#### WORKSHOP MEETING OF THE BOARD OF DIRECTORS WITH MET DIRECTORS MUNICIPAL WATER DISTRICT OF ORANGE COUNTY 18700 Ward Street, Board Room, Fountain Valley, California October 5, 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 <a href="http://www.mwdoc.com">http://www.mwdoc.com</a>.

**NEXT RESOLUTION NO. 2130** 

#### PRESENTATION/DISCUSSION ITEMS

- 1. PRESENTATIONS BY CANDIDATES FOR MET CHAIR
- 2. METROPOLITAN'S DROUGHT RESPONSE AND NON-FUNCTIONAL TURF EFFORTS

Recommendation: Review and discuss the information presented.

#### 3. 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.

### 4. 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**

5. 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.

#### **INFORMATION ITEMS**

- **6. 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 Condition Update
  - d. Water Quality Update
  - e. Colorado River Issues
  - f. Delta Conveyance Activities and State Water Project Issues

Recommendation: Review and discuss the information presented.

#### 7. METROPOLITAN (MET) BOARD AND COMMITTEE AGENDA DISCUSSION ITEMS

- a. Summary regarding September MET Board Meeting
- 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.



## October 5, 2021

TO: Board of Directors

FROM: Robert Hunter, General Manager

Staff Contact: Melissa Baum-Haley

SUBJECT: METROPOLITAN'S DROUGHT RESPONSE AND NON-FUNCTIONAL

**TURF EFFORTS** 

#### STAFF RECOMMENDATION

Staff recommends the Board of Directors discuss and provide input.

#### **REPORT**

At the October 11, 2022 Metropolitan Board meeting, the Board will consider adopting a resolution encouraging action to reduce or eliminate irrigation of non-functional turf (NFT) with potable water. The genesis of this resolution comes from mounting pressures at both State and Federal levels as severe drought conditions persist.

#### **State Actions**

As part of Governor Newsom's March 28 Expanded Drought Conditions Executive Order (N-7-22), the Department of Water Resources was directed to consult with leaders in the commercial, industrial, and institutional (CII) sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. This Executive Order also directed the State Water Resources Control Board (State Water Board) to consider adopting emergency regulations defining NFT and banning irrigation of NFT in the CII sectors.

On June 10, 2022 the State Water Board adopted <u>Urban Drought Response Emergency Regulatory Actions</u>, which included prohibiting the use of potable water for irrigation of NFT at CII sites, to prevent the unreasonable use of water and to promote water conservation.

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

These temporary emergency regulations will remain in effect until June 2023. The regulations defined NFT as any species of turfgrass that is ornamental and not otherwise used for human recreation purposes. Examples of "functional" recreational use include school fields, sports fields, and parks.

The prohibition of potable water use for irrigation of NFT at CII sites also included two caveats. First, the use of water is not prohibited to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need. Second, an urban water supplier may approve a request for continued irrigation of NFT where the user certifies that the turfgrass species is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration.

#### **Federal Actions**

Recognizing worsening conditions on the Colorado River, in June 2022, Commissioner Touton testified before the U.S. Senate Committee on Energy and Natural Resources and called for water users across the Colorado River Basin States and Tribes to develop a plan to conserve an additional 2 to 4 million acre-feet of water in 2023.

In response, on August 24, Metropolitan joined with other municipal water providers in the Colorado River Basin and signed a Memorandum of Understanding (MOU) pledging increased conservation actions within our service area. The purpose of the MOU is to show basin-wide collaboration and demonstrate that urban water users are committed to reducing their reliance on the Colorado River. A copy of the MOU and transmittal letter to Commissioner Touton is attached.

The MOU commits to continuing and expanding water use efficiency actions and tactics best tailored to preserve thriving communities, environmental health, and strong economies. Such actions include reducing the quantity of NFT by 30% through replacement with drought- and climate-resilient landscaping. To achieve water savings, the MOU suggests transforming our outdoor landscapes and urban environments in a manner that improves climate resilience and promotes an ethic of wise water use through mandatory watering schedules and compliance enforcement, incentivized turf removal, and limitations on new turf. However, MET acknowledges it does not have the authority to impose NFT reductions.

Since the inception of the MOU, additional agencies and cities throughout the Colorado River Basin have expressed interest in pledging their support. Therefore, Metropolitan has extended the opportunity for our region to join in this effort by inviting local agencies, retail providers, and cities sign onto the attached MOU. If you would like to include your agency as a signatory to this MOU, please inform Heather Baez, MWDOC Governmental Affairs Manager.

#### **Regional Actions**

Metropolitan has acknowledged that water wholesalers, do not have regulatory authority over the use of water by end users. Therefore, in support of the State's NFT irrigation prohibitions and the goals established in the Colorado River MOU, Metropolitan has developed model ordinance language to provide assistance to their member agencies.

At the October 11 Metropolitan Board meeting, the Board will consider adopting a resolution encouraging action to reduce or eliminate irrigation of NFT with potable water. Attached to the proposed resolution is sample language that could be inserted into a municipality's water conservation ordinance, depending on the nature and scope of its authority.

The intent of Metropolitan's approach, is to offer <u>voluntary</u> sample ordinance language. This approach allows municipalities to make adjustments as they see fit. The sample language provides a basic ordinance framework with placeholders for municipalities to insert their preferred enforcement methods and timelines.

The spectrum of suggestions to address the aforementioned calls for reduced NFT water demand range from:

- (1) Prohibit irrigation of NFT with potable water, with certain exceptions
- (2) Prohibit installation of NFT, with certain exceptions
- (3) Require the removal of NFT from CII sites

#### **Local Actions**

While voluntary, Metropolitan is encouraging all member agencies and local jurisdictions within Metropolitan's service area to amend their regulatory codes and ordinances, as appropriate and in a manner consistent with each jurisdiction's legal authority.

Within Orange County, we recognize the authority of a local municipality's right to determine functionality of landscape material. Further, as a result of expansive local supply investments within the county, we support the utilization of recycled water for landscape irrigation as a beneficial use.

MWDOC has assisted in developing and coordinating template ordinances on multiple occasions. Most recently, in 2021, MWDOC and the retail agencies developed a model water conservation ordinance to have a coordinated, but locally appropriate response to water shortage conditions. In 2015, when local jurisdictions were mandated to adopt the updated statewide Model Water Efficient Landscape Ordinance (MWELO), MWDOC developed a stakeholder group to develop a locally crafted MWELO that met the requirements of state law, while minimizing the complexity and cost of compliance and provided general consistency between local jurisdictions. The stakeholder group included representatives from the county, cities, local water agencies, Building Industry Association, landscape professionals, and other subject matter experts.

Due to the varied perspectives and complexities of regulatory authorities between water districts and city/county land use authorities, MWDOC will converse with the agency managers to determine a how to be of greatest assistance to address NFT.

#### ATTACHMENTS:

- (1) MOU FOR MUNICIPAL CONSERVATION ACTIONS
- (2) METROPOLITAN'S RESOLUTION ENCOURAGING ACTION TO REDUCE OR ELIMINATE IRRIGATION OF NON-FUNCTIONAL TURF WITH POTABLE WATER

# Aurora Water Colorado Springs Utilities Denver Water Metropolitan Water District of Southern California Pueblo Water Southeastern Colorado Water Conservancy District Southern Nevada Water Authority

August 24, 2022

Commissioner Touton U.S. Bureau of Reclamation 1849 C St., NW Washington, DC 20240-0001

#### SUBJECT: MUNICIPAL CONSERVATION ACTIONS

Dear Commissioner Touton,

The Colorado River sustains hundreds of communities throughout the West, nourishing the lives and livelihoods of the millions of residents that rely on this essential water supply. Decades of drought, climate change and overuse have reduced the river's once-plentiful flows and upended the supply certainty that has allowed our communities to develop, grow and flourish. Like you, we recognize that achieving balance within the basin is an extraordinary and complex challenge that requires both swift and significant steps to protect the river and its many beneficiaries.

Answering this critical call to action requires individual and collective efforts to conserve the river's limited water supply and protect the vital environmental resources on which we depend. Innovation, action, adaptation, and a shared commitment to stewardship are fundamental steps in this journey and a responsibility we all share.

The signatories of this letter have either approved the enclosed Memorandum of Understanding or are in the process of seeking consideration and approval of the MOU or similar water conservation commitments by their appropriate governing bodies. The Southeastern Colorado Water Conservancy District in Colorado, as a wholesale provider of water to municipalities within its district, supports the commitments in the MOU through the separate letter enclosed.

Our organizations recognize our role in the effort to reduce demands in the Colorado River basin. We come together from across the basin to pledge our commitment to continued water conservation, to reducing our demands for water, and to expanding our efforts to reuse and recycle our water supplies. While we have significantly reduced demands since the onset of the drought, there is more we can and must accomplish.

Achieving the protection storage volumes needed to preserve water and hydropower operations within the Colorado River basin cannot be met by a singular country, basin, state, or water use sector. While municipal water use represents only a small fraction of total Colorado River water use, progress begins with one and then many until we are all moving in the same direction.

We recognize that there is much good we can do if we move toward the same goal and at the pace required. We also understand the consequences of inaction. To that end, we are developing prudent municipal water conservation actions that every community that relies on the Colorado River should be using. In the coming months we will describe the steps our

organizations will take now and codify our commitment to continued effort as we work to ensure our river and the communities it serves continue to thrive. We sincerely hope our commitment to action inspires other stakeholders that share the river to do the same.

#### Sincerely,

Aurora Water

Marshall Brown, General Manager

Denver Water

James S. Lochhead, Chief Executive Officer

Pueblo Water

Seth Clayton, Executive Director

Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer

Metropolitan Water District of Southern California

Adel Hagekhalil, General Manager

Southeastern Colorado Water Conservancy District

James W. Broderick, Executive Director

Southern Nevada Water Authority John J. Entsminger, General Manager

#### Memorandum of Understanding by and among Colorado River Basin Municipal and Public Water Providers August 24, 2022

Over the past two decades, the Colorado River basin has experienced the worst drought in the last 1,200 years, which has reduced storage levels in Lakes Powell and Mead to unprecedented and critical levels. Water users throughout the basin must reduce demands to bring supply and use back into balance.

For over 20 years, communities have adapted to persistent and intensifying drought and reduced water supplies by achieving significant efficiencies in water use through direct and indirect conservation programs, including improved technology for indoor water fixtures, changes to landscapes and watering practices, conservation-oriented rates and fees, reuse and recycling programs, marketing and education campaigns, and efficient land use and development policies. Yet, climate change and the resulting hydrological shifts we are experiencing require all water users in the basin to redouble our efforts to conserve our water resources.

Our customers have demonstrated their commitment to conserving our essential water resources by reducing per capita water use by the following amounts since 2000.

- Aurora Water 36%
- Denver Water 36%
- The Metropolitan Water District of Southern California 33%
- Pueblo Water 32%
- Southern Nevada Water Authority 39%

Together, since 2000 we have decreased annual water use by 1,153,000 acre-feet while also adding 3.7 million people to our communities.

Much of this savings has been achieved through indoor and outdoor water use efficiencies. Recognizing that a clean, reliable water supply is critical to our communities, we can and must do more to reduce water consumption and increase reuse and recycling within our service areas. We pledge to be part of the solution.

Specifically, we commit to take the following actions:<sup>1</sup>

- 1. Continue and expand our programs to increase indoor and outdoor water use efficiency.
- 2. Introduce a program to reduce the quantity of non-functional turf grass by 30% through replacement with drought- and climate-resilient landscaping, while maintaining vital urban landscapes and tree canopies that benefit our communities, wildlife, and the environment.

<sup>&</sup>lt;sup>1</sup> Water wholesalers, including The Metropolitan Water District of Southern California, do not have regulatory authority over the use of water by end users and may only commit to develop incentive programs and model ordinance language to provide assistance to their Member Agencies in support of the phase out of non-functional turf within their service areas to help achieve this goal.

- 3. Increase water reuse and recycling programs where feasible, contingent on the dependability and security of our existing Colorado River supplies essential to support these efforts.
- 4. Implement best practices and sharing lessons learned to help one another accelerate our efficiency strategies. Water providers will select from the following approaches those tactics best tailored to preserve thriving communities, environmental health, and strong economies:
  - Transforming our outdoor landscapes and urban environments in a manner that improves climate resilience and promotes an ethic of wise water use through mandatory watering schedules and compliance enforcement, incentivized turf removal, and limitations on new turf;
  - b. Increasing efficiency of indoor fixtures and appliances;
  - c. Employing best practices for industrial processes and commercial operations, including minimization of evaporative cooling;
  - d. Adopting conservation-oriented rate structures to incentivize efficiency;
  - e. Accelerating water loss control by prioritizing supply considerations in asset management programs and exploring water loss control regulations to minimize water loss:
  - f. Improving coordination between land use and water planning efforts through improved processes, best management practices, and additional regulations, where appropriate; and
  - g. Employing other strategies tailored to the unique needs of each community.
- 5. Collaborate with other water users in the Colorado River basin to bring the supply and use of the river into balance. A robust agricultural economy, healthy watersheds, opportunities to recreate, and vibrant communities are all vital to our western way of life. No one sector, nor one state, can achieve sufficient use reductions independently. For the sake of current and future generations, we all must work together to achieve a balance of supply and use and thereby preserve a functioning and healthy river system.

Aurora Water I Marshall Brown, General Manager

Denver Water
James S. Lochhead, Chief Executive Officer

The Metropolitan Water District of Southern California Adel Hagekhalil, General Manager

Pueblo Water Seth Clayton, Executive Director

Southern Nevada Water Authority John J. Entsminger, General Manager



## Board of Directors One Water (Conservation and Local Resources) Committee

10/11/2022 Board Meeting

7-11

#### **Subject**

Adopt resolution encouraging action to reduce or eliminate irrigation of non-functional turf with potable water; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

#### **Executive Summary**

As a result of the record drought in the Southwest, staff brought forth four options to address the irrigation of non-functional turf with potable water to the Board for discussion in August 2022. The Board recommended that all four options be further developed for future review and action. One of the options is to adopt a board resolution encouraging municipalities within our service area to ban the irrigation of non-functional turf with potable water. As there is no fiscal impact or other action needed for this resolution, staff developed the attached resolution and is bringing it forward for board adoption.

#### **Details**

#### **Background**

Due to severe and persistent drought conditions, Metropolitan's Board declared a regional drought emergency in November 2021 and adopted an Emergency Water Conservation Program in April 2022 to address supply shortages in the State Water Project-dependent areas. Conditions on the Colorado River are equally concerning as both Lake Mead and Lake Powell are at their lowest historical levels. In June 2022, the U.S. Bureau of Reclamation Commissioner Camille Touton announced that Colorado River water users need to reduce use by two to four million-acre feet. It is clear that agencies need to permanently reduce potable water demand for all non-essential uses.

In November 2021, Metropolitan's Board adopted Legislative Priorities and Principles for 2022 that included "support administrative/legislative actions and funding to improve water use efficiency through non-functional turf management." Currently, Metropolitan's commercial Turf Replacement Program (TRP) is the focus of non-functional turf management activities. However, following board direction, staff now seeks to expand the options available for non-functional turf management.

In May, as part of the state's drought response, the State Water Resources Control Board adopted an emergency regulation banning the irrigation of non-functional turf with potable water for all commercial, industrial, and institutional properties throughout the state. This emergency regulation expires on June 14, 2023. In adopting this regulation, the state acknowledged that irrigation of turf that is not used for recreational or community gathering purposes is an unnecessary use of water.

To date, Southern California residents have removed more than 200 million square feet of turf at residential and commercial properties through Metropolitan's TRP. A recent study by Dr. Andrew Marx indicates that 96 percent of properties in Metropolitan's service area which convert from turf to California Friendly landscaping through Metropolitan's TRP maintain that landscaping over time. In addition, Metropolitan's multiplier study found that for every 100 landscapes that are installed using incentives, another 134 are installed without the use of an incentive payment. Both studies focused on residential properties, but these findings can be extended to commercial properties as well. It is expected that there would be a lower rate of reversion on commercial properties due to less frequent property sales. Therefore, the permanent ban on irrigation of non-functional turf

and the continued effort to convert these areas to California Friendly landscaping would constitute a significant reduction in potable water demand.

In August, staff presented the Board with four options to address the irrigation of non-functional turf with potable water in our service area. All options received a positive response and, accordingly, staff was directed to further develop them for future board review and action. The least complex of these called for the Board to adopt a resolution encouraging municipalities to ban the irrigation of non-functional turf with potable water. This option would not require any programmatic or legislative changes to implement and, as such, staff has prepared a proposed resolution for immediate consideration by the Board.

Attached to the proposed resolution is sample language that potentially could be inserted into a municipality's water conservation ordinance, depending on the nature and scope of its authority. The sample language provides a basic framework, including a definition of non-functional turf, and the following options for addressing non-functional turf:

- 1. Prohibit irrigation of non-functional turf with potable water after the effective date of the ordinance, with certain exceptions.
- 2. Prohibit installation of non-functional turf after the effective date of the ordinance, with certain exceptions.
- 3. Require the removal of all non-functional turf from commercial, industrial, or public properties or facilities by a date certain.

In addition, the proposed language provides placeholders for municipalities to insert their preferred enforcement methods and timelines. Staff recommends this approach to a proposed ordinance as it allows municipalities to make adjustments as they see fit and ensures higher levels of acceptance and accountability.

#### Policy

By Minute Item 52802, dated April 26, 2022, the Board adopted a resolution which declared a Water Shortage Emergency Condition and established an Emergency Water Conservation Program for the State Water Project dependent area.

