, the water district is winning favor with environmental groups and the California Coastal Commission for protecting marine life.

Several other facilities, such as those slated for Carlsbad and Huntington Beach, plan to use the water-intake pipes from existing power plants. Those pipes are supposed to be phased out within the decade because they entrap fish and other wildlife. But those orders do not apply to desalination facilities, which in several cases will continue using those same pipes long after the power plants are barred.

such plant, a few miles north in Huntington Beach, is being developed by Poseidon Resources with preliminary agreements to purchase the water from 20 local water authorities. The \$700 million project is expected to produce around 50 million gallons per day of tap water similar to another Poseidon plant proposed in Carlsbad that is further along in permitting. Both plants have been dogged by litigation from environmental groups over the past 10 years.

Unlike the plant in Dana Point, which would be publicly owned, Poseidon would retain ownership of the plants in Huntington and Carlsbad, providing “a modest return to its investors,” according to Scott Maloni, a Poseidon spokesman. Maloni says the company has already spent about \$75 million to permit and develop the two sites. For the Carlsbad project, Poseidon has secured \$100 million from the investment firm Blackstone along with a \$500 million allocation in private activity bonds. The Israeli firm, IDE Technologies, will likely be the lead engineering firm.

“The idea you can reduce dependence on imported water is something every water agency in California has been talking about for a decade,” Maloni says. “If they can shift that responsibility, that burden to the private sector, that’s very appealing.”

Both Poseidon plants have gained widespread support among elected officials. When it came time to renew permitting for the plant before the Huntington Beach City Council last year, Maloni was joined by more than two dozen state and local lawmakers in support. Maloni says the project sells itself.



“We’re not up in Sacramento twisting people’s arms,” he says.

Those who have followed closely the story of Poseidon suggest that campaign contributions and extensive lobbying play a vital role in winning that support. Cook, the former Huntington Beach City Council member, called desalination a scam. Those who support it, she says, have a near religious fervor.

“When you get down to the economics, it makes no sense,” Cook says. “Water agencies are in the business of selling water. You don’t sell water when you are conserving water.”

Cook would like to see more water authorities use tiered pricing where customers are charged more based on how much water they consume. Many cities and water agencies have already done that. In some areas, such as the city of Los Angeles, the water department has restricted the days of the week residents can water their lawns. Overall, Cook and others say more could be done.

“Let’s start to learn to live within the normal weather patterns of Southern California,” she says.

The basic dilemma remains how far political leaders are willing to push the public to conserve before piling on more debt, increasing greenhouse gas emissions and possibly harming marine life through desalination.

Water prices throughout Southern California, where more than half of the household water use goes toward irrigation, still do not accurately reflect the looming shortage. “When you ask the average consumer, they have no idea,” says Seckel, the assistant manager in Orange County. “By building it into a water rate where every month you get a bill, it provides that systematic feedback. That’s what we need for the long run.”



Creek at Doheny Beach



David Rosenfeld

David Rosenfeld is an environmental reporter for DC Bureau.

Cumulative Number of Students Reached through the Current Reporting Period

