

WORKSHOP MEETING OF THE
BOARD OF DIRECTORS WITH MET DIRECTORS
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
18700 Ward Street, Board Room, Fountain Valley, California
June 1, 2022, 8:30 a.m.

Due to the current state of emergency related to the spread of COVID-19 and pursuant to Government Code Section 54953(e), MWDOC will be holding this Board and Committee meeting by Zoom Webinar and will be available by either computer or telephone audio as follows:

Computer Audio: You can join the Zoom meeting by clicking on the following link:
<https://zoom.us/j/8828665300>

Telephone Audio: (669) 900 9128 fees may apply
(877) 853 5247 Toll-free
Webinar ID: 882 866 5300#

AGENDA

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC PARTICIPATION/COMMENTS

At this time members of the public will be given an opportunity to address the Board concerning items within the subject matter jurisdiction of the Board. Members of the public may also address the Board about a particular Agenda item at the time it is considered by the Board and before action is taken.

The Board requests, but does not require, that members of the public who want to address the Board complete a voluntary "Request to be Heard" form available from the Board Secretary prior to the meeting.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Determine need and take action to agendize item(s), which arose subsequent to the posting of the Agenda. (ROLL CALL VOTE: Adoption of this recommendation requires a two-thirds vote of the Board members present or, if less than two-thirds of the Board members are present a unanimous vote.)

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>.

NEXT RESOLUTION NO. 2127

PRESENTATION/DISCUSSION ITEMS

1. PRESENTATION BY MET STAFF REGARDING THE BAY/DELTA POLICY PRINCIPLES

Recommendation: Review and discuss the information presented.

2. LEGISLATIVE ACTIVITIES

- a. Federal Legislative Report (NRR)
- b. State Legislative Report (BBK)
- c. Legal and Regulatory Report (Ackerman)
- d. MWDOC Legislative Matrix
- e. Metropolitan Legislative Matrix

Recommendation: Review and discuss the information presented.

3. QUESTIONS OR INPUT ON MET ISSUES FROM THE MEMBER AGENCIES/MET DIRECTOR REPORTS REGARDING MET COMMITTEE PARTICIPATION

Recommendation: Receive input and discuss the information presented.

ACTION ITEMS

4. APPROVE CONTINUATION OF REMOTE MEETINGS PURSUANT TO AB 361 AND MAKE REQUIRED FINDINGS

Recommendation: Vote to continue virtual meetings pursuant to AB 361 for an additional 30 days based on the findings that (1) it has reconsidered the circumstances of the state of emergency for COVID-19, and (2) state and local officials continue to impose or recommend measures to promote social distancing.

5. H.R. 7612 (LEVIN) – DESALINATION RESEARCH ADVANCEMENT ACT

Recommendation: Adopt a Support position on H.R. 7612 (Levin, D-CA and Mace, R-SC) and send a letter to the authors' office and Orange County delegation.

6. S. 4231 (FEINSTEIN) – SUPPORT TO REHYDRATE THE ENVIRONMENT, AGRICULTURE, AND MUNICIPALITIES (STREAM) ACT

Recommendation: Adopt a Support position on S. 4231 (Feinstein) and send a letter to the author's office and Orange County delegation

INFORMATION ITEMS

7. MET ITEMS CRITICAL TO ORANGE COUNTY (The following items are for informational purposes only – a write up on each item is included in the packet. Discussion is not necessary unless requested by a Director)

- a. MET's Finance and Rate Issues
- b. MET's Integrated Resources Plan Update
- c. MET's Water Supply Conditions

- d. Colorado River Issues
- e. Delta Conveyance Activities and State Water Project Issues

Recommendation: Review and discuss the information presented.

8. METROPOLITAN (MET) BOARD AND COMMITTEE AGENDA DISCUSSION ITEMS

- a. Summaries regarding April and May MET Board Meetings
- b. MET 4-Month Outlook on Upcoming Issues
- c. Review items of significance for MET Board and Committee Agendas

Recommendation: Review and discuss the information presented.

ADJOURNMENT

Note: 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 accommodations should make the request with adequate time before the meeting for the District to provide the requested accommodations.



DISCUSSION ITEM

June 1, 2022

TO: Board of Directors

FROM: Robert Hunter, General Manager

Staff Contact: Melissa Baum-Haley

**SUBJECT: PRESENTATION BY MET STAFF REGARDING THE BAY/DELTA
POLICY PRINCIPLES**

STAFF RECOMMENDATION

Staff recommends the Board of Directors discuss and file this information.

REPORT

The Metropolitan Board has embarked on updating their Sacramento-San Joaquin River Bay-Delta (Bay-Delta) Policy Principles with a presentation at the May Water Planning and Stewardship Committee. This process will include a series of committee discussions preceding Board adoption of Updated Bay-Delta Policies in late summer/early fall 2022. MWD OC staff has invited Nina Hawk, Metropolitan's Policy Manager, to provide a brief review and background on Metropolitan's Bay-Delta Policy Principles.

The Bay-Delta Policies guide day-to-day operations and planning. Near-term Board considerations impact: Delta island opportunities, voluntary agreements, and Sites Reservoir planning participation. Current and future programs and projects will focus on native species conservation/preservation partnerships, Bay-Delta science, Delta Conveyance, and watershed partnerships.

As a strategic priority, Metropolitan pursues the development of adaptive management decision processes, governance, and funding mechanisms that provide effective and stable means of meeting State Water Project (SWP) regulatory requirements. This includes Metropolitan staff's continued participation in the collaborative groups called for in the 2019 Biological Opinions for the SWP and Central Valley Project (CVP), and in the 2020 Incidental Take Permit for Long-term Operation of the SWP.

Budgeted (Y/N): N/A	Budgeted amount: None	Core <u>X</u>	Choice <u> </u>
Action item amount: N/A	Line item:		
Fiscal Impact (explain if unbudgeted):			

While Metropolitan's existing Bay-Delta Policies were adopted in 2006, today's Bay-Delta initiatives have broadened to include focus on:

- Delta Islands
- Sites Reservoir
- Budget/Financial Reporting
- Contract Administration
- Administration/ Business Plan
- Ecosystem Restoration
- Science
- Watershed Management
- Delta Conveyance
- Water Policy and Regulatory Support

Attachment: Review of Policy Principles Regarding the Sacramento San Joaquin River Bay-Delta (Presentation, May 9)



Water Planning and Stewardship Committee

Review of Policy Principles Regarding the Sacramento- San Joaquin River Bay-Delta

Item 6a
May 9, 2022

Policy Principle Review

Bay Delta Policy Update

Overview



Background: Bay-Delta Policies



Research and Staff Workshops



Bay-Delta Policy Development
and Framework



Policy Framework Application



Discussion

BDI Policy Update Timeline

Fall Action

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Staff Research and Development												
Kick Off with BDI Committee												
Policy Principle Reviews												
Board Info and Action Items												

May 9, 2022

WP&S Committee

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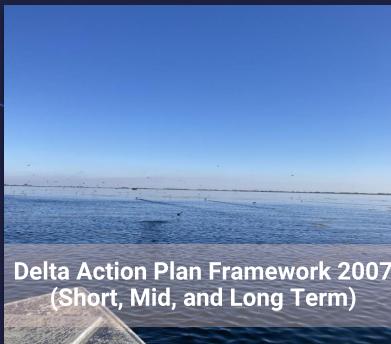
Background: Bay Delta Policies

May 9, 2022

WP&S Committee

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Existing Board Adopted Bay-Delta Policies



Other Key Bay-Delta Board actions: Bay-Delta Finance & Cost Allocation (May 2004), Delta Governance Principles (August 2008), Delta Vision Implementation (Jan 2009), Delta Related Legislation (April 2009)

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Four Central Policy Themes (2006)

Focus on a long-term Sustainable Delta

Promote Statewide Integrated Resource Management Actions – consistent with IRP

Long-Term Solutions Must be Cost-Effective and Fairly Apportion Costs to All Beneficiaries

Pursue continued Implementation/Protection of Drinking Water Supplies/Quality Facility Improvements

May 9, 2022

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(2006) Application of Existing Bay-Delta Policies and key initiatives



Why Update the Bay-Delta Policies?



Policies have not been updated in over 15 years



Policy structure is dense and spread over multiple board actions



Policies can be difficult to understand for both decision makers and the public



Metropolitan's policies should be clear and concise to support the board's future oversight and actions

Research and Staff Workshops

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WP&S Committee

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Summarized Research

26

Detailed policy profiles focused on current issues and emerging trends completed by Subject Matter Experts.

50+

Internal workshop participants from across the organization

173

Comments reviewed and categorized

May 9, 2022

WP&S Committee

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Emerging Trends



Climate change impacts on hydrology

Increased intensity and frequency of droughts, wildfires, floods



Joint funding and partnerships are occurring statewide

Watershed wide partnerships, multi-agency science partnerships, project partnerships



Delta Sustainability has become even more critical

Strain on environment, multi-benefit projects trending, co-existing environment and water supply needs

May 9, 2022

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Highlights and Key Points



Community building in the Delta



Promote sustainable farming practices in Delta (flexible leases)



Delta Conveyance planning should emphasize proposed project operational reliability



Local resource development still requires imported water for recycling and groundwater recharge



Multi-benefit restoration projects are essential, streamlining permitting processes is a must



Energy sustainability and reliability is a paramount concern, but should not be at the expense of water suppliers

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Bay-Delta Policy Development and Framework

May 9, 2022

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Objective: Restructure policies to align with emerging trends while preserving topics that are still relevant to the Board's ongoing direction

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Key Six Policy Areas



Policy Area 1: Statewide Water Resource Management



Policy Area 2: Bay-Delta Science, Watershed Management, and Land use



Policy Area 3: Bay-Delta Operational Resilience



Policy Area 4: Bay-Delta Infrastructure Reliability



Policy Area 5: Community Investments and Partnerships



Policy Area 6: Statewide Water Resources Management Supports MWD's One Water

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Policy Area I: Statewide Water Resource Management

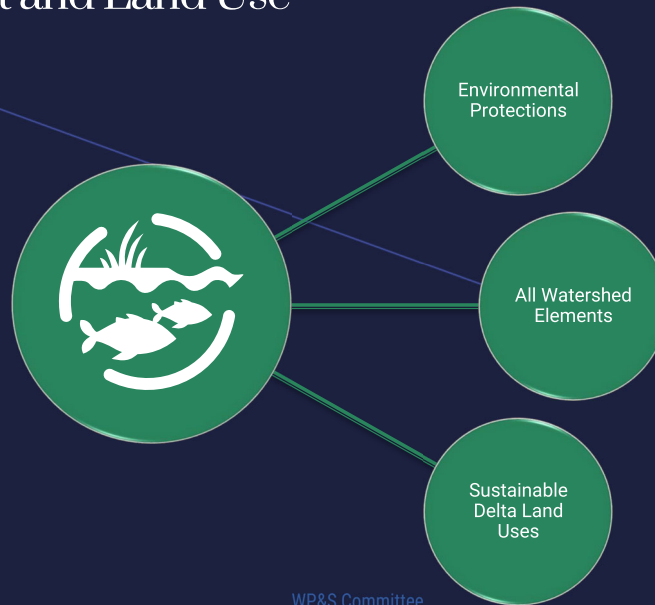


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Policy Area 2: Bay-Delta Science, Watershed Management and Land Use



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Policy Area 3: Bay-Delta Operational Resilience

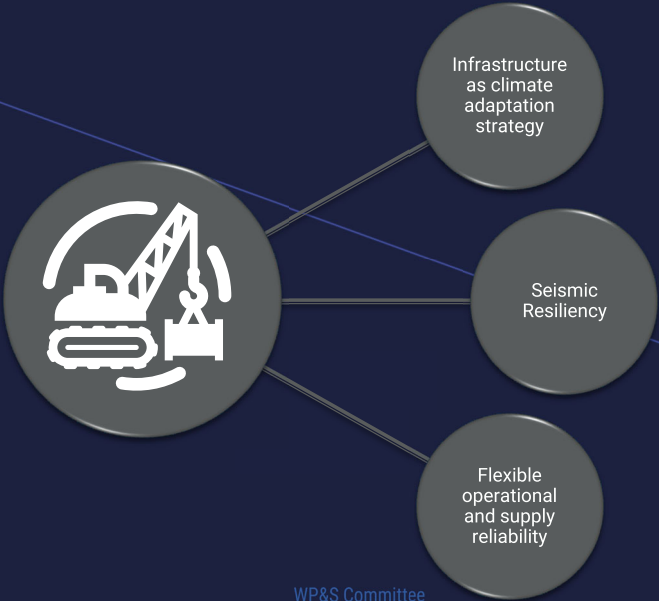


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Policy Area 4: Bay-Delta Infrastructure Reliability



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Policy Area 5: Community Investments and Partnerships



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Policy Area 6: Statewide Water Resources Management Supports MWD's One Water

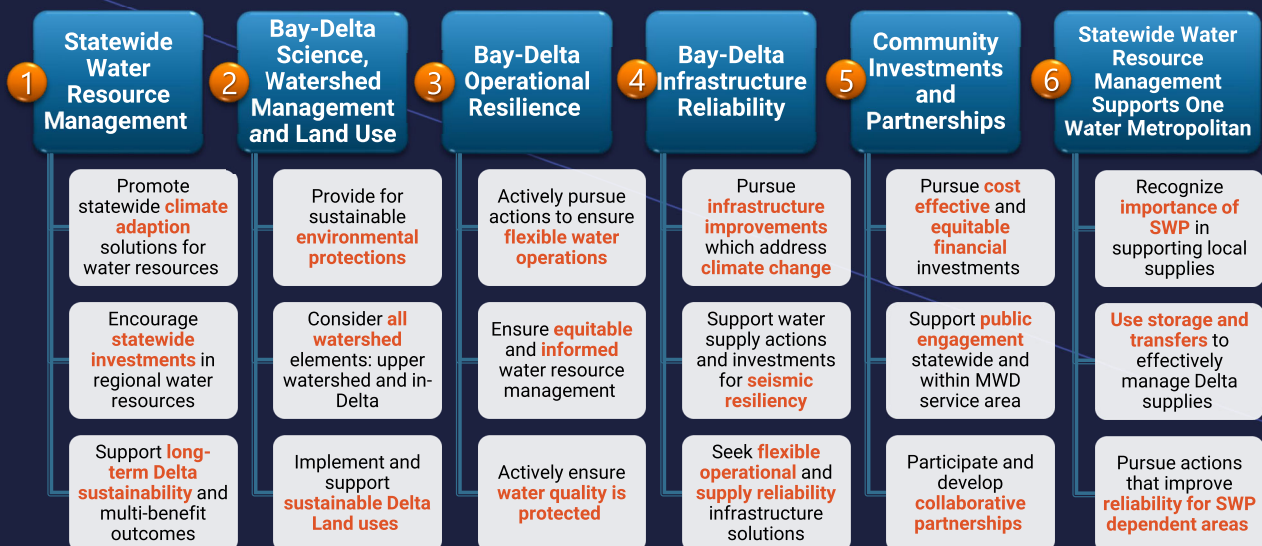


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DRAFT Bay-Delta Policy Framework: Policy Areas and Principles



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Applying the Bay-Delta Policy Framework

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Policy Principle Review Policy Framework

Use of Bay-Delta Policies

- Provide board direction to staff related to Bay-Delta activities:
 - Program and project management
 - External engagement
 - Longer term planning
 - Key Investments
 - Day to day activities
- Align with proposed future board actions
- Final Board deliberation and actions would still be addressed individually

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Policy Application – Delta Science



Policy Area 1: Statewide Water Resource Management

- Support long term Delta sustainability and multi-benefit outcomes



Policy Area 2: Bay-Delta Science, Watershed and Land Use Management

- Provide sustainable environmental protections



Policy Area 5: Community Investments and Partnerships

- Participate and develop collaborative partnerships

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Policy Application – Delta Islands



Policy Area 2: Bay-Delta Science, Watershed and Land Use Management

- Implement and support sustainable Delta Land uses



Policy Area 4: Bay-Delta Infrastructure Reliability

- Pursue infrastructure improvements which address climate change
- Support water supply actions and investments for seismic resiliency



Policy Area 5: Community Investments and Partnerships

- Participate and develop collaborative partnerships

May 9, 2022

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Policy Application – Delta Infrastructure



Policy Area 1: Statewide Water Resource Management

- Encourage statewide investments in regional water resources



Policy Area 3: Bay-Delta Operational Resilience

- Actively ensure water quality is protected



Policy Area 4: Bay-Delta Infrastructure Reliability

- Support water supply actions and investments for seismic resiliency

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Discussion

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Next Steps

May 9, 2022

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Policy Principle Review #2 June 2022



Review DRAFT Bay-Delta Framework and policy principles



Discuss key policies



Solicit Board Input / Discussion



Next Steps:

Update and Finalize Policies for Board adoption
August Info Item
September Action Item

May 9, 2022

WP&S Committee

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To: Board of Directors, *Municipal Water District of Orange County*
From: Natural Resource Results
RE: Monthly Board Report – June 2022

House Natural Resources Committee Legislative Hearing

On May 12th, the House Natural Resources Committee Subcommittee on Water, Oceans, and Wildlife held a legislative hearing on several water bills including Congressman Levin’s bill, *H.R. 7612 The Desalination Research Advancement Act*. The Bureau of Reclamation testified at the hearing, stating that the agency “supports the goal of advancing desalination research and is willing to work with the sponsor and Subcommittee to make any technical changes that might be required.” The San Diego County Water Authority also testified in support of the legislation.

Senate Energy and Natural Resources Committee Legislative Hearing

On May 25th, the Senate Energy and Natural Resources Subcommittee on Water and Power held a legislative hearing on western water bills. Camille Touton, the Commissioner of the Bureau of Reclamation testified on behalf of the Administration.

Senator Feinstein’s STREAM Act was one of the bills included in the hearing. The Bureau of Reclamation walked a fine line of supporting the intent of the bill but conveying concerns with the way that the bill is drafted, stating “the Department would like to continue working with the sponsor and the Committee on technical assistance to ensure that authorities within this bill are implementable, effective, can be integrated with existing laws recently passed, and would achieve intended goals.”

Other bills in the hearing include:

S.4232, To address the recovery of certain costs with respect to certain Reclamation facilities in the Colorado River Basin, and for other purposes (Sen. Kelly) – prohibits the Bureau of Reclamation from allocating operations and maintenance costs to any preference hydropower contractors in the Colorado River Basin during the period in which an applicable hydropower facility is not able to generate electricity because of drought. It also prohibits the collection of construction costs from preference hydropower contractors if no power is produced for a period of 180 days. It authorizes funding from the Treasury to cover the costs of O&M and construction in the event that this prohibition is applied.

During the hearing, Commissioner Touton testified that the Department of the Interior supports to goal of the bill but the current drafting “could introduce unintended complexities into the hydropower program.” She indicated that Interior is happy to work on edits to the legislation.

S. 2693, Salton Sea Projects Improvements Act (Sen. Padilla) – authorizes the Bureau of Reclamation to partner on projects to improve air quality, fish and wildlife habitat, recreational opportunities, and water quality in the Salton Sea area and authorizes \$250 million to do so, which would be an increase from the current \$10 million authorization.

Commissioner Touton testified that the Department of the Interior supports this bill.

S. 2334, Large Scale Water Recycling Project and Drought Resiliency Improvement Act (Sen. Cortez Masto) – Authorizes a competitive grant program within the Department of the Interior for large-scale water recycling projects and authorizes \$750 million for the program through Fiscal Year 2027. This bill could help fund the large-scale regional recycling project that Metropolitan and the Southern Nevada Water Authority are currently planning.

Commissioner Touton noted that the legislation was introduced prior to passage of the Infrastructure Investment and Jobs Act (IIJA) which directed the Secretary of the Interior to develop and implement a Large-Scale Water Recycling Program (IIJA also provided funding). Commissioner Touton noted that the program is currently in the process of being stood up.

New Legislation

On May 19th, Senator Padilla, along with Congressman McNerney, introduced bicameral legislation called the *Water Efficiency, Conservation, and Sustainability Act of 2022*.

The bill has three main components, including:

1. Water Efficiency and Conservation Grant Program
 - a. Authorizes \$25 million per year for grants to entities that carry out water efficiency programs for purchase, installation, or use of efficient fixtures, appliances, and landscaping.
 - b. 50% of funding must go to drought-stricken areas and 40% of funds must go towards disadvantaged communities
2. Sustainable Water Loss Control Program
 - a. Creates a grant program authorized at \$20 million per year for grants and technical assistance to public water systems to conduct an annual audit and establish a water loss control program – this is already required in CA.
3. Grants for Water Efficient Plumbing Code Adoption
 - a. Creates a grant program authorized at \$20 million per year to help local governments adopt plumbing codes that meet or exceed water use efficiency standards.

The bill has garnered support from NGOs and water users as shown by the joint press release that included supportive quotes from groups like NRDC and Metropolitan.

WEROC

Significant progress has been made on our request for an earmark for WEROC's EOC. Thanks to some great work by Vicki Osborn, we were able to secure a letter from Cal OES supporting our project which was subsequently shared with Senators Feinstein and Padilla. Without that letter, we would not have been eligible for federal funding. We expect both California Senators to support our request for federal funding.

Colorado River

Lake Powell – On May 3rd, Reclamation announced that it would release roughly 500 TAF from Flaming Gorge Reservoir in an attempt to slow the reduction in lake elevation in Lake Powell. This action was in response to a request from the seven basin states made earlier this spring to Reclamation.

Salinity Control – We are pleased to report that ACWA has agreed to support Metropolitan's funding request for the Colorado River Basin Salinity Control Program of \$28.3 million across three agencies – BLM, USBR, and NRCS. We will continue to work with Met and other partners to ensure robust funding for this critical program.

Water Resources Development Act (WRDA)

The Senate Environment and Public Works Committee (EPW), along with the House Transportation and Infrastructure Committee (T&I), have both marked up their respective versions of WRDA 2022.

In the T&I bill section 223 authorizes a comprehensive study at Corps owned, operated, or managed reservoirs in arid Western states to evaluate opportunities to improve water management, supply, and preparedness for changes in hydrological conditions. The EPW bill gives the Corps authorities to carry out projects to support watershed conservation efforts or otherwise respond to drought conditions – an authority that they did not previously have.