By Minute Item 52579, dated November 9, 2021, the Board adopted Legislative Priorities and Principles for 2022 that included improving water efficiency through non-functional turfgrass management.

By Minute Item 52581, dated November 9, 2021, the Board adopted a resolution which declared specified emergency conditions within the Metropolitan service area.

By Minute Item 49542, dated September 10, 2013, the Board authorized new conservation program initiatives.

By Minute Item 49068, dated May 8, 2012, the Board authorized changes to Metropolitan's water conservation program.

By Minute Item 48772, dated August 16, 2011, the Board adopted the Long-Term Conservation Plan and revisions to the water conservation policy principles.

#### California Environmental Quality Act (CEQA)

#### **CEQA determination for Option #1:**

The proposed action is not defined as a project under CEQA (Public Resources Code Section 21065, State CEQA Guidelines Section 15378) because it involves continuing administrative activities, such as general policy and procedure making will not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment (Section 15378(b)(2) of the State CEOA Guidelines). In addition, the proposed action is not defined as a project under CEQA because it involves organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment (Section 15378(b)(5) of the State CEQA Guidelines).

#### **CEQA determination for Option #2:**

None required

#### **Board Options**

#### Option #1

Adopt resolution encouraging action to reduce or eliminate irrigation of non-functional turf with potable water.

Fiscal Impact: \$0

Business Analysis: Adoption of the resolution could lead to a permanent reduction in potable water demand.

#### Option #2

Do not adopt the resolution.

Fiscal Impact: \$0

Business Analysis: Without this resolution, irrigation of non-functional turf with potable water may continue throughout Metropolitan's service area.

#### Staff Recommendation

Option #1

**Brad Coffey** Manager, Water Resources Management

> 9/22/2022 Date

Date

General Manager

Attachment 1 - Resolution

Attachment 2 - Draft Ordinance

Ref# wrm12692156

#### RESOLUTION \_\_\_\_

## RESOLUTION OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA ENCOURAGING THE BAN OF IRRIGATION OF NON-FUNCTIONAL TURF WITH POTABLE WATER

WHEREAS, The Metropolitan Water District of Southern California and Its Member Agencies are Local and Regional Water Entities Responsible for Distributing, Managing, and Developing Supplies to Meet Current and Future Water Demands Within Their Respective Service Areas and throughout Southern California.

Metropolitan is comprised of 26 member agencies, all of which are public entities, including 14 cities, 11 municipal water districts, and one county water authority, which collectively serve the residents and businesses of more than 300 cities and numerous unincorporated communities.

Metropolitan estimates that approximately 18.7 million people live in Metropolitan's service area.

Metropolitan's 2020 Integrated Water Resources Plan shows expected population growth of approximately 17 percent in Metropolitan's service area between 2010 and 2035.

## WHEREAS, Long-term and Short-term Trends Suggest that Metropolitan's Imported Water Supplies May Be Constrained by Drought, Climate Change, and Other Environmental Factors.

The Colorado River system has been continuously in drought since 2000. Lake Mead and Lake Powell were near full in 2000; however, both reservoirs are now at their lowest historical levels since initial filling.

In June 2022, the U.S. Bureau of Reclamation Commissioner, Camille Touton, announced that Colorado River water users need to reduce use by two- to four million acre-feet per year.

Extended drought and increased regulatory constraints have resulted in an average 35 percent allocation of Table A contract supplies from the State Water Project over the last 10 years. During the previous 10-year period, Metropolitan received an average 68 percent allocation from the State Water Project.

Combined deliveries of allocated water from the State Water Project during the past three years are lower than in any other three-year period in the history of the SWP.

The California Department of Water Resources (DWR) classified water years 2020 to 2022 (October 1, 2019, through September 30, 2022) as dry or critically dry, and it projects these three water years will be the driest on record in California for statewide precipitation.

In addition to reduced precipitation since 2020, California's climate is transitioning to a warmer setting in which historical relationships among temperature, precipitation, and runoff are changing. In addition, precipitation in the Colorado River Basin was near 100 percent normal in 2022, but runoff was only at 62 percent of normal. In 2021 precipitation was at 87 percent of normal while runoff was at 32 percent of normal.

## WHEREAS, Governor Newsom Has Declared a State of Emergency to Exist in All California Counties Due to These Severe Drought Conditions.

On October 19, 2021, Governor Gavin Newsom declared a state of emergency to exist in all California counties due to worsening drought conditions. This proclamation follows other increasingly expansive drought declarations and executive orders that have been issued since April 2021.

Governor Newsom has called on Californians to re-double their efforts to reduce water use by 15 percent and for local and regional water agencies to implement their Water Shortage Contingency Plans (WSCPs) "at a level appropriate to local conditions that takes into account the possibility of a third consecutive dry year."

California has declared a State of Emergency due to severe drought conditions three separate times since 2007.

On August 11, 2022, Governor Newsom issued his California Water Supply Strategy which includes a long-term commitment to replace 500 million square feet of turf with drought tolerant landscaping by promoting programs and policies that incentivize turf conversion.

## WHEREAS, Water Conservation and Demand Management Play a Critical Role in Ensuring Supplies Meet Demands in Metropolitan's Service Area.

Water conservation and demand management increase resiliency in the event of drought and extend the availability of current and future water supplies.

Metropolitan has invested \$2.3 billion in present value dollars in conservation, local water recycling, and local groundwater recovery since 1990, resulting in nearly 7.6 million acrefeet of water conserved and new supplies.

Local water suppliers and communities have also made multi-billion-dollar strategic and forward-looking investments in water conservation (within and outside the MWD service area), water recycling, stormwater capture and reuse, groundwater storage, seawater desalination and other strategies to improve drought resilience.

Water conserved throughout the service area, among other things, has helped preserve storage in Metropolitan's diverse storage portfolio and meet demands during these dry conditions.

## WHEREAS, a Permanent Ban on Irrigation of Non-functional Turf and Commitment to Converting These Areas to California Friendly Landscaping through Local Ordinances and Regulations Would Result in a Significant Reduction in Potable Water Demand.

Amending local ordinances and other land use planning regulations to further prevent non-functional turf from being irrigated with potable water, installed in new construction, or maintained in existing construction will contribute to more sustainable demands within Metropolitan's service area.

Irrigation of turf grass represents the single largest application of consumptive use of potable water in Southern California and reducing the amount of turf represents a significant water conservation opportunity.

The removal of non-functional turf and replacement with drought-tolerant landscaping reduces water usage on a given site by up to 80 percent.

7-11

Approximately 96 million square feet of non-residential non-functional turf have been removed through Metropolitan's turf rebate programs, which equates to just under 13,000 acre-feet of water saved over the last thirty years.

Since the SWRCB issued an emergency regulation temporarily banning the irrigation of non-functional turf with potable water, commercial applications for the turf replacement program have tripled since the emergency regulation went into effect. Therefore, local ordinances permanently banning the irrigation, installation, and maintenance of non-functional turf would likely lead to an even greater increase in turf replacement projects.

Regulations addressing irrigation, installation and maintenance of non-functional turf may be adopted as local governmental codes and ordinances by Metropolitan member agencies and in local jurisdictions throughout Metropolitan's service area, as permitted by each jurisdiction's legal authority.

**NOW, THEREFORE, BE IT RESOLVED** that The Metropolitan Water District of Southern California Board of Directors supports the adoption and promotion of the following principles throughout Metropolitan's service area:

- 1. Potable water should not be used to irrigate non-functional turf on non-residential properties.
- 2. Non-functional turf should not be installed at any new or existing non-residential properties, including at any commercial or industrial properties, public buildings, or facilities, or HOAs. Non-functional turf also should not be installed in any new residential properties.
- 3. Non-functional turf should not be installed in public spaces, including in medians.
- 4. Non-functional turf should be removed from all non-residential properties, both public and private, including HOAs, by a date certain in the future.

**BE IT FURTHER RESOLVED** that the Board of Directors strongly recommends that all Member Agencies and local jurisdictions within Metropolitan's service area amend their regulatory codes and ordinances, as appropriate, to implement these principles in a manner consistent with each jurisdiction's legal authority. A model ordinance consistent with these principles is attached for reference and potential use.

Secretary of the Board of Directors of The Metropolitan Water District of Southern California

#### **Model Ordinance Language**

#### Section X: Definitions

#### (A) As used in this section:

- (1) "Non-functional turf" means turf that is not regularly used for human recreational purposes or for civic or community events.
- (2) "Turf" means any narrow-leaved grass species that form a uniform, long-lived ground cover that can tolerate traffic and low mowing heights (usually two inches or below). Such grasses include, but are not limited to, annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, Tall fescue, Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustine grass, Zoysiagrass, Buffalo grass, and their associated hybrids.

#### Section XX: Permanent Water Conservation Requirements

- (A) Prohibition on irrigation of non-functional turf
  - (1) After the effective date of this ordinance, non-functional turf shall not be irrigated using potable water with the sole exception of turf at residential properties that was present prior to the effective date of this ordinance.
- (B) Prohibition on installation of non-functional turf
  - (1) After the effective date of this ordinance, non-functional turf shall not be installed at any new or existing commercial, industrial, or public properties or facilities, including parks, playgrounds, medians, greenbelts, and HOAs. In addition, non-functional turf shall not be installed in any new residential properties.
- (C) Removal of non-functional turf
  - (1) No later than [DATE CERTAIN], non-functional turf shall be removed from commercial, industrial, or public properties or facilities, including parks, playgrounds, medians, greenbelts, and HOAs.

Section XXX: Penalties and Enforcement

[TO BE DETERMINED BY ADOPTING JURISDICTION]



**To:** Board of Directors, Municipal Water District of Orange County

From: Natural Resource Results

**RE:** Monthly Board Report – October 2022

#### **FY23 Appropriations**

Both chambers of Congress are expected to pass a short-term Continuing Resolution (CR) to avert a government shutdown by the end of the fiscal year (September 30<sup>th</sup>). The CR will likely fund the government through December 16th at which point Congress will pass some sort of an omnibus appropriations bill for FY23.

Senate Democratic leaders will likely attempt to attach some permitting reform provisions, championed by Senator Manchin, on the CR. If enacted into law, the reforms would likely have the biggest impact on energy projects but could theoretically be used in the natural resource space as well. A summary of those provisions is attached.

#### **Colorado River**

As Reclamation looks to spend \$4 billion for drought response from the Inflation Reduction Act, they will be holding two public listening sessions on September 30<sup>th</sup> to get input on how those funds should be spent. Reclamation released some parameters as to what buckets of funding would look like, with the first bucket focused on short term actions, like fallowing on agricultural land. The second bucket would be more focused on long term conservation actions, like canal lining and ecosystem restoration projects.

Last week Colorado River state representatives met with Federal officials in Santa Fe to discuss next steps on managing the Colorado River. The Department of the Interior outlined steps that it would take in response to falling reservoir levels. Part of those steps include releasing less water from Lake Powell than anticipated. In addition, the Department is studying structural modifications that would allow for water to be released from Lake Powell when the reservoir is low.

#### **Delta Tunnels Legislation**

Congressman Harder (D-CA) recently introduced H.R. 8849, the Stop Delta Tunnels Act, which would prohibit the Army Corps of Engineers (Corps) from issuing a Clean Water Act permit for the Delta Conveyance Project. There is not a Senate version of this bill.

The bill is cosponsored by Congressman Garamendi (D-CA) and Congressman McNerney (D-CA) and mirrors an amendment that Garamendi offered when the FY23 appropriations bills were

on the House floor. The amendment was never taken up due to a lack of support and the chances of the Harder bill moving are slim to none. Speaker Pelosi has never allowed a vote on a bill or amendment that would stop the tunnels because it would split her California Democratic delegation, something that she strives to avoid.

#### **Delta Tunnels Letter**

On September 20<sup>th</sup>, Congressman Garamendi led a sign-on a letter to the Corps in support of comments submitted by the Delta Protection Commission and the Delta Counties Coalition which state that the Corps has not completed an adequate review of the Delta Conveyance Project as required by Section 106 of the National Historic Preservation Act. A copy of the letter is attached.

As a part of its Section 106 consultation, the Corps recognized Contra Costa, Sacramento, San Joaquin, and Yolo counties as consulting parties due to the tunnels' construction impacts on historical sites within those counties. The counties claim that the Corps has been nonresponsive to their comments and requests for meetings.

#### **Water Conservation Rebate Tax Parity Act**

This bill has been a perpetual priority for municipal water agencies throughout California for years. The bill would exclude water conservation and stormwater management rebates from the category of taxable income under Internal Revenue Code Section 136. As the 117<sup>th</sup> Congress begins to wind down, there are often opportunities to attach noncontroversial bills to must-pass pieces of legislation.

We plan to circulate a letter within the California congressional delegation that would support inclusion of the Water Conservation Rebate Tax Parity Act in any moving legislative vehicle between now and the middle of December.

#### **WEROC**

Assuming Congress can pass a CR this week, we will be able to re-engage with the Senate Appropriations Committee regarding our funding request for the WEROC EOC. Senator Feinstein's office was told by the committee that the issue would be taken up after Congress passed a CR and before the passage of an omnibus appropriations bill which will likely occur in mid-December.

As a reminder, both California Senators requested EOC funding in the FY23 appropriations process but ran into roadblocks - which have yet to be articulated to either office – with the appropriations committee.

#### Congress of the United States Washington, D.C. 20510

September 20, 2022

Col. Chad W. Caldwell Sacramento District Commander U.S. Army Corps of Engineers 1325 J Street Sacramento, CA 95814

Subject: SPK-2019-00899 - Delta Conveyance Project Section 106 Consultation

Dear Colonel Caldwell:

We write in support of the detailed comments submitted by the Delta Protection Commission and Contra Costa, Sacramento, San Joaquin, and Yolo Counties in March 2022, for the Section 106 consultation under the National Historic Preservation Act for the State of California's proposed Delta Conveyance Project: i.e., the single tunnel.

As you know, the Army Corps is the lead federal agency for the permitting process under the National Environmental Policy Act and the Clean Water Act. As such, you are responsible for ensuring a fulsome Section 106 consultation process under the National Historic Preservation Act. To date, we are very disappointed to learn that the Army Corps has not responded to the Delta Protection Commission's or the Delta Counties' written comments, requests for subsequent meetings, or provided access to the State's application materials for the Delta Conveyance Project necessary to evaluate the scope of historic properties identified.

The Army Corps' continued failure to accommodate these reasonable requests undermines the Section 106 consultation process under the National Historic Preservation Act. Furthermore, the Army Corps cannot develop an accurate Draft Environmental Impact Statement under the National Environmental Policy Act without first examining the proposed Delta Conveyance Project's glaring impacts on the Delta's historic communities identified by the Delta Protection Commission and the Delta Counties.

Under the National Historic Preservation Act, a Section 106 review typically takes place in consultation with the respective State Historic Preservation Officer and federally recognized tribes impacted by a proposed project. However, the Army Corps recognized the Delta Protection Commission and Contra Costa, Sacramento, San Joaquin, and Yolo Counties as additional consulting parties, given the direct impact of tunnel construction on historical sites.

Accordingly, the Army Corps must afford the Delta Protection Commission and the Delta counties substantial and meaningful opportunities to consult on historic preservation issues, including the scope of the project area impacting historic properties, the project's adverse effects, and measures that should be considered to avoid or reduce that harm. To date, the Army Corps has not provided those opportunities to the additional consulting parties.

We urge you to ensure that the Army Corps accommodates with these reasonable requests and improves consultation with the Delta Protection Commission and the Delta Counties. The Army

Corps' actions to date are unresponsive, inadequate, and undermining any credibility for the Section 106 consultation process under the National Historic Preservation Act for the State's proposed Delta Conveyance Project.

Thank you for your attention to this matter. We look forward to your response.

Sincerely,

John Garamendi Member of Congress

torament:

Jerry McNerney Member of Congress

Mark DeSaulnier Member of Congress Josh Harder

Member of Congress

Jared Huffman

Member of Congress

Mike Thompson Member of Congress

Ami Bera, M.D. Member of Congress

Attachments:

DCC Member Letter to Corps, dated March 30, 2022 DPC Letter to Corps, March 29, 2022

## ENERGY INDEPENDENCE AND SECURITY ACT OF 2022

(to be included in the Continuing Resolution)

#### SUBTITLE A: ACCELERATING AGENCY REVIEWS

#### Sec. 1. Definitions.

• This section provides definition for the bill.

## Sec. 2. Streamlining Process for Authorizations and Reviews of Energy and Natural Resources Projects.

#### **Topline Summary:**

- Based on existing law streamlining provisions enacted by Congress for transportation projects (roads, highways, bridges, rail and transit) that have been in the code since 1998, expanded by Congress in 2012 and 2015 and most recently modified by the 2021 Infrastructure Investment and Jobs Act (IIJA). These provisions also make changes to the "FAST-41" infrastructure law which was created during the Obama Administration (in title 41 of the 2015 FAST Act) and made permanent in the 2021 IIJA.
- Sets a 2-year target for National Environmental Policy Act (NEPA) reviews for major energy and natural resource projects which require a full environmental impact statement and reviews from more than one federal agency and a 1-year target for projects which require an environmental assessment. Also requires issuance of all other permits within 180 days of finishing the NEPA process.
- Designates a lead agency to coordinate project reviews and expands the use of shared interagency environmental review documents and concurrent agency reviews.
- Sets the 150 day statute of limitations for court challenges, requires random assignment of
  judges to cases consistent with current practice, and requires courts to set and enforce
  reasonable schedule (of no more than 180 days) for agencies to act on remanded or vacated
  permits.
- Establishes dispute resolution procedures for resolving project disagreements without delays.

