

WORKSHOP MEETING OF THE
BOARD OF DIRECTORS WITH MET DIRECTORS
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
18700 Ward Street, Conference Room 101, Fountain Valley, California
September 6, 2023, 8:30 a.m.

This meeting will be held in person. As a convenience for the public, the meeting may also be accessed by Zoom Webinar and will be available by either computer or telephone audio as indicated below. Because this is an in-person meeting and the Zoom component is not required, but rather is being offered as a convenience, if there are any technical issues during the meeting, this meeting will continue and will not be suspended.

Computer Audio: You can join the Zoom meeting by clicking on the following link:

<https://zoom.us/j/8828665300>

Telephone Audio: (669) 900 9128 fees may apply

(877) 853 5247 Toll-free

Webinar ID: 882 866 5300#

AGENDA

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC PARTICIPATION/COMMENTS

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

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

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

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

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

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

NEXT RESOLUTION NO. 2143

PRESENTATION/DISCUSSION ITEMS

1. PRESENTATION BY METROPOLITAN STAFF ON THE DRAFT LONG RANGE FINANCIAL PLAN

Recommendation: Review and discuss the information presented.

2. LEGISLATIVE ACTIVITIES

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

Recommendation: Review and discuss the information presented.

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

Recommendation: Receive input and discuss the information presented.

INFORMATION ITEMS**4. 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 Water Supply Condition Update
- c. Water Quality Update
- d. Colorado River Issues
- e. Delta Conveyance Activities and State Water Project Issues

Recommendation: Review and discuss the information presented.

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

- a. Summaries regarding August MET Board Meetings
- b. MET 4-Month Outlook on Upcoming Issues (not available)
- c. Review items of significance for MET Board and Committee Agendas

Recommendation: Review and discuss the information presented.

ADJOURNMENT

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



DISCUSSION ITEM
September 6, 2023

TO: Board of Directors

FROM: Harvey De La Torre, Interim General Manager

Staff Contact: Melissa Baum-Haley

SUBJECT: PRESENTATION BY METROPOLITAN STAFF ON THE DRAFT LONG RANGE FINANCIAL PLAN

STAFF RECOMMENDATION

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

REPORT

The draft 2023 Long-Range Finance Plan (LRFP) Needs Assessment (NA) document is the first phase of a two-phase process to provide the Board with a finance plan for funding new capital investments over the next decade. MWDOC has invited Katano Kasaine, Metropolitan's AGM/CFO, and staff to present to the MWDOC Board on the Draft LRFP-NA. This will provide the MWDOC Board and member agencies an opportunity to discuss and ask direct questions.

The LRFP-NA will outline the capital investment requirements and water rate increases associated with four demand and supply scenarios. The second phase will result in the production of a final LRFP document that will provide a tailored financial analysis based on board feedback on the LRFP-NA and the Board's approval of specific capital projects through the Climate Adaptation Master Plan for Water (CAMP4W) process.

Phase 1 – LRFP-NA

The LRFP-NA is intended as a financial management tool to evaluate options for capital investments to meet Metropolitan's water supply and demand requirements over the next ten years. It was built around the four scenarios used to characterize different outcomes for water supply stability and demand requirements developed in the 2020 Integrated Resources Plan (IRP) Needs Assessment.

The LRFP-NA has the follow primary focus to guide Board discussion:

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

1. Provide high-level financial analysis of rate impacts under various resource development scenarios.
2. Discuss the primary capital financing and funding methods Metropolitan has at its disposal.
3. Introduce potential financial tools that could become components of a tailored financial strategy.
4. Catalogue Metropolitan's key policies related to the capital markets.

Key Assumptions in the LRFP-NA

The modeling in the LRFP-NA follows a stepwise process to estimate average annual overall rate increases from implementing different resource development portfolios.