To: Municipal Water District of Orange County
From: Syrus Devers, Best Best & Krieger
Date: May 26, 2022
Re: Monthly Report

Legislative Report

The Legislature is marching towards the deadline to move a bill out of the house of origin, which means an Assembly Bill (AB) introduced in the Assembly or Senate Bill (SB) introduced in the Senate. All bills must be out of their house of origin by May 27th. For advocates this often means the real fights are about to begin. The first policy committee in the second house and the second house fiscal committee is where most bills are killed, and the first three weeks of June are usually the most intense weeks of the year for advocates.

Bill highlights include AB 2639 (Quirk), which is widely opposed by water agencies due to potential impacts to State Water Project (SWP) operations. This bill seeks to pressure the State Water Resources Control Board (Board) to update the Delta Water Plan, which the Board has failed to do for 11 years. Unfortunately, the enforcement mechanism is to punish SWP contractors for the Board's procrastination. The bill would prohibit the Board from approving new water rights until a new plan is adopted, which does not threaten the Board's operations but makes planning and management on the SWP problematic. ACWA is organizing a campaign to amend or kill the bill and BB&K staff is engaged in that effort. As of the time this report was being prepared, AB 2639 was on call with 30 votes, 11 short of the 41 needed for passage. There were, however, only 23 NO votes which leaves the door open for later passage. BB&K staff will report on the final outcome during the Workshop.

Perhaps the highest priority oppose bill is SB 1157 (Hertzberg), which would lower the indoor water use efficiency standards to 42 gallons per person in 2030. The bill, which has been discussed several times in this report, does not yet have a hearing date but will likely be heard in the Assembly Water Parks & Wildlife Committee on either June 8th or the 22nd.

Administrative Report

On May 13th Governor Newsom released his May Revise to the budget he proposed at the start of the year. The budget submitted in January is an estimate based on expected revenues. The May Revise

BB&K
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ATTORNEYS AT LAW

adjusts the Budget based on actual revenues. In general, California's reliance on taxing the wealthiest at high rates and a high capital gains tax has caused money to spill into the state's coffers at record rates. (If the state had an equivalent amount of water the drought would be over.) Despite a record setting budget proposal in January, May revenue estimates came in at a jaw-dropping \$97.5B surplus. Half of that surplus is nondiscretionary due to voter-approved initiatives that place restrictions on surplus spending, which left Newsom with approximately \$49B in discretionary funds to allocate, or \$52B depending on how surplus and spending are defined.

The nonpartisan Legislative Analyst's Office (LAO) criticized the Governor's proposal for putting too little into the reserve account. Despite adding over \$3B to reserves, the state's "Rainy Day" fund is still below pre pandemic levels. The LAO is particularly concerned with inadequate reserves due to the threat of a recession next year which could quickly turn the budget into a deficit.

Newsome added to the programs of interest to water districts by adding \$530M to recycling and groundwater grant programs, as well as \$533 to drought relief. These funds will not create new programs, rather they supplement the \$5.2B included in last year's budget that is to be spent over three years.

WEROC Emergency Operations Center

Late last year the MWDOC board directed BB&K staff to pursue funding for a permanent WEROC EOC through the state budget process. As the attached letters show, BB&K was successful in getting the entire Orange County Delegation to support the request. Unfortunately, no individual members were willing to include the request as one their personal priorities. As a result, the likelihood of the request being approved is remote. If the request is not approved, the work done this year will lay the foundation for a more aggressive push next year. A great deal of the time was spent this year introducing new staff, and some new members, to the role WEROC fulfills and explaining the need for a permanent EOC. With that work now done, the drive for funding in the 2023 Budget can begin as soon as session adjourns.



April 15, 2022

The Honorable Phil Ting
Chair, Assembly Budget Committee
1021 O Street, Ste. 8230
Sacramento, CA 95814

Dear Assemblymember Ting:

We the undersigned members of the Orange County delegation respectfully request that \$2 million be made available to build a permanent Emergency Operations Center (EOC) for the Water Emergency Response Organization of Orange County (WEROC).

WEROC, which is administered by the Municipal Water District of Orange County, supports and manages regional emergency preparedness, planning, response, and recovery efforts among Orange County water and wastewater utilities. To carry out its mission, WEROC provides essential resources, trainings, and exercises to water and wastewater agencies as well as to coordinating partners throughout the county and state.

WEROC actively maintains an EOC that is used to coordinate emergency response operations during threatened or actual natural disasters, acts of terrorism, or other manmade disasters. The trained WEROC EOC staff also provides information sharing and resource coordination when disasters affect the water and wastewater utilities of Orange County.

During a disaster, the WEROC EOC provides the following regionally relied upon essential services:

- Coordination of emergency communications and identification of water agency needs;
- Assessment of the condition of the Orange County water supply system;
- Coordination of mutual aid and quantification of available resources and their optimal use;
- Coordination of policy and strategies to establish repair priorities and water allocation;
- Collection of damage assessment reports and support of agency and community recovery efforts; and
- Ability to provide a single point of contact for local water agencies, Metropolitan Water District of Southern California, County Operational Area, California Office of Emergency Services, and the Department of Water Resources.

- Building infrastructure improvements; and
- Furniture and equipment workspace upgrades.

The total estimated cost for WEROC to construct a new building that addresses the shortcomings identified in the site facility assessment, and to ensure that the EOC can continue to provide critical public services during any type of emergency, is approximately \$2 million.

Finding affordable land for any purpose in Orange County is a difficult task, but this major obstacle has been removed by the generosity of the El Toro Water District in Lake Forest which has agreed to donate a parcel of land for WEROC's permanent use. All that remains is to secure the necessary funding to build a suitable facility for WEROC to fulfill its vital role, and we respectfully ask that the Budget Committee support of this request.

Sincerely,

Sharon Quirk-Silva

Sharon Quirk-Silva
Assembly District 65

Phillip Chen

Phillip Chen
Assembly District 55

C. Petrie-Norris

Cottie Petrie-Norris
Assembly District 74

Janet Nguyen

Janet Nguyen
Assembly District 72

Tom Daly

Tom Daly
Assembly District 69

Steven S. Choi

Steven Choi
Assembly District 68

Laurie Davies

Laurie Davies
Assembly District 73



April 15, 2022

The Honorable Nancy Skinner
Chair, Committee on Budget and Fiscal Review
Legislative Office Building, Room 502
Sacramento, CA 95814

Dear Senator Skinner:

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- Collection of damage assessment reports and support of agency and community recovery efforts; and

- Ability to provide a single point of contact for local water agencies, Metropolitan Water District of Southern California, County Operational Area, California Office of Emergency Services, and the Department of Water Resources.
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Sincerely,



Josh Newman
Senator, District 29



Thomas Umberg
Senator, District 34



Patricia Bates
Senator, District 36



Dave Min
Senator, District 37

ACKERMAN CONSULTING

Legal and Regulatory

June 1, 2022

1. **Forest Restoration and Water:** Forest restoration is a worldwide concern and major efforts are taking place around the globe to increase this effort. While there are many good reasons to support this movement, what is the impact on water world. Wageningen University in the Netherlands has taken up this challenge. Tree restorations projects along the Amazon river have been found to impact rainfall in Europe and Asia. While restoration does enhance carbon storage and improve ecosystems, it also enhances evaporation because of the increased tree cover. Globally, there can be a net decrease up to 30% of water in each area pushing more water to rain mode over the oceans. While increasing the forest does generate more rain the general finding is a net loss for an area due to the evaporation. Some areas will gain due primarily to the higher rain fall present.
2. **Farmland Loses Water:** Water scarcity is a worldwide problem. A new study from the Chinese Academy of Sciences published in a recognized American journal predicts that decreased water levels will be experienced by over 80% of the world's croplands by 2050. The is the first major study to examine the two sources of farm water: green water which is water content of the soil, and blue water which is irrigation sources like groundwater, rivers, and lakes. Agriculture is the biggest user of water from both blue and green sources compared to other user groups. Prior studies have looked at blue water only. Green water is much harder to measure and forecast since many variables can influence the result. Factors such as vegetation, farming methods, type of soil, terrain, temperature, and rainfall patters, can affect the calculation. This study is designed to aid water managers and farmers is better managing this source. Changing practices such as mulching, no-till farming, contour farming, timing of crops and erosion measures will aid in management and crop results.
3. **Algae Forecasts:** Lawrence Livermore National Laboratory has been studying algae blooms in Lake Erie for some time. It turns outs that Lake Erie is a good spot for the study since it has a history of such blooms both in number and severity. These blooms are mainly forms of cyanobacteria which produce toxins that are harmful to both humans and wildlife. The study looked for the causes of formation and degradation of the blooms. The blooms can be formed naturally or by manmade factors (fertilizer and other runoff). NOAA and NASA reports and forecasts were considered. However, the degree of toxicity does not always relate to the biomass. The study showed that a nitrogen isotope controls the rate of degradation and was therefore critical in predicting algae blooms duration and severity. Due to the seriousness of these toxic blooms, this data will not only help Lake Erie but other bodies of water around the world.
4. **Ammonia from Wastewater:** Producing ammonia from wastewater is not a new concept. Researchers from Rice University and Arizona State University think they have discovered a game changer. Using some ruthenium atoms with copper nanowires may be the trick to extract ammonia from nitrates commonly found in wastewater and groundwater. The new concept may be almost 100% efficient, very energy cheap and works at room temperature

and pressure. The secret was getting the correct measure of atoms with the copper. A wrong combination would have negative effects and dangers. Again, trial and error (and good researchers) pay off. The process also reduces carbon dioxide emissions.

5. **Torture Orchard:** As a result of our drought experience in California, farmers are trying to get by with less water. This is a particular concern with some of our high value, high water use crops. UC Davis has been experimenting with almonds and walnuts to see how much water they really need to survive and produce a viable product. While agriculture has reduced its water use (14%) and increased output (38%), the future is still in doubt. Growing these crops with little or no water and using briny water is showing these plants are very hearty and can survive in non-ideal conditions. The question is where is that red line and how will the plants and trees do over time. Thus far the tests are very positive, and they include finding more drought tolerant varieties.
6. **Water Under Ice:** Antarctica is a land mass covered with a lot of ice. UC San Diego scientists have discovered what many suspected for some time. Thousands of feet down between the ice and bedrock is a large groundwater pocket. Electromagnetic field measurements have shown this large body of water which helps reduce friction between the ice and the rock. This allows for ice and glaciers to move and eventually break off into the ocean. The prior computer models of the area were unable to discover or analyze this type of data. No one knows for sure the makeup and content of this groundwater, but it probably has some very interesting history.
7. **Santa Monica:** In keeping with the tradition of the City of Santa Monica, they want to be 100% free of imported water use by 2023, or thereabouts. In 2011, the City was 48% dependent on imported water (MWD). Now it is 29% dependent after its conservation actions. It has groundwater in the Olympic Well Field which is presently contaminated. However, they are building a \$72 million treatment plant which it is forecast to treat the Well Field and get them to 1% dependent on MWD by next year. Santa Monica has 93,000 residents and uses about 9 mgd drinking water. The new treatment plant (Arcadia WTP) is designed to produce 12 mgd.
8. **Humans and Flooding:** The University of Waterloo (Canada) has studied more than 2000 streams in North America. It compared the flow patterns and flood potential of those streams changed by human activity (dams, canals, urbanization) versus natural watersheds. Generally, the human impact caused greater flow and more flooding than the natural areas. The numbers showed that 48% of the human scenarios had much greater flow increases, while 44% showed a definite decrease in flow trends. They also opined that climate change increased the negative impact of human activity in many of the watersheds.
9. **Chlorine OK:** Most everyone accepts the benefits of chlorine added to our drinking water. It is one of the most effective treatments for producing cheap drinking water. But up to now, no one had done a comprehensive study to determine its impact on our body in general. UC Berkeley conducted a study in Bangladesh. The group were all children as that was considered the best target to compare gut bacteria, split into one set of kids who had never had chlorine in their water and another set that had consumed water with chlorine for over one year. The test was conclusive that the set with chlorine had much higher beneficial gut bacteria. The main common trait of non-chlorine set was diarrhea. With chlorine, it was almost all eliminated.

10. **Worlds Largest Desal Plant:** The worlds largest reverse osmosis desal plant recently opened in Rabigh, Saudi Arabia. Its capacity if 158 million gallons per day. It claims to be the most environmentally sensitive with the lowest energy use and low noise output. It will furnish water to one million housing units in Mecca and Heddah. Cost was \$750 US dollars.
11. **Wastewater Remediation:** Synthetic dyes are one of the leading culprits is contaminating water and making treatment much more difficult and costly. The dyes are generally toxic and difficult to degrade. Most current processes depend on some form of adsorption. National Cheng Kung University, Taiwan has developed an eco-friendly solution to remove these dyes from wastewater. Carboxymethyl cellulose combine with polyacrylic acid combines to form a cheap, easy to produce, reusable solution which is environmentally good. This hydrogel has large air pockets which adsorb the toxic dyes which are discharged, and the solution is used again.

Bill Matrix

Prepared by BB&K – May 26, 2022

A. Priority Support/Oppose

Measure	Author	Topic	Status	Calendar	Brief Summary	Position	Priority	Notes 1
AB 1195	Garcia, Cristina D	Limited Eligibility and Appointment Program: lists.	5/25/2022-Re-referred to Com. on L., P.E. & R.		Current law specifically grants the Department of Human Resources the powers, duties, and authority necessary to operate the state civil service system in accordance with Article VII of the California Constitution, the Government Code, the merit principle, and applicable rules duly adopted by the State Personnel Board. Current law creates the Limited Examination and Appointment Program (LEAP), which the Department of Human Resources administers, to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Current law requires the Department of Human Resources, when an appointing power seeks to fill a vacant position by using an employment list, to provide the appointing power with a certified list of the names and addresses of all eligible candidates, as specified. Current law requires the department to provide a single certified list of eligible candidates if more than one employment list or LEAP referral list exists, and the department is required to combine the names and addresses of all eligible candidates. This bill would, notwithstanding those provisions, require the department to, upon request of the appointing power, provide the appointing power a LEAP referral list without combining that list with a parallel list and would authorize the appointing power to select and hire any individual from that a referral list to fill any vacancy.	Oppose unless amended	A. Priority Support/Oppose	Position adopted May 5th.
AB 1845	Calderon D	Metropolitan Water District of Southern California: alternative project delivery methods.	5/25/2022-Read third time. Passed. Ordered to the Senate.		Current law authorizes certain entities, including the Department of General Services, the Military Department, the Department of Corrections and Rehabilitation, and specified local agencies, to use the design-build procurement process, as prescribed, for specified public works. This bill would authorize the Metropolitan Water District of Southern California to use the design-build procurement process for certain regional recycled water projects or other water infrastructure projects. The bill would define “design-build” to mean a project	Support	A. Priority Support/Oppose	Support adopted on March 2nd

					delivery process in which both the design and construction of a project are procured from a single entity. The bill would require the district to use a specified design-build procedure to assign contracts for the design and construction of a project, as defined.			
AB 1944	Lee D	Local government : open and public meetings.	5/25/2022- Read third time and amended. Ordered to third reading.	5/26/2022 #16 ASSEMBLY THIRDD READING FILE - ASSEMBLY BILLS	The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely.	Out for Analysis	A. Priority Support/ Oppose	Amended on 4/18/2022
AB 2142	Gabriel D	Income taxes: exclusion: turf replacement water conservation program.	5/25/2022- Read third time. Passed. Ordered to the Senate.		Current law provides an exclusion from gross income for any amount received as a rebate or voucher from a local water or energy agency or supplier for the purchase or installation of a water conservation water closet, energy efficient clothes washers, and plumbing devices, as specified. This bill would, for taxable years beginning on or after January 1, 2022, and before January 1, 2027, under the Personal Income Tax Law and the Corporation Tax Law, provide an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a public water system, as defined, local government, or state agency for participation in a turf replacement water conservation program.	Support	A. Priority Support/ Oppose	Support adopted on March 2nd
AB 2278	Kalra D	Natural resources: biodiversity and conservation report.	5/24/2022- In Senate. Read first time. To Com. on RLS. for assignment.		Under current law, by Executive Order No. N-82-20, Governor Gavin Newsom directed the Natural Resources Agency to combat the biodiversity and climate crisis by, among other things, establishing the California Biodiversity Collaborative and conserving at least 30% of the state's lands and coastal waters by 2030. This bill would require the Secretary of the Natural	Watch	A. Priority Support/ Oppose	Possible return of AB 3030

					Resources Agency to prepare and submit, beginning on or before January 1, 2024, an annual report to the Legislature on the progress toward achieving the directives of the executive order.			
AB 2387	Garcia, Eduardo D	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.	5/19/2022-In committee: Held under submission.		Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$7,430,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.	Watch	A. Priority Support/ Oppose	
AB 2449	Rubio, Blanca D	Open meetings: local agencies: teleconferences.	5/23/2022-Assembly Rule 69(b) suspended. Read third time and amended. Ordered to third reading.	5/26/2022 #17 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS	The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would revise and recast those teleconferencing provisions and, until January 1, 2028, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction.	Support	A. Priority Support/ Oppose	Support adopted on April 6th.

AB 2451	Wood D	State Water Resources Control Board: drought planning.	5/23/2022- Read second time. Ordered to third reading.	5/26/2022 #174 ASS EMBLY T HIRD READING FILE - ASSEMBLY BILLS	Would require the State Water Resources Control Board to establish a Drought Section within the Division of Water Rights, as specified. The bill would require the state board, in consultation with the Department of Fish and Wildlife, to adopt principles and guidelines for diversion and use of water in coastal watersheds, as specified, during times of water shortage for drought preparedness and climate resiliency. The bill would require that the principles and guidelines provide for the development of watershed-level contingency plans to support public trust uses, public health and safety, and the human right to water in times of water shortage, among other things. The bill also would require the state board, prior to adopting those principles and guidelines, to allow for public comment and hearing, as provided. The bill would require the state board to adopt those principles and guidelines no later than March 31, 2024.	Watch	A. Priority Support/ Oppose	
AB 2639	Quirk D	San Francisco Bay/Sacramento-San Joaquin Delta Estuary: water quality control plan: water right permits.	5/19/2022- From committee: Do pass. (Ayes 12. Noes 4.) (May 19). Read second time. Ordered to third reading.	5/26/2022 #96 ASSEMBLY THIR D READING FILE - ASSEMBLY BILLS	Would require the State Water Resources Control Board, on or before December 31, 2023, to adopt a final update of the 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, as specified, and to implement the amendments to the plan adopted by the state board pursuant to Resolution No. 2018-0059 on December 12, 2018. The bill would prohibit the state board, on or after January 1, 2024, from approving a new water right permit that would result in new or increased diversions to surface water storage from the Sacramento River/San Joaquin River watershed until and unless the state board has taken those actions.	Oppose unless amended	A. Priority Support/ Oppose	Position adopted May 2nd.
SB 45	Portantino D	Short-lived climate pollutants: organic waste reduction goals: local jurisdiction assistance.	5/5/2022- Referred to Com. on NAT. RES.	6/6/2022 2 :30 p.m. - State Capitol, Room 447 ASSEMBLY NATURAL RESOURCES, RIVAS, LUZ, Chair	Current law requires the Department of Resources Recycling and Recovery, in consultation with the State Air Resources Board, to adopt regulations to achieve the organic waste reduction goals established by the state board for 2020 and 2025, as provided. Current law requires the department, no later than July 1, 2020, and in consultation with the state board, to analyze the progress that the waste sector, state government, and local governments have made in achieving these organic waste reduction goals. This bill would require the department, in consultation with the state board, to provide assistance to local jurisdictions, including, but not limited to, any funding appropriated by the Legislature in the annual Budget Act, for purposes of assisting local agencies to comply with these provisions, including any regulations adopted by the department.		A. Priority Support/ Oppose	Bond intended for the Nov. '22 ballot.
SB 230	Portantino D	State Water Resources	5/16/2022- From		The California Safe Drinking Water Act requires the State Water Resources Control	Support	A. Priority	Support position

		Control Board: Constituents of Emerging Concern in Drinking Water Program.	committee with author's amendments. Read second time and amended. Re-referred to Com. on E.S. & T.M.		Board to administer provisions relating to the regulation of drinking water to protect public health. This bill would require the state board to establish, maintain, and direct a dedicated program called the Constituents of Emerging Concern in Drinking Water Program for 5 years to assess the state of information and recommend areas for further study on, among other things, the occurrence of constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The bill would require the state board to convene, by an unspecified date, the Science Advisory Panel for 3 years to review and provide recommendations to the state board on CECs for further action, among other duties. The bill would require the state board to provide a final report to the Legislature by June 1, 2026, on the work conducted by the panel.		Support/ Oppose	adopted April 7th.
SB 991	Newman D	Public contracts: progressive design-build: local agencies.	5/19/2022- Referred to Com. on L. GOV.	6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOBBY GOVERNMENT, AGUIAR-CURRY, Chair	Would, until January 1, 2029, authorize local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for public works projects in excess of \$5,000,000, similar to the progressive design-build process authorized for use by the Director of General Services. The bill would require a local agency that uses the progressive design-build process to submit, no later than January 1, 2028, to the appropriate policy and fiscal committees of the Legislature a report on the use of the progressive design-build process containing specified information, including a description of the projects awarded using the progressive design-build process. The bill would require the design-build entity and its general partners or joint venture members to verify specified information under penalty of perjury.	Support	A. Priority Support/ Oppose	Support adopted on April 6th.
SB 1157	Hertzberg D	Urban water use objectives: indoor residential water use.	5/5/2022- Referred to Com. on W., P., & W.		Current law requires the Department of Water Resources, in coordination with the State Water Resources Control Board, and including collaboration with and input from stakeholders, to conduct necessary studies and investigations and authorizes the department and the board to jointly recommend to the Legislature a standard for indoor residential water use. Current law, until January 1, 2025, establishes 55 gallons per capita daily as the standard for indoor residential water use. Existing law establishes, beginning January 1, 2025, the greater of 52.5 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use, and beginning January 1, 2030, establishes the greater of 50 gallons per capita daily or a standard	Oppose unless amended	A. Priority Support/ Oppose	Oppose unless amended adopted on March 2nd

					recommended by the department and the board as the standard for indoor residential water use. This bill would eliminate the option of using the greater of 52.5 gallons per capita daily and the greater of 50 gallons per capita daily, as applicable, or a standard recommended by the department and the board as the standard for indoor residential water use.			
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B. Watch