#### **Detailed Summary:**

• Subsection (a) provides definitions for this section. "Projects" are defined as those projects for the construction of infrastructure to produce, generate, store, or transport energy; to capture, remove, transport, or store carbon dioxide; or to mine, extract, beneficiate, or process minerals which also require the preparation of an environmental document under the

NEPA and an agency authorization, such as a permit, license or other approval. "Major projects" are those projects for which multiple Federal actions are required in addition to an environmental impact statement under NEPA, or a project for which the project sponsor requests treatment as a major project for a project where only an environmental assessment is required under NEPA.

- Subsection (b) requires that the streamlining provisions of this section be applied to: all major projects; all other projects for which an environmental impact statement is prepared; and all other projects for which an environmental document is prepared, if requested by a project sponsor and deemed appropriate by the relevant agency head.
- Subsection (c) establishes responsibilities for lead federal agencies to ensure a complete, timely and coordinated environmental review process between different federal and State agencies that may be involved in a project NEPA review, including identifying participating agencies and incorporating their input.
- Subsection (d) defines and establishes responsibilities of federal agencies participating or cooperating in the NEPA environmental process. The subsection establishes procedures for participating or cooperating agencies to provide input into the environmental review process coordinated by the lead agency and to address any environmental issues of concern. The subsection does not apply to projects that have voluntarily become "covered projects" under the FAST-41 procedures and are using the alternate participating and coordinating agency requirements of that Act (42 USC 4370m et seq).
- Subsection (e) requires, to the maximum extent practicable and consistent with Federal law, all Federal authorizations and reviews that are necessary for a project to rely on a single environmental document that is prepared under the leadership of the lead agency. The subsection also applies the requirements of section 41005 of the FAST Act (42 USC 4370m-4) to energy and minerals projects, which address interagency coordination and the use of concurrent reviews, adoption and use of existing documents, and development and analysis of alternatives.
- Subsection (f) clarifies that agencies may use errata sheets to make minor modifications to draft environmental impact statements being prepared for final issuance, in lieu of rewriting them.
- Subsection (g) sets requirements for the lead federal agency to set schedules for coordinating public and agency participation in the environmental review process and authorization decisions for projects or applicable categories of projects. Schedules must be established not later than 90 days after publication of a notice of intent to prepare an environmental impact statement, or the initiation of an environmental assessment. Schedules must be set consistent with completing the environmental review process within two years for projects that require an environmental impact statements or within one year for projects that require environmental assessments and completing any other outstanding authorization required for project construction with 180 days of completing the environmental review process. This subsection sets factors for agencies to consider in setting schedules, creates a process for modifying schedules during the project review process, requires agencies to report to the Office of Management and Budget if they fail to meet a schedule, and sets public comment timeframes.
- Subsection (h) establishes an accelerated dispute resolution process to identify and resolve issues that could delay project reviews. Participating agencies, governors of a State in which a project is located, or a project sponsor can request a dispute resolution meeting be

- convened by the lead agency within 30 days of the request. If the issue is not resolved within 30 days of the meeting, the issue is elevated first to the heads of the relevant agencies, then to the White House Council on Environmental Quality, and finally to the President for resolution with specific timeframes for each step specified in this subsection.
- Subsection (i) allows a project sponsor, participating agency, or governor of a State in which a project is located to request that the lead federal agency provide technical assistance to resolve issues that could delay project reviews, including through additional staffing, enhanced coordination, and specialized assistance.
- Subsection (j) provides that nothing in this section supersedes, amends, or modifies Federal environmental laws or agencies' obligations under those laws; nothing pre-empts public comment procedures; and nothing pre-empts any other provision of law or powers, jurisdictions, responsibilities, or authorities of Federal, State, or local government agencies, Indian Tribes, or project sponsors under those laws; or affects judicial reviewability of federal agency actions, except as provided under subsection (k).
- Subsection (k) sets standards and procedures for judicial review of projects under this section. The provisions require that a claim arising under Federal law seeking judicial review of an authorization issued or denied by a Federal agency for a project under this section be filed no later than 150 days after the authorization is final or the date of publication of a notice that the environmental document is final in accordance with NEPA (whichever is later), unless Federal law prescribes a shorter time frame.
- This subsection also requires that if a court vacates or remands a final federal agency action for a project covered by this section, the court must set a reasonable schedule and deadline, not to exceed 180 days, for the agency to act, unless a longer time period is necessary to comply with applicable law. It also requires Federal agencies to take such actions as may be necessary to expeditiously address remanded actions in accordance with the schedule and deadline set by the court. Finally, the subsection requires Federal district courts and courts of appeals to randomly assign judges for cases seeking judicial review of any authorization issued by a Federal agency for a project covered by this section to avoid the appearance of favoritism or bias.
- Subsection (l) requires a lead agency to provide energy and mineral project information for the Federal Permitting Improvement Steering Council's public permitting dashboard to include the status, schedule, and progress of each major project under this section with respect to compliance with the applicable requirements of NEPA, any authorization, and any other Indian Tribe, State, or local agency authorization required for the project, including updating the dashboard to reflect changes resulting from litigation. Participating agencies are required to provide relevant information to comply with this subsection to the lead agency.
- Subsection (m) requires the Department of Energy, Department of the Interior, Federal Energy Regulatory Commission, Forest Service, Army Corps of Engineers, and Maritime Administration to establish a performance accountability system and publish annually a report describing performance for each major project authorization and review conducted during the preceding year, including compliance with the schedules required under this section.
- Subsection (n) allows for the use of programmatic approaches to conduct environmental reviews that eliminate repetitive discussions of the same issue, focus on the issues ripe for analysis at each level of review and are consistent with NEPA and other applicable laws.

- This subsection sets transparency, accuracy, timeliness, coordination, and public comment requirements for programmatic approaches.
- Subsection (o) requires that within 180 days of enactment, and at least every four years thereafter, the Department of Energy, Department of the Interior, Federal Energy Regulatory Commission, Forest Service, Army Corps of Engineers, and Maritime Administration consult with other departments and agencies to identify existing NEPA categorical exclusions available to other agencies that, if applied to energy projects, would accelerate development of those projects. These departments would use existing NEPA implementing regulations to consider identified categorical exclusions and conduct a rulemaking process to adopt any new categorical exclusions.
- Subsection (p) requires that within 180 days of enactment and again within 5 years, the Department of Energy, Department of the Interior, Federal Energy Regulatory Commission, Forest Service, Army Corps of Engineers, and the Maritime Administration shall publish a report on existing NEPA categorical exclusions used by their department/agency and solicit input from project sponsors for additional categorical exclusions. Within 120 days of the solicitation, each department/agency must publish a notice of proposed rulemaking to propose the adoption of any new categorical exclusions that meet the applicable criteria under NEPA and other relevant regulations.

#### Sec. 3. Prioritizing Energy Projects of Strategic National Importance.

#### **Topline Summary:**

Requires the President to designate and prioritize reviews for a list of strategically important
energy and mineral projects. Designation identifies these projects as national priorities for the
American public, energy producers and consumers, energy workers, and our international
allies.

- Subsection (a) provides definitions for this subsection.
- Subsection (b) requires the President to designate, within 90 days of enactment, 25 energy projects of strategic national importance for priority Federal review, in consultation with the Secretary of Energy, Secretary of the Interior, Administrator of the Environmental Protection Agency (EPA), and the Federal Energy Regulatory Commission. Every 180 days thereafter for ten years, the President must publish an updated list of at least 25 designated projects, which shall include each previously designated project until a final decision has been issued for each authorization for the project or the project sponsor withdraws its request for authorization. This subsection requires that the list of designated projects include a minimum number of critical minerals, fossil fuel (including biofuel), non-fossil fuel (including storage), electric transmission, carbon capture, and hydrogen projects, unless the President does not receive a sufficient number of applications that meet the requirements for designated projects.
- Subsection (c) establishes requirements for selecting designated projects of strategic national importance from applications submitted to federal permitting agencies. To qualify for designation, selected projects must be likely to require: an environmental assessment or

impact statement under NEPA, review by more than two federal or State agencies, total project cost of more than \$250 million, and sufficient financial support from the project sponsor to ensure completion. In selecting designated projects, the President shall prioritize projects that: reduce energy prices, reduce greenhouse gas emissions, improve electric reliability, advance emerging technologies, improve domestic energy supply chains, increase energy trade with U.S. allies and trading partners, reduce U.S. reliance on supply chains of foreign entities of concern, minimize impacts to communities, and create jobs that pay prevailing wage rates.

- Subsection (d) requires the President to direct federal agencies, through executive order, to prioritize the completion of environmental reviews and authorizations for designated projects, including reviews or authorizations remanded or vacated by courts. The President shall seek to complete environmental impact statements for designated projects within two years, environmental assessments within 1 year, and all required authorizations for construction within 180 days of completion of the environmental review.
- Subsection (e) clarifies that the selection of projects for designation is an administrative action that does not require review under NEPA.
- Subsection (f) requires the President to submit a quarterly report to Congress on the status of reviews for designated projects.
- Subsection (g) directs that \$250 million in funding previously appropriated in the *Inflation Reduction Act* to the Federal Permitting Improvement Steering Council Environmental Review Improvement Fund be used to improve and accelerate reviews for designated projects.

## Sec. 4. Empowering the Federal Permitting Improvement Steering Council and Improving Reviews.

#### **Topline Summary:**

 Makes changes to the existing FAST-41 permitting law related to energy and natural resource projects.

- Subsection (a) includes critical mineral mining and processing projects in the statutory list of
  projects eligible for the Federal Permitting Improvement Steering Council (FPISC)
  permitting process transparency and streamlining programs. It further reduces the FPISC
  eligibility threshold for energy projects from \$200 million minimum project cost to \$50
  million.
- Subsection (b) requires the Department of Interior offshore 5-year oil and gas leasing program to be tracked as a covered project by FPISC.

#### SUBTITLE B: MODERNIZING PERMITTING LAWS

#### Sec. 1. State Certification under the Clean Water Act.

#### **Topline Summary:**

 Specifies procedures for state certification that projects comply with applicable water quality standards.

#### **Detailed Summary:**

• This section modifies Section 401 of the Clean Water Act to clarify that the scope of review for certification requests under this section is limited to federal, State, and Tribal water quality requirements affected by the activity being federally licensed or permitted. The section also: clarifies that certifying agencies must take one of four final actions within one year of receiving a certification request: grant, grant with conditions, deny, or waive certification; allows applicants to request pre-filing meetings with certifying agencies to exchange information concerning a forthcoming certification request; requires State and Tribal certifying agencies to publish clear requirements for water quality certification applications, or else default to federal requirements; requires applicants to include in certification requests relevant information on potential water quality impacts; requires certifying agencies to notify applicants of the timeline for review, not to exceed one year, within 35 days of receiving a certification request; prohibits certifying agencies from requesting project applicants withdraw applications to pause or restart the certification clock; and, requires the Administrator of the EPA to notify other States and Tribes of potential water quality impacts from a project being certified by a different State or Tribe.

#### Sec. 2. Transmission.

#### **Topline Summary:**

Expands an existing authority to give the Federal government increased permitting authority
for transmission lines found by the Secretary of Energy to be in the national interest, requires
the Federal Energy Regulatory Commission (FERC) to ensure project costs are allocated to
customers that benefit, and allows FERC to approve payments from utilities to jurisdictions
impacted by a project.

- Subsection (a) amends Section 202(a) of the Federal Power Act (FPA) to clarify that the Federal Energy Regulatory Commission (FERC) has authority to promote and encourage the construction or modification of electricity transmission facilities within and between regions of the country to ensure an abundant supply of electric energy throughout the United States.
- Subsection (b) amends Section 202(b) of the FPA to allow FERC, upon application by a state or utility, to direct the construction of transmission determined to be in the national interest.
- Subsection (c) amends Section 216 of the FPA to give the Secretary of Energy, on application by FERC, authority to designate an electric transmission facility to be necessary

- in the national interest, conditioned upon completion of any required environmental review by the appropriate lead agency, as applicable. The Secretary shall make the determination after opportunity for a hearing and after consideration of relevant factors.
- Subsection (d) allows FERC, after notice and hearing opportunity, to issue a construction permit for a project conditionally determined by the Secretary to be in the national interest if FERC also finds the project satisfies a list of relevant considerations.
- Subsection (e) allows eminent domain to be exercised on State land.
- Subsection (f) directs FERC to allocate the costs of projects the Commission determines to meet certain criteria under this subsection in accordance with FERC's cost allocation principles and roughly commensurate with the estimated project benefits.
- Subsection (g) clarifies that FERC is the lead agency for environmental reviews under this section except where approvals are issued by the Secretary of Interior.
- Subsection (h) amends Section 219 of the FPA to allow FERC to approve for cost recovery payments to jurisdictions impacted by a project under this section.

#### Sec. 3. Definition of Natural Gas Under the Natural Gas Act.

• Clarifies that the Federal Energy Regulatory Commission has jurisdiction to regulate interstate hydrogen infrastructure in addition under the Natural Gas Act in addition to interstate natural gas infrastructure currently regulated under the Natural Gas Act.

#### Sec. 4. Authorization of the Mountain Valley Pipeline.

#### **Topline Summary:**

• Requires federal agencies to issue all approval and permits necessary for the construction of the Mountain Valley Pipeline.

- Subsection (a) states that Congress finds the timely completion of the Mountain Valley Pipeline is necessary to ensure affordable and reliable natural gas supplies, to facilitate a transition to cleaner fuels, reduce carbon emissions, and is in the national interest.
- Subsection (b) states that the purpose of this section is to require Federal officers and agencies to take all necessary actions to permit the completion of the Mountain Valley Pipeline without further delay.
- Subsection (c) provides definitions for this section.
- Subsection (d) directs that within 30 days of enactment, the Secretary of the Interior, Secretary of Agriculture, Secretary of the Army, and Federal Energy Regulatory Commission shall issue necessary biological opinions, incidental take statements, rights-of-way, amendments, permits, leases, verifications, and other authorizations for the construction and operation of the Mountain Valley Pipeline, substantially in the forms previously approved.
- Subsection (e) allows a Secretary concerned to modify a biological opinion, incidental take statement, right-of-way, amendment, permit, verification, or other authorization previously

- approved to correct a deficiency in the record or protect the public interest or the environment.
- Subsection (f) establishes that subsection (d) supersedes any law relating to an administrative determination as to whether a biological opinion, incidental take statement, right-of-way, amendment, permit, verification, or other authorization shall be issued for the Mountain Valley Pipeline.
- Subsection (g) establishes that the actions required under subsection (d) to construct the pipeline are not subject to judicial review. The subsection establishes that the United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over any claim arising under this section.

Prepared by the Majority Staffs of the Senate Energy and Natural Resources Committee and the Senate Environment and Public Works Committee



To: Municipal Water District of Orange County

From: Syrus Devers, Best Best & Krieger

Date: October 5th, 2022 Re: Monthly Report

#### Legislative/Adminsitrative Report

As of the date this report was prepared, SB 1157 (Hertzberg) had not been acted upon by the Governor. MWDOC and IRWD have sent a joint letter to Newsom asking for a signing message directing the SWRCB to provide a variance for recycled water that addresses the technical impacts of reducing the indoor water use efficiency standard to 42 gpcd. Other water agencies sent similar requests. Newsom must act on all pending legislation by September 30<sup>th</sup> and BB&K will report on the results at the Workshop.

#### **WEROC EOC Funding Drive**

BB&K was successful earlier this year in getting unanimous support from the Orange County delegation for state funding for a permanent WEROC Emergency Operations Center, but there were setbacks along the way and the budget request was ultimately not granted. The primary obstacle to funding the EOC is that the process of granting budget requests is a partisan process, and the site for the EOC is in Republican Senate and Assembly districts.

As a possible workaround, BB&K approached Senator Dave Min (Democrat-Lake Forest) late last year about taking the lead on the budget request since the El Toro Water District was donating the land for the EOC and the district's headquarters are located in his district. It was a stretch but worth a try. Senator Min's office was initially enthusiastic but later declined to take a lead position. As a result, the subsequent budget request was not treated as a "member's request," which has a specific meaning in the budget process. Instead it was in the same category as other budget requests from outside groups but with one significant advantage; it enjoyed the support of every member from OC. It is one thing for a member to say they support a budget request, it is another thing for a legislator to say, "this project is one of my top three priorities this year."

BB&K will try a similar strategy again, but there is an alternative to getting one member to put in a budget request, but it is a heavy lift. If *every* member of the OC delegation, or at least every Democrat



and the relevant Republicans, were to agree to make the EOC funding an individual priority, the request would then become a "member's request" (i.e., the same process for individual member requests) but it would be from the entire OC delegation and not any one member. This sounds like semantics, but it makes a significant difference in the how the request is processed and the odds of success. It is a way to get the EOC budget request submitted as a member's request but not have it determined by partisan politics, or at least far less partisanship.

It may seem counterintuitive to hope for every member of the OC delegation to list the EOC as an individual funding priority when no single member was willing to do so, but it is not out of the question. The reason is that a delegation budget request will not be weighed against any one member's budget priorities. Not all Democrats get their budget requests fulfilled, and very few get more than one. For this reason, they are selective in listing their top individual priorities. But if a delegation request gets funded, it would not count against any of their individual projects.