Input Assumption	Values
Interest on Investments	1.00% - 1.50%
Interest Rate – Fixed Bonds	3.00% - 3.50%
Annual Conservation Funding	\$30.5 million
Average Annual LRP Funding	\$66.0 million
Annual Salaries and Benefits Escalation Rate	5.0%
Annual General O&M Inflationary Increases	3.0%
Annual CIP Funding Escalation Rate	3.0%
Average Annual Increase in Marginal CRA Variable Power Cost	4.0%
Annual Variable Treatment Cost Escalation	3.0%

Baseline forecast: A baseline forecast, including all of Metropolitan's costs, was created by starting with the adopted FY 2022/23 and 2023/24 Budget and 10-Year Financial Forecast and removing the assumed Pure Water Southern California (PWSC) costs to obtain a baseline without any additional resource development costs. The 10-Year Financial Forecast included approximately \$3.7 billion of debt-funded capital investment for PWSC through 2031/32.

Identified resource development targets: The IRP included resource development targets for each of the four core scenarios that are described in detail in the LRFP-NA report.

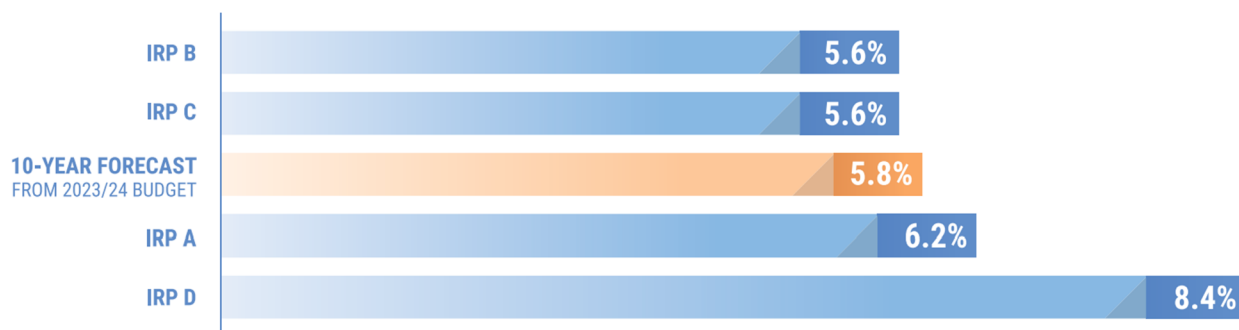
#	Scenario Short Descriptions	IRP Scenario	Import Reliability	Demands	2035 Core Supply Target (AF)	2045 Storage Target (AF)	2032 Storage Target (AF)
1	IRP A, No Storage	A	High	Low (1.24 MAF ¹¹)	N/A	N/A	N/A
2	IRP B, No Storage	B	High	High (1.46 MAF)	50,000	-	-
3	IRP C, No Storage	C	Low	Low (1.35 MAF)	15,000	-	-
4	IRP D, No Storage	D	Low	High (1.66 MAF)	300,000	-	-
5	IRP D, 250 TAF Storage	D	Low	High (1.66 MAF)	200,000	250,000	181,818
6	IRP D, 500 TAF Storage	D	Low	High (1.66 MAF)	200,000	500,000	363,636
7	IRP D w/ IRP A Demand	D	Low	Low (1.24 MAF)	200,000	250,000	181,818

Estimated resource unit costs: Drawing on a survey of recent projects and studies, resource unit costs on a dollar per acre foot basis were estimated, including both operations and maintenance (O&M) and capital financing costs (debt).

Resource	Unit Cost Range from Sources	Modeled Unit Cost
Core Supply	\$2,815/AF - \$3,266/AF	\$3,000/AF
Storage	\$269/AF - \$325/AF	\$300/AF
Flex Supply	\$400/AF - \$605/AF	\$600/AF

Calculated annual development costs: For each year of the LRFP-NA modeling period (2025-2032), the resource development targets were multiplied by the estimated resource unit costs to arrive at the sum cost to be added to the baseline forecast each year. Additionally, variable costs, such as power, supply programs, and chemical treatment, were estimated based on the supply and demands of each IRP scenario.

Calculated average rate increases: Adding the incremental resource development costs to each year, average annual overall rate increases from 2025 through 2032 were calculated for each modeled scenario.