Measure	Author	Topic	Status	Calendar	Brief Summary	Position	Priority	Notes 1
AB 1001	Garcia, Cristina D	Environmental: mitigation measures for air quality impacts: environmental justice.	5/23/2022-In committee: Hearing postponed by committee.	6/8/2022 9 a.m. - 1021 O Street, Room 1200 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair	The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would require mitigation measures, identified in an environmental impact report or mitigated negative declaration to mitigate the adverse effects of a project on air quality of a disadvantaged community, to include measures for avoiding, minimizing, or otherwise mitigating for the adverse effects on that community. The bill would require mitigation measures to include measures conducted at the project site that avoid or minimize to less than significant the adverse effects on the air quality of a disadvantaged community or measures conducted in the affected disadvantaged community that directly mitigate those effects.	Watch	B. Watch	
AB 1774	Seyarto R	California Environmental Quality Act: water conveyance or storage projects: judicial review.	4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 2/10/2022)		The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would require the Judicial Council to adopt rules of court applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification or	Watch	B. Watch	

					adoption of an environmental impact report for water conveyance or storage projects, as defined, or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to those projects.			
AB 1817	Ting D	Product safety: textile articles: perfluoroalkyl and polyfluoroalkyl substances (PFAS).	5/24/2022- In Senate. Read first time. To Com. on RLS. for assignment .		Would prohibit, beginning January 1, 2025, any person from manufacturing, distributing, selling, or offering for sale in the state any textile articles that contain regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS, and requires a manufacturer to use the least toxic alternative when removing regulated PFAS in textile articles to comply with these provisions. The bill would require a manufacturer of a textile article that contains regulated PFAS to provide persons that offer the product for sale or distribution in the state with a certificate of compliance stating that the textile article is in compliance with these provisions and does not contain any regulated PFAS.		B. Watch	
AB 2108	Rivas, Robert D	Water policy: environmental justice: disadvantaged and tribal communities.	5/25/2022- Read third time. Passed. Ordered to the Senate.		Would require that one of the persons appointed by the Governor to the State Water Resources Control Board be qualified in the field of water supply and water quality relating to disadvantaged or tribal communities and not be the same member as the member appointed who is qualified in the field of water supply and water quality relating to irrigated agriculture. The bill would also require that at least one person appointed to each regional board have specialized experience relating to disadvantaged or tribal communities, except as provided. The bill would prohibit, in making those appointments, preference to be given on the basis of ethnicity or national origin.	Watch	B. Watch	
AB 2247	Bloom D	Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products and product components : publicly accessible reporting platform.	5/23/2022- Read second time. Ordered to third reading.	5/26/2022 #168 ASS EMBLY T HIRD READING FILE - ASSEMBLY BILLS	Would require, as part of the hazardous waste control laws, the Department of Toxic Substances Control to work with the Interstate Chemicals Clearinghouse to establish, on or before January 1, 2025, a publicly accessible reporting platform to collect information about perfluoroalkyl and polyfluoroalkyl substances (PFAS) and products or product components containing intentionally added PFAS, as defined, being sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state. The bill would require, on or before July 1, 2025, and annually thereafter, a manufacturer, as defined, of PFAS or a product or a product component containing intentionally added PFAS that is sold, offered for sale,	Watch	B. Watch	

					distributed, or offered for promotional purposes in, or imported into, the state to register the PFAS or the product or product component containing intentionally added PFAS, and specified other information, on the publicly accessible reporting platform.			
AB 2313	Bloom D	Water: judges and adjudications.	5/24/2022- In Senate. Read first time. To Com. on RLS. for assignment.		Current law authorizes the Judicial Council to conduct institutes and seminars for the purpose of orienting judges to new judicial assignments, keeping them informed concerning new developments in the law, and promoting uniformity in judicial procedure, as specified. This bill would require the Judicial Council, on or before January 1, 2025, to establish a program that provides training and education to judges in specified actions relating to water, as defined. The bill would provide that the program may be funded by an appropriation from the General Fund in the annual Budget Act or another statute, or by using existing funds for judicial training.	Watch	B. Watch	
AB 2477	Rodriguez D	Emergency alert and warning service providers: minimum operating standards.	5/23/2022- Read second time. Ordered to third reading.	5/26/2022 #176 ASSEMBLY T HIRD READING FILE - ASSEMBLY BILLS	Current law, on or before July 1, 2022, requires the Office of Emergency Services (OES), in consultation with specified entities, to develop voluntary guidelines for alerting and warning the public of an emergency, and requires the OES to provide each city, county, and city and county with a copy of the guidelines. Current law authorizes the OES to impose conditions upon application for voluntary grant funding that it administers requiring operation of alert and warning activities consistent with the guidelines. Current law also requires the OES, within 6 months of making the statewide guidelines available and at least annually thereafter and through its California Specialized Training Institute, to develop an alert and warning training, as specified. This bill, on or before July 1, 2024, would require the OES, by regulation, to adopt minimum operating standards for private sector companies that provide alert and warning services to local entities.	Watch	B. Watch	
AB 2605	Villapudua D	Water quality: state certification.	4/29/2022- Failed Deadline pursuant to Rule 61(b)(5). (Last location was E.S. & T.M. on 3/10/2022)		The State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the Federal Water Pollution Control Act and the Porter-Cologne Water Quality Control Act. Under federal law, any applicant seeking a federal license or permit for an activity that may result in any discharge into the navigable waters of the United States is required to first seek a state water quality certification, as specified. The Porter-Cologne Water Quality Control Act authorizes the state board to certify or provide a statement to a federal agency, as required pursuant to federal law, that there is reasonable assurance that an activity of	Watch	B. Watch	

					any person subject to the jurisdiction of the state board will not reduce water quality below applicable standards. The federal act provides that if a state fails or refuses to act on a request for this certification within a reasonable period of time, which shall not exceed one year after receipt of the request, then the state certification requirements are waived with respect to the federal application. This bill would authorize the state board to delegate its authority regarding the above-described issuance of a certificate or statement to the regional boards. The bill would require a project proponent, as defined, to request a prefiling meeting with the state board, as specified.			
AB 2740	Dahle, Megan R	Water resources: desalination .	5/6/2022-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. W.,P. & W. on 3/17/2022)		Current law requires the Department of Water Resources, not later than July 1, 2004, to report to the Legislature, on potential opportunities and impediments for using seawater and brackish water desalination, and to examine what role, if any, the state should play in furthering the use of desalination technology. Current law requires the department to convene a Water Desalination Task Force, comprised of representatives from listed agencies and interest groups, to advise the department in carrying out these duties and in making recommendations to the Legislature. This bill would repeal these provisions.	Watch	B. Watch	
AB 2742	Friedman D	Water meters: urban water suppliers.	5/6/2022-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/18/2022)		The Water Measurement Law generally requires the installation of a water meter as a condition of new water service on and after January 1, 1992. The law, with certain exceptions, requires an urban water supplier to install water meters on all municipal and industrial service connections that are located in its service area on or before January 1, 2025. This bill would delay that requirement for an urban water supplier to install the water meters to on or before January 1, 2030.	Watch	B. Watch	
AB 2811	Bennett D	California Building Standards Commission: recycled water: nonpotable water systems.	4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was E.S. & T.M. on 3/17/2022)		Would require, commencing January 1, 2024, all newly constructed nonresidential buildings be constructed with dual plumbing to allow the use of recycled water for all applicable nonpotable water demands, as defined, if that building is located within an existing or planned recycled water service area, as specified.	Watch	B. Watch	
AB 2857	Bauer-Kahan D	Sustainable Groundwater Management Act: groundwater sustainability plans:	4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was W.,P.		The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January	Watch	B. Watch	

		domestic well impacts.	& W. on 3/24/2022)		31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. The act prescribes that a groundwater sustainability plan contain certain information, including, where appropriate and in collaboration with the appropriate local agencies, control of saline water intrusion, wellhead protection areas and recharge areas, a well abandonment and well destruction program, well construction policies, and impacts on groundwater dependent ecosystems. This bill would additionally require that a groundwater sustainability plan include measures to mitigate adverse impacts on domestic wells, as defined, including, but not limited to, compensating an owner of a domestic well or a user of water from a domestic well for increased energy costs associated with deeper groundwater pumping and increased costs to households associated with the delivery of water from an existing water supply system or alternative water supply. The bill would prohibit a mitigation measure from subjecting an owner of a domestic well or a user of water from a domestic well to an unreasonable financial burden or expense.			
AB 2876	Bigelow R	Sustainable Groundwater Management Act.	5/6/2022-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/18/2022)		The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. The act requires all relevant state agencies to consider the policies of the act, and any adopted groundwater sustainability plans, when revising or adopting policies, regulations, or criteria, or when issuing orders or determinations, where pertinent. This bill would make nonsubstantive changes to the latter provision.	Watch	B. Watch	
AB 2877	Garcia, Eduardo D	Safe and Affordable Drinking Water Fund: tribes.	5/24/2022-In Senate. Read first time. To Com. on RLS. for assignment .		Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law continuously appropriates to the State Water Resources Control Board moneys deposited in the fund for the development, implementation,	Watch	B. Watch	

					and sustainability of long-term drinking water solutions, among other things. Existing law requires the state board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible recipients. Current law includes within the list of “eligible recipients,” public agencies, nonprofit organizations, public utilities, mutual water companies, federally recognized California Native American tribes, specified nonfederally recognized Native American tribes, administrators, groundwater sustainability agencies, community water systems, and technical assistance providers. This bill would specify that a limited waiver of tribal sovereignty is not required for a tribe that is an eligible recipient to access funding from the fund. The bill would require the state board to work with tribes that are eligible recipients to remove any barriers for those tribes to access funding, as specified.			
AB 2895	Arambula D	Water: permits and licenses: temporary changes: water or water rights transfers.	5/19/2022-From committee: Do pass. (Ayes 12. Noes 2.) (May 19). Read second time. Ordered to third reading.	5/26/2022 #110 ASS EMBLY T HIRD READING FILE - ASSEMBLY BILLS	Under current law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Current law authorizes a permittee or licensee to temporarily change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if the transfer would only involve the amount of water that would have been consumptively used or stored by the permittee or licensee in the absence of the proposed temporary change, would not injure any legal user of the water, and would not unreasonably affect fish, wildlife, or other instream beneficial uses. Current law prescribes the process for a permittee or licensee to petition the board for a temporary change due to a transfer or exchange of water rights and subsequent notice, decision, and hearing requirements by the board. Under that process, a petitioner is required to publish notice of a petition in a newspaper, as specified. Current law requires a petition to contain specified information and requires a petitioner to provide a copy of the petition to the Department of Fish and Wildlife, the board of supervisors of the county or counties in which the petitioner currently stores or uses the water subject to the petition, and the board of supervisors of the county or counties to which the water is proposed to be transferred. This bill would revise and recast the provisions regulating temporary changes due to a transfer or exchange of water rights, including, among other revisions, specifying that those provisions apply to a person who proposes a temporary change for purposes of preserving or enhancing wetlands habitat, fish and wildlife resources, or recreation.	Watch	B. Watch	

AB 2919	Fong R	Dams: release of water: fish populations.	4/29/2022- Failed Deadline pursuant to Rule 61(b)(5). (Last location was W.,P. & W. on 3/24/2022)		Current law requires the owner of a dam to allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that may be planted or exist below the dam. This bill would provide that, notwithstanding any other law, the release of water from a dam shall only be regulated based on actual fish populations and not based on approximate fish populations.	Watch	B. Watch	
SB 832	Dodd D	Water rights: measurement of diversion.	5/20/2022- Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. SUSPENSE FILE on 4/25/2022)		Current law defines various terms applicable to the Water Code. This bill would define “water year,” unless otherwise specified, to mean the 12-month period beginning October 1 and ending September 30.	Watch	B. Watch	
SB 890	Nielsen R	Department of Water Resources: Water Storage and Conveyance Fund: water storage and conveyance .	3/8/2022- March 8 set for first hearing. Failed passage in committee. (Ayes 3. Noes 6.)		Would establish the Water Storage and Conveyance Fund in the State Treasury to be administered by the Department of Water Resources. The bill would require all moneys deposited in the fund to be expended, upon appropriation by the Legislature, in support of subsidence repair and reservoir storage costs, including environmental planning, permitting, design, and construction and all necessary road and bridge upgrades required to accommodate capacity improvements. The bill would require the department to expend from the fund, upon appropriation by the Legislature, specified monetary amounts to complete funding for the construction of the Sites Reservoir, and to restore the capacity of 4 specified water conveyance systems, as prescribed, with 2 of those 4 expenditures being in the form of a grant to the Friant Water Authority and to the San Luis and Delta-Mendota Water Authority. This bill would make these provisions inoperative on July 1, 2030, and would repeal it as of January 1, 2031.	Watch	B. Watch	
SB 892	Hurtado D	Cybersecurity preparedness: food and agriculture sector and water and wastewater systems sector.	5/25/2022- In Assembly. Read first time. Held at Desk.		Current law requires CalOES to establish the California Cybersecurity Integration Center (Cal-CSIC) with the primary mission of reducing the likelihood and severity of cyber incidents that could damage California’s economy, its critical infrastructure, or public and private sector computer networks in the state. Current law requires Cal-CSIC to provide warnings of cyberattacks to government agencies and nongovernmental partners, coordinate information sharing among these entities, assess risks to critical infrastructure	Watch	B. Watch	

					information networks, enable cross-sector coordination and sharing of best practices and security measures, and support certain cybersecurity assessments, audits, and accountability programs. Current law also requires Cal-CSIC to develop a statewide cybersecurity strategy to improve how cyber threats are identified, understood, and shared in order to reduce threats to California government, businesses, and consumers, and to strengthen cyber emergency preparedness and response and expand cybersecurity awareness and public education. This bill would require CalOES to develop, propose, and adopt optional reporting guidelines applicable to companies and cooperatives in the food and agriculture industry and entities in the water and wastewater systems industry if they identify a significant and verified cyber threat or active cyberattack			
SB 1059	Becker D	Privacy: data brokers.	5/20/2022- Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. SUSPENSE FILE on 5/16/2022)		Current law requires data brokers to register with, and provide certain information to, the Attorney General. Current law defines a data broker as a business that knowingly collects and sells to third parties the personal information of a consumer with whom the business does not have a direct relationship, subject to specified exceptions. Current law subjects data brokers that fail to register to injunction and liability for civil penalties, fees, and costs in an action brought by the Attorney General, with any recovery to be deposited in the Consumer Privacy Fund, as specified. Current law imposes a \$100 civil penalty for each day a data broker fails to register. This bill would include in the definition of data broker a business that knowingly collects and shares, as defined, certain personal information to third parties. The bill would transfer all authority and responsibilities under the provisions relating to data broker registration from the Attorney General to the CCPA, including by requiring data brokers to annually register with the CPPA on or before January 31. However, the bill would authorize the Attorney General to also bring an action against a data broker that fails to register.	Watch	B. Watch	
SB 1078	Allen D	Sea Level Rise Revolving Loan Pilot Program.	5/25/2022- In Assembly. Read first time. Held at Desk.		Would require the Ocean Protection Council, in consultation with the State Coastal Conservancy, to develop the Sea Level Rise Revolving Loan Pilot Program for purposes of providing low-interest loans to local jurisdictions, as defined, for the purchase of coastal properties in their jurisdictions identified as vulnerable coastal property, as defined, located in specified communities, including low-income communities, as provided. The bill would require the council, before January 1, 2024, in consultation with other state planning	Watch	B. Watch	

					and coastal management agencies, as provided, to adopt guidelines and eligibility criteria for the program. The bill would authorize specified local jurisdictions to apply for, and be awarded, a low-interest loan under the program from the conservancy, in consultation with the council, if the local jurisdiction develops and submits to the conservancy a vulnerable coastal property plan and completes all other requirements imposed by the council. The bill would require the conservancy, in consultation with the council, to review the plans to determine whether they meet the required criteria and guidelines for vulnerable coastal properties to be eligible for participation in the program.			
SB 1197	Caballero D	Water Innovation and Drought Resiliency Act of 2022.	5/20/2022- Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. SUSPENSE FILE on 5/2/2022)		Current law declares that the protection of the public interest in the development of the water resources of the state is of vital concern to the people of the state and that the state shall determine in what way the water of the state, both surface and underground, should be developed for the greatest public benefit. Current law creates the Office of Planning and Research to serve the Governor as staff for long-range planning and research and as a comprehensive state planning agency. This bill, the Water Innovation and Drought Resiliency Act of 2022, would create the Initiative to Advance Water Innovation and Drought Resiliency at the office for the furtherance of new technologies and other innovative approaches in the water sector. The bill would require the office, as part of the initiative, to take specified measures on or before December 31, 2024, to advance innovation in the water sector and ensure a drought-resilient economy.	Watch	B. Watch	
SB 1219	Hurtado D	21st century water laws and agencies: committee.	5/25/2022- Read third time. Passed. (Ayes 21. Noes 6.) Ordered to the Assembly.		Would require the Secretary of the Natural Resources Agency and the Secretary for Environmental Protection to convene a committee to develop and submit, on or before December 31, 2024, to the Governor and to the Legislature a strategic vision, proposed statutes, and recommendations for a modern 21st century set of water laws and regulations and state and local water agencies for the state, as provided. The committee would consist of 5 specified heads of state agencies, 2 members appointed by the Senate Committee on Rules, and 2 members appointed by the Speaker of the Assembly. The bill would require the Governor or the committee to appoint a “blue ribbon” citizen commission or taskforce, a stakeholder advisory committee, and any other group that the Governor or the committee deems necessary or desirable to assist in carrying out these provisions. The bill would require all relevant state agencies, at the request of	Watch	B. Watch	Possible priority bill, but unlikely to move.

					the committee, to make available staff and resources to assist in the preparation of the strategic vision and proposed statutes.			
SB 1476	Bradford D	Water replenishment districts: contracts.	5/24/2022-In Assembly. Read first time. Held at Desk.		The Water Replenishment District Act provides for the formation of water replenishment districts with prescribed powers for the purposes of replenishing the groundwater supplies within the district. The act requires a district to advertise for bids before making any contract totaling \$25,000 or more within any 12-month period and, when work is to be done, to give notice calling for bids by publication, as prescribed. The act requires contracts and other documents executed by a district that require or authorize the district to expend \$10,000 or more to be authorized by the board of directors and signed by the president and the secretary, except as specified. This bill would revise and recast the provisions establishing the competitive bidding and related public notice procedures for water replenishment districts, including, among other revisions, only until January 1, 2028, deleting the requirement that a district advertise for bids before making any contract totaling \$25,000 or more within any 12-month period, and instead requiring a district expenditure for the erection, construction, alteration, repair, or improvement of a public structure or building of \$25,000 or more be let by contract by formal bidding procedure.	Watch	B. Watch	

Total Measures: 37

Total Tracking Forms: 37

Metropolitan Water District of Southern California
State Legislative Matrix
May 5, 2022 – Second Year of Legislative Session

Item No. 2e

Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
Metropolitan-sponsored bills	SB 230 Portantino (D) Sponsors: Metropolitan and the California Municipal Utilities Association (CMUA)	Amended 1/20/2022 Assembly Environmental Safety and Toxic Materials	State Water Resources Control Board: Constituents of Emerging Concern Program Seeks to create a statewide program to identify and evaluate Constituents of Emerging Concern (CECs) in drinking water sources.	CO-SPONSOR Based on October 2019 Board Action	Metropolitan and CMUA are co-sponsoring legislation in response to growing public concern about CECs in drinking water. The bill would establish a five-year CEC Drinking Water Program at the State Water Resources Control Board. The program would set up a consistent and science-based approach for assessing the public health and drinking water consequences of CECs, with the intent to improve knowledge and future regulatory determinations. The bill excludes PFAS from the program of review and requires the State Water Board to present a final report to the Legislature. The recent amendments make implementation of a CEC Drinking Water Program contingent upon an appropriation by the Legislature.
Metropolitan-sponsored bills	AB 1845 Calderon (D) Sponsor: Metropolitan	Amended 4/4/2022 Assembly Appropriations Committee	Metropolitan Water District of Southern California: alternative project delivery methods Allows the Metropolitan Water District of Southern California to use alternative project delivery methods for the design and construction of a Regional Recycling Water Program	SPONSOR	Metropolitan is limited to the traditional Design-Bid-Build method for delivery of public works construction contracts which can be inefficient and inflexible for large, time-sensitive, and complex projects like its Regional Recycled Water Program and emergency drought mitigation projects. The bill would amend the Public Contracting Code to permit Metropolitan to use Design-Build, Progressive Design-

Metropolitan Water District of Southern California
State Legislative Matrix
May 5, 2022 – Second Year of Legislative Session

Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
			and a limited set of drought-related projects.		Build, and Construction Manager/General Contractor. These methods have the potential to expedite construction of critical new water infrastructure projects and reduce their overall costs.
Delta/State Water Project	SB 832 Dodd (D) Sponsor: Author	Amended 4/6/2022 Senate Appropriations Committee – Suspense File	Water rights: measurement of diversion Clarifies existing law that a person diverting 10 acre-feet or more of water per year under a registration is subject to existing water diversion measurement, recording, and reporting requirements. Also, authorize the State Water Board to modify water diversion measurement requirements to allow open satellite data methods to estimate evapotranspiration if the board makes certain findings regarding use of water for irrigation.	SUPPORT Based upon Board-adopted 2022 Legislative Priorities and Principles	Metropolitan supports metering and reporting of diversions to prevent unlawful diversion of State Water Project supplies in the Delta and other locations that may lead to additional regulatory burdens. Metropolitan is installing meters on its Delta Islands to comply with existing statutory requirements. While OpenET would be a useful tool for water management and could be used as an indicator of unlawful diversions in the Delta, it is a new methodology for California. The bill requires the State Water Board to conduct a five-year study to determine the adequacy of evapotranspiration methods as a substitute for conventional metering methods to comply with State Water Board reporting requirements.
Design-Build	SB 991 Newman (D)	Amended 3/22/2022	Public contracts: progressive design-build: local agencies	SUPPORT	SB 991 could benefit water agencies, including Metropolitan, by giving them the option to use progressive design-build, which allows for greater collaboration

Metropolitan Water District of Southern California
State Legislative Matrix
May 5, 2022 – Second Year of Legislative Session

Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
	Sponsors: Water Collaborative Delivery Association (formerly Design Build Council)	Senate Third Reading	Authorize local water and wastewater agencies to use the progressive design-build (PDB) project delivery method for public works projects in excess of \$5 million.	Based on April 2022 Board Action	between the project owner and the contractor through the design and construction phase thereby reducing project costs, risk, and schedules.
Governance	AB 2449 B. Rubio (D) Sponsor: Three Valleys Municipal Water District	Introduced 2/17/2022 Assembly Third Reading	Open meetings: local agencies: teleconferences Amends the Ralph M. Brown Act to allow a local agency to voluntarily use teleconferencing for public meetings during non-emergencies. Requires a quorum of the members meet in person at a noticed location that is open to the public and within the agency's jurisdiction. The bill prescribes requirements for this exception related to notice, agendas, means and manner of access, and procedures for disruptions. Requires procedures for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.	SUPPORT Based on April 2021 Board Action	Metropolitan currently hosts teleconferencing public meetings in accordance with Executive Order, N-29- 20. AB 2449 allows the option to hold teleconferenced meetings into the future after the COVID-19 public health emergency is over and the Executive Order is lifted as long as a quorum of the Board's directors participate in person, give notice and post agendas as prescribed, ensure that directors attending meeting by teleconference participate through both audio and visual technology, and allow the public to address the Board in person or by teleconference. Waives the requirement to post an agenda at each teleconferenced location and assure public access to those locations. If there is a disruption to the call-in or streaming options, then no action can be taken by the board.