Of course there is a catch. For this to happen, every member must know that the budget request will be treated as a delegation request *before* they compile their own list of budget priorities, which begins early in the year. That is what BB&K and MWDOC staff will be working on in October and November. In practice it means asking member's for support contingent upon getting support from every other OC delegation member. On a positive note, all the effort early this year educating members and staff about WEROC and the need for a permanent EOC will give us a needed head start on the process.

#### Housekeeping

At the end of every legislative session BB&K requests that MWDOC board members glance at the bills that were on the "watch" list. These bills were followed by BB&K but not analyzed or brought to the attention of the board. Please look to make sure there were no bills that should have been a priority and let us know if we missed any so that BB&K and MWDOC staff can continue to refine our bill review process. Thank you.

### **ACKERMAN CONSULTING**

#### **Legal and Regulatory**

October 5, 2022

- 1. Wildfires and Snow Melt: Colorado State University water experts have been studying the impact of wildfires on snowmelt in the Western US. Their work has shown that more of our recent wildfires have been burning at higher altitudes. As a result, snow is melting 18 to 24 days earlier than usual. Research has shown that our latemelt zones which normally stay cold and covered until past May, are starting to melt much sooner when exposed to wildfires. The ground cannot absorb the increased water and in runs off in streams and rivers. Trees and their outgrowth usually delay the melting process, but fires allow all the snow to build up on the ground. This creates faster melting and increased action by wind elements. Their report also showed that snow in burned areas has less moisture.
- 2. **Increased Fire Pollutants:** The increase of wildfires has caused an increase of all kinds of pollutants in streams and soil. Fires not only destroys forests and brush but also houses, vehicles and man-made stuff. Fires increase stream flow; sediment build up and water temperature. As we have previously reported, the Paradise fire generated arsenic and benzene which threatened the water supply. They point out that not much research has been done on the overall fallout of fire caused pollutants. More attention is needed to prepare water managers and other charged with clean up afterward.
- 3. **Disney Water Conservation:** Disneyland has a horticultural team that takes care of it 17,000 trees and 1,000 floral beds. They already employ computers, drip irrigation, monitors and all the high-tech devices to conserve water. Last year they achieved and 13% decrease over the prior year and are hoping to achieve an additional 11% with their future plans. Disney created is own climate district with an earthen berm that surrounds the park, reflective hardscape, and other man-made waterways. They use their own weather station (in the Toy Story parking lot) which monitors all the various elements and shuts down everything with the hint of rain. They have been recently following evapotranspiration (plant sweat) which calculates water traveling through the plant and exiting leaves and adjusts their watering dosages appropriately. They employ these techniques in their hotels and other activities near the park. They have also increased the use of artificial turf.
- 4. **PFAS Cure:** The University of Washington is experimenting with supercritical water to destroy the PFAS molecules. Putting water under high pressure and extreme heat creates supercritical water which is neither liquid nor gas. This breaks down the PFAS by attacking the molecular structure. The water is between 400 and 600 degrees C (750 to 1130 degrees F). This process is effective but requires lots of energy and very controlled environments.
- 5. **More PFAS Cures:** Northwestern University is taking the PFAS battle to another level. Their process uses low temperature and energy, and cheap common chemicals. This causes the PFAS to break apart leaving harmless

byproducts. The chemical bonds of PFAS make it hard to attack. This system uses carbon and fluorine, both common and inexpensive materials, to set up reactions with the PFAS. There are more than 12,000 different PFAS compounds and these tests have been very successful on 10. They are optimistic that with slight variations in the chemicals they will be able to attach all 12,000.

- 6. Water Rights Win: We have been reporting on the ongoing battle between the State Water Resources Control Board and senior water rights. Two weeks ago, a Court of Appeal decided that senior water rights should win. This case arose from the Board's order in 2015 during that drought that senior water rights holders had to cut back their use. These right holders were pre 1914 appropriative water right holders. The Board believes they still have the power to curtail those right and will probably appeal to the Supreme Court. This current opinion does not address emergency powers which the Board believes gives them additional authority. Also, it did not address many infrastructure changes which occurred since 1914.
- 7. **Drought Impact on Agriculture:** As we all are aware, California is the number one ag state in the nation. We produce 1/3 of the US vegetables, ¾ of our fruits and nuts (being leaders in grapes, strawberries, and lettuce). We are the most senior state regarding allocations from the Colorado River, primarily the Imperial Valley. Last year, the drought cost ag over \$1.1 billion and over 390,000 acres were fallowed. Continued drought conditions will seriously impact both the California economy and US food production. As we have mentioned before, this becomes more important when are world is still facing issues with China and Russia, and having a secure source of food can be critical to national security.
- 8. Water to Fuel: The University of Oulu (Finland) is working on a process which is cheap and converts water into fuel. Hydrogen can be produced from water by using sunlight and a nickel catalyst which splits the water into oxygen and hydrogen. These hydrogen fuel cells have used very expensive metals in the past which made the process not cost effective. Nickle is much more affordable. The key to this discovery is synchrotron technology which uses intense X-rays to explore the surfaces of various materials.
- 9. **Snowmelt Study:** A recent study from the University of Nevada looked at the process of snow falling and ultimately melting and finding its way into streams reservoirs and the like. They looked at factors which impact this process and how this could help with better water prediction and management. The big three factors were how much snow is left at the end of the season, how fast it melts and when it melts. As you might have guessed, they concluded there is major disparity across the US as to the significance of each of these factors when looking at how much water finally is realized. The group looked at 150 studies from around the world on this topic. They acknowledge that while it seems as if there should more certainty in the forecasting, the fact is there is still a lot of uncertainty in this process. The reason being in some part to Mother Nature. Factors such as evaporation, climate change, temperature, topography, and timing have dramatic affects on the three major factors originally mentioned. This makes forecasting and truly accurate data more complex.
- 10. **Agriculture and Grey Water:** While California has been a leader in ags use of grey water, the rest of the country has not been so receptive. The conclusion of this study was lack of education and infrastructure. Even in California, there is not universal acceptance of the concept. Some are still worried about the product being tainted by the grey water..it is not. Some states have laws that limit or forbid use of grey water for ag. Other

states have complex regulations and plumbing codes. Infrastructure is a large issue since separate systems have to be installed to accomplish the result.

- 11. **Spaghetti Sauce Threat:** Another result of the drought in California is a shortage of tomato sauce. We produce ¼ of the worlds tomato supply. In addition to the lack of water, the cost of producing tomatoes has almost doubled in the last ten years (fuel and fertilizer). While the supply has been reduced and the price increased, the demand has not changed, and folks are paying a higher price. There is not good substitute for tomato sauce!!
- 12. **Self-healing Pipes:** Engineers from England are developing a solution to repair leaks in pipes without digging them up. A combination of water, gel, minerals is injected into the pipes that have leaks. The solution finds the hole and seals the leak from the outside. This could be a real game changer reducing the amount of digging and repairing normally involved is fixing a leak.

## **MWDOC - Bill Matrix**

Prepared by Best Best & Krieger, September 28, 2022

### **A. Priority Support/Oppose**

Measure	Author	Topic	Status	Brief Summary	Position	Priority
AB 1195	Garcia, Cristina D	Limited Eligibility and Appointment Program: lists.	the	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, as an alternative to receiving a combined list of eligible candidates, would require the department, upon request of an appointing power, to provide a list of eligibles that includes only the names and addresses of candidates, if any, on a LEAP referral list and the names and addresses of candidates, if any, on any applicable reemployment or State Restriction of Appointment list. The bill would authorize the appointing power to notify individuals listed of the opportunity to apply for a vacant position, to screen applications for candidates' eligibility, and to hire from among those eligible applicants whose names appear on the list. The bill would authorize the board to adopt or amend regulations, if necessary, to ensure these procedures are implemented in a manner consistent with merit principles and the California Constitution.	Oppose unless amended	A. Priority Support/Oppose
AB 1845	Calderon D	Metropolitan Water District of Southern California: alternative project delivery methods.	9/13/2022- Approved by the Governor. Chaptered by Secretary of State - Chapter 275, Statutes of 2022.	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 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.	Support	A. Priority Support/Oppose
<u>AB 1944</u>	Lee D	Local government: open and public meetings.	7/5/2022-Fa iled Deadline pursuant to	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	Watch	A. Priority Support/Oppose
					Page 3	35 of 90

			Rule 61(b)(14). (Last location was S. GOV. & F. on 6/8/2022)	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.		
AB 2142	Gabriel D	Income taxes: exclusion: turf replacement water conservation program.	8/30/2022- Enrolled and presented to the Governor at 4 p.m.	The Personal Income Tax Law and the Corporation Tax Law, in conformity with federal income tax law, generally defines "gross income" as income from whatever source derived, except as specifically excluded, and provides various exclusions from gross income. 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 both of these laws, 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
AB 2278	Kalra D	Natural resources: biodiversity and conservation report.	9/16/2022- Approved by the Governor. Chaptered by Secretary of State - Chapter 349, Statutes of 2022.	By Executive Order No. N-82-20, Governor Gavin Newsom directed the Natural Resources Agency to combat the biodiversity and climate crises by, among other things, establishing the California Biodiversity Collaborative and conserving at least 30% of the state's lands and	Watch	A. Priority Support/Oppose

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AB 2387	Garcia, Eduardo D	Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.	ailed Deadline pursuant to Rule 61(b)(18). (Last location was APPR. SUSPENSE FILE on 5/11/2022)	heat mitigation, and workforce development programs.	Watch	A. Priority Support/Oppose
AB 2449	Rubio, Blanca D	Open meetings: local agencies: teleconferences.	9/13/2022- Approved by the Governor. Chaptered by Secretary of State - Chapter 285, Statutes of 2022.	Current law, 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 generally requires posting an agenda at least 72 hours before a regular meeting that contains a brief general description of each item of business to be transacted or discussed at the meeting, and prohibits any action or discussion from being undertaken on any item not appearing on the posted agenda. This bill would revise and recast those teleconferencing provisions and, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the 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
AB 2451	Wood D	State Water Resources Control Board: drought planning.	ailed Deadline	(1)Current law establishes within the Natural Resources Agency the State Water Resources Control Board and the California regional water quality control boards. Current law requires the work of the state board to be divided into at least 2 divisions, known as the Division of Water Rights and the Division of Water Quality. Current law requires the state board to formulate and adopt state policy for water quality control. This bill would create a Drought Section within the state board, 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	Watch Page 3	A. Priority Support/Oppose

				state board to adopt those principles and guidelines no later than March 31, 2024.		
AB 2639	Quirk D	San Francisco Bay/Sacramento- San Joaquin Delta Estuary: water quality control plan: water right permits.	5/27/2022-F ailed Deadline pursuant to Rule 61(b)(11). (Last location was A. THIRD READING on 5/19/2022)	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
SB 45	Portantino D	Short-lived climate pollutants: organic waste reduction goals: local jurisdiction assistance.	9/19/2022- Approved by the Governor. Chaptered by Secretary of State. Chapter 445, Statutes of 2022.	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. Current law authorizes the department, if it determines that significant progress has not been made toward achieving the organic waste reduction goals established by the state board, to include incentives or additional requirements in its regulations to facilitate progress towards achieving the goals. This bill would require the department, in consultation with the state board, to assist local jurisdictions in complying with these provisions, including any regulations adopted by the department.		A. Priority Support/Oppose
SB 222	Dodd D	Water Rate Assistance Program.	9/6/2022-E nrolled and presented to the Governor at 3:30 p.m.	Current law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This bill would establish the Water Rate Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to low-income residential ratepayers. The bill would make moneys in the fund available upon appropriation by the Legislature to the state board to provide, in consultation with relevant agencies, direct water bill assistance to low-income residential ratepayers served by eligible systems, as defined, and would require 80% of total expenditures from the fund to be directly applied to residential ratepayer accounts.	Watch	A. Priority Support/Oppose

SB 230	Portantino D	State Water Resources Control Board: Constituents of Emerging Concern in Drinking Water Program.	9/6/2022-E nrolled and presented to the Governor at 3:30 p.m.	Current law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. The state board's duties include, but are not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable and safe supply of drinking water, enforcing the federal Safe Drinking Water Act, and adopting and enforcing regulations. This bill would require the state board to build upon its existing work dealing with, and work to improve its knowledge of, constituents of emerging concern (CEC) in waters of the state and drinking water.	Support	A. Priority Support/Oppose
SB 991	Newman D	Public contracts: progressive design-build: local agencies.	9/2/2022-A pproved by the Governor. Chaptered by Secretary of State. Chapter 243, Statutes of 2022.	Current law authorizes the Director of General Services to use the progressive design-build procurement process for the construction of up to 3 capital outlay projects, as jointly determined by the Department of General Services and the Department of Finance, and prescribes that process. Current law defines "progressive design-build" as a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project. Current law, pursuant to the process, after selection of a design-build entity, authorizes the Department of General Services to contract for design and preconstruction services sufficient to establish a guaranteed maximum price, as defined. Current law authorizes the department, upon agreement on a guaranteed maximum price, to amend the contract in its sole discretion, as specified. Current law requires specified information to be verified under penalty of perjury. This bill, until January 1, 2029, would 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 up to 15 public works projects in excess of \$5,000,000 for each project, similar to the progressive design-build process authorized for use by the Director of General Services.	Support	A. Priority Support/Oppose
SB 1157	Hertzberg D	Urban water use objectives.	9/13/2022- Enrolled and presented to the Governor at 3 p.m.	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. Current 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	Oppose unless amended	A. Priority Support/Oppose

greater of 50 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use. Current law requires the board, in coordination with the department, to adopt by regulation variances recommended by the department and guidelines and methodologies pertaining to the calculation of an urban retail water supplier's urban water use objective recommended by the department. This bill would eliminate the option of using the greater of 52.5 gallons per capita daily, as applicable, or a standard recommended by the department and the board as the standard for indoor residential water use. The bill would instead require that from January 1, 2025, to January 1, 2030, the standard for indoor residential water use be 47 gallons per capita daily and beginning January 1, 2030, the standard be 42 gallons per capita daily.	
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### B. Watch

Measure	Author	Topic	Status	Brief Summary	Position	Priority
AB 1001	Garcia, Cristina D	Environment: mitigation measures for air quality impacts: environmental justice.	7/5/2022-Fa iled Deadline pursuant to Rule 61(b)(14). (Last location was S. E.Q. on 5/4/2022)	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-F ailed 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	Watch	B. Watch

				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 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).	9/12/2022- Enrolled and presented to the Governor at 4 p.m.	Would prohibit, beginning January 1, 2025, any person from manufacturing, distributing, selling, or offering for sale in the state any new, not previously owned, textile articles that contain regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS, except as specified, 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 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.	9/16/2022- Approved by the Governor. Chaptered by Secretary of State - Chapter 347, Statutes of 2022.	Current law requires the State Water Resources Control Board to formulate and adopt state policy for water quality control. Current law requires the regional boards to prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge, except discharges into a community sewer system, with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. Current law also authorizes the state board or a regional board to waive these requirements as to a specific discharge or type of discharge if the state board or a regional board determines, after any necessary state board or regional board meeting, that the waiver is consistent with any applicable state or regional water quality control plan and is in the public interest. This bill would, among other things, specify that the state board and each regional board need to begin outreach to identify issues of environmental justice as early as possible in planning, policy, and permitting processes. The bill would require the state board and each regional board to engage in equitable, culturally relevant community outreach to promote meaningful civic engagement from potentially impacted communities of proposed discharges of waste that may have disproportionate	Watch Page 4	B. Watch

				impacts on water quality in disadvantaged communities or tribal communities and ensure that outreach and engagement shall continue throughout the waste discharge planning, policy, and permitting processes.		
AB 2247	Bloom D	Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products and product components: publicly accessible data collection interface.	9/12/2022- Enrolled and presented to the Governor at 4 p.m.	Would require, as part of the hazardous waste control laws, the department to contract with an existing multistate chemical data collection entity that is used by other states and jurisdictions to implement, by January 1, 2026,	Watch	B. Watch
AB 2313	Bloom D	Water: judges and adjudications.	8/12/2022-F ailed Deadline pursuant to Rule 61(b)(15). (Last location was APPR. SUSPENSE FILE on 8/2/2022)	Existing 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 authorize 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. The bill would require a court to prioritize assigning a judge with training or education under the program for actions relating to water, if certain conditions are met. This bill contains other related provisions and other existing laws.	Watch	B. Watch
AB 2477	Rodriguez D	Emergency alert and warning service providers: minimum operating standards.	8/12/2022-F ailed Deadline pursuant to Rule 61(b)(15). (Last location was APPR. SUSPENSE FILE on 8/2/2022)		Watch	B. Watch

				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.		
AB 2605	Villapudua D	Water quality: state certification.	4/29/2022-F ailed 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 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.	Watch	B. Watch
AB 2740	<u>Dahle,</u> <u>Megan</u> R	Water resources: desalination.	5/6/2022-Fa iled 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	<u>Friedman</u> D	Water meters: urban water suppliers.	5/6/2022-Fa iled Deadline pursuant to Rule 61(b)(6). (Last location	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.	Watch	B. Watch

			was A. PRINT on 2/18/2022)	This bill would delay that requirement for an urban water supplier to install the water meters to on or before January 1, 2030.		
AB 2811	Bennett D	California Building Standards Commission: recycled water: nonpotable water systems.	4/29/2022-F ailed 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-Kah an D	Sustainable Groundwater Management Act: groundwater sustainability plans: domestic well impacts.	ailed Deadline pursuant to Rule 61(b)(5). (Last location was W.,P. & W. on 3/24/2022)	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 prescribes that a 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 or a user of water from a domestic well to an unreasonable financial burden or expense.	Watch	B. Watch
AB 2876	Bigelow R	Sustainable Groundwater Management Act.	5/6/2022-Fa iled 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	Watch	B. Watch