Metropolitan Water District of Southern California
State Legislative Matrix
May 5, 2022 – Second Year of Legislative Session

Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
			Requires a quorum of the legislative body present at the location noticed on the agenda, an audio and video live-feed of the remote member of the legislative body during the meeting.		
Regulatory Reform	AB 2313 Bloom (D) Sponsor: Author	Amended 4/27/2022 Assembly Appropriations Committee	Water: judges and adjudications Would require the Judicial Council on or before January 1, 2025 to establish a program that provides training and education to judges in specified actions relating to water quality, groundwater, water transfers and water rights. Requires the Judicial Council to identify independent and nonpartisan experts in water issues who will be available to any judge adjudicating a water dispute and authorizes judges to appoint special masters in water cases to investigate technical and legal issues among other duties.	SUPPORT Based upon Board-adopted 2022 Legislative Priorities and Principles	Metropolitan's interests in enforcement of water quality law and water rights would be better served by judges, court staff, and special masters who have received training in the legal, scientific and technical issues involving water quality, water rights and water transfers.
Water Bond Infrastructure Funding	SB 559 Hurtado (D) Sponsors:	Amended 8/30/2021 Senate Inactive File	Department of Water Resources: water conveyance systems: Canal Conveyance Capacity Restoration Fund	WATCH Based upon Board adopted 2021 State Legislative	Portions of the California Aqueduct, the Friant Kern Canal and the Delta Mendota Canal have lost capacity due to subsidence. The Fund would upon appropriation provide funding to DWR to support a 10-year program to restore the

Metropolitan Water District of Southern California
State Legislative Matrix
May 5, 2022 – Second Year of Legislative Session

Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
	Friant Water Authority, San Luis & Delta Mendota Water Authority, and State Water Contractors	Two-year bill	Establishes the Canal Conveyance Capacity Restoration Fund that would upon appropriation provide up to \$785 million in funding for the Department of Water Resources (DWR) to help pay for subsidence repairs to the State Water Project and Central Valley Project water conveyance systems and for necessary road and bridge upgrades.	Priorities and Principles	capacity of the canals and ensure a more secure water supply. Funds could be used to cover one-third of the cost to restore the capacity of the canals. A federal companion bill is envisioned that would provide one-third the cost and local partners would contribute the remaining one-third of the cost. The creation of the Fund is contingent upon all the following: an appropriation of funds; an agreement is executed to provide for local cost share; and the provision of adequate cost share as determined by the DWR Director. The August 8 Assembly Amendments are problematic causing the State Water Contractors and Metropolitan to withdraw support for the bill.
Water Conservation	AB 2142 Gabriel (D) Sponsor: Association of California Water Agencies California Water Efficiency Partnership	Amended 4/6/2022 Assembly Appropriations Committee	Income taxes: exclusion: turf replacement water conservation program. Would provide an exclusion from gross income for any amount received as a rebate, voucher or other financial incentive issued by a local water agency or supplier for participation in a turf replacement water conservation program during the taxable years of January 1, 2022 through January 1, 2027.	SUPPORT Based upon Board adopted 2022 Legislative Priorities and Principles	Metropolitan previously supported the Making Conservation a Way of Life legislation and is working hard to promote indoor and outdoor conservation. Conservation rebates are key to success. California law previously exempted turf rebates from taxable income, but those provisions were allowed to sunset in December 2019. This bill would reinstate an important tax exemption for turf replacement rebates from gross income in California, aligning it with certain other permanently exempt efficiency rebates.

Metropolitan Water District of Southern California
State Legislative Matrix
May 5, 2022 – Second Year of Legislative Session

Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
	WaterNow Alliance				
Water Governance and Funding	AB 1195 C. Garcia (D) Sponsor: Author	Amended 5/24/2021 Senate Natural Resources and Water Committee Two-year bill	Drinking water. Requires the State Water Resources Control Board (State Water Board) to appoint a commissioner to implement the Safe and Affordable Fund for Equity and Resilience Program (SAFER Program) in Southern Los Angeles County.	OPPOSE UNLESS AMENDED Based upon May 2021 Board Action	Seeks to address the needs of public water systems in Southern Los Angeles County struggling to provide safe and affordable retail water. The May 24, 2021 amendments limit the role of the commissioner to focus on implementation of the SAFER Program and create a pilot program with Los Angeles County LAFCO to extend service or consolidate struggling systems. Metropolitan is seeking additional amendments to further clarify the role of the commissioner; strike a provision that grants the commissioner the authority to audit public water systems and bypass the public process created by the Legislature; and strike a section that would grant the State Water Board jurisdiction over decisions to transfer or abandon groundwater rights.
Water Quality	AB 1817 Ting (D) Sponsors:	Amended 03/24/2022	Product safety: textile articles: perfluoroalkyl and polyfluoroalkyl (PFAS).	SUPPORT AND AMEND	Metropolitan supports the removal or reduction of PFAS in manufactured products in order to protect source

Metropolitan Water District of Southern California
State Legislative Matrix
May 5, 2022 – Second Year of Legislative Session

Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
	Breast Cancer Prevention Partners, Natural Resources Defense Council, and Clean Water Action	Assembly Third Reading	Prohibits as of January 1, 2024, any person from distributing, selling, or offering for sale in California any textile articles that contain “regulated PFAS” as defined, and requires the manufacturer to use the least toxic alternative to regulated PFAS.	Based upon Board adopted 2022 Legislative Priorities and Principles	water quality. Metropolitan is seeking amendments to clarify that the bill applies to manufacturers and not state and local agencies and to change the term “regulated PFAS” to “detected PFAS” in consumer products and not drinking water.
Water Quality	AB 2247 Bloom (D) Sponsors: Environmental Working Group, Clean Water Action, and California Association of Sanitation Agencies	Amended 4/20/2022 Assembly Appropriations Committee	Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products and product components: publicly accessible reporting platform. Requires the Department of Toxic Substances Control to develop a publicly accessible reporting platform to collect information about PFAS and products containing PFAS by January 1, 2024. By March 1, 2024, manufacturers will be required to register the PFAS or product on the reporting platform.	SUPPORT AND AMENDED Based upon Board adopted 2022 Legislative Priorities and Principles	Metropolitan supports the removal or reduction of PFAS in manufactured products to protect source water quality. Metropolitan is seeking an amendment to change “regulated PFAS” to “detected PFAS” and to clarify the bill applies to consumer products and not drinking water.
Water quality	AB 2771 Friedman (D) Sponsors:	Amended 4/18/2022	Cosmetic products: safety Prohibits a person or entity from manufacturing, selling, delivering, holding, or offering for sale in	SUPPORT Based upon Board adopted 2022 Legislative	Metropolitan supports the removal or reduction of PFAS in manufactured products to protect source water quality.

**Metropolitan Water District of Southern California
State Legislative Matrix
May 5, 2022 – Second Year of Legislative Session**

Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
	Environmental Working Group, Breast Cancer Prevention Partners, The California Public Research Group (CALPIRG)	Assembly Third Reading	commerce any cosmetic product that contains PFAS.	Priorities and Principles	



ACTION ITEM

June 1, 2022

TO: Board of Directors

FROM: Joe Byrne, General Counsel

SUBJECT: APPROVE CONTINUATION OF REMOTE MEETINGS PURSUANT TO AB 361 AND MAKE REQUIRED FINDINGS

STAFF RECOMMENDATION

That the Board of Directors vote to continue virtual meetings pursuant to AB 361 for an additional 30 days based on the findings that (1) it has reconsidered the circumstances of the state of emergency for COVID-19, and (2) state and local officials continue to impose or recommend measures to promote social distancing.

COMMITTEE RECOMMENDATION

This item was not presented to a Committee.

SUMMARY

At the October 4, 2021 Board meeting, pursuant to AB 361, the Board of Directors adopted Resolution No. 2115 and authorized the Board to continue to have remote meetings based upon the continued state of emergency for COVID-19 and the finding that state and local officials have imposed or recommended measures to promote social distancing. At the past several meetings, including the May 18, 2022 Board meeting, the Board voted to continue such remote meetings for additional 30 day periods. As previously indicated, if the Board wishes to continue to hold remote meetings pursuant to AB 361, and assuming a state of emergency still is in place, it must make similar findings within every 30 days.

At the time this report was prepared, there is a continued state of emergency for COVID-19 and state and local officials continue to recommend measures to promote social distancing. This item is on the Agenda for the Board to consider whether to continue remote meetings pursuant to AB 361 for an additional 30 days and to make the appropriate findings.

Budgeted (Y/N): N/A	Budgeted amount: N/A	Core <u> X </u>	Choice <u> </u>
Action item amount:	Line item:		
Fiscal Impact (explain if unbudgeted):			



ACTION ITEM

June 1, 2022

TO: Board of Directors

FROM: Robert Hunter
General Manager

Staff Contact: Heather Baez

SUBJECT: H.R. 7612 (LEVIN) – DESALINATION RESEARCH ADVANCEMENT ACT

STAFF RECOMMENDATION

Staff recommends the Board of Directors vote to adopt a Support position on H.R. 7612 (Levin, D-CA and Mace, R-SC) and send a letter to the authors' office and Orange County delegation.

COMMITTEE RECOMMENDATION

This item was not presented to a Committee.

BACKGROUND

On September 1, 2021, the MWD OC Board voted to support H.R. 4712 which would have established the Desalination Development Act, authorizing \$260 million over the next five years for desalination projects, and create new environmental safeguards for the funded projects. H.R. 4712 was referred to the Subcommittee on Water, Oceans and Wildlife, however has not had a hearing.

BILL SUMMARY

H.R. 7612 is a bi-partisan effort that would reauthorize the Bureau of Reclamation's desalination research grant authorities, and increase its funding authorization from \$5 million per year to \$20 million per year through FY 2026.

The Bureau of Reclamation's Desalination and Water Purification Research (DWPR) Program provides funding for desalination efforts that reduce environmental impacts, lower energy consumption, and develop more advanced desalination technologies. Currently the DWPR Program is prohibited from providing more than \$1 million in total grants for academic institutions, effectively preventing federal investments in modern, innovative desalination and water purification research, as academic institutions are typically the first to take risks on new

Budgeted (Y/N): n/a	Budgeted amount: n/a	Core X	Choice ____
Action item amount: None		Line item:	
Fiscal Impact (explain if unbudgeted):			

technologies. This measure would increase the cap on annual funding for academic research grants under the program to \$15 million. It would also add research on approaches to better monitor and decrease the impact of seawater desalination on coastal ecosystems to the DWPR Program's list of priority funding areas.

ARGUMENTS IN SUPPORT

"As we confront increasingly frequent and intense droughts in California, we must advance desalination projects that use the latest technologies to protect our environment while increasing our local supply of drinking water," **said Rep. Levin**. "This bipartisan bill will ensure the federal government is making adequate investments in academic institutions and others that are doing this critical work, which can support projects like the South Coast Water District's Doheny Ocean Desalination Project. I look forward to partnering with Rep. Mace to advance this bill and help secure water independence for communities across the country."

"I represent many coastal communities in the Lowcountry of South Carolina, and I know how important the desalination process is in providing clean drinking water. By re-authorizing grants in the Desalination and Water Purification Research Program, we can ensure our technology can provide clean drinking water for years to come," **said Rep. Mace**. "This legislation will have a direct impact on the Hilton Head Public Service District's Reverse Osmosis Drinking Water Treatment Facility and help it treat brackish groundwater at an affordable price for ratepayers."

ARGUMENTS IN OPPOSITION

None on file.

BOARD OPTIONS

Option #1

- Adopt a support position on H.R. 7612 and send a letter to the author's office and Orange County delegation.

Fiscal Impact: Potentially millions could be awarded to projects in the region

Business Impact: This measure could help offset funding for desalination projects in the region, which would reduce reliance on imported water, increasing supply availability for other regions that do not have the capability or infrastructure for desalination.

Option #2

- Take no action

Fiscal Impact: Same as above

Business Impact: Same as above

STAFF RECOMMENDATION

Option #1

ATTACHED: H.R. 7612 Full Text

117TH CONGRESS
2D SESSION

H. R. 7612

To advance desalination research and technological innovation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2022

Mr. LEVIN of California (for himself and Ms. MACE) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To advance desalination research and technological innovation, 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 “Desalination Research
5 Advancement Act”.

1 **SEC. 2. DESALINATION RESEARCH AUTHORIZATION.**

2 (a) Section 8 of the Water Desalination Act of 1996
3 (42 U.S.C. 10301 note; Public Law 104–298) is amended
4 in subsection (a)—

5 (1) by striking “\$5,000,000 per year for fiscal
6 years 1997 through 2021” and inserting
7 “\$20,000,000 per year for fiscal years 2022 through
8 2026”; and

9 (2) by striking “\$1,000,000” and inserting
10 “\$15,000,000”.

11 (b) Section 3(e) of the Water Desalination Act of
12 1996 is amended—

13 (1) in paragraph (5), by striking “and”;

14 (2) in paragraph (6), by striking the period at
15 the end and inserting “; and”; and

16 (3) by adding at the end the following new
17 paragraph:

18 “(7) to minimize the impacts of seawater desali-
19 nation on aquatic life and coastal ecosystems, includ-
20 ing technologies to monitor and reduce those im-
21 pacts.”.

○



Item No. 6

ACTION ITEM

June 1, 2022

TO: Board of Directors

FROM: Robert Hunter
General Manager

Staff Contact: Heather Baez

SUBJECT: S. 4231 (FEINSTEIN) – SUPPORT TO REHYDRATE THE ENVIRONMENT, AGRICULTURE, AND MUNICIPALITIES (STREAM) ACT

STAFF RECOMMENDATION

Staff recommends the Board of Directors vote to adopt a Support position on S. 4231 (Feinstein) and send a letter to the author's office and Orange County delegation.

COMMITTEE RECOMMENDATION

This item was not presented to a Committee.

BACKGROUND

At the April 6, 2022 Joint Board Workshop meeting, MWDOC's federal advocates reviewed the proposed language for this measure and asked for feedback and/or input. The feedback was positive, and the Board asked to have the measure return to the Board for position once introduced. Senators Feinstein, Sinema and Kelly introduced S.4231 on May 17, 2022.

BILL SUMMARY

The STREAM Act would:

- Expedite non-federal storage projects with less than \$250 million in federal funding, water recycling, and desalination projects by allowing Interior to approve the projects.

Budgeted (Y/N): n/a	Budgeted amount: n/a	Core X	Choice ____
Action item amount: None	Line item:		
Fiscal Impact (explain if unbudgeted):			

- This provision is needed following the Water Infrastructure Improvements for the Nation Act's expiration in December 2021. Absent this provision, Congress must individually authorize all water recycling, desalination and storage projects, with the exception of projects that receive construction funding under the bipartisan infrastructure legislation.
- Allowing projects to proceed with Interior's approval avoids frequent and lengthy delays in the Congressional approval process.
- Authorize \$750 million in funding for surface and groundwater storage and conveyance projects (including natural water retention and release projects).
- Authorize \$300 million for water recycling projects, \$150 million for desalination projects, \$100 million for projects to provide drinking water for disadvantaged communities, and \$250 million for environmental restoration projects.
- Establish a Reclamation Infrastructure Finance and Innovation program, with low-interest loans similar to WIFIA, except this program is for water supply projects recommended by the Bureau of Reclamation. Expected to cost-effectively make available \$8 to \$12 billion in lending authority under OMB scoring protocols, at an appropriations cost of only \$150 million.
- Require Congressional approval of future federal storage projects and non-federal storage projects with over \$250 million in federal funding. Congressional approval is appropriate for federal and the most expensive projects. Shortens timeline for Congressional approval of these projects through a "Reclamation WRDA" process where Reclamation notifies Congress of completed feasibility studies each year to set up an orderly process to authorize projects.
- Grandfather storage projects that receive construction funding from the \$1.15 billion provided for storage in the bipartisan infrastructure law so they can receive storage funds authorized under this bill and they do not need further authorization to complete construction.
- Federal non-reimbursable grants are available for non-Federal storage projects funded by the bill only if they have public benefits that are provided either directly as part of the project or through federal spending on environmental benefits in the same watershed approved as part of a watershed plan adopted together with the project. Non-federal storage projects with water supply benefits only are eligible for reimbursable funding.
- Project to repair aging Reclamation infrastructure are authorized to include modified components with additional public benefits or other project benefits, if the modification increases costs by less than 25% (or less than \$25 million for projects under \$100 million).
- During droughts, Interior can implement emergency drought relief projects through building permanent facilities, if those facilities are supported by the State where the projects are located and require a federal investment of less than \$30 million.

- Current law allows funding only for temporary facilities, excepting groundwater wells.
- Given the increased frequency of droughts, it is more efficient to install permanent facilities rather than frequently installing and removing temporary facilities.

ARGUMENTS IN SUPPORT

The STREAM Act has garnered quite a bit of support from water providers, NGOs and more.

“As the past two years have painfully demonstrated, severe and prolonged drought exacerbated by climate change is the stark reality for the West,” said **Senator Feinstein**. “If we don’t take action now to improve our drought resilience, it’s only going to get worse. We need an ‘all-of-the-above’ strategy to meet this challenge, including increasing our water supply, incentivizing projects that provide environmental benefits and drinking water for disadvantaged communities, and investing in environmental restoration efforts.”

“As Arizona continues to navigate this historic drought, it’s more important than ever to build infrastructure that promotes a secure water future. Combined with the investments made in the bipartisan infrastructure law, this legislation will help Arizona and the West expand drought resiliency projects, increase groundwater storage, and better manage and conserve our water resources,” said **Senator Kelly**.

“Our *STREAM Act* builds on our bipartisan infrastructure law’s investments modernizing and increasing Arizona’s water supply by strengthening Arizona’s water storage, recycling and desalination projects, helping ensure Arizona’s water future is safe and secure,” said **Senator Sinema**.

“Given the reality of a changing climate, we know droughts will become more frequent and more intense in the future. Responsibly preparing for that future will require significant investments in natural infrastructure and science-based water management by federal, state and local agencies. This is an urgent moment when we must enhance the resilience of both natural and engineered systems to account for the nation’s changing hydrology. The Nature Conservancy commends Senator Feinstein for incorporating nature-based water supply solutions in the *STREAM Act*. Funding these strategies alongside traditional infrastructure projects will help restore ecosystems, increase water supply reliability and ensure underserved communities’ access to clean drinking water,” said **Jay Ziegler, director of policy and external affairs for California for The Nature Conservancy**.

“With drought conditions worsening, ACWA is pleased to support Senator Feinstein’s *STREAM Act* and appreciates her continued leadership on Western water issues. The *STREAM Act* would help address the current drought and assist communities in preparing for the effects of climate change by utilizing an every-tool-in-the-toolbox approach,” said **Dave Eggerton, executive director of the Association of California Water Agencies**.

A full list of current supporters is attached.

ARGUMENTS IN OPPOSITION

None on file.

BOARD OPTIONS

Option #1

- Adopt a support position on S. 4231 and send a letter to the author's office and Orange County delegation.

Fiscal Impact: If enacted, this measure will authorize billions of dollars for water infrastructure, environmental restoration, and other incentives critical for California's water supply.

Option #2

- Take no action

Fiscal Impact: Same as above

STAFF RECOMMENDATION

Option #1

ATTACHED:

- S. 4231 section-by-section analysis
- List of supporters

Section-by-Section Analysis of “STREAM Act”
Senators Feinstein, Kelly and Sinema, as introduced in May 2022

- Section 1, Short Title; Table of Contents, indicates that this Act may be cited as the “Support To Rehydrate the Environment, Agriculture, and Municipalities Act” or the “STREAM Act”.
- Section 2, Definitions, includes important definitions of key terms, including:
 - Non-Federal storage project, which is any project in a Reclamation State that—
 - (A) involves the construction, expansion, or repair by an eligible entity of—
 - (i) a surface or groundwater storage project that is not federally owned;
 - (ii) a facility that is not federally owned conveying water to or from surface or groundwater storage; or
 - (iii) a natural water retention and release project; and
 - (B) provides a benefit in meeting any obligation under applicable Federal law (including regulations). Section 2(11).
 - Natural water retention and release projects, which use primarily natural processes and features, like wetlands, to allow increased utilization of existing storage facilities through aquifer recharge, floodplain retention, and altering the timing of runoff. Besides enhancing water supplies, these multi-benefit projects typically also promote ecosystem restoration and flood protection. Section 2(10).
 - Federal benefits. Section 2(8). As applied to storage, water recycling, and desalination projects, this term means
 - 1) public benefits provided directly by the project;
 - 2) fish and wildlife or water quality public benefits provided by the implementation of a watershed restoration plan approved together with the project, if there is an increased Federal commitment to pay for public benefits in the watershed as compared to such Federal commitments prior to the date of approval of the project; or
 - 3) water supply benefits identified pursuant to reclamation law.
 - Public benefits. Section 2(12). This term is defined to include:
 - 1) traditional non-reimbursable costs - fish/wildlife including refuges, flood control, recreation, water quality, etc.;
 - 2) drinking water supply for disadvantaged communities;
 - 3) emergency drinking water supply used in response to a gubernatorial disaster declaration; and
 - 4) energy benefits, including the value of associated greenhouse gas reductions and any reduction in energy costs for federal taxpayers.