				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.		
AB 2877	Garcia, Eduardo D	Safe and Affordable Drinking Water Fund: tribes.	9/23/2022- Approved by the Governor. Chaptered by Secretary of State - Chapter 481, Statutes of 2022.	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, 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 any waiver of tribal sovereignty that is required by the state board for a tribe that is an eligible recipient to access funding from the fund shall be narrowly drafted to serve both the individual needs of the tribe and make the funding agreement enforceable. The bill would require the state board to include its designated tribal liaison, as defined, in all discussions with eligible recipients, except as specified.	Watch	B. Watch
AB 2895	Arambula D	Water: permits and licenses: temporary changes: water or water rights transfers.	9/9/2022-E nrolled and presented to the Governor at 4 p.m.	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. 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. The bill would eliminate the	Watch Page 4	B. Watch

				requirement that a petitioner publish notice of a petition in a newspaper.		
AB 2919	Fong R	Dams: release of water: fish populations.	4/29/2022-F ailed 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 480	Stern D	Metropolitan Water District of Southern California: rules: inappropriate conduct.	ailed Deadline pursuant to Rule 61(b)(18). (Last location was INACTIVE FILE on 8/24/2022)	The Metropolitan Water District Act provides for the creation of metropolitan water districts and specifies the powers and purposes of a district. The act requires the Metropolitan Water District of Southern California to establish and operate an Office of Ethics and adopt rules relating to internal disclosure, lobbying, conflicts of interest, contracts, campaign contributions, and ethics for application to its board members, officers, and employees. This bill would require the Metropolitan Water District of Southern California to adopt rules relating to inappropriate conduct, as defined, by board members, officers, and employees.	Watch	B. Watch
SB 832	Dodd D	Water rights: measurement of diversion.	5/20/2022-F ailed 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.	8/31/2022-F ailed Deadline pursuant to Rule 61(b)(18). (Last location was N.R. & W. on 2/9/2022)	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	Watch	B. Watch

				as of January 1, 2031.		
SB 892	Hurtado D	Cybersecurity preparedness: food and agriculture sector and water and wastewater systems sector.	9/6/2022-E nrolled and presented to the Governor at 3:30 p.m.	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 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 Cal OES to direct Cal-CSIC to prepare, and Cal OES to submit to the Legislature on or before January 1, 2024, a strategic, multiyear outreach plan to assist the food and agriculture sector and the water and wastewater sector in their efforts to improve cybersecurity and an evaluation of options for providing grants or alternative forms of funding to, and potential voluntary actions that do not require funding and that assist, those sectors in their efforts to improve cybersecurity preparedness.	Watch	B. Watch
<u>SB 1059</u>	Becker D	Privacy: data brokers.	5/20/2022-F ailed 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
<u>SB 1078</u>	Allen D	Sea Level Rise Revolving Loan Pilot Program.	9/13/2022- Enrolled and presented to the Governor at	Would require the Ocean Protection Council, in consultation with the State Coastal Conservancy, to develop the Sea Level Rise Revolving Loan Pilot Program, within 12 months of receiving specified requests from local jurisdictions to do so, for purposes of		B. Watch

			3 p.m.	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 in consultation with other state planning 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-F ailed 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.	7/5/2022-Fa iled Deadline pursuant to Rule 61(b)(14). (Last location was A. W.,P. & W. on 6/2/2022)	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	Watch Page 4	B. Watch

SB 1476	Bradford D	Water replenishment districts: contracts.	8/23/2022- Enrolled and presented to the	state agencies, at the request of the committee, to make available staff and resources to assist in the preparation of the strategic vision and proposed statutes.  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	Watch	B. Watch
			Governor at 12:30 p.m.	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.		
C. Sp	ot Bill					
Measure	Author	Topic	Status	Brief Summary	Position	Priority
AB 2201	Bennett D	Groundwater sustainability agency: groundwater extraction permit: verification.	8/31/2022-F ailed Deadline pursuant to Rule 61(b)(18). (Last location was CONCURR	Current law authorizes a groundwater sustainability agency to request of the county, and requires a county to consider, that the county forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the agency before permit approval. Current law also authorizes the State Water Resources Control Board to designate a high- or	Watch	C. Spot Bill

Measure	Autiloi	Topic	Status	Difer Summary	rosition	riiority
AB 2201	Bennett D	Groundwater		Current law authorizes a groundwater	Watch	C. Spot Bill
		sustainability	ailed	sustainability agency to request of the county,		
		agency:	Deadline	and requires a county to consider, that the		
		groundwater	pursuant to	county forward permit requests for the		
		extraction permit:		construction of new groundwater wells, the		
		verification.	61(b)(18).	enlarging of existing groundwater wells, and		
			(Last	the reactivation of abandoned groundwater		
			location	wells to the agency before permit approval.		
			was	Current law also authorizes the State Water		
			CONCURR			
			ENCE on	medium-priority basin as a probationary basin		
			8/30/2022)	under certain conditions for specified purposes.		
				This bill would instead require a county to		
				forward permit requests for the construction of		
				new groundwater wells, the enlarging of		
				existing groundwater wells, and the reactivation		
				of abandoned groundwater wells to the		
				groundwater sustainability agency before		
				permit approval. The bill would prohibit a		
				county, city, or any other water well permitting		
				agency from approving a permit for a new		
				groundwater well or for an alteration to an		
				existing well in a basin subject to the act and		
				classified as medium- or high-priority unless		
				specified conditions are met, including that it		
				obtains a written verification, from the		
				groundwater sustainability agency that manages		
'					Page 4	9 of 90

	Dianed D	residential water use.	Deadline pursuant to	Resources Control Board, and in collaboration with and input from stakeholders, to conduct necessary studies and investigations and		
AB 2157	Rubio, Blanca D	Urban water use objectives: indoor	5/6/2022-Fa	Current law requires the Department of Water Resources, in coordination with the State Water		Dead Bill
/leasure	Author	Topic	Status	Brief Summary	Position	Priority
Dead	d Bill					
Door	۲ D:II	<u> </u>	31 231 2022)			
			(Last location was E. & C.A. on 3/23/2022)	documents for the elective office. This bill would require the county elections official to post on their internet website an office that has an extended nomination period.		
			pursuant to Rule 61(b)(5).	primary election, any person other than the incumbent has until 5 p.m. on the 83rd day before the election to file nomination		
B 1485	Rubio D	Elections: required filings.		Under current law, if an incumbent officer of a county does not deliver their nomination papers by 5 p.m. on the 88th day before the direct	Watch	C. Spot Bill
			Deadline pursuant to Rule 61(b)(18). (Last location was RLS. on 2/18/2022)	Board to formulate and adopt state policy for water quality control. This bill would make nonsubstantive changes to that provision.		
B 1459	Caballero D	State water policy.	8/31/2022-F ailed	The Porter-Cologne Water Quality Control Act requires the State Water Resources Control	Watch	C. Spot Bill
B 1442	Borgeas R	Water conservation and reclamation projects.	8/31/2022-F ailed Deadline pursuant to Rule 61(b)(18). (Last location was RLS. on	Current law establishes the Water Conservation Projects Act of 1985 and declares the intent of the Legislature to encourage local agencies and private enterprise to implement water conservation and reclamation projects. This bill would make nonsubstantive changes to related legislative findings and declarations.	Watch	C. Spot Bill
.B 2940	Dahle, Megan R	Water rights: reasonable and beneficial use of water.	5/6/2022-Fa iled Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/18/2022)	limited to that water that is reasonably required for the beneficial use to be served, and does not extend to the waste or unreasonable use, unreasonable method of use, or unreasonable method of diversion of water. This bill would make nonsubstantive changes to that provision.	Watch	C. Spot Bill
D 2040	Dalda	Water	E/C/2022 F-	other things, the extraction by the proposed well is consistent with any sustainable groundwater management program established in any applicable groundwater sustainability plan adopted by that groundwater sustainability agency or an alternate plan approved or under review by the Department of Water Resources.	Watak	C. South Pill
				the basin or area of the basin where the well is proposed to be located, determining that, among		

	61	(b)(6).	authorizes the department and the board to	
		ast	jointly recommend to the Legislature a standard	
	loc	cation	for indoor residential water use. Current law,	
	wa	as A.	until January 1, 2025, establishes 55 gallons per	
	PR	RINT on	capita daily as the standard for indoor	
			residential water use, beginning January 1,	
		,	2025, establishes 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	
			recommended by the department and the board	
			as the standard for indoor residential water use.	
			This bill would make a nonsubstantive change	
			to the provision requiring the department and	
			the board to collaborate with, and seek input	
			from, stakeholders with regard to the studies,	
			investigations, and report.	

**Total Measures: 45** 

Total Tracking Forms: 45

Item No. 3e

Louis	Bill Number	Ctatus	Title Summony	MAXIN Docition	Defeate on Methomolitan
10pic	Author	Status	rice – Summary	IVI VY D I OSICIOII	Ellects on Metropontan
Metropolitan-	SB 230	Amended	State Water Resources Control	CO-SPONSOR	Metropolitan and water agencies will
sponsored bills	Portantino (D)	8/23/2022	<b>Board: Constituents of</b>		benefit from State Water Board efforts
			Emerging		to ensure CECs are addressed in a
	Sponsors:		Concern in Drinking Water	Based on	methodical and science-based manner,
		Enrolled	Program	October 2019	which will ultimately better protect
	Metropolitan and			Board Action	public health. The bill would require
	the California		Seeks to expand statewide		the State Water Board to build its
	Municipal		knowledge of Constituents of		knowledge of CECs in drinking water
	Utilities		Emerging Concern (CECs) in		and authorizes the Deputy Director to
	Association		waters of the state and drinking		convene a Science Advisory Panel to
	(CMUA)		water and recommend CECs for		review and provide information on
			further regulatory action.		CECs for further regulatory action.
Metropolitan-	AB 1845	Amended	Metropolitan Water District of	SPONSOR	Metropolitan is limited to the
sponsored bills	Calderon (D)	8/15/2022	Southern California:		traditional Design-Bid-Build method
			alternative project delivery	,	for delivery of public works
	Sponsor:		methods	Based on	construction contracts which can be
	1	Enrolled		October 2021	inefficient and inflexible for large,
	Metropolitan		Allows Metropolitan to use	Board Action	time-sensitive, and complex projects
			alternative project delivery		like Pure Water Southern California
			methods for the design and		and emergency drought mitigation
			construction of Pure Water		projects. Alternative delivery methods
			Southern California and a limited		such as Design-Build, Progressive
			set of emergency drought		Design-Build, and Construction
			mitigation projects.		Manager/General Contractor have the
					potential to expedite construction of
Pag					critical new water infrastructure
je (					projects and reduce their overall costs.
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Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
Delta/State	SB 832 Dodd (D)	Amended	Water rights: measurement of	SUPPORT	Metropolitan is installing meters on its
water rioject	(a) ppoq	4/0/7077	arversion.		statutory requirements. While OpenET
	Sponsor:	O see of o	Clarifies existing law that a	Based upon Board-adonted	would be a useful tool for water
	Author	Appropriations	person diverting 10 acre-reet of more of water per year under a	2022 Legislative	indicator of unlawful diversions in the
		Committee –	registration is subject to existing	Priorities and	Delta, it is a new methodology for
		Suspense File	water diversion measurement,	Principles	California. The bill requires the State
			recording, and reporting		Water Board to conduct a five-year
		;	requirements. Authorizes the		study to determine the adequacy of
		Held in	State Water Board to modify		evapotranspiration methods as a
		Committee	water diversion measurement		substitute for conventional metering
			requirements to allow open		methods to comply with State Water
			satellite data methods to estimate		Board reporting requirements.
			evapotranspiration if the board		
			makes certain findings regarding		
			use of water for irrigation.		
Delta/State	SB 1020	Amended	Clean Energy, Jobs, and	WATCH	The bill as amended on August 29
Water Project	Laird (D)	8/29/2022	Affordability Act of 2022		now requires the Department of Water
				Based on	Resources (DWR) to accelerate the
	i	;	Establishes interim targets to the	August 2022	procurement of renewable resources to
	Sponsor:	Enrolled	statewide 100 percent clean	Board Action	power the State Water Project with
			energy goal. Additionally,		100 percent clean energy by 2035.
	Author		requires state agencies including		DWR estimates the cost to be \$1.2
ſ			the State Water Project to		billion rather than \$3.3 billion when
⊃aç			accelerate their 100 percent clean		the bill, as introduced, set a target date
je 5			energy goal to 2035.		of 2030. Metropolitan and the State
3 0					Water Contractors litted their
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Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
					opposition after our amendments were adopted. The cost to Metropolitan is less but still significant.
Design-Build	SB 991 Newman (D)	Amended 8/11/2022	Public contracts: progressive design-build: local agencies	SUPPORT	SB 991 will benefit water agencies, including Metropolitan, by providing the option to use the Progressive
	Sponsors: Water	CHAPTERED	Authorize local water and wastewater agencies to each use the progressive design-build	Based on April 2022 Board Action	Design-Build delivery method, which allows for greater collaboration between the project owner and the
	Collaborative Delivery Association (formerly Design Build Council)		(PDB) project delivery method for up to 15 public works projects each in excess of \$5 million.		contractor through the design and construction phase thereby reducing project costs, risk, and schedules.
Governance	AB 2449 B. Rubio (D)	Amended 8/8/2022	Open meetings: local agencies: teleconferences	SUPPORT	AB 2449 would allow Metropolitan to hold teleconferenced meetings after
	Sponsor: Three Valleys Municipal Water	Enrolled	Amends the Ralph M. Brown Act to allow local agencies until January 1, 2026 to use teleconferencing during non-	Based on April 2021 Board Action	emergency ends and the Executive Order is lifted if a quorum of the Board's directors participate in person; give notice and post agendas
Page 54 o	District		emergencies without noticing their teleconference locations and making them publicly accessible under certain conditions.		as prescribed; ensure that directors attending meeting participate through both audio and visual technology; and allow the public to address the Board in person or by teleconference. If there
of 90			3		

Regulatory   AB 2313   Annended   Water: judges and Reform   Branch   Brown (D)   6/30/2022   adjuddentions   Brown (D)   Sponsor:   Senate   Committee   Committee   Committee   Suspense File   Steplishes the Committee   Sponsor:   Eggman (D)   Reform   Eggman (D)   Reform   Annended   California Abandoned and Perific   Based upon   Author   Committee   Suspense File   Committee   Suspense File   Committee   Committee   Suspense File   Committee   Suspense File   Committee   Committee   Suspense File   Browled   California Abandoned and Based upon   Committee   Suspense File   Commercial Vessel   Based upon   Committee   Commercial Vessel   Based upon   Committee   Commercial Vessel   Committee   Commercial Vessel   Commercial Ves	Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
egulatory AB 2313 Amended Water: judges and Bloom (D)  Sponsor: Senate California to establish a program Committee - Committee - Supense File Supens						is a disruption to the call-in or streaming options, then no action can be taken by the board.
Senate California to establish a program Author Appropriations that provides training and Committee Committee Suspense File infrastructure actions relating to water.  Held in Committee Committee  Eggman (D) 8/23/2022 Derelict Commercial Vessel Author  Sponsor: Enrolled Establishes the California Abandoned and Derelict Commercial Vessel Program  Author Abandoned and Derelict Commercial Vessel Program  Sponsor: Enrolled Abandoned and Derelict Commercial Vessel Program  Author Abandoned and Derelict Commercial Vessel Program  Principles Principles Principles Agencyto bring federal, state, and Principles Agencyto bring federal, state, and Iocal agencies together to identify,	Regulatory Reform	AB 2313 Bloom (D)	Amended 6/30/2022	Water: judges and adjudications	SUPPORT	Metropolitan's interests in enforcement of water quality law and water rights would be better served by
egulatory SB 1065 Amended California Abandoned and SUPPORT eform Eggman (D) 8/23/2022 Derelict Commercial Vessel Program Sponsor: Enrolled Establishes the California Abandoned and Derelict Abandoned and Derelict Commercial Vessel Program Author Commercial Vessel Program Within the Natural Resources Agencyto bring federal, state, and local agencies together to identify,		Sponsor: Author	Senate Appropriations Committee – Suspense File Held in Committee	Authorizes the Judicial Council of California to establish a program that provides training and education to judges in technical, scientific, legal, management, and infrastructure actions relating to water.	Based upon Board-adopted 2022 Legislative Priorities and Principles	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.
	Regulatory Reform by the state of the state	SB 1065 Eggman (D) Sponsor: Author	Amended 8/23/2022 Enrolled	California Abandoned and Derelict Commercial Vessel Program  Establishes the California Abandoned and Derelict Commercial Vessel Program within the Natural Resources Agency to bring federal, state, and local agencies together to identify,	SUPPORT  Based upon Board-adopted 2022 Legislative Priorities and Principles	SB 1065 will benefit water quality in the Bay Delta as abandoned and derelict vessels may cause sewage contamination and leakage of fuels and lubricants. Studies have shown that abandoned and derelict vessels are one of the stressors to the Delta and its species. SB 1065 would also provide protection to Metropolitan properties in the Delta in the event any vessel

	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
			prioritize and, upon appropriation, fund the removal of abandoned and derelict commercial vessels from commercially navigable waters.		happens to be abandoned in any of the waters surrounding Metropolitan's Delta Islands.
Water Bond Infrastructure Funding	SB 559  Hurtado (D)  Sponsor:  Author	Amended 8/23/2022 Gut and Amend	Tribal Gaming: compact ratification Ratifies the tribal gaming compact between State of California and the Santa Rosa Indian Community of the Santa Rosa Rancheria.	DROP	No effect on Metropolitan.
Water Conservation  A  Conservation  Conservation  Conservation  Conservation  Conservation	AB 2142 Gabriel (D) Sponsors: Association of California Water Agencies California Water Efficiency Partnership	Amended 4/6/2022 Enrolled	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.	Based upon Board adopted 2022 Legislative Priorities and Principles	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.

Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
	WaterNow Alliance				
Water Quality	AB 1817 Ting (D) Sponsors: Breast Cancer Prevention Partners Natural Resources Defense Council Clean Water Action	Amended 8/24/2022 Enrolled	Product safety: textile articles: perfluoroalkyl and polyfluoroalkyl (PFAS).  Prohibits as of January 1, 2025, any person from manufacturing, 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.	SUPPORT  Based upon Board adopted 2022 Legislative Priorities and Principles	Metropolitan supports the removal or reduction of PFAS in manufactured products in order to protect source water quality.
Water Quality Page 57 of	AB 2108 R. Rivas (D) Sponsor: California Coastkeeper Alliance	Amended 8/25/2022 Enrolled	Water policy: environmental justice: disadvantaged and tribal communities.  Requires the State Board and each regional board to begin addressing issues of environmental justice and social equity as early as possible in project planning processes and	WATCH Based on July 2022 Board Action	Some provisions in the bill are ambiguous in ways that could be interpreted to authorize and require the State Board to reallocate water rights, including in the Bay-Delta watershed, to address injustices or inequities, jeopardizing the current and future Bay-Delta Water Quality Control Plan update processes and potentially diminishing State Water Project

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Topic	Bill Number	Status	Title – Summary	MWD Position	Effects on Metropolitan
			when issuing waste discharge permits or updating state or regional water quality control plans or policies.		supplies. Author did not accept Metropolitan's requested amendments.
Water Quality	AB 2247 Bloom (D) Sponsors: Environmental Working Group Clean Water Action California Association of Sanitation	Amended 8/25/2022 Enrolled	Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products and product components: publicly accessible reporting platform.  Requires a manufacturer of PFAS or of a product containing intentionally added PFAS to register on or before July 1, 2026 and every year thereafter the PFAS or the product containing PFAS on a publicly accessible data collection website	SUPPORT Based upon Board adopted 2022 Legislative Priorities and Principles	Information about PFAS and products containing PFAS will help inform state and local decision making regarding PFAS management in order to protect source water quality.
			of Toxic Substances and an existing multi-state chemical data collection entity.		
Water quality	AB 2771 Friedman (D)	Amended 6/13/2022	Cosmetic products: safety	SUPPORT	Metropolitan supports the removal or reduction of PFAS in manufactured
Page 58 of 9	Sponsors:	Enrolled	Prohibits as of January 1, 2025, any person or entity from manufacturing, selling,	Based upon Board adopted 2022 Legislative	products to protect source water quality.
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Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
	Environmental Working Group		delivering, holding, or offering for sale in commerce any	Priorities and Principles	
	Breast Cancer Prevention Partners		PFAS.		
	The California Public Research Group (CALPIRG)				
Water Quality	SB 1124 Archuleta (D)	Amended 6/23/2022	Public health goal: primary drinking water standard:	OPPOSE UNLESS	Metropolitan supports efforts to ensure all communities have a safe
	Sponsor:		manganese	AMENDED	and reliable water supply by setting drinking water standards through the
	Author	Assembly Appropriations	Requires, on or before July 1, 2023, the Office of	Based upon Board adopted	normal regulatory process. The bill circumvents that process and could
		Committee – Suspense File	Environmental Health Hazard Assessment (OEHHA) to prepare	2022 Legislative Priorities and	compromise a rigorous scientific process backed by data and
		•	a public health goal for manganese. Requires the state	Principles	stakeholder engagement.
		Held in	board, after OEHHA publishes a		
Pa			to adopt a primary drinking water standard.		
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### ACTION ITEM October 5, 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 September 21, 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.

The Building Management Committee continues to review and discuss this item.

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



### **DISCUSSION ITEM**

October 5, 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

Water transactions for July 2022 totaled 141.3 thousand acre-feet (TAF), which was 10.8 TAF higher than the budget of 130.5 TAF and translates to \$133.6 million in revenues for July 2022, which were \$12.3 million higher than the budget of \$121.3 million.

As of July 31, 2022, Metropolitan's investment portfolio balance was \$1.3 billion.

On July 7, 2022, Metropolitan issued \$279,570,000, Water Revenue Refunding Bonds, 2022 Series A. Average annual debt service savings of approximately \$3.2 million per year will be realized over the 15-year term of the bonds. Bond proceeds were used to refund portions of outstanding revenue bonds, other debt obligations, and fund costs of issuance.

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On July 27, 2022, Metropolitan issued \$253,365,000, Water Revenue Refunding Bonds, 2022 Series B, and \$282,275,000, Water Revenue Refunding Bonds, 2022 Series C (Taxable). This will provide average annual debt service savings of approximately \$1.8 million per year over the 18-year term of the bonds. Bond proceeds were used to refund portions of outstanding revenue bonds and fund costs of issuance.

### **ISSUE BRIEF #B**

SUBJECT: MET Integrated Resources Plan Update

### **RECENT ACTIVITY**

To provide member agency access to an equivalent level of water supply reliability through necessary adaptive implementation of the IRP findings:

- Agencies in the SWP-dependent area continue to operate within the Emergency Water Conservation Program, remaining on target for total use of SWP supplies through August. The Board approved the Call to Action in support of reliable and equitable access to water and storage across the entire six-county service area, and Metropolitan staff made progress on planning for facility modifications to expand the use of Colorado River throughout Metropolitan's system.
- Alongside ongoing Colorado River negotiations, Metropolitan collaborated with several urban water agencies in Nevada and Colorado to sign an MOU that commits to further water conservation and water efficiency efforts and to expand water reuse. The MOU has been transmitted to the Bureau of Reclamation with additional information to be provided in the coming months about specific steps to be taken by each organization.

To advance the long-term reliability and resilience of the region's water sources through a One Water approach that recognizes the interconnected nature of imported and local supplies, meets both community and ecosystem needs, and adapts to a changing climate:

- Metropolitan staff began a study to evaluate potential stormwater targets for the IRP and focused on stormwater strategic planning efforts.
- Phase 2 has been initiated for the Delta Island Adaptation project to develop conceptual plans for alternative land uses on Metropolitan's Bouldin Island.

Water reserves continued to be managed according to Water Surplus and Drought Management (WSDM) principles, operational objectives, and the current 5 percent State Water Project (SWP) allocation. Deliveries of SWP supplies were minimized to preserve SWP Carryover and Flexible Storage. Releases from DVL through PC-1 to connections on the Lakeview Pipeline, as well as the DVL to Mills plant operation, continued in August to conserve SWP use in that area. Returns from the Semitropic and Kern Delta SWP Banking Programs also continued in August. Metropolitan staff continued Greg Avenue pump operations to minimize SWP usage by about 3,300 AF per month. In addition, Metropolitan staff continued coordination with member agencies, shifting their deliveries from SWP connections to Colorado River water connections, when possible. Metropolitan staff continue to develop additional drought mitigation actions to help with the low SWP allocation in 2022.

### **ISSUE BRIEF #C**

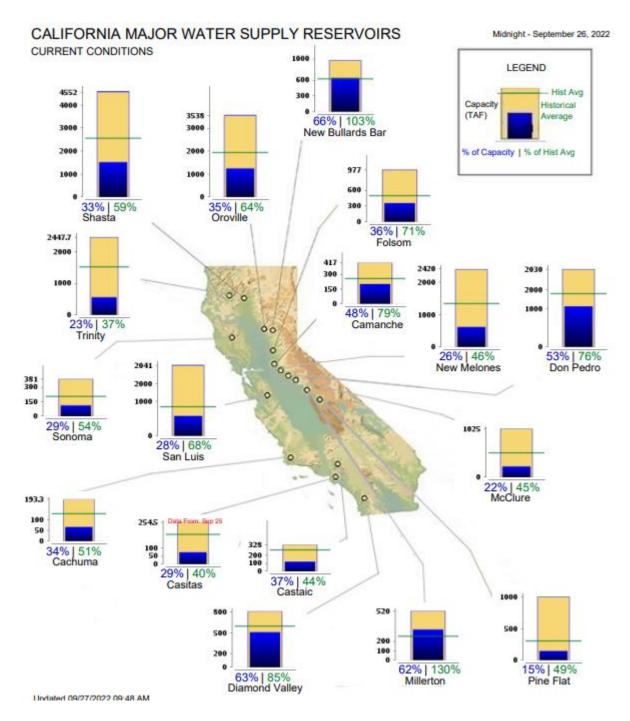
**SUBJECT:** MET's Supply Condition Update

### **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 43.0 inches or 86% of normal as of July 25th. 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. In additional, Metropolitan will receive 134,000 AF for Human Health and Safety Supply.

The Upper Colorado River Basin accumulated precipitation is reporting **29.9** inches or **100%** of normal as of September 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.

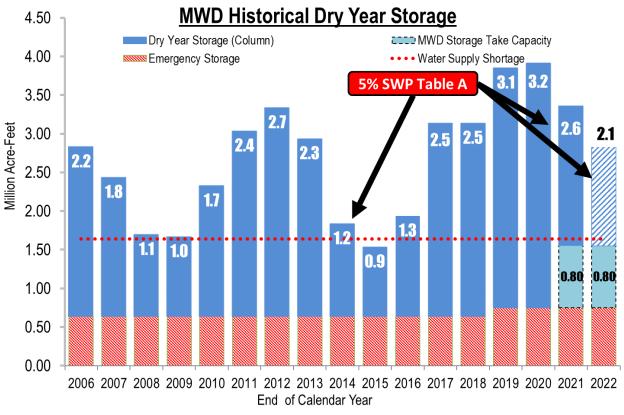
As of September 26th Lake Oroville storage is at **35% of total capacity and 64% of normal.** As of September 26th San Luis Reservoir has a current volume of **28% of the reservoir's total capacity and is 68% of normal.** 

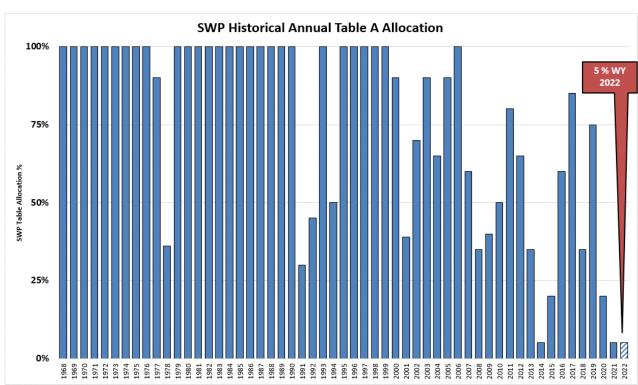


With early CY 2022 estimated total demands and losses of 1.707 million acre-feet (MAF) and with a 5% SWP Table A Allocation, Metropolitan is projecting that demands will exceed supply levels in Calendar Year (CY) 2022. Based on this, estimated total dry-year storage for Metropolitan at the end of **CY 2022 will go down to approximately 1.955 MAF.** 

A projected dry-year storage supply of 2.124 MAF would still be about 1.124 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. With a majority of MWD's water

supplies stored in Lake Mead and the uncertainty of another dry year in California there is potential for Water Supply Allocation in CY 2023.





### 2022 WSDM Storage Detail

	1/1/2022 Estimated Storage Levels	CY 2022 Take Capacity <sup>1</sup>	2022 Total Storage Capacity
WSDM Storage			
Colorado River Aqueduct Delivery System	1,252,000	179,000	1,657,000
Lake Mead ICS	1,252,000 ²	179,000 ³	1,657,000
State Water Project System	636,000	188,000	1,879,000
MWD SWP Carryover <sup>4</sup>	38.000	38,000	350,000
DWCV SWP Carryover 4	30,000	30,000	330,000
MWD Articles 14(b) and 12(e)	0	0	N/A
Castaic Lake (DWR Flex Storage)	0	0	154,000
Lake Perris (DWR Flex Storage)	49,000	49,000 5	65,000
Arvin Edison Storage Program	136,000	17,000 <sup>6</sup>	350,000
Semitropic Storage Program	218,000	51,000 <sup>7</sup>	350,000
Kern Delta Storage Program	149,000	33,000	250,000
Mojave Storage Program	19,000	0	330,000
AVEK Storage Program	27,000	0	30,000
In-Region Supplies and WSDM Actions	795,000	426,000	1,246,000
Diamond Valley Lake	600,000	343,000	810,000
Lake Mathews and Lake Skinner	179,000	67,000	226,000
Conjunctive Use Programs (CUP) 8	16,000	16,000	210,000
Other Programs	674,000	11,000	1,181,000
Other Emergency Storage	381,000	0	381,000
DWCV Advanced Delivery Account	293,000	11,000	800,000
Total	3,357,000	804,000	5,963,000
Emergency	750,000	0	750,000
Total WSDM Storage (AF) 9	2,607,000	804,000	5,213,000

- ¹ Take capacity assumed under a 5 percent SWP Table A Allocation. Storage program losses included where applicable.
- <sup>2</sup> Reflects USBR's final accounting for 2021, released in May 2022. This amount is net of the water Metropolitan stored for IID in Lake Mead in an ICS sub-account, which IID can access to avoid an overrun.
- 3 Take capacity based on planned maintenance activities and current CRA supply estimate and includes return of water to IID.
- 4 Total storage capacity varies year to year based on prior year remaining balance added to current year contractual limits.
- 5 Available for withdrawal from Castaic Lake in 2022 pursuant to an MWD-DWR agreement.
- <sup>6</sup> Take amounts dependent on exchange capabilities.
- Includes leasing 5,000 AF of return capacity from SDCWA. This provides Metropolitan the ability to withdraw more of its groundwater stored in the program.
- Total of all CUP programs including IEUA/TVMWD (Chino Basin); Long Beach (Central Basin); Long Beach (Lakewood); Foothill (Raymond and Monk Hill); MWDOC (Orange County Basin); Three Valleys (Live Oak); Three Valleys (Upper Claremont); and Western.
- 9 Total WSDM Storage level subject to change based on accounting adjustments.

### ATTACHMENT: WATER SUPPLY CONDITIONS POWERPOINT - OCTOBER 5TH





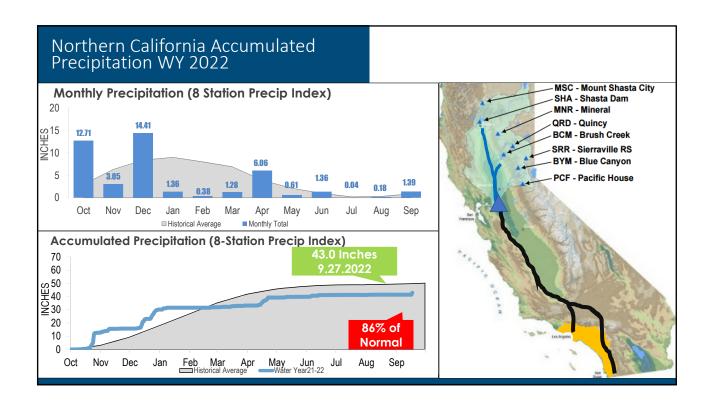


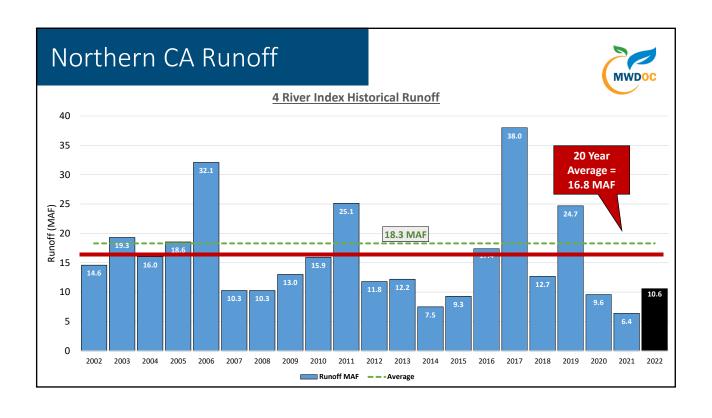


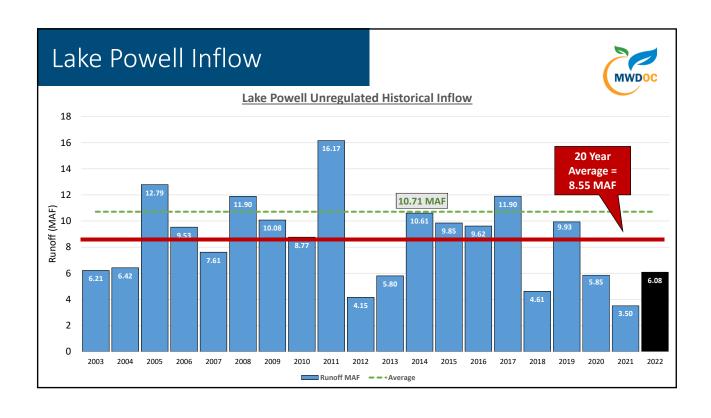
Water Supply Conditions
Kevin Hostert, Water Resources Analyst
Municipal Water District of Orange County
October 5th 2022