Many of these key terms are further discussed below in the analysis of section 103, Storage and Conveyance Projects.

Title I, Infrastructure Development

- Section 101, Competitive Grant Program for the Funding of Water Recycling Projects, reauthorizes and amends the Title XVI competitive grant program for water recycling projects established in 2016 pursuant to the WIIN Act (Subtitle J, Public Law 114-322).

There are three key differences from the competitive grant program for water recycling authorized in the WIIN Act:

- 1) **The authorization of appropriations has been increased to \$300 million over 5 years, as compared to the prior \$100 million over 5 years.** Subsection (g).
 - 2) **Congress does not need to approve funding awards for specific projects through designating the project by name in an enacted appropriations bill.**
 - Reclamation can award funding to projects from available appropriations, after competitively evaluating grant applications from eligible projects.
 - 3) The draft bill raises the maximum federal funding contribution for each Title XVI project to \$50 million from the current ceiling of \$20 million in 1996 prices. Subsection (b)(1).
 - The cap remains \$20 million in 1996 prices for projects that have received that amount as of December 31, 2021.
 - The maximum federal cost-share remains at 25% (up to the new maximum federal contribution of \$50 million).
- Section 102, Annual Report to Congress
 - **This section requires the Commissioner of Reclamation to submit an annual report to Congress transmitting feasibility reports on Federal storage projects, and non-Federal storage projects with a federal investment exceeding \$250 million, for Congress to consider whether to authorize the projects.**
 - This section is modeled on the Section 7001 report that the Army Corps of Engineers submits to Congress for WRDA projects.
 - The language of the section closely tracks 33 U.S.C. 2282d regarding the Army Corps' Chief's reports.
 - **This section is intended to expedite approval of projects requiring Congressional authorization, by facilitating a "Reclamation WRDA" package of projects approved by the House and Senate authorizing committees.** If Congress chooses, this

“Reclamation WRDA” package could be added to the WRDA bill each Congress.

- Section 103, Storage and Conveyance Projects
 - **This section establishes a competitive grant program for non-Federal storage projects by adapting the structure and language of the competitive grant program for large-scale water recycling and reuse projects in Section 40905 of the Infrastructure Investment and Jobs Act.**
 - **This approach uses the Title XVI precedent of non-reimbursable funding for water supply where the project provides multiple benefits including environmental benefits within the watershed.**
 - Subsection 103(b) establishes a program to provide grants to eligible entities on a competitive basis for the planning, design, and construction of non-Federal storage projects.
 - Subsection 103(c) sets parameters for eligible projects:
 - Surface and groundwater storage, conveyance, and natural water retention and release projects are eligible;
 - The Federal cost-share cannot exceed \$250 million;
 - Projects must be constructed, operated and maintained by an eligible entity in a Reclamation state; and
 - Projects must provide a Federal benefit (definition of “Federal benefit” discussed below).
 - Subsection 103(d) sets conditions for grants for eligible projects:
 - For studying a project, if the Secretary has identified the potential for sufficient Federal benefits to proceed;
 - For construction, if
 - The eligible entity demonstrates that the project is feasible and provides a Federal benefit;
 - The eligible entity has sufficient funding to complete the project and is solvent; and
 - The Governor of the relevant State supports Federal funding of the project.
 - For construction of natural water retention and release projects, simplified procedures for projects costing less than \$10 million, and additional procedures for projects costing over \$10 million.
 - Subsection 103(e) establishes funding priority for a project that has 2 or more of the following: 1) substantial multiple benefits, 2) reductions in environmental impacts from water projects, 3) multi-state benefits, 4) collaborative development and support by multiple stakeholders; or 5) is located in a watershed where an integrated, comprehensive watershed management plan.
 - Subsection 103(f) states that

- **The Federal cost-share shall not exceed 25 percent of the total cost of the project** (with the exception of natural water retention and release projects, which can have up to a 90% Federal cost-share).
- **Any funding under the program for the value of public benefits shall be considered nonreimbursable.**
- **Public benefits are defined in Section 2(8) as either**
 - 1) public benefits provided directly by the project; or**
 - 2) fish and wildlife or water quality public benefits provided by the implementation of a watershed restoration plan approved together with the project,** if there is an increased Federal commitment to pay for public benefits in the watershed as compared to such Federal commitments prior to the date of approval of the project.
- **Water supply benefits are generally reimbursable, except that water supply benefits are nonreimbursable** up to the extent that the value of the water supply benefits is equal to the value of public benefits described above that are fish and wildlife or water quality benefits.
- To give an example, this means that if a project sponsor is seeking \$100 million in federal funding for a \$400 million non-Federal storage project, the sponsor can get that \$100 million funding on a non-reimbursable basis if there is \$50 million in public benefits from either the project itself or other projects as part of a watershed restoration plan approved with the project, and then an equal \$50 million in water supply benefits from the project if the public benefits include at least \$50 million in fish and wildlife or water quality benefits. Some examples of fish and wildlife or water quality benefits from a watershed plan could include:
 - water leasing during a dry year, water sharing agreements, water banking, ongoing water conservation, and related activities if they provide fish and wildlife or water quality benefits;
 - environmental restoration projects; and
 - natural water retention and release projects.
- If nonreimbursable funding is less than 25 percent of the total cost of the eligible project, **the Secretary may provide reimbursable funds to an eligible entity for the value of any water supply benefits identified pursuant to reclamation law** (as described in section 2(8)(D)) up to the limit of 25 percent of the total project cost.
- Other subsections of section 103:
 - Require compliance with environmental laws in subsection (g);
 - Require guidance on implementation from Reclamation within 1 year in subsection (h);
 - Require reports on implementation in subsection (i);
 - Require conveyance systems associated with storage projects to be eligible for funding under the section, in subsection (j).
- Subsection (k) authorizes \$750 million total in funding from FY 2024 through FY 2028 for:

1) non-Federal storage projects, including natural water retention and release projects, authorized pursuant to the provisions of this section;

2) storage projects that are eligible for study funding under section 40902(a)(1) of the Infrastructure Investment and Jobs Act, if for such projects the funding under this section is provided in accordance with the provisions of section 40902(b) and (c) of the Infrastructure Investment and Jobs Act; and

3) storage projects that have received construction funding under section 40902(a)(2) of the Infrastructure Investment and Jobs Act, if for such projects the funding under this section is provided in accordance with the provisions of section 40902(b) and (c) of the Infrastructure Investment and Jobs Act.

Any carryover storage funding appropriated pursuant to section 4007 of the WIIN Act may be used for the three categories of projects described above.

Because the \$750 million authorization in this section would become the general source of storage funding provided through annual appropriations, we believe it is appropriate to allow this pot to be used for projects that are eligible for study funding under the Infrastructure Investment and Jobs Act. In addition, if projects are partly funded for construction under the Infrastructure Investment and Jobs Act, we believe it is appropriate to use this general pot of storage annual appropriations to provide funding to move these projects closer to the completion of construction that has already begun. Note that if any funding from this storage pot is used for projects authorized to receive funding under the Infrastructure Investment and Jobs Act, then the restrictions on which projects can receive funding and the cost-sharing and reimbursability rules from section 40902 of the Infrastructure Investment and Jobs Act would all apply to that funding.

- Subsection (l) amends section 40902(a)(2)(C)(i) of IIJA to make potentially eligible for construction funding under IIJA two projects whose feasibility studies were authorized by IIJA, the Verde Reservoirs Sediment Mitigation Project and the Tualatin River Basin Project. The projects will have to comply with the requirements of section 40902(a)(2) of IIJA to become eligible for construction funding under IIJA.
- Subsection (m) grandfathers Federal and non-Federal storage projects that receive construction funding under the \$1.15 billion in storage funding in IIJA so they do not need further authorization to complete construction. Absent this provision, partly built projects might have to stop in the middle of construction to get Congressional authorization when section 40902 of IIJA expires in 2026.
- Subsection (n) reauthorizes the CALFED legislation through fiscal year 2027.
- Section 104, Desalination Project Development, reauthorizes and amends the competitive grant program for desalination projects established in 2016 pursuant to the WIIN Act.

- There are three key differences from the competitive grant program for desalination authorized in the WIIN Act:
 - 1) **The authorization of appropriations has been increased to \$150 million over 5 years, as compared to the prior \$30 million over 5 years.** At least \$10 million is set aside for rural desalination projects. Subparagraph (F)(i).
 - 2) **Congress does not need to approve funding awards for specific projects through designating the project by name in an enacted appropriations bill.**
 - Reclamation can award funding to projects from available appropriations, after competitively evaluating grant applications from eligible projects.
 - 3) **The bill establishes priority criteria for which projects to fund.** Subsection (b). These are based on and slightly modified from the prioritization criteria for desalination projects in Rep. Huffman’s HR 3404, section 105(b).
- Subparagraph (B)(ii) includes provisions from former Senator Udall and former Representative Torres Small’s 2019 Western Water Security Act (S. 2718/HR 4891) on rural desalination projects.
- Just as for non-federal storage projects and natural water retention and release projects, the following are required to obtain funding for desalination projects (subparagraph (C)):
- 1) The Governor of the affected state supports federal funding of the project, and the project is included in a state-approved plan; and
- 2) For construction funding, the state or local sponsor determines, and Reclamation concurs, that the project is feasible, and sufficient funding is available to complete it.
- The definition of an eligible project:
 - Makes clear that public private partnerships are eligible for funding as long as a state or local government entity pays either for the construction of the project or the water provided by the project. Subparagraph (A)(i).
 - Also allows any “organization with water or power delivery authority” to apply for funding if that organization constructs, operates and maintains the project. Subparagraph (A)(i). This language comes from the definition of an “eligible applicant” in section 9502 of the Secure Water Act.
- Section 105, Reclamation Infrastructure Finance and Innovation Pilot Program
 - **Creates a new loan program at 30-year Treasury rates for water supply projects** known as the Reclamation Infrastructure Finance and Innovation Act (RIFIA). Subsection (a).
 - The \$125 million authorized funding for loans **would make available \$8 to \$12 billion in lending authority** under OMB’s scoring parameters for similar loans under WIFIA.

- Subsection (b) defines “eligible projects” to include projects that promote water conservation or water use efficiency in addition to water supply projects.
- Subsection (d) adopts the requirements of the Water Infrastructure Finance and Innovation Act (WIFIA) for determination of project eligibility and loan selection, and program administration.
- The roles of the Environmental Protection Agency (EPA) and the Bureau of Reclamation are defined by the agreement between the agencies that was completed in October 2019 pursuant to the 2018 Water Resources Development Act legislation. Under the agreement EPA will retain responsibility for administering any loans under the section.
- Subsection (e) authorizes \$150 million total for fiscal years 2024 through 2028, including \$125 million in federal outlays for supporting loans; and \$25 million in administrative costs for Reclamation and EPA.
- The \$125 million in federal outlays would support \$8 to \$12 billion in loan amounts under OMB’s guidance for the parallel WIFIA program.
- A portion of the \$25 million in administrative costs could be used for technical assistance for small community projects, including paying a portion of the costs for acquiring rating opinion letters.
- Section 106, Drinking Water Assistance for Disadvantaged Communities
 - **This section provides considerable flexibility for the Secretary to design a program for drinking water assistance to disadvantaged communities tailored to the needs of specific states in consultation with other federal agencies and state authorities working on this important issue.**
 - This section authorizes the Secretary, acting through the Commissioner of Reclamation, to enter into grants, contracts, or financial assistance agreements to provide drinking water for disadvantaged communities in a manner as determined by the Commissioner of Reclamation for up to 100 percent of the cost of the planning, design, or construction of water projects, or facilities or features of water projects. Subsection (a).
 - The term “disadvantaged community” is defined in section (2)(5) as a low-income community as described in section 45D(e) of the Internal Revenue Code of 1986.
 - \$100 million is authorized to be appropriated over 5 years. Subsection (b)(1).
 - The Secretary shall use at least a portion of the funds authorized by this section to incorporate into multiple benefit projects features or facilities to assist in providing domestic water supplies to disadvantaged communities. Subsection (b)(2).

- Section 107, Extraordinary Operation and Maintenance Work; Project Modification
 - This section amends the existing Aging Infrastructure Program (Public Law 111-11, Title IX, Subtitle G) to authorize projects to not only repair aging Bureau of Reclamation facilities, but to modify the facilities to achieve increased public benefits and other project benefits.
 - Congress appropriated \$3.2 billion for the Aging Infrastructure Program in the Infrastructure Investment and Jobs Act.
 - If we are spending this much money to retool Reclamation infrastructure for the needs of the 21st century, the Secretary should have the authority to modify the projects to achieve increased public benefits and other project benefits, where she believes it is appropriate to do so.
 - Paragraph (2) of the new subsection (e) establishes a few basic principles for any project modification:
 - It shall add no more than 25% of the project cost for projects costing over \$100 million, or no more than \$25 million for projects costing under \$100 million (projects exceeding these thresholds would need to be authorized by Congress);
 - At least 50% of the new benefits provided by the modification of the project must be public benefits (note that “new benefits” is a term defined in paragraph (1)); and
 - In order to undertake a project modification, the Secretary shall obtain the consent of:
 - The transferred works operating entity if the project involved is a transferred works; and
 - Any project beneficiary that would experience an adverse impact from the operation of the modified project (note that “adverse impact” is a term defined in paragraph (1)).
 - If the modified project creates a new project beneficiary, the Secretary cannot subsequently reoperate the project to increase the benefits to that new beneficiary without the consent of any project beneficiaries that would experience an adverse impact.
 - The costs of planning, design and environmental compliance of the modified project shall be allocated in accordance with Reclamation procedures, with the caveat that any project beneficiary who does not receive any increase in long-term average annual water deliveries as a result of the modification shall not be allocated any reimbursable portion of these costs.

- Paragraph (3) sets up a process for the Secretary to obtain consent for a modified project from project beneficiaries that would experience an adverse impact. If the necessary consent is not obtained within twelve months of the date consent is requested, the extraordinary maintenance of the project shall proceed without the modification, subject to one twelve-month extension to obtain required consents at the Secretary's discretion.
- Paragraph (4) addresses the reallocation of costs based on project changes and increased public benefits. Public benefits shall be non-reimbursable, and the cost allocation of reimbursable costs to each project beneficiary shall reflect the changes in benefits that the project is providing to that beneficiary.
- Paragraph (5) addresses incentives to participate in modified projects where public benefits are increased, but not water contractor benefits.
 - The water contractors will face strong disincentives to participate in these projects. Some contractors may see their benefits reduced. All contractors will have to accept significant delay in obtaining the benefits of the restoration of these projects. It will take significant time to modify the projects in a manner that the contractors can accept, and then to conduct environmental compliance on the proposed modification. The contractors will also have to accept modified project operations that give increased priority to public benefits.
 - To offset these disincentives for water contractors to participate in projects which increase just public benefits, the bill reduces the reimbursable costs for such modified projects by 15%. The result is that each project beneficiary will pay 85% of the reimbursable costs for the modified project that the beneficiary would otherwise have been allocated.
 - **This paragraph sets up a financial incentive for water contractors to support modified projects that solely increase environmental and other public benefits without increasing water diversions or other water supply benefits.** Without this financial incentive, I expect water contractors will generally oppose such modification of the projects that they rely on for water deliveries.
 - This paragraph is also consistent with the provision of some non-reimbursable benefits for water supply in the context of other authorizations for projects that provide both water supply and substantial public benefits in a watershed:
 - Title XVI provides 25% non-reimbursable benefits for projects providing water supply that have watershed benefits through the use of recycled water;
 - The large-scale water recycling program that Congress just authorized in the Infrastructure Investment and Jobs Act provides up to 75% non-reimbursable benefits for projects that likewise provide both water supply and watershed

benefits through the use of recycled water;

- Section 103 of this bill provides non-reimbursable benefits for non-Federal storage and conveyance projects to the extent that they provide increased public benefits in the watershed.
 - Given the inevitability of increasingly severe and lengthy droughts as the West's climate changes, it will be essential to provide incentives to collaborate on multi-benefit projects that bring agricultural, environmental, and urban interests together to address the very serious challenge of maintaining sufficiently reliable water supply for all. This proposed amendment to the Aging Infrastructure Program seeks to increase incentives for such necessary collaboration.
- Section 108, Use of Revenue to Improve Drought Resilience or Dam Safety
 - **Issue:** Pursuant to the Sale of Water for Miscellaneous Purposes Act of 1920 (43 USC 521), the Warren Act of 1911 (43 USC 525), and corresponding Bureau of Reclamation (BOR) policy, any revenue from the sale of surplus water must be deposited into the Reclamation Fund and credited to capital repayment of the associated project. Under existing law, revenue from the sale of water continues to flow to the Reclamation Fund even after water users completed capital repayment of their project. As a result, there is no longer any benefit to the contractor from sale of surplus water unless the contractor receives another federal loan on the project.
 - **Importance:** Across the West, drought is stressing many water systems and new constraints often lead to water scarcity even in normal years. This is being compounded by aging BOR facilities that require significant investment to ensure they can continue to operate in a safe and effective fashion, especially as dams and other facilities are forced to withstand more variable and severe precipitation event as a result of climate change. Congress has responded to these challenges over the years by authorizing the Safety of Dams (SOD), Extraordinary Maintenance (XM), and other programs that assist water users in upgrading and repairing existing infrastructure by allowing for extended repayment of costs through contracts that are distinct from the capital repayment obligations for the original construction of BOR projects.
 - Despite the fact that operational flexibility and conservation are growing increasingly important in water management, existing Reclamation law provides very little incentive for paid-out BOR contractors that either have occasional surplus water or could create surplus water through system upgrades to make the investments or undertake the lengthy marketing and contracting necessary to realize a sale. This is especially true for projects that are currently in need of improvements that will increase drought resiliency or dam safety or are repaying Reclamation for SOD or XM projects and can't use any incremental revenues to help cover payments.
 - **Solution:** This section changes existing law to ensure that water users are able to apply revenues derived from the temporary sale of surplus water to infrastructure to improve

drought resiliency or dam safety and for other existing BOR repayment obligations. This change to the treatment of revenue will incentivize water utilities to make water available to relieve water shortages in their region, improve project drought resiliency, improve dam safety, and accelerate repayment of existing obligations.

Title II, Improved Technology and Data

- Section 201, Reauthorization of the Transboundary Aquifer Assessment Program
 - This section reauthorizes the United States-Mexico Transboundary Aquifer Assessment Act (42 U.S.C. 1962 note; Public Law 109-448).
 - This section derives from former Senator Udall and former Representative Torres Small's 2019 Western Water Security Act (S. 2718/HR 4891).

Title III, Ecosystem Restoration and Protection

- Section 301, Ecosystem Restoration
 - This section makes limited amendments to the competitive grant program for habitat restoration projects established in section 40907 of the Infrastructure Investment and Jobs Act.
 - Subsection (a) adds definitions of two new terms, "Committee" and "Project". The term "Committee" describes the "Integrated Water Management Leadership Committee" described more fully in subsection (c).
 - Subsection (b) amends section 40907(c)(1) of the Infrastructure Investment and Jobs Act (Public Law 117-58) to direct that Interior:

“(B) may not provide a grant to carry out a habitat restoration project the purpose of which is to meet existing environmental mitigation or compliance obligations that are express requirements of a permit or order issued under Federal or State law, unless such requirements expressly contemplate reliance on Federal funding in performance of the requirements.”
 - Subsection (c) supplements the \$100 million provided to the competitive grant program for habitat restoration in the bipartisan infrastructure law with:
 - 1) An authorization of \$150 million total for the competitive grant program from fiscal year 2024 through fiscal year 2028; and
 - 2) An authorization of \$100 million total from fiscal year 2024 through fiscal year 2028 for other grants, contracts, and agreements to achieve the habitat restoration purposes of this section and consistent with its requirements, as authorized in this section.
 - 3) Among other purposes, this \$100 million could be used to ensure that when

Sacramento Valley rice growers sell their water and idle their crops, some water is left behind and applied to bare fields in late summer and early fall to create shallow flooded habitat during a critical shorebird migration period. See subsection (f) of amended section 40907 of the amended Infrastructure Investment and Jobs Act.

- Subsection (c) also directs the Secretary to establish an Integrated Water Management Federal Leadership Committee which coordinates federal agency efforts to implement integrated water management projects, if requested to do so for a particular project by an eligible entity or qualified non-government organization partner.
- Finally, subsection (c) requires the Secretary to comply with applicable environmental laws in implementing this section.
- Section 302, Performance-based Restoration Authority
 - **Multiple large- and small-scale ecosystem restoration projects have been authorized or are required by law, yet implementation of these projects often stalls when federal agencies have competing priorities or don't have the resources or technical experience to undertake them successfully.** This section expedites the implementation of certain types of habitat and ecosystem restoration projects by **authorizing the Secretary of the Interior (Secretary) to enter into performance-based financial arrangements for the delivery of ecological targets and outcomes by experienced non-federal entities.** This section does not create a new program, but instead allows the use of performance-based financial arrangements under the Secretary's existing ecosystem and habitat restoration authorities. It is needed to both expedite completion of many restoration projects—including large, multi-year projects—and to clarify that performance-based financial mechanisms are an authorized use of federal funds for such projects. The section additionally furthers the goals of reducing costs to the federal government in undertaking such projects and increasing flexibility in the administration of funding for such projects, consistent with federal acquisition regulations.
 - In General. Subsection (b) authorizes the Secretary, in implementing existing authorities under Federal law related to habitat and ecosystem restoration, to—
 - (1) enter into performance-based contracts, grant agreements, and cooperative agreements for habitat and ecosystem restoration, mitigation, and enhancement projects where ecological targets and outcomes are
 - clearly defined,
 - agreed upon in advance, and
 - capable of being successfully achieved
 - (2) enter into performance-based contracts with eligible restoration providers experienced in financing and completing successful ecological habitat and restoration, mitigation, and enhancement activities.
 - (3) provide grant and award agreements for habitat and ecosystem restoration, mitigation, and enhancement projects as described in paragraph (1) and allow for the use of performance-based tools in such agreements.
 - (4) provide pass-through financing for funds granted or awarded to non-federal third parties utilizing performance-based contracts for projects authorized under

paragraph (1).