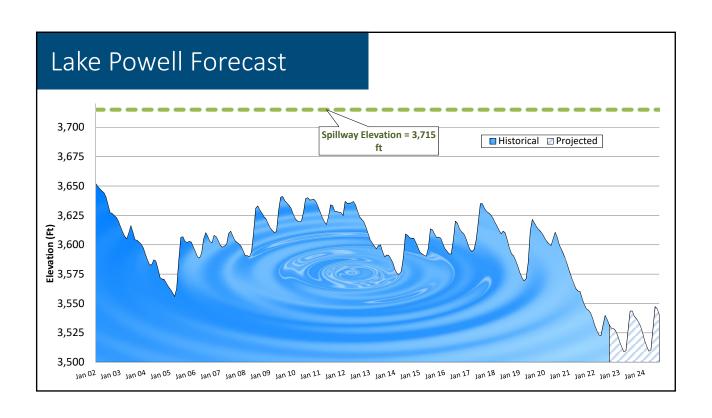


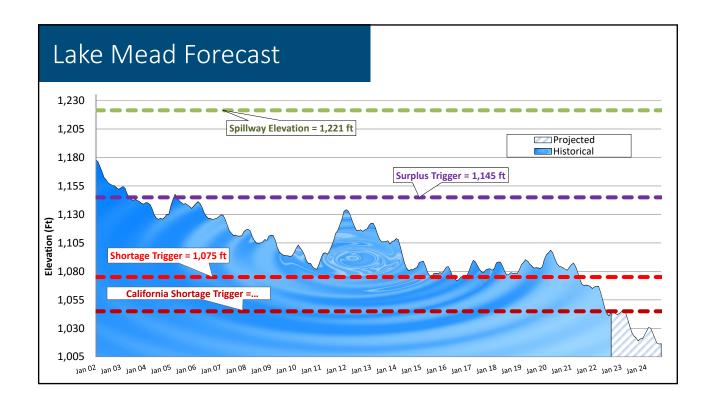


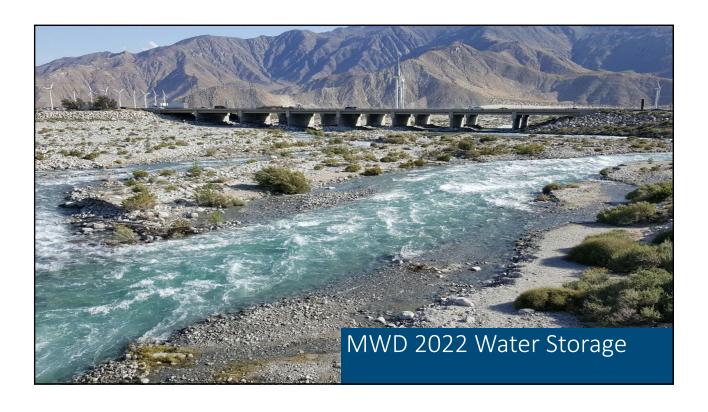


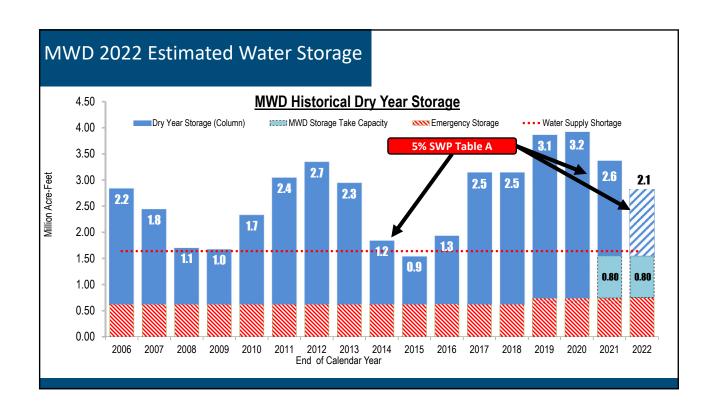


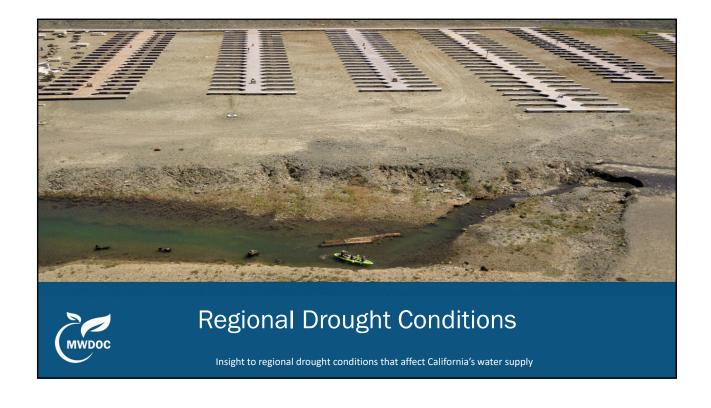


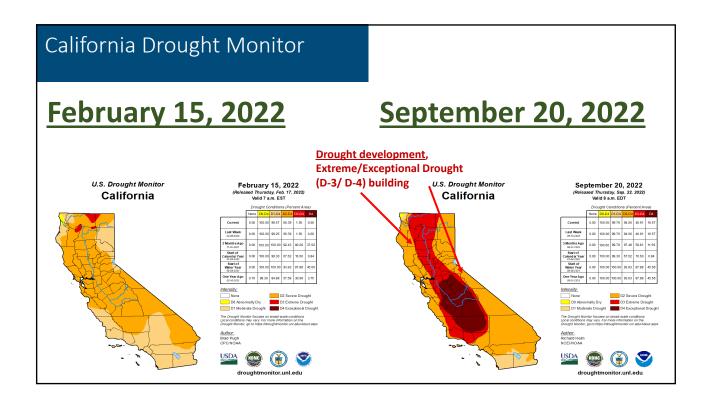






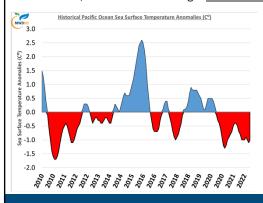


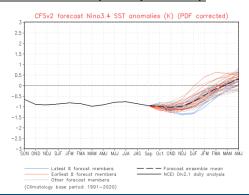




# Winter 2022-23 Outlook, more La Niña???

- 1. La Niña conditions are currently present and have been since the Summer of 2020.
- 2. La Niña is the phenomena of below average sea surface temperatures in the equatorial Pacific Ocean.
- 3. While not every La Niña is the same, and it's only one driver of the atmospheric pattern, La Niña usually has an influence on precipitation from fall through early spring in the U.S. This is typically associated with below average rainfall and cool temperatures for much of California.
- 4. As of now, NOAA is forecasting a 54% of La Niña for the Winter of 2022-23 (January to March).







### **ISSUE BRIEF #D**

**SUBJECT: MET's Water Quality Update** 

**RECENT ACTIVITY** 

### **Water System Operations**

Metropolitan member agency water deliveries were 165,300 acre-feet (AF) for August with an average of 5,332 AF per day, which was 307 AF per day higher than July. Treated water deliveries increased by 1,936 AF from July for a total of 82,200 AF, or 50 percent of total deliveries for the month. The Colorado River Aqueduct (CRA) continued operating at an eight-pump flow with a total of 105,840 AF pumped for the month. State Water Project (SWP) imports averaged 1,145 AF per day, totaling about 35,500 AF for the month, which accounted for approximately 21 percent of Metropolitan's deliveries. The target SWP blend remained at zero percent for Diemer and Skinner plants. The Weymouth plant began transitioning to 100 percent SWP blend on August 30, in preparation for the 15-day Upper Feeder shutdown during September.

### **Water Treatment and Distribution**

The State Water Project (SWP) target blend entering the Weymouth plant was less than 5 percent in August 2022, because of a small flow from Live Oak Reservoir to refresh the La Verne pipeline in preparation for the Upper Feeder shutdown in September. The SWP target blend entering the Diemer plant and Lake Skinner was zero percent in August.

Flow-weighted running annual averages for total dissolved solids from June 2021 through May 2022 for Metropolitan's treatment plants capable of receiving a blend of supplies from the SWP and the Colorado River Aqueduct were 594, 590, and 585 mg/L for the Weymouth, Diemer, and Skinner plants, respectively.

### **Source Water Quality**

On August 3, Metropolitan staff participated in the quarterly stakeholder meeting on perchlorate cleanup at the former Tronox site in Henderson, Nevada. The Nevada Environmental Response Trust reviewed the remedial program status, which includes completion of remedial investigation and risk assessment reports in 2023 and 2024 for the Operable Units that represent the most significant source of perchlorate contamination at the site. Metropolitan staff continues to monitor the overall development of the long-term remedial plan and distribution of the Trust's funds for site cleanup to ensure continued protection of Colorado River water quality.

### Water Quality Compliance, Worker Safety, and Environmental Protection.

Metropolitan complied with all water quality regulations and primary drinking water standards during July 2022. Because of the removal of permanent residences from the Whitsett Intake pumping plant village, the Intake domestic water system is no longer classified as a state

small system, as approved by the County of San Bernardino Division of Environmental Health Services on July 29. As a result, Metropolitan is not required to comply with regulatory requirements for domestic water treatment and distribution at this facility. However, Metropolitan will continue to operate and routinely monitor the Intake domestic water system to ensure continued safe and reliable drinking water at the pumping plant.

# Weekly Water Quality System Status

Wednesday, September 21, 2022

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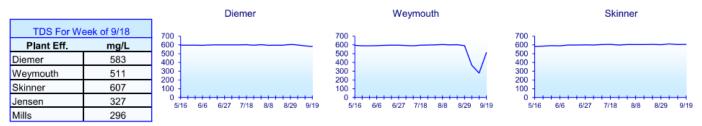
No violations of State or Federal regulations were recorded during the current period. VALLEY LAKE WATER QUALITY INFORMATION LINE: (800) 354 4420 VISIT MWD ON THE WEB AT http://www.mwdh2o.com DIAMOND 308 0 S POS. COLIFORMS 0 GEOSMIN (ng/L) 5 TDS (mg/L) 308 Tiers 2A & 3B TOT. Cl<sub>2</sub> < 1.8 (mg/L) COMPLAINTS LAKE SKINNER MILLS PLANT 2-MIB (ng/L) 2-MIB (ng/L) 1 GEOSMIN (ng/L) ND TDS (mg/L) 288\* SKINNER 283~\* SILVER-WOOD LAKE DEVIL CANYON POWER PLANT 9 DIAMOND VALLEY LAKE N/A Tier 4 GEOSMIN (ng/L) Tiers 4 & 5 2-MIB (ng/L) TDS (mg/L) BROMATE RAA (µg/L) 1.0\*\* 9.0 609 9 ģ TURBIDITY (NTU) 5.6" 0.08 100 296 SKINNER PLANT EFFLUENT <u>~</u> LAKE TURBIDITY (NTU) BROMATE (µg/L) % SPW BLEND BROMATE RAA (µg/L) 28 TTHMs (µg/L) MILLS MILLS PLANT TDS (mg/L) GEOSMIN (ng/L) 3 SKINNER TURBIDITY (NTU) TTHMs (µg/L) BROMATE (µg/L) Tiers 3 & 4 EFFLUENT % SPW BLEND 2-MIB (ng/L) TDS (mg/L) MATHEWS TDS (mg/L) SILVER-WOOD Z ZKE RESERVOIR ETIWANDA 000 POS. COLIFORMS TOT. Cl<sub>2</sub> < 1.8 (mg/L) COMPLAINTS 8 8 2.64 805 4.8 BROMATE RAA (µg/L) ND\*\* 584 WEYMOUTH PLANT EFFLUENT SKINNER LAKE 0.04 288 ě BROMATERAA(µg/L) ND\*\* AREA ģ GEOSMIN (ng/L) FINISHED-WATER RESERVOIRS TURBIDITY (NTU) Twr. 2 2-MIB (ng/L) BROMATE (µg/L) DETENTION NITRITE DIEMER PLANT EFFLUENT % SPW BLEND TDS (mg/L) TDS (mg/L) 000 TTHMs (µg/L) 9 BROMATE (µg/L) TURBIDITY (NTU) % SPW BLEND TTHMs (µg/L) TDS (mg/L) (DAYS) WEYMOUTH 00S TIME 000 PLANT LIVE OAK RESERVOIR < 64 µg/L PALOS VERDES < 0.005 mg/L ORANGE COUNTY DIEMER PLANT GARVEY POS. COLIFORMS 0 ORANGE COL TOT. Cl2 < 1.8 (mg/L) COMPLAINTS < 0.10 NTU < 500 mg/L CENTRAL < 80 µg/L < 5 ng/L < 5 ng/L Pool MWD WATER QUALITY GOALS THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA NUMBER OF CHLORINE RES <1.8 TTHMs Service Connection RAA TTHMs Service Connection Max PLANT EFFLUENT TURBIDITY CONTROL TOTAL DISSOLVED SOLIDS RESERVOIR NUMBER POS. COLIFORMS GARVEY NUMBER OF COMPLAINTS 2-METHYLISOBORNEOL CENTER ^^DVL TDS value is based on Mills plant influent while the source water is from DVL BROMATE RAA (µg/L) MWD water quality goals meet or exceed all State and Federal regulations NITRITE - N —Devil Canyon Power Plant turbidity is currently not available (N/A). GEOSMIN "Bromate maximum contaminant level is an RAA of 10 µg/L. RESERVOIR VERDES ( 2-MIB (ng/L) 4 GEOSMIN(ng/L) ND NEPHELOMETRIC TURBIDITY UNITS 2-MIB & GEOSMIN ARE ODOR PRODUCERS 297 7 \*Bromate values are from sample date 9/12/2022 (JENSEN INF) TDS (mg/L) Lwr. Twr. ^TDS values are from the latest Table D report ~THM values are from sample date 9/6/2022 RUNNNG ANNUAL AVERAGE TOTAL DISSOLVED SOLIDS TOTAL TRIHALOMETHANES TTHMS (µg/L) 6.2~ BROMATE (µg/L) 4.7\* BROMATE RAA (µg/L) 5.1\*\* 0.03 327 2-METHYLISOBORNEOL JENSEN PLANT EFFLUENT MICROGRAMS/LITER MICROGRAMS/LITER NANOGRAMS/LITER EXPLANATION TURBIDITY (NTU) OUT OF SERVICE % SPWBLEND TDS (mg/L) NOTES AND COMMENTS IBNSEN PLANT CASTAIC TDS ng/L 2-MIB 000 RA ğ

### Water Quality Section Weekly TDS Report

### For the week of 9/18/2022

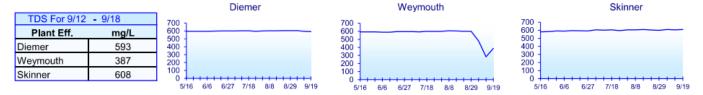
Percent SPW Nee	ded to Achie	eve TDS Goa	Estimated TDS for Reservoirs			
Source Water TDS			SPW Required Reservoir (Effluent)		Date	mg/L
Plant	CRW	SPW	Percent	Lake Havasu (Table D)	7/13/22	599
Weymouth	584	283	28%	Lake Mathews (DFPI-LWRFDR)	9/19/22	584
Diemer	584	283	28%	Lake Skinner (Outlet Structure)	9/19/22	590
Skinner-Silverwood	593	283	30%	Castaic Lake (JFPI)	9/18/22	297
Skinner-Perris	593	308	33%	DVL (Mills Inf)	9/18/22	283
CRW for Diemer and Weymouth is Lake Mathews and San Jacinto - West Portal for Skinner.				Lake Perris (Table D)	7/5/22	308
				DVL Outlet (Table D)	7/11/22	286

### SUNDAY COMPOSITE ESTIMATED TDS FOR 05/15/22 - 09/18/22



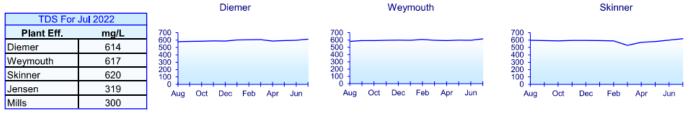
Sunday composite estimated TDS measured from plant effluent composite samples collected on Sunday and analyzed for hardness and electrical conductivity.

### WEEKLY COMPOSITE ESTIMATED TDS FOR 05/15/22 - 09/18/22



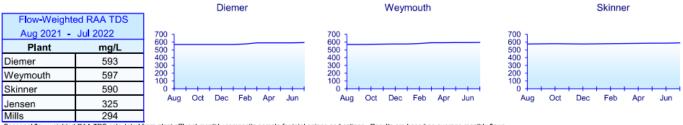
Weekly composite estimated TDS measured from plant effluent composite samples collected Monday through Sunday and analyzed for hardness and electrical conductivity.

### MONTHLY COMPOSITE CALCULATED TDS FOR August 2021 - July 2022



Monthly calculated TDS calculated from plant effluent monthly composite sample for total anions and cations. These results are also used for Table D.