(5) use performance-based financial mechanisms for multi-year projects.

- Guidelines. Subsection (c) directs the Secretary to—
 - (1) develop guidelines for using performance-based financing and to consult with experienced external organizations in developing such guidelines. Such consultation shall not constitute or require establishing a committee under the Federal Advisory Committee Act. Guidelines shall include guidance on
 - appropriate proposal and project evaluation criteria,
 - restoration provider eligibility criteria,
 - criteria for defining achievable ecological outcomes, and
 - determination of restoration provider financial assurances sufficient to ensure ecological outcomes will be successfully achieved.
- Identification of Eligible Projects. Subsection (d) directs the Secretary to identify opportunities for using performance-based financing for projects authorized in subsection (b)(1) and issue a request for proposals from eligible restoration providers to undertake such projects.
- Certification. Under subsection (e), the Secretary shall certify that work was completed in accordance with ecological requirements and outcomes previously agreed to.
- Technical Assistance. Subsection (f) authorizes the Secretary to provide technical assistance to restoration providers for studies, design, engineering, and permitting.
- Rule of Construction. Subsection (g) clarifies that nothing in the section authorizes the Secretary to waive any obligation of the Secretary or non-Federal parties under federal environmental law.
- Non-Federal Funding. Subsection (h) authorizes use of performance-based financing under the act for non-federal project cost shares, on the condition that the non-federal cost-share responsibility remains with the non-federal party.
- Cost Share. Subsection (i) clarifies that nothing in the section shall affect a cost-sharing requirement under Federal law that is applicable to a project carried out under the performance-based restoration authority established under subsection (a).
- Mitigation. Subsection (j) clarifies that nothing in this section shall authorize Federal funding to meet existing environmental mitigation or compliance obligations that are express requirements of a permit or order issued under Federal or State law, unless such requirements expressly contemplate reliance on Federal funding in performance of the requirements
- Report. Subsection (k) requires the Secretary to

- (1) issue and submit to Congress a report describing results of, and impediments to, the use of performance-based financing within 3 years of the date of enactment, and
- (2) address such impediments, if any—to the extent practicable—and to protect the public interest and investment in projects financed under the Act.

Title IV, Miscellaneous

- Section 401, Amendments to Drought Program Under the Reclamation States Emergency Drought Relief Act of 1991
 - Droughts have become more frequent than when the Reclamation States Emergency Drought Relief Act was enacted in 1991. As a result, some amendments appear appropriate to the Act to reflect the increased frequency of droughts.
 - The existing Act limits permanent facilities that it authorizes to groundwater wells.
 - Given the increased frequency of droughts, it seems more efficient to install a greater number of permanent facilities than to frequently install and remove temporary facilities.
 - Subsection (a) therefore provides authorization during a declared drought emergency for any permanent facilities or projects up to a federal investment of \$30 million that are supported by the relevant State (or tribe if the facility is on an Indian reservation).
 - The \$30 million threshold comes from the Infrastructure Investment and Jobs Act, which creates a precedent authorizing Interior to proceed with projects up to \$30 million without Congressional authorization of the specific projects (in that Act this precedent is applied to small storage projects).
 - Subsection (a) also requires that a well drilled to minimize losses and damages from drought conditions must either 1) align with applicable local, state, or regional groundwater sustainability goals; or 2) support drinking water supplies for a disadvantaged community or Tribe.
 - Subsection (a) further addresses the problem of drought shortfalls in environmental funding programs like the Central Valley Improvement Act that derive their funding from per acre fees in water delivered.
 - Because their funding varies by the amount of water delivered, these programs provide substantially less environmental funding precisely when the funding is most needed, during droughts.
 - Subsection (a) would authorize non-reimbursable funding to make up these shortfalls, without affecting the Secretary's legal obligations to the environment or existing

authority to make up shortfalls in environmental funding in non-drought years.

- Subsection (b) amends the existing Act to clarify that it applies to drought emergencies declared for portions of States, and does not require drought emergencies to apply to an entire State.
- Subsection (b) also extends the Reclamation States Emergency Drought Relief Act authorization to 2031.
- Subsection (c) amends the Secure Water Act of 2009 to provide that an application for WaterSMART funding to drill a groundwater well for municipal supply to minimize losses and damages from drought conditions shall not increase the applicant's net water use beyond the period of any drought emergency, unless the groundwater well is for the purpose of supplying drinking water for a disadvantaged community or Tribe, or if the new groundwater use is partially offset by aquatic habitat enhancement during the drought period, or over the long-term, including a future drought period.
- Section 402, Clarification of Authority to Use Coronavirus Fiscal Recovery Funds to Meet a Non-Federal Matching Requirement for Authorized Water Projects
 - The Infrastructure Investment and Jobs Act (the bipartisan infrastructure law) allows COVID relief funds granted to states and counties to be used for the local cost-share for Bureau of Reclamation water projects.
 - This section contains a technical amendment to section 40909 of the Act.
 - The technical amendment would allow COVID relief funds to be used for the local cost-share not just for Reclamation projects, but for non-Federal projects that are authorized by Congress to receive Reclamation funding.
 - Once COVID relief funds have been authorized for the local cost-share of authorized Bureau of Reclamation projects, we see no reason not to extend their use to the local cost-share of non-Federal projects authorized to receive Reclamation funding.
- Section 403, Environmental Compliance
 - This section requires the Act to be implemented consistent with applicable State law and Federal environmental law.
- Section 404, Effect
 - This section provides that nothing in this Act shall interfere with any obligation of a State under the Rio Grande Compact or any other interstate compact approved by Congress.

Support for the STREAM Act
(“Support to Rehydrate the Environment, Agriculture and Municipalities Act”)
May 2022

- Alta Irrigation District
- American Council of Engineering Companies
- Associated General Contractors of America
- Association of California Water Agencies
- California Farm Bureau
- California Waterfowl
- Central California Irrigation District
- Central Kings Groundwater Sustainability Agency
- Columbia Canal Company
- Consolidated Irrigation District
- Construction Management Association of America
- Contra Costa Water District
- Ducks Unlimited
- Eastern Municipal Water District
- Ecosystem Investment Partners
- Exchange Contractors
- Family Farm Alliance
- The Freshwater Trust
- Firebaugh Canal Water District
- Fresno Irrigation District
- Friant Water Authority

- Grassland Water District
- Glenn-Colusa Irrigation District
- Hydraulic Institute
- International Union of Operating Engineers
- Irvine Ranch Water District
- Kings River Conservation District
- Kings River Water Association
- Las Virgenes Municipal Water District
- Laborers International Union of North America
- Metropolitan Water District of Southern California
- Monterey One Water
- National Water Resources Association
- Northern California Water Association
- North Kings Groundwater Sustainability Agency
- Orland Water Users Association
- Placer County Water Agency
- Reclamation District 108
- Regional Water Authority (including 20 member agencies in the Sacramento Region)
- City of Roseville
- San Francisco Public Utilities Commission
- San Joaquin Water Authority Exchange Contractors
- San Luis Canal Company

- San Luis & Delta Mendota Water Authority
- Santa Clara Valley Water District
- Santa Margarita Water District
- Self-Help Enterprises
- Sites Project Authority
- South Valley Water Association
- State Water Contractors
- Tehama-Colusa Canal Authority
- Triunfo Water and Sanitation District
- United Association of Plumbers and Pipefitters
- Upper Kings River Water Districts
- Valley Water (Santa Clara Valley)
- Vinyl Institute
- Water Infrastructure Network
- Water Systems Council
- WateReuse Association
- Westlands Water District



DISCUSSION ITEM

June 1, 2022

TO: Board of Directors

**FROM: Robert Hunter,
General Manager**

Staff Contact: Melissa Baum-Haley

**SUBJECT: METROPOLITAN WATER DISTRICT (MET) ITEMS CRITICAL TO ORANGE
COUNTY**

STAFF RECOMMENDATION

Staff recommends the Board of Directors to review and discuss this information.

DETAILED REPORT

This report provides a brief update on the current status of the following key MET issues that may affect Orange County:

- a. MET's Finance and Rate Issues
- b. MET's Integrated Resources Plan Update
- c. Water Supply Condition Update
- d. Water Quality Update
- e. Colorado River Issues
- f. Delta Conveyance Activities and State Water Project Issues

ISSUE BRIEF #A**SUBJECT: MET Finance and Rate Issues****RECENT ACTIVITY**

Current Update

Water Transactions for March 2022 totaled 118.7 thousand acre-feet (TAF), which were 3.1 TAF higher than the budget of 115.6 TAF and translate to \$115.3 million in revenues for March 2022, which were \$8.9 million higher than the \$106.4 million budget.

Year-to-date water transactions through March 2022 were 1,231.1 TAF, which were 51.8 TAF higher than the budget of 1,179.3 TAF. Year-to-date water revenues through March 2022 were \$1,118.1 million, which were \$39.4 million higher than the budget of \$1,078.7 million. As of March 31, 2022, Metropolitan's investment portfolio balance was \$1.37 billion.

On May 24, the Metropolitan Board approved staff to work with a finance team to finalize Appendix A for distribution to potential investors as part of a preliminary offering statement. The first of four anticipated financings for calendar year 2022 is expected to set its bond rates on June 22, 2022 (pricing date); however, distribution of the preliminary offering statement to investors is expected to occur on or before June 13, 2022, when ratings are expected to be confirmed. This window of time between distribution of the preliminary offering statement and pricing date enables Metropolitan and its underwriting team to pre-market the bonds for broad investor participation to achieve best pricing execution that produces maximum debt service savings.

ISSUE BRIEF #B**SUBJECT: MET Integrated Resources Plan Update****RECENT ACTIVITY**

The 2020 IRP Regional Needs Assessment was adopted unanimously by the Board on April 12, 2022. As the first component of the 2020 IRP's development, the Regional Needs Assessment analyzed potential gaps between the expected supplies and the forecasted demands across four IRP scenarios. It presents key technical findings in five broad categories and examines the effectiveness of generalized portfolio categories. The Regional Needs Assessment will frame and guide the establishment of more specific targets to maintain water reliability through 2045 and inform the Board on resource investment decisions. Completion of this report concludes the 2020 IRP Regional Needs Assessment phase.

In the forthcoming One Water Implementation phase, portfolios of appropriate actions and investments will be advanced by identifying policies, programs, and projects which provide regional solutions to the IRP Regional Needs Assessment findings. A comprehensive adaptive management strategy will be developed in the One Water Implementation phase to guide these specific actions.

ISSUE BRIEF #C

SUBJECT: MET's Supply Condition Update

RECENT ACTIVITY

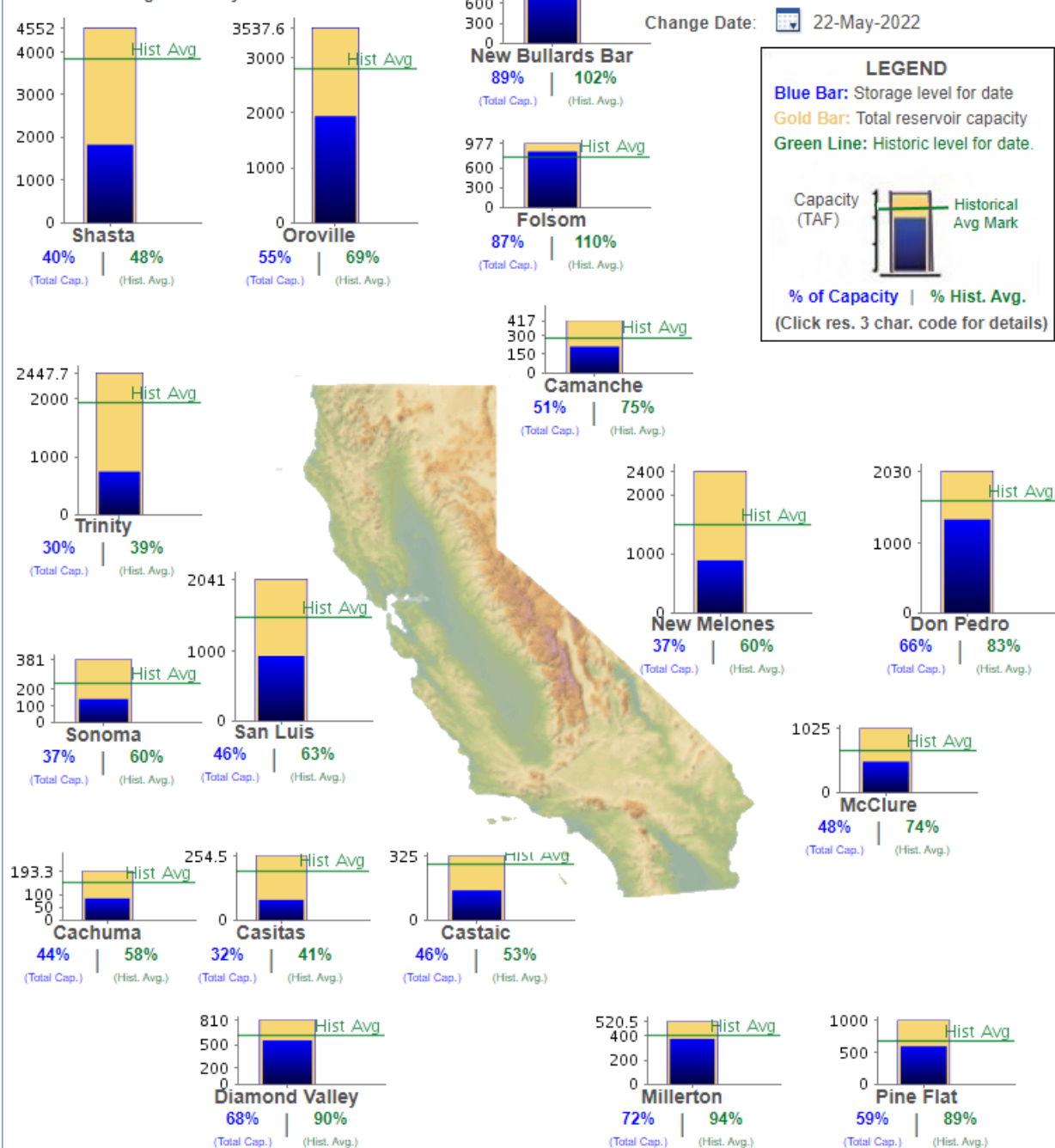
The 2021-22 Water Year (2021-22 WY) officially started on October 1, 2021. Thus far, Northern California accumulated precipitation (8-Station Index) reported **39.8 inches or 84% of normal** as of May 23rd. For 2021-22 WY, the Northern Sierra Snow Water Equivalent was at **7.7 inches on April 1st**, which is **27% of normal** for that day. Due to historical low precipitation/snowfall from January to March 2022, the Department of Water Resources (DWR) has decreased the State Water Project (SWP) **"Table A" allocation to 5%**. This allocation provides Metropolitan with approximately **95,575 AF in SWP deliveries this water year**. DWR's SWP Allocation considers several factors including existing storage in SWP, conservation reservoirs, SWP operational regulatory constraints, and the 2022 contractor demands.

The Upper Colorado River Basin accumulated precipitation is reporting **19.6 inches or 92% of normal as of May 26th**. On the Colorado River system, snowpack is measured across four states in the Upper Colorado River Basin. The Upper Colorado River Basin Snow Water Equivalent was reporting **17.2 inches as of April 15th**, which is **86% of normal** for that day. Due to the below average precipitation/snowfall in 2020-21 WY, the United States Bureau of Reclamation **declared a shortage at Lake Mead starting January 1st, 2022**. There is and a 100% chance of shortage continuing in 2023.

As of May 22nd Lake Oroville storage is at **55% of total capacity and 69% of normal**. As of May 22nd San Luis Reservoir has a current volume of **46% of the reservoir's total capacity and is 63% of normal**.

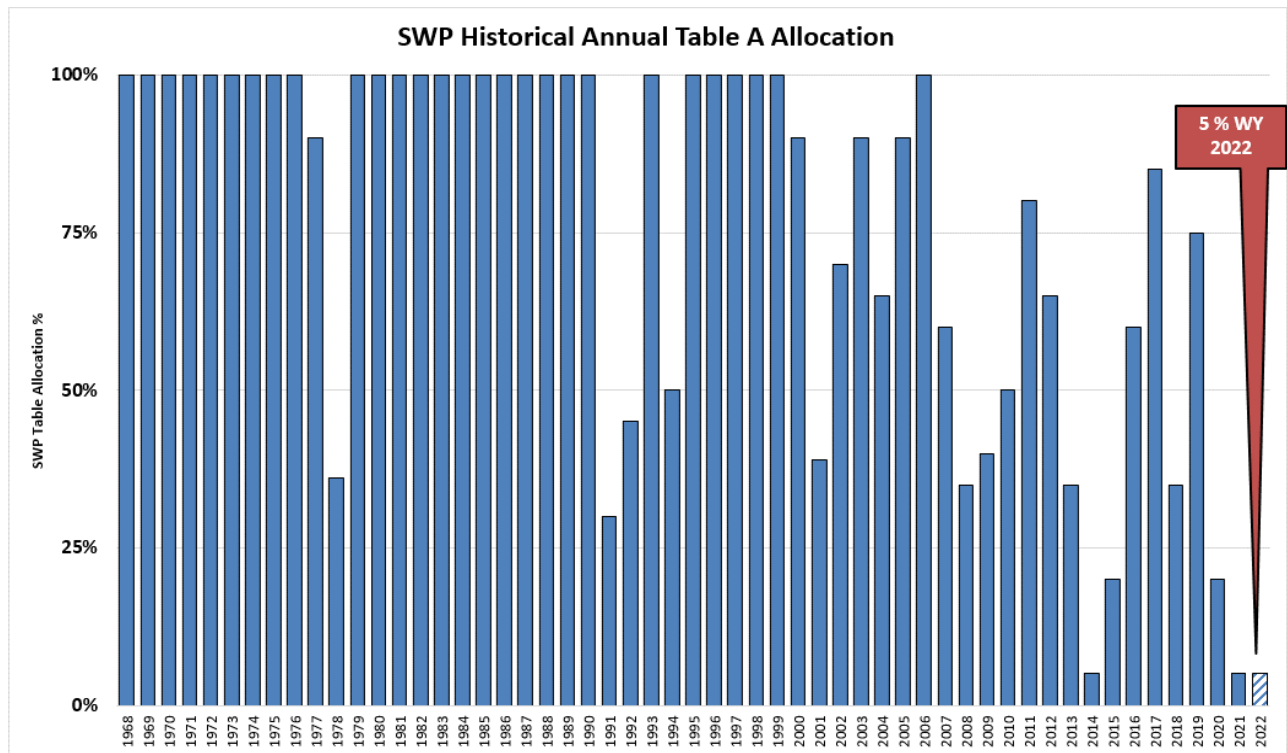
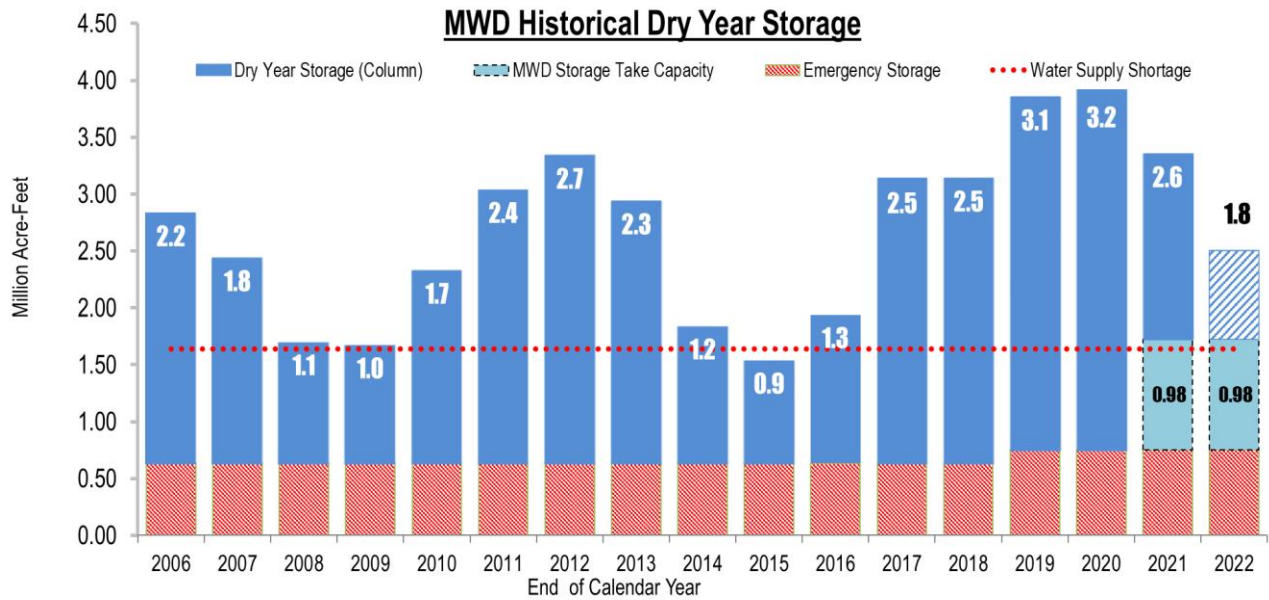
CURRENT CONDITIONS MAJOR WATER SUPPLY RESERVOIRS: 22-MAY-2022

Data as of Midnight: 22-May-2022



With early CY 2022 estimated total demands and losses of 1.861 million acre-feet (MAF) and with a 5% SWP Table A Allocation, Metropolitan is projecting that demands will exceed supply levels in Calendar Year (CY) 2022. Based on this, estimated total dry-year storage for Metropolitan at the end of **CY 2022 will go down to approximately 1.752 MAF.**

A projected dry-year storage supply of **1.752 MAF** would still be about **0.752 MAF** above where MWD has historically declared a water supply allocation. A large factor in maintaining a high water storage level are lower than expected water demands. We are seeing regional water demands reaching a 38-year low.