### FLOW WEIGHTED RAA TDS FOR August 2021 - July 2022



seasonal flow weighted RAA TDS calculated from plant effluent monthly composite sample for total anions and cations. Results are based on average monthly flows

### **ISSUE BRIEF #E**

**SUBJECT:** Colorado River Issues

RECENT ACTIVITY

### Status of Colorado River Protection Volume Discussions

In June of this year, Bureau of Reclamation (Reclamation) Commissioner Camille Touton identified the need for Colorado River Basin water users to reduce their use by two to four million acre-feet of water per year to address critical reservoir elevations at Lake Powell and Lake Mead, starting in 2023, and gave a deadline of mid-August to come up with a plan. The Lower Basin States met almost weekly to see if a consensus-based plan could be developed to meet the Commissioner's call by the deadline, and while they made significant progress, a plan was not ready when the Colorado River Basin August 2022 24-Month Study (24-month study) was released. The 24-month study determined a level 2 shortage of the Colorado River Basin, which affected Arizona, Nevada, and Mexico. California was not affected by the determination. At that time, Reclamation acknowledged the significant work of the Basins States and committed to continue working with the Lower Basin to see if a plan could be completed to be rolled out in 2023. Additionally, Reclamation states that they would refine options that the federal government could take if needed to reduced demands to protect the Colorado River Basin reservoirs. Those options include sharing system and evaporative losses by all Lower Basin States and developing new definitions for what constitutes a beneficial use of water. Metropolitan staff has actively participated in the process and is committed to working with our partners to see what actions could be implemented next year to reduce the decline of Lake Mead. That plan may include a recommendation to take additional conservation actions in our service area to conserve water to reduce Metropolitan's Colorado River deliveries in 2023.

### **ISSUE BRIEF #F**

SUBJECT: Delta Conveyance Activities and State Water Project Issues

### RECENT ACTIVITY

### **Delta Islands Adaptation Planning Grant**

Metropolitan staff is managing the Delta Island Adaptations project funded by a California Department of Fish and Wildlife Proposition 1 Planning Grant. The project's overall goal is to make progress toward improving resilience and sustainability of Metropolitan's Delta islands by: (1) reducing subsidence, (2) limiting or reversing greenhouse gas emissions, while (3) providing additional wildlife habitat, (4) maintaining economically viable agriculture, and (5) receiving and incorporating public input. Phase 1 of the project is complete, which included preliminary assessment of the islands and selecting one of the islands for more developed island-wide study, assessment, and planning. The use of a structured decision-making tool was beneficial for identifying Bouldin Island as the location to begin and the focus for further study for Phase 2.

The grant team began Phase 2, which includes development of conceptual plans for alternative land uses for the identified study island based on land characteristics and other criteria. Potential land uses being considered include paludiculture, floating marsh (floating peat), sustainable agriculture practices, rice farming, ecoculture, tidal wetlands (with setback levees), and flooded managed wetlands. Concept plans for pilot projects are currently being developed to test the viability of these alternative land uses. The seven draft landscape alternatives are being developed for further discussion and input by stakeholders and the Technical Advisory Committee at its next scheduled meetings in the fall.

### **Delta Conveyance**

The Department of Water Resources (DWR) released the public Draft Environmental Impact Report (EIR) under the California Environmental Quality Act for the Delta Conveyance Project (DCP) on July 27, 2022. It describes project alternatives, potential environmental impacts, and identifies mitigation measures to help avoid or minimize impacts. The Draft EIR is available for public review and comment has been extended through December 16, 2022.

The U.S. Army Corps of Engineers, 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 and is planning to release a draft EIS for public review later this year.

### **Joint Powers Authorities**

During the regularly scheduled Board of Directors meeting on August 18, the Delta Conveyance Design and Construction Authority (DCA) Board of Directors approved a resolution to extend virtual board and committee meetings pursuant to AB 361. The DCA also released the final draft Engineering Project Reports (EPRs) for the DCP options on its website

(www.dcdca.org) in the DCA document library. The EPRs are detailed conceptual engineering design narratives that helped to inform DWR as it crafted official project descriptions for its environmental review process. The EPRs are separated into four sections:

- Narrative Report: highlights the key findings and conclusions of the Technical Memoranda and focuses primarily on describing the proposed facilities and the key drivers for their configuration and siting.
- Technical Memoranda: provide the basis of design criteria, design assumptions, siting analyses, and planned siting and configurations based upon existing physical information.
- Engineering Concept Drawings: include final site plans, construction phase site plans
  where locations of features would be substantially different than final site plans, site
  ingress and egress layouts, and major cross sections through the structures of key
  facilities.
- Map books: display the proposed facility sites and features in the context of the region.
   The EPRs also evaluate two fish screen options, a cylindrical tee screen fish screen and vertical flat plate fish screens.

There was no regularly scheduled Delta Conveyance Finance Authority meeting in August.

### Sites Reservoir

In their August meetings, the Sites Project Authority Board (Authority Board) and the Sites Reservoir Committee (Reservoir Committee) approved moving the Terminal Regulating Reservoir (TRR) from the previously identified east site location to the more suitable west site location, which is on the west side of the Glenn-Colusa Irrigation District Main Canal. It was found that the TRR west site location would have fewer real estate impacts, approximately the same environmental impact, and that the geotechnical data indicate more favorable subsurface conditions.

### **Science Activities**

Metropolitan staff continued to participate in the collaborative groups called for in the 2019 Biological Opinions (BiOp) for the State Water Project (SWP) and Central Valley Project (CVP), and in the 2020 Incidental Take Permit (ITP) for Longterm Operation of the SWP, to address science needs and to inform management and operation of the water projects. In August, Metropolitan staff presented the results of a modeling study regarding contaminant effects on Delta smelt and associated management actions to the Delta Coordination Group. The 2022 Summer Fall Habitat Action (SFHA) Plan included the use of Expert Elicitation and Relative Risk Modeling to identify the effects of contaminants and changes in those effects with the two proposed actions for the 2022 SFHA. Results suggesting contaminant impacts will be evaluated using field studies.

Metropolitan staff continued participating in the Collaborative Science and Adaptive Management Program (CSAMP), including participation on the Collaborative Adaptive Management Team (CAMT). At the August CAMT meeting, Metropolitan staff provided comments on the draft CSAMP Triennial Report and provided input on next steps for the CAMT Monitoring Assessment and planning for an adaptive management discussion.

Metropolitan staff efforts also focused on key CSAMP collaborative science projects including the Delta smelt Structured Decision-Making Project and the Salmon Recovery Initiative.

### **Delta Levee Stability and Monitoring Efforts**

Delta levee stability and monitoring efforts are ongoing with implementation of an instrumentation pilot project on Metropolitan's Bouldin Island 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 by Metropolitan for immediate evaluation, which includes real-time alerts following a seismic event within the Delta region. Metropolitan staff is working with consultants to finalize the draft Investigation, Instrumentation and Monitoring Assessment—Delta Islands Levees (Bouldin Island Pilot) Report, which could be completed as early as fall 2022.

# Summary Report for The Metropolitan Water District of Southern California Board Meeting September 13, 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 Lois Fong-Sakai was appointed to the Diversity, Equity & Inclusion Committee. Director Tim Smith was appointed to the Underserved Communities Committee. (Agenda Item 6C)

### **CONSENT CALENDAR ITEMS - ACTION**

Determined that there is a need to continue the emergency action of executing a no-bid contract for construction of pipe joint repairs on the Upper Feeder. (Requires four-fifths vote of the Board.) (Agenda Item 7-1)

(a) Authorized an increase of \$1,200,000 to an existing agreement with IBI Group, for a new not-to-exceed amount of \$1,830,000 for design services to upgrade the Weymouth Administration Building. (b) Authorized an agreement with Fugro for a not-to-exceed amount of \$450,000 to provide geotechnical engineering services for structural strengthening of the Weymouth Administration Building. (Agenda Item 7-2)

Awarded a \$287,824 contract to Bishop, Inc. for replacement of the maintenance building roof at the Mills plant. (Agenda Item 7-3)

Authorized a \$690,0000 increase to an existing agreement with Carollo Engineers, Inc. for a new not-to-exceed amount of \$990,000 to perform owner's advisor services for the Sepulveda Feeder Pump Stations. (Agenda Item 7-4)

Authorized an agreement with Calpine Energy Solutions, LLC for the sale of renewable energy from the Phase I-II hydroelectric power plants. (Agenda Item 7-5)

Deferred action on the revision and restatement of Bay-Delta Policies until next month. (Agenda Item 7-6)

Adopted a resolution designating Metropolitan's maximum contribution for medical benefits in order to comply with the current authorized Memoranda of Understanding. (Agenda Item 7-7)

Approved recommended amendments to the Administrative Code. (Agenda Item 7-8)

Authorized granting a new ten-year license agreement to Valley-Wide Recreation and Park District for the continued operation of a trail on Metropolitan fee-owned property. (Agenda Item 7-9)

Authorized the granting of a permanent easement for electrical equipment to Southern California Edison. (Agenda Item 7-10)

Authorized an increase of \$8.5 million to an agreement with Roesling Nakamura Terada Architects for a new not-to exceed amount of \$13.5 million for final design and architectural support services for the housing and property improvements at Metropolitan's desert facilities. (Agenda Item 7-11)

Authorized an increase in the maximum amount payable under contract with Meyers Nave by \$190,000 to an amount not to exceed \$439,000 to assist and advise the Chief EEO Officer with additional new core personnel policies and procedures, including Operating Policies H-04 (Abusive Conduct and Workplace Violence), Investigation Procedures and Discipline Procedures per State Audit recommendations and deadlines in October 2022. In addition, Meyers Nave will provide ongoing assistance and advice to the Chief EEO Officer regarding compliance investigations, the transition of outside investigations from the Legal Department to the EEO Office, building and staffing the EEO Office, and related issues. (Agenda Item 7-12)

### **OTHER MATTERS**

Discussed Department Head Evaluation Process Guidelines and Department Head Evaluation Presentation for the General Manager, General Counsel, and Ethics Officer, heard in closed session pursuant to Gov. Code Section 54957. (Agenda Item 10-1)

### THIS INFORMATION SHOULD NOT BE CONSIDERED THE OFFICIAL MINUTES OF THE MEETING.

All current month materials, and materials after July 1, 2021 are available on the public website here: <a href="https://mwdh2o.legistar.com/Calendar.aspx">https://mwdh2o.legistar.com/Calendar.aspx</a>

This database contains archives from the year 1928 to June 30, 2021: <a href="https://bda.mwdh2o.com/Pages/Default.aspx">https://bda.mwdh2o.com/Pages/Default.aspx</a>

# Upcoming Board Items

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

October	Update on Delta Conveyance Public Draft EIR and Comments					
	Seek Board Action to Declare approximately 650 Acres of Property in Riverside, San Bernardino and San Diego Counties as Surplus Land and not necessary for Metropolitan's use and Authorize Staff to Dispose of the Properties					
	Consider action to approve Project Labor Agreement Terms and Conditions and Authorize a Professional Services Agreement for PLA Administration					
	Nomination and Election for Board Chair for two-year term effective January 1, 2023					
November	Nomination and Election for Board Secretary for two-year term effective January 1, 2023					
	State Mandated AB 1234 Ethics Training (2-hour training following Board meeting)					
	Department Heads Evaluation					
December	<ul> <li>Board Report of the Benefits of Various Project Portfolios for State Water Project</li> <li>Dependent Areas following IRP Testing</li> </ul>					
	Update on Climate Action Plan Implementation					
	Board Report on Budget Expenditure Trend for FY 2022/23 and Status of New Revenues and Grants					
	Oral Briefing on Status of State and Federal Bay-Delta Regulatory Processes					
	Authorize Colorado River Protection Volume Agreements					
January	Delta Conveyance Project Follow-up Workshop					
	Update on Acceleration of Pure Water Southern California					
February	Board Report on Portfolio of Recommended Actions for State Water Dependent Areas					

# The Metropolitan Water District of Southern California



The mission of the Metropolitan Water District of Southern California is to provide its service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

**Board f Directors - Hidden** 

October 11, 2022

12:00 PM

Tuesday, October 11, 2022 Meeting Schedule

08:30 a.m. L&C 09:30 a.m. OP&T 10:30 a.m. RP&AM 12:00 p.m. BOD

Live streaming is available for all board and committee meetings on mwdh2o.com (Click Here)

A listen only phone line is also available at 1-877-853-5257; enter meeting ID: 831 5177 2466. Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via in-person or teleconference. To participate via teleconference (833) 548-0276 and enter meeting ID: 815 2066 4276.

MWD Headquarters Building - 700 N. Alameda Street - Los Angeles, CA 90012

### 1. Call to Order

- Invocation: Jennifer Sharpe, Admin Analyst, External Affairs/Media & Communications Section
- b. Pledge of Allegiance: TBD

### 2. Roll Call

### 3. Determination of a Quorum

- 4. Opportunity for members of the public to address the Board on matters within the Board's jurisdiction. (As required by Gov. Code § 54954.3(a))
  - a. Member Agency Overview: TBD 21-1551

### 5. OTHER MATTERS AND REPORTS

- A. Report on Directors' Events Attended at Metropolitan's Expense 21-1530
- B. Chairwoman's Monthly Activity Report 21-1531

	C.	Presentation of 5-year Service Pin to Director Barry D. Pressman, representing the city of Beverly Hills	21-1554			
	D.	Report from Executive Committee on nominations for Board Chair	21-1552			
	E.	Nomination and Election for Board Chair for two-year term effective January 1, 2023	21-1553			
	F.	General Manager's summary of activities	21-1532			
	G.	General Counsel's summary of activities	21-1533			
	Н.	Interim General Auditor's summary of activities	21-1534			
	l.	Ethics Officer's summary of activities	21-1535			
		** CONSENT CALENDAR ITEMS ACTION **				
6.	CONSENT CALENDAR OTHER ITEMS - ACTION					
	A.	Approval of the Minutes of the Board of Directors Workshop for August 23, 2022 and Regular Meeting for September 13, 2022 (Copies have been submitted to each Director) (Any additions, corrections, or omissions)	21-1536			
	В.	Adopt 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; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA	21-1537			
	C.	Approve Committee Assignments	21-1538			
<b>7</b> .	CON	ISENT CALENDAR ITEMS - ACTION				
	7-1	Adopt resolution authorizing the reimbursement of capital expenditures from bond proceeds for fiscal years 2022/23 and 2023/24 relating to Metropolitan's water delivery system [MISSING CEQA] (FI)	21-1540			

7-2	Authorize the General Manager to sign a Project Labor Agreement with the trade councils of Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties and approve its use as a bid condition for select construction contracts within the Capital Investment Plan for a term of five years; and authorize an agreement with Parsons Constructors, Inc. in an amount not to exceed \$5,750,000 to administer the Project Labor Agreement; the General Manager has determined that this proposed action is exempt or otherwise not subject to CEQA (EO)	21-1542
7-3	Ratify an emergency contract with PCL Construction, Inc., in the amount of \$X,XXX,XXX, for replacement of the expansion joint on the Upper Feeder pipeline at the Santa Ana River bridge crossing (Requires four-fifths vote of the Board); the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EO)	21-1547
7-4	Authorize an agreement with MWA Architects in an amount not to exceed \$990,000 for preliminary design of new warehouse facilities at Metropolitan's La Verne site; the General Manager has determined that the proposed actions are exempt or otherwise not subject to CEQA (EO)	21-1548
7-5	Authorize on-call agreements with Brown and Caldwell, CDM Smith, Inc., Carollo Engineers, Inc., Jacobs Engineering Group, Inc., and Parsons Transportation Group, in amounts not to exceed \$10 million each, for a maximum of five years for engineering services; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EO)	21-1549
7-6	Authorize on-call agreements with MARRS Services, Inc., Butier Engineering, Inc., and Berg & Associates, Inc., in amounts not to exceed \$6.7 million, \$4.4 million, and \$3.5 million, respectively, for a maximum of three years for construction management and inspection services to support board-authorized O&M and Capital Investment Plan projects; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EO)	21-1550
7-7	Approve the Metropolitan Water District of Southern California's salary schedules pursuant to CalPERS regulations [MISSING CEQA] (OPT)	21-1556

Board of Directors October 11, 2022

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7-8 Declare 46 parcels, totaling approximately 651 acres, as surplus land that is no longer required for Metropolitan's current and foreseeable needs and authorize staff to dispose of the parcels; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA (RPAM)

- 7-9 Authorization to extend the term of the Operational Shift Cost
  Offset Program to provide credits in calendar year 2023; the
  General Manager has determined that the proposed action is
  exempt or otherwise not subject to CEQA (IW)
- 7-10 Adopt the Revision and Restatement of Bay-Delta Policies; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (IW)
- 7-11 Adopt resolution encouraging action to reduce or eliminate irrigation of non-functional turf with potable water; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (OWC)

Attachments: 09272022 OWC 7-11 B-L

7-12 Authorize a \$300,000 settlement for claims against the federal government for the recovery of cost resulting from damages to Metropolitan infrastructure due to the crash of a military helicopter; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with legal counsel-potential litigation (1 case); may be heard in closed session pursuant to Gov. Code Section 54956.9(d)(4)] (LC)

### \*\* END OF CONSENT CALENDAR ITEMS \*\*

### 8. OTHER BOARD ITEMS - ACTION

NONE

### 9. BOARD INFORMATION ITEMS

**9-1** Report on Conservation **21-1539** 

9-2 Compliance with Fund Requirements and Bond Indenture 21-1541 Provisions (FI)

9-3 Information on Potential Early Operation of the High Desert Water21-1559Bank Program (IW)

### 10. OTHER MATTERS

21-1561

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NONE

### 11. FOLLOW-UP ITEMS

NONE

### 12. FUTURE AGENDA ITEMS

### 13. ADJOURNMENT

### NOTE:

Each agenda item with a committee designation will be considered and a recommendation may be made by one or more committees prior to consideration and final action by the full Board of Directors. The committee designation appears in parenthesis at the end of the description of the agenda item e.g. (E&O, BF&I). Committee agendas may be obtained from the Executive Secretary.

Requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.