Water Supply Conditions

Kevin Hostert, Water Resources Analyst
Municipal Water District of Orange County

June 1st 2022

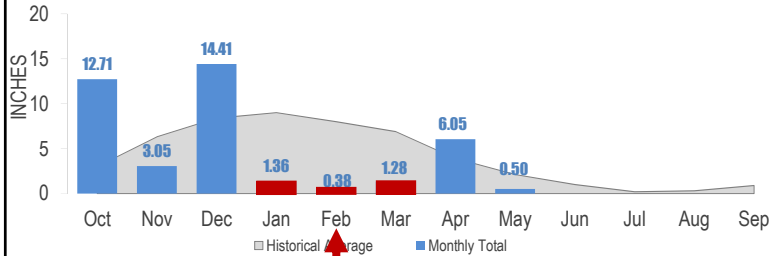


Regional Weather and Water Supply Conditions

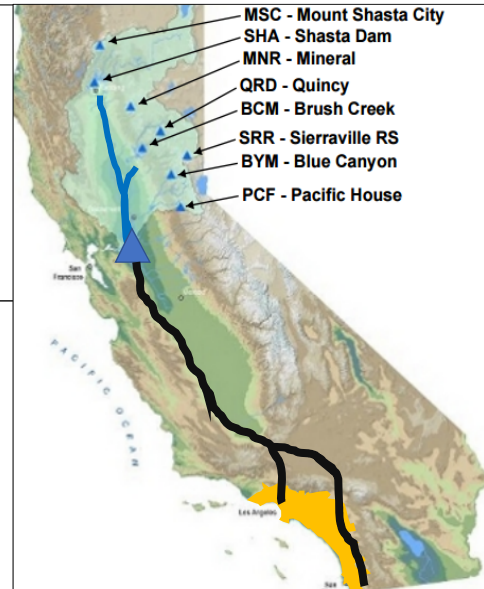
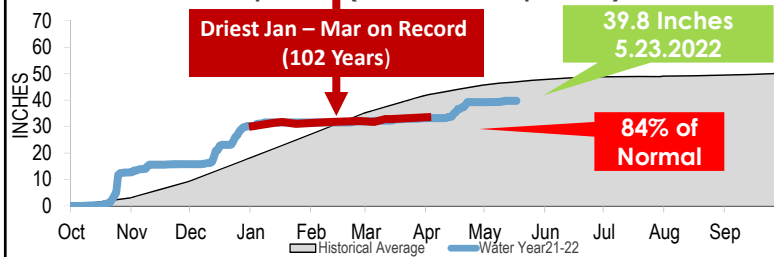
Insight to regional weather conditions that affect California's water supply

Northern California Accumulated Precipitation WY 2022

Monthly Precipitation (8 Station Precip Index)

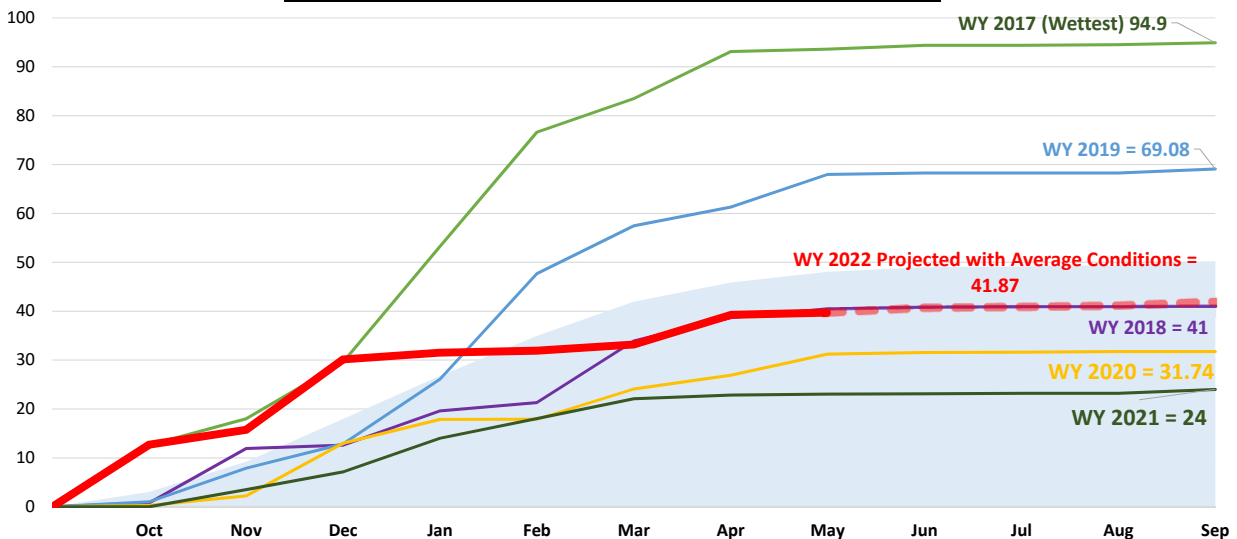


Accumulated Precipitation (8-Station Precip Index)



Northern California Accumulated Precipitation Compared to Last 5 Water Years

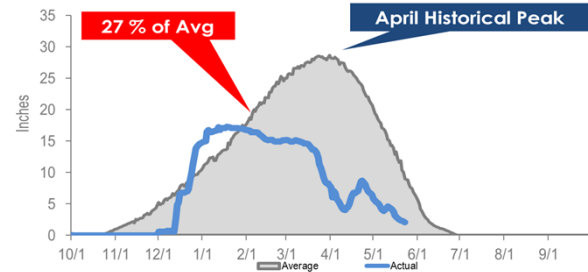
8 Station Index all Time Month by Month Cumulative Totals



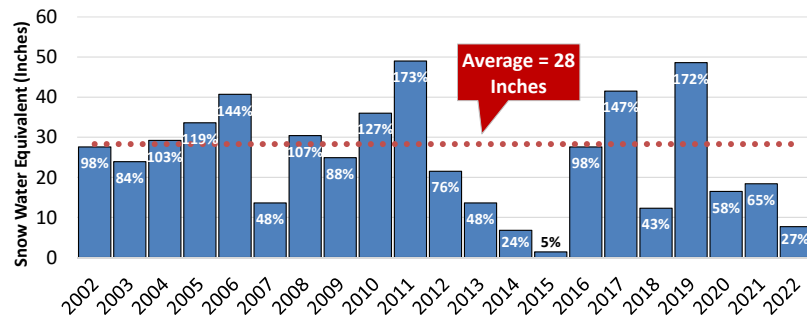
Snow Water Equivalent Northern California



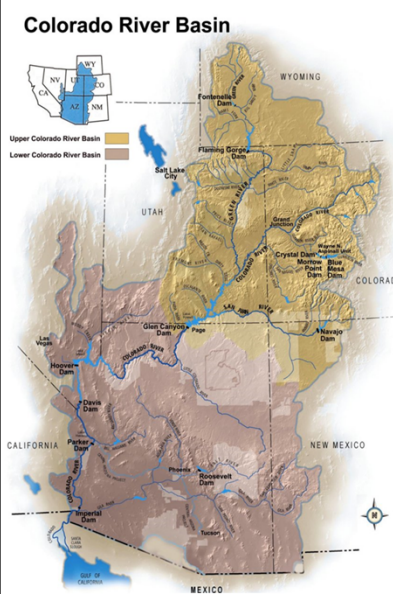
Northern Sierra Snowpack Water Equivalent



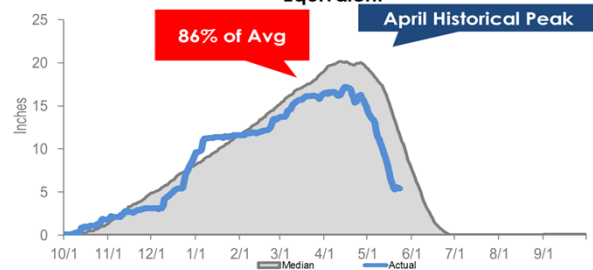
Historical Northern California April 1st Peak Snow Water Equivalent



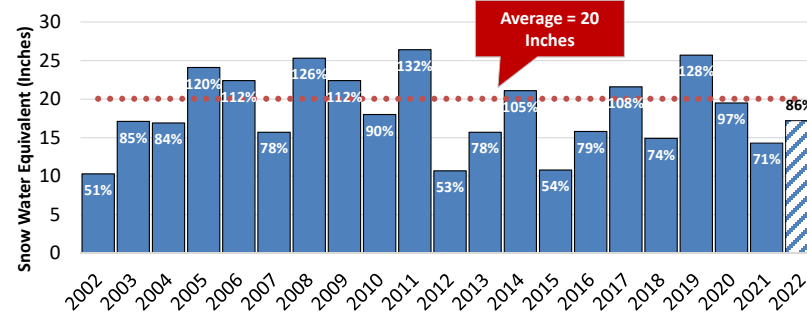
Snow Water Equivalent Upper Colorado River Basin

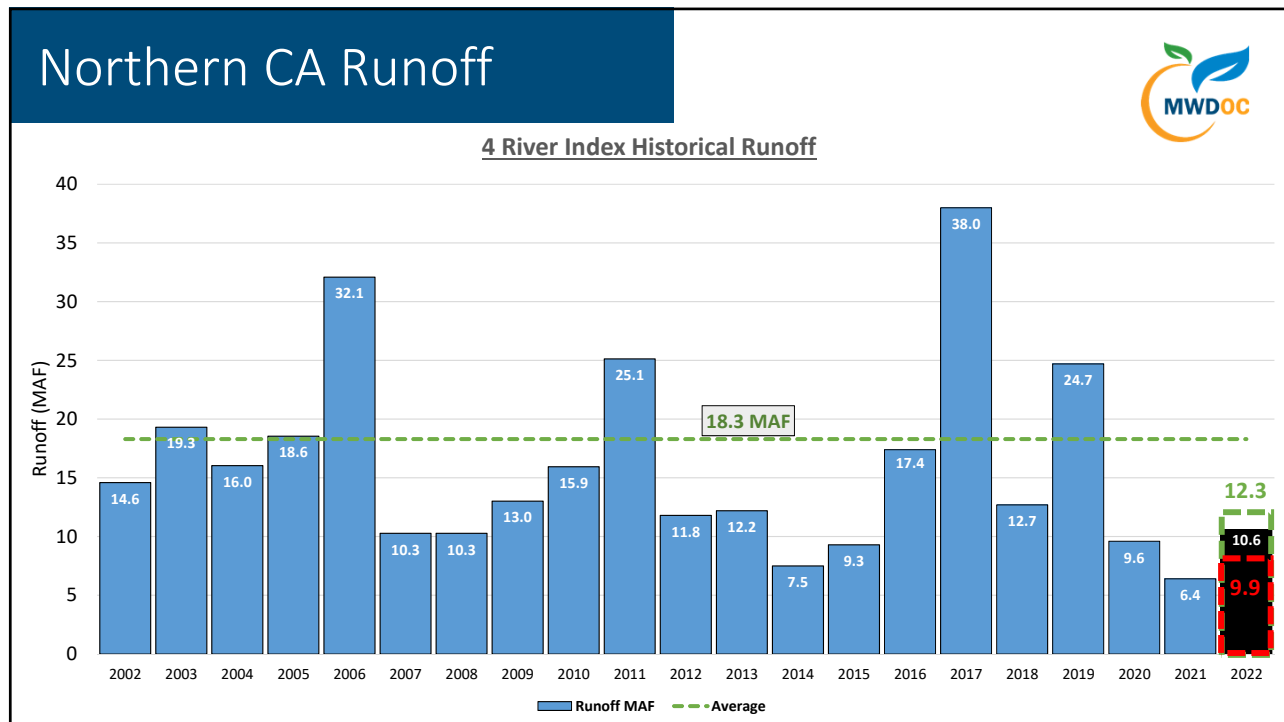


Colorado River Basin Snowpack Water Equivalent

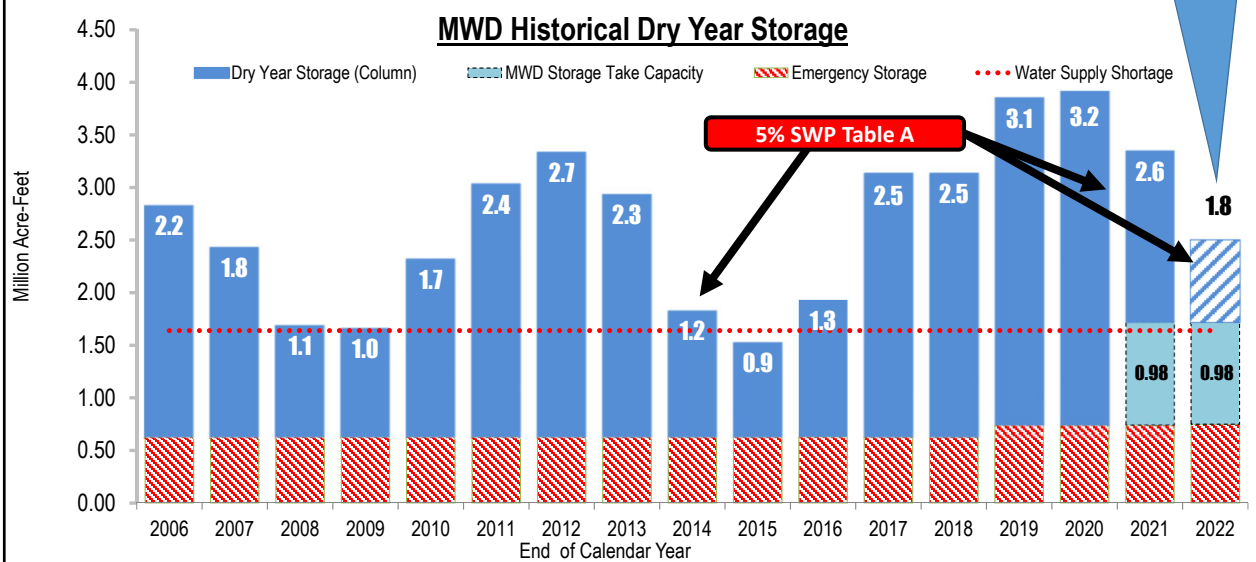


Historical Colorado Basin April 15th Peak Snow Water Equivalent





MWD 2022 Estimated Water Storage



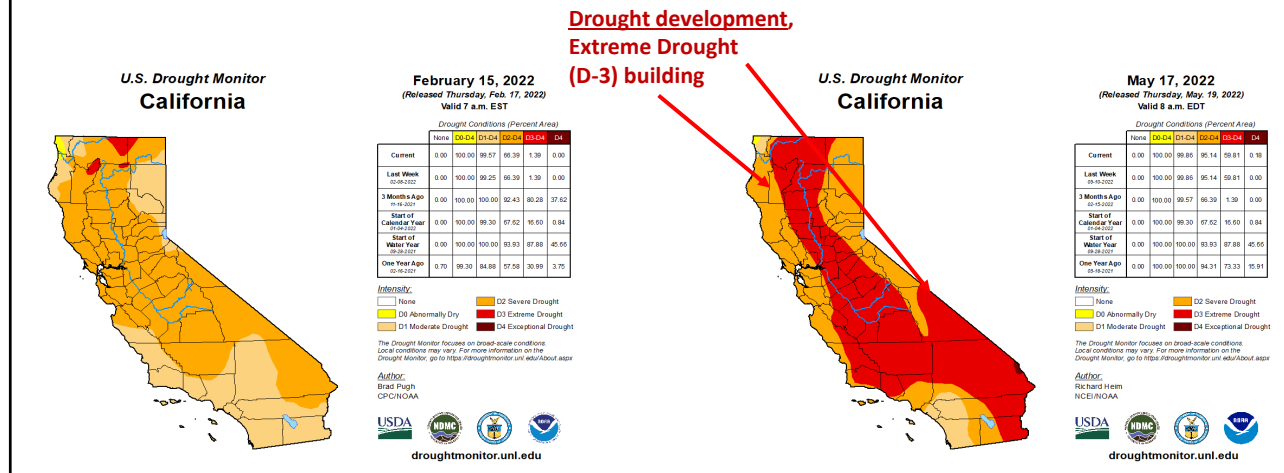
Regional Drought Conditions

Insight to regional drought conditions that affect California's water supply

California Drought Monitor

February 15, 2022

May 17, 2022



ISSUE BRIEF #D**SUBJECT: MET's Water Quality Update****RECENT ACTIVITY**

Metropolitan complied with all water quality regulations and primary drinking water standards during March 2022. Following up on its sanitary survey last month, the California State Water Resources Control Board's Division of Drinking Water (DDW) conducted the second part of the survey at the Jensen plant on April 19. Accompanied by Metropolitan staff, the DDW inspectors visited the plant and reviewed operational documentation. DDW will issue a survey report that summarizes its findings and any recommendations.

On April 8, Metropolitan staff submitted quarterly disinfection byproduct monitoring reports to DDW. These compounds, which may be produced through the disinfection process needed to ensure safe drinking water, are monitored in Metropolitan's main distribution system and in the domestic water systems at the desert pumping plants. All locations were in compliance with regulatory requirements.

Water Treatment and Distribution

The State Water Project target blend entering the Weymouth and Diemer plants and Lake Skinner was zero percent in March 2022.

Flow-weighted running annual averages for total dissolved solids from February 2021 through January 2022 for Metropolitan's treatment plants capable of receiving a blend of supplies from the State Water Project and the Colorado River Aqueduct were 575, 570, and 577 mg/L for the Weymouth, Diemer, and Skinner plants, respectively.

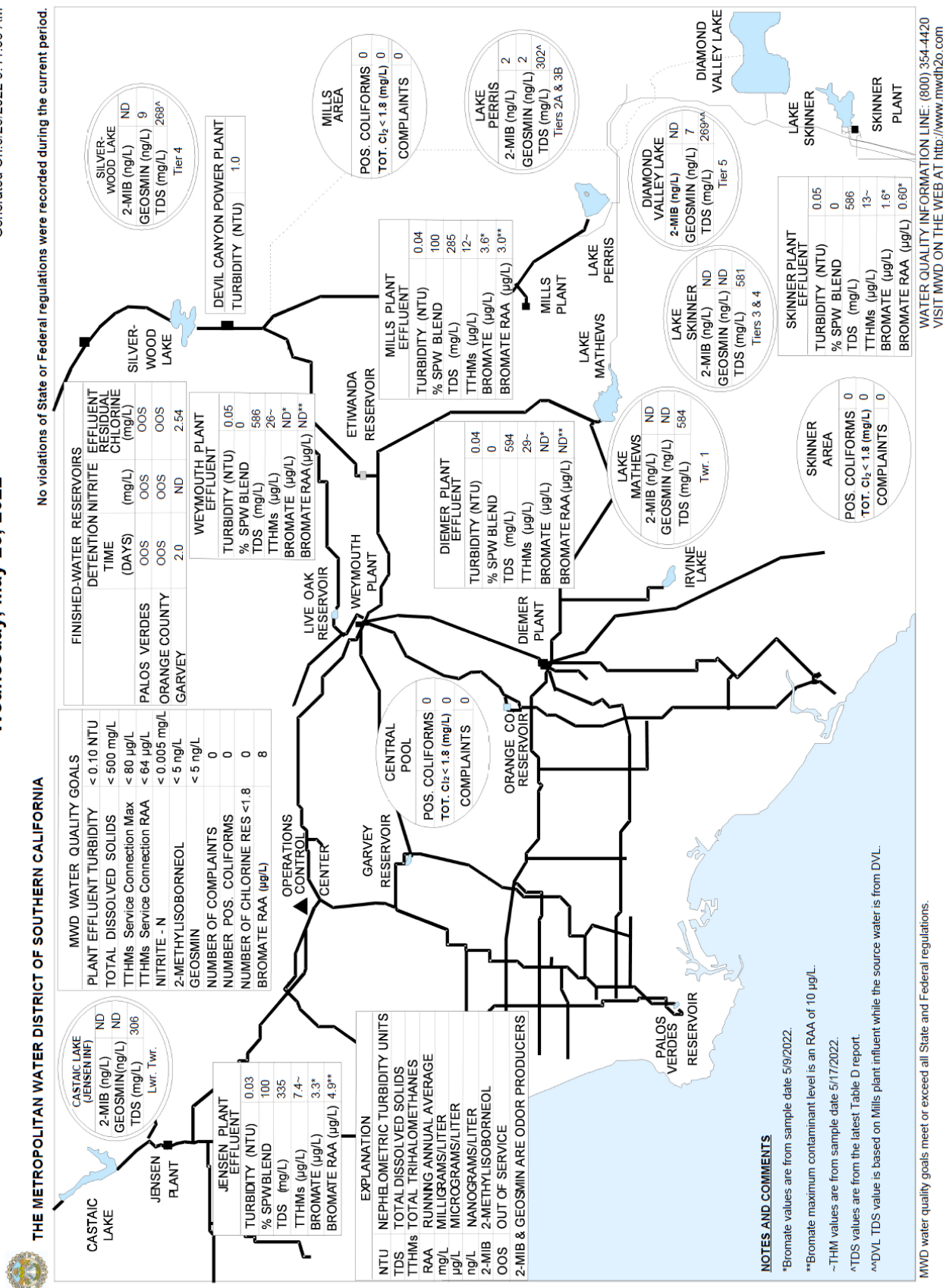
On February 23, a Union Pacific railcar derailed during transport of an empty fluorosilicic acid railcar from the Los Angeles Aqueduct Filtration Plant (LAAFP). The train damaged the rail and switch that serves the LAAFP and Jensen plant. Union Pacific suspended rail service to both facilities until repairs were complete. To ensure a continued supply of chlorine for the Jensen plant, contingency plans were developed to deliver 17-ton chlorine trailers from Metropolitan's Chemical Unloading Facility (CUF) located over 100 miles away in Riverside County. Metropolitan Staff developed special operational procedures to handle this unprecedented delivery coordinating with the Los Angeles Fire Department and California Highway Patrol. On March 15, Metropolitan staff placed one chlorine trailer in service. On April 1, Union Pacific completed its repairs, which now allows continued rail service to the Jensen plant.

Metropolitan staff began installing an ammonia analyzer in the water quality instrumentation building at the Weymouth plant. The analyzer is used for monitoring the plant effluent and can be easily switched from the Orange Counter Feeder to the Upper Feeder west sample line. This analyzer helps to ensure a proper disinfectant residual in the distribution system.

Weekly Water Quality System Status

Wednesday, May 25, 2022

Generated On:5/25/2022 9:41:36 AM



The Metropolitan Water District of Southern California		GENERAL MINERAL AND PHYSICAL ANALYSIS OF METROPOLITAN'S WATER SUPPLIES															
		TABLE D															
		February 2022															
CONSTITUENTS	UNITS	SOURCE WATERS								TREATMENT PLANT EFFLUENTS							
		LAKE HAVASU	SAN JACINTO TUNNEL	LAKE MATHES	CASTAIC LAKE	SILVER WOOD LAKE	LAKE PERRIS	DIAMOND VALLEY LAKE	LAKE SKINNER	WEY-MOUTH	DIEMER	JENSEN	SKINNER	MILLS			
SILICA	mg/L	7.9	8.0	8.3	14.8	10.9	2.3	6.1	7.7	8.0	8.2	14.5	7.4	6.4			
CALCIUM	mg/L	71	71	69	32	24	27	25	67	71	72	31	66	26			
MAGNESIUM	mg/L	26	26	27	8	6	14	13	25	27	27	8	26	13			
SODIUM	mg/L	92	94	95	72	62	66	55	90	105	104	73	100	65			
POTASSIUM	mg/L	4.5	4.5	4.6	2.1	1.9	3.8	3.6	4.4	4.8	4.7	2.2	4.7	3.6			
ALKALINITY, CARBONATE AS CO ₃	mg/L	0	0	0	0	0	0	0	0	0	0	0	0	0			
ALKALINITY, BICARBONATE AS HCO ₃	mg/L	168	166	163	99	96	128	105	161	154	155	102	145	100			
SULFATE	mg/L	208	204	203	63	51	42	46	202	217	212	68	214	55			
CHLORIDE	mg/L	93	91	91	68	62	83	69	92	97	97	72	98	74			
NITRATE	mg/L	1.5	1.2	0.9	3.7	2.1	<0.1	0.5	0.9	1.0	1.0	3.8	1.0	0.7			
FLUORIDE	mg/L	0.3	0.3	0.3	0.2	0.2	0.1	0.1	0.3	0.7	0.7	0.7	0.7	0.7			
TOTAL DISSOLVED SOLIDS (TDS)	mg/L	588	583	581	313	268	302	271	570	608	604	324	590	294			
TOTAL HARDNESS AS CaCO ₃	mg/L	283	274	274	107	85	124	112	271	276	276	108	273	114			
TOTAL ALKALINITY AS CaCO ₃	mg/L	138	136	134	81	79	105	86	132	126	127	84	119	82			
FREE CARBON DIOXIDE	mg/L	1.5	1.5	1.7	1.8	1.4	2.0	3.3	1.9	1.9	2.0	0.8	1.9	0.7			
pH	pH	8.26	8.26	8.21	7.97	8.06	8.03	7.72	8.16	8.14	8.12	8.31	8.11	8.40			
SPECIFIC CONDUCTANCE	µS/cm	948	943	935	525	477	557	494	934	965	956	555	954	526			
COLOR	CU	--	--	--	--	--	--	--	--	--	--	--	--	--			
TURBIDITY	NTU	0.59	0.94	0.73	1.9	0.39	1.6	0.27	0.64	0.04	0.04	0.04	0.05	0.04			
TEMPERATURE	°C	11	12	15	12	9	12	14	16	14	15	15	16	16			
BROMIDE	mg/L	0.08	0.06	0.08	0.24	0.23	0.26	0.21	0.07	--	--	--	--	--			
TOTAL ORGANIC CARBON	mg/L	2.94	3.06	2.90	1.84	2.90	3.80	2.60	3.02	--	--	--	--	--			
SATURATION INDEX	--	--	--	--	--	--	--	--	--	0.51	0.51	0.25	0.48	0.25			
STATE PROJECT WATER	%	0	0	0	100	100	100	100	0	0	0	100	5	100			

ISSUE BRIEF #E

SUBJECT: Colorado River Issues

RECENT ACTIVITY

Actions to Protect Lake Powell Critical Elevation

The Department of the Interior's April 8 letter to the Governors' representatives of the Colorado River Basin States (Basin States) requested reducing Glen Canyon Dam releases from 7.48 million acre feet (MAF) to 7.0 MAF this water year in order to reduce the risks of Lake Powell declining below elevation 3,490 feet, including risks to dam infrastructure, power generation, and the ability to access water supply for the City of Page, Arizona and the LeChee Chapter of the Navajo Nation. The Basin States issued a response letter on April 22 indicating support for the proposal that the U.S. Bureau of Reclamation (Reclamation) implement the 480,000 acre-foot (AF) reduction to the 2022 water year release from Glen Canyon Dam to reduce the risks the Basin faces and urged Reclamation to evaluate any needed maintenance or feasible modifications to water delivery or hydropower generation infrastructure at the facility. The Basin States requested that such temporary reductions in releases from Glen Canyon Dam be implemented in a manner that is operationally neutral for tier and release determinations made pursuant to the 2007 Interim Guidelines, the 2019 Drought Contingency Plan, and Minute 323. Specifically requesting that operational determinations be made as if the 480,000 AF had been released from Glen Canyon Dam in the 2022 water year. A Department of the Interior response to the Basin States' letter is expected soon. Implementation of the reduced releases from Glen Canyon Dam may begin after the Department of the Interior's responds to the Basin States' April 22 letter.

The Upper Colorado River Commission and Reclamation posted the Upper Basin's Drought Response Operation Plan for 2022. In this plan, an additional 500,000 AF of water will be released from Flaming Gorge reservoir by April 2023 to help support the elevation of Lake Powell. With the reduced Lake Powell releases to Lake Mead and the increased releases from Flaming Gorge reservoir, the risk of Lake Powell falling below minimum power pool in the next two years will be substantially reduced.

Metropolitan Confirms Storing 25,000 AF of water for Imperial Irrigation District (IID) in 2021

Following approval of the settlement agreement between IID and Metropolitan, staff from the agencies reviewed the data and confirmed that IID conserved at least 25,000 AF of water in 2021 in addition to the water needed to meet its transfer commitments. Under the terms of the settlement agreement, Metropolitan will store that water in Lake Mead in an Intentionally Created Surplus sub-account, which IID can access in a future year to avoid an overrun. The extra conservation helped decrease the decline in Lake Mead in 2021.

ISSUE BRIEF #F

SUBJECT: Delta Conveyance Activities and State Water Project Issues

RECENT ACTIVITY

On April 4, the State Water Resources Control Board (State Water Board) approved in part the Temporary Urgency Change Petition that DWR and Reclamation jointly filed in March in response to critically dry conditions in the BayDelta watershed. The State Water Board Order allows temporary changes for Delta outflow and Delta salinity requirements during the April 1 to June 30, 2022, timeframe.

Delta Conveyance

The California Department of Water Resources (DWR) is continuing to develop a public Draft Environmental Impact Report (EIR) under the California Environmental Quality Act for the Delta Conveyance Project. The U.S. Army Corps of Engineers (USACE), as part of its permitting review under the Clean Water Act and Rivers and Harbors Act, is preparing an Environmental Impact Statement (EIS) to comply with the National Environmental Policy Act. DWR and USACE are planning to release draft environmental documents for public review in mid-2022.

Joint Powers Authority

During a Special Board of Directors meeting on April 8, the Delta Conveyance Design and Construction Authority Board of Directors approved a resolution to extend virtual board and committee meetings pursuant to AB 361. The regularly scheduled April 21 meeting of the Delta Conveyance Finance Authority was cancelled.

Sites Reservoir

At their April meetings, the Sites Project Authority Board and the Sites Reservoir Committee were presented an update to the Amendment 3 project agreement approval process (agencies approving continuation of funding for completion of planning process), including estimated participation levels. Current participants have all reported back and there is approximately 1,000 acre-feet of unsubscribed capacity. There is an approved “waiting list” for new participants who have submitted letters of interest before March 31. Sites Reservoir staff will reach out to current participants for interest in making voluntary reductions to accommodate increased U.S. Bureau of Reclamation (Reclamation) investment and “waiting list” capacity.

Science Activities

Metropolitan staff continued participating in the Collaborative Science and Adaptive Management Program (CSAMP), including participation on the Collaborative Adaptive Management Team. In April, activity focused on discussion of a draft CSAMP Progress Report and priorities for the next year. CSAMP also received briefings on the impacts of

thiamine deficiency on Central Valley salmon and on the Delta Science Program's Science Action Agenda.

Metropolitan staff continued collaboration with NGO environmental organizations and public water agencies on the CSAMP Salmon Recovery Initiative. In April, the project team continued presentations to interested parties throughout the Central Valley to make them aware of the project and ask for their participation in Phase 2 of the process. At the second large presentation, over 100 interested parties including tribal groups, conservation groups, water agencies, and state and federal agencies joined the meeting. The project team is now in the information collecting phase to collect information on existing projects to benefit salmon and potential habitat restoration. Phase 2 is focused on soliciting actions planned to aid in salmon recovery, and in phase 3, those actions will be analyzed to see which actions best achieve salmon recovery while meeting other objectives (e.g. cost, water supply, ag production, etc.).

Metropolitan staff co-authored a scientific paper that reported on results from a study evaluating the bioavailability of pesticides in juvenile Chinook salmon habitat in the Sacramento River watershed. The study was funded by a Prop 1 grant with cost-share from Metropolitan. The paper published on March 30 in the journal Environmental Science & Technology ([Dietary Exposure to Bifenthrin and Fipronil Impacts Swimming Performance in Juvenile Chinook Salmon \(*Oncorhynchus tshawytscha*\) | Environmental Science & Technology \(acs.org\)](#)) evaluated the swimming performance of Chinook salmon exposed to environmentally relevant concentrations of two pesticides commonly used in the Central Valley. The study found that juvenile salmon exposed to the pesticides had significantly reduced swimming performance and had impacts to their metabolism. These types of effects may have significant impacts on juvenile salmon abilities to avoid predators and forage for food.

Delta Levee Stability and Monitoring Efforts

Delta levee stability and monitoring efforts are ongoing with implementation of an instrumentation pilot on Metropolitan's Bouldin Island Pilot to evaluate the effectiveness of detecting real time changes in levee conditions. This type of capability could provide both long-term levee management benefit, as well as the ability to quickly assess conditions in the event of an earthquake in the region. Efforts also include the storage of real time data produced from the instrumentation network in a manner that can be easily accessed for evaluation.

**Summary Report for
The Metropolitan Water District of Southern California
Special Board Meeting
April 12, 2022**

CONSENT CALENDAR OTHER ITEMS – ACTION

Adopted resolution to continue remote teleconference meetings pursuant to the Brown Act Section 54953(e) for meetings of Metropolitan’s legislative bodies for a period of 30 days. **(Agenda Item 6B)**

Director Kassakhian was removed from the Legal and Claims Committee at his request and was appointed to the Communications and Legislation Committee. **(Agenda Item 6C)**

CONSENT CALENDAR ITEMS - ACTION

The Board:

Authorized the General Manager to adopt the 2020 Integrated Water Resources Plan Regional Needs Assessment. **(Agenda Item 7-1)**

Adopted the resolution finding that for fiscal years 2022/23 through 2025/26, the ad valorem property tax rate limitation of Metropolitan Water District Act Section 124.5 is not applicable because it is essential to Metropolitan’s fiscal integrity to collect ad valorem property taxes in excess of the limitation (Attachment 2 of the Board letter). **(Agenda Item 7-2)**

Approved the FY 2022/23 and FY 2023/24 Proposed Biennial Budget with overall rate increases of 5 percent in CY 2023 and 5 percent in CY 2024, which includes \$3,794.5M in appropriations for ongoing operations, bond-financed conservation and supply programs, and debt service obligations; authorized the use of \$270M in operating revenues to fund the Capital Investment Plan for FYs 2022/23 and 2023/24; determined the revenue requirements to be \$1,670.9M in FY 2022/23 and \$1,763.6M in FY 2023/24; approved the Ten-Year Financial Forecast; adopted resolutions fixing and adopting the Readiness-To-Serve Charge, Capacity Charge, and Water Rates; and authorized a change in the method of installing, keeping, and rendering all accounts from a modified-accrual basis method of accounting to a cash-basis method of accounting for the purpose of budgeting. **(Agenda Item 7-3)**

Authorized an agreement with Stantec Consulting Services, Inc. for a not-to-exceed amount of \$8.5 million for design and equipment procurement to upgrade the control system at the Mills plant; and authorized an increase of \$1.95 million to an agreement with CH2M Hill Engineers, Inc for a new not-to-exceed amount of \$4.435 million to provide specialized technical support for the upgrade. **(Agenda Item 7-4)**

Appropriated \$600 million for projects identified in the CIP appendix for FYs 2022/23 and 2023/24; and authorized the General Manager to initiate or continue work on the capital projects described in the CIP Appendix for FYs 2022/23 and 2023/24 and Minor Capital

Projects to be identified during the biennial period, subject to any limits on the General Manager's authority and CEQA requirements. **(Agenda Item 7-5)**

Adopted CEQA determination that the proposed project was previously addressed in the approved 2014 Mitigated Negative Declaration and related CEQA documentation, and that no further environmental analysis or documentation is required and (a) awarded \$17,226,250 contract to Spiniello Infrastructure West, Inc. to reline a portion of the Orange County Feeder; and (b) authorized General Manager to enter into a new 24-month lease agreement with an 18-month option to extend at 2750 Bristol Street in Costa Mesa, CA (Assessor's Parcel No. 418 182-05) in an amount not to exceed \$360,000. **(Agenda Item 7-6)**

Approved the General Manager's Strategic Priorities. **(Agenda Item 7-7)**

Authorized granting a ten-year license agreement with two, 5-year options to New Cingular Wireless, PCS LLC for telecommunication purposes. **(Agenda Item 7-8)**

Authorized granting a ten-year license agreement with two five-year options to CCATT LLC for telecommunication purposes. **(Agenda Item 7-9)**

Authorized the General Manager to enter into a one-year agreement with Western Municipal Water District, Rubidoux Community Services District, West Valley Water District, and San Bernardino Valley Municipal Water District to provide Rubidoux assistance with water deliveries, subject to a possible extension if approved by the Board following a review by the General Manager on alternative means of addressing Rubidoux's needs. **(Agenda Item 7-10)**

Authorized the General Manager to negotiate an agreement consistent with the draft terms of the Metropolitan Water District/Inland Empire Utilities Agency Exchange Agreement. **(Agenda Item 7-11)**

Authorized the General Manager to: (a) secure one-year water transfers with various water districts north of the Sacramento-San Joaquin River Delta for up to 75,000 AF of additional supplies; (b) secure storage and conveyance agreements with the Department of Water Resources and various water districts north of the Sacramento-San Joaquin River Delta to facilitate these transfers consistent with Articles 55 and 56 of Metropolitan's State Water Project Supply Contract; (c) pay up to \$60 million from the State Water Project Budget for such transfers; (d) grant the General Manager final decision-making authority to determine whether or not to move forward with these transfers following completion of any environmental reviews required under CEQA, subject to the terms and conditions set forth in this letter. **(Agenda Item 7-12)**

Authorized the General Manager to sign the Third Amendment to the 2019 Reservoir Project Agreement with the Sites Project Authority and other participants for participation in the Amendment 3 Workplan process for an amount not to exceed \$20,000,000; and (b) appropriated \$20,000,000 for the Amendment 3 Workplan based on reserving 311,700 acre-feet of storage rights, which is equivalent to approximately 50,000 AF of annual water supply reservoir releases. **(Agenda Item 7-13)**

Declare Water Supply Condition; adopt supporting resolution; and authorize the General Manager to finalize a Water Supply Allocation for portions of the service area; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. **[WITHDRAWN] (WPS) (Agenda Item 7-14)**

Review and Express Support for the Bay-Delta Watershed Voluntary Agreements.
[WITHDRAWN] (WPS) (Agenda Item 7-15)

Expressed a support position on SB 991 (Newman, D-Fullerton): Public contracts: progressive design-build: local agencies. **(Agenda Item 7-16)**

Authorized an increase in the maximum amount payable under contract with Musick, Peeler & Garrett LLP, for legal services by \$600,000 to an amount not to exceed \$900,000; and authorized an increase in the maximum amount payable under contract with Exponent, Inc. for consultant services by \$300,000 to an amount not to exceed \$400,000.
(Heard in closed session at committee- Agenda Item 7-17)

Authorized settlement as contained in the Board Letter 7-18 for John Campbell v. The Metropolitan Water District of Southern California Workers Compensation Appeals Board, Riverside, Case Numbers ADJ11262832, ADJ9311537, ADJ7783020, and ADJ8290584.
(Heard in closed session at committee- Agenda Item 7-18)

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**Summary Report for
The Metropolitan Water District of Southern California
Special Board Meeting
April 26, 2022**

CONSENT CALENDAR OTHER ITEMS – ACTION

Adopted the Resolution shown in Attachment 1 of the Board letter and incorporating the edits from SDCWA and: (a) declared that a Water Shortage Emergency Condition exists in the SWP Dependent Area; (b) adopted the framework of an Emergency Water Conservation Program and authorized the General Manager to finalize the Program consistent with the framework; (c) Expressed support for the Governor’s Executive Order N-7-22. (**Agenda Item 7-1**)

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**Summary Report for
The Metropolitan Water District of Southern California
Board Meeting
May 10, 2022**

CONSENT CALENDAR OTHER ITEMS – ACTION

Adopted resolution to continue remote teleconference meetings pursuant to the Brown Act Section 54953(e) for meetings. **(Agenda Item 6B)**

CONSENT CALENDAR ITEMS - ACTION

Adopted the resolution to continue the Metropolitan's Water Standby Charge for fiscal year 2022/23. **(Agenda Item 7-1)**

Certified the Final Program Environmental Impact Report for the Climate Action Plan and take related CEQA actions; adopted the Climate Action Plan; and authorized an increase of \$1.2 million to an agreement with Rincon Consultants, Inc for a new not-to-exceed amount of \$2.2 million for Climate Action Plan implementation support. **(Agenda Item 7-2)**

Adopted the CEQA determination that the proposed action was previously addressed in the certified Program Environmental Impact Report and related CEQA actions, and (a) awarded \$18,930,000 contract to Woodcliff Corporation for the La Verne Shops Improvements, Stage 5. (b) Authorized an agreement with Richard Brady & Associates for a not-to-exceed amount of \$650,000. **(Agenda Item 7-3)**

Awarded a \$3,143,592 contract to Blois Construction, Inc. for electrical upgrades at three Sepulveda Feeder underground structures. **(Agenda Item 7-4)**

(a) Reviewed and considered Addendum No. 1 to the certified 2015 Final Environmental Impact Report for the Weymouth Plant Improvements. (b) Awarded a \$93,840,000 contract to J. F. Shea Construction, Inc. to rehabilitate Basins Nos. 5-8 and Filter Building No. 2 at the F.E. Weymouth Water Treatment Plant. (c) Authorized an agreement with Carollo Engineers, Inc. for a new not-to-exceed total of \$495,000 to provide engineering support. **(Agenda Item 7-5)**

Awarded \$2,654,000 contract to MMC Inc. for construction of the OC-88 Pump Station Chiller Replacement project. **(Agenda Item 7-6)**

Reviewed and considered Addendum No. 5 to the 2017 Programmatic Environmental Impact Report, and awarded an \$11,884,700 contract to J. F. Shea Construction, Inc. to procure materials and perform construction for the rehabilitation of portions of the Second Lower Feeder. **(Agenda Item 7-7)**

Authorized granting a five-year license agreement to West Air Gases and Equipment, Inc. for employee vehicle parking. **(Agenda Item 7-8)**

Expressed support for developing the VAs approach as an alternative in the Water Board's Bay-Delta Water Quality Control Plan Update. **(Agenda Item 7-9)**

Authorized the General Manager to update the landlord termination provision for leases with Coxco, LLC and HayDay Farms Venture, LLC. **(Agenda Item 7-10)**

Authorized the General Manager to exercise discretion under Administrative Code Section 6101(k) to enter into a successor MOU with The American Federation of State, County and Municipal Employees, Local 1902. **(Agenda Item 7-11)**

Approved appointment of John Tonsick as Interim General Auditor, and authorized the Chairwoman of the Board to execute an agreement for employment consistent with the terms and conditions outlined in the Board letter. **(Agenda Item 7-12)**

Approved a future agenda item to be placed on the Executive Committee later this month for the appropriate scheduling after the Audit and Ethics Committee meeting, to review issues brought to the Board regarding the state audit. **(Future Agenda Item 12)**

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**Summary Report for
The Metropolitan Water District of Southern California
Special Board Meeting
May 24, 2022**

CONSENT CALENDAR OTHER ITEMS – ACTION

Adopted resolution to continue remote teleconference meetings pursuant to the Brown Act Section 54953(e) for meetings of Metropolitan’s legislative bodies for a period of 30 days. **(Agenda Item 5A)**

(a) Approved the draft of Appendix A (Attachment 1) attached to the board letter. (b) Authorized the General Manager, or other designee of the Ad Hoc Committee, to finalize, with changes approved by the General Manager and General Counsel, Appendix A. (c) Authorized distribution of Appendix A, finalized by the General Manager or other designee of the Ad Hoc Committee, in connection with the sale or remarketing of bonds. **(Agenda Item 7-1)**

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Upcoming Board Items

Item No. 8b

ANTICIPATED KEY ITEMS OF FOCUS – NOT AN EXHAUSTIVE LIST
SCHEDULE SUBJECT TO CHANGE

Month	Key Board Items
June	<ul style="list-style-type: none">• Bay Delta Policy Review Session 2• Authorize payment for support of the Colorado River Board and Six-Agency Committee for FY 2022/23• Update on Public Draft EIR Release on Delta Conveyance Project (Invited Presenter from California Department of Water Resources)• Presentation on Director Inspection Trips
July	<ul style="list-style-type: none">• Approve 500+ Plan Implementation Agreements
August	<ul style="list-style-type: none">• Consider Action on Updated Bay Delta Policies• Authorize an increase to agreement with Roesling Nakamura Terada Architects for final design and architectural services in support of the District Housing and Property Improvement Program• Report on list of certified assessed valuations for FY 2022/23• Adopt resolution establishing the tax rate for FY 2022/23
September	<ul style="list-style-type: none">• Oral Report on the Surplus Plan• Approve Project Labor Agreement terms and conditions and authorize a professional services agreement for PLA administration• Update on Delta Conveyance Public Draft EIR and Comments