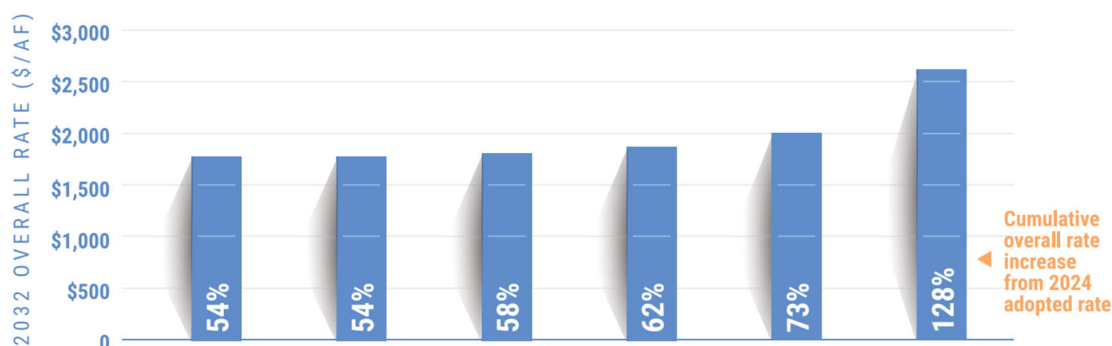


*Member Agency rate impacts might be substantially higher than the overall rate increase as a result of the Cost of Service allocation and cost recovery approach taken for each project. For example, if a project only impacts the supply function, then the rate increase for full-service water would increase more and the rate increase on the SDCWA exchange deliveries would be less.

Key Observations on Rate Impacts

The LRFP-NA highlighted key observations regarding rate impacts and reliability financial analysis are summarized below:

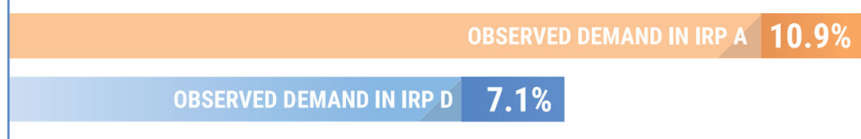
- Rate increases and water supply reliability are positively correlated, rising and falling together, except in the case of IRP scenario A as it does not require additional resource development to achieve 100 percent reliability.
- In two of the four IRP scenarios, A and D, we anticipate average annual overall rate increases to exceed the forecasted rate increases in the 10-Year Financial Forecast reflected in the Adopted Budget. IRP A scenario, however, would not increase Metropolitan's revenue requirement, but because of lower projected demands, it would increase volumetric water rates. As reasonably expected, IRP D scenario, the scenario with the highest likelihood and largest magnitude of shortage, presents the most significant impact on rates.



	IRP B, No Storage	IRP C, No Storage	10-year forecast from 2023/24 Budget	IRP A, No Storage	IRP D, 250 TAF Storage	Plan for IRP D, Observed IRP A Demand
Core Supply	30 TAF	15 TAF	N/A	0	200 TAF	200 TAF
Storage	0	0	N/A	0	182 TAF	182 TAF
Water Demand	IRP B 1.46 MAF	IRP C 1.35 MAF	Budget 1.58 MAF	IRP A 1.24 MAF	IRP D 1.66 MAF	IRP A 1.24 MAF

- Meeting IRP D scenario demands with a mix of core supply and new storage capacity is estimated to require average annual rate increases of approximately 7.1 percent. However, there are risks with this approach. If demands were to come in lower than projected (e.g., in line with IRP A scenario demands), average annual overall rate increases would increase to approximately 10.9 percent. On the other hand, underdevelopment of water resources will risk water supply shortages, up to 300 TAF in 2032 approximately 10 percent to 23 percent of the time.

IMPLEMENT SCENARIO D RESOURCE DEVELOPMENT



*Member agency rate impacts might be substantially higher than the overall rate increase as a result of the Cost of Service allocation and cost recovery approach taken for each project. For example, if a project only impacts the supply function, then the rate increase for full-service water would increase more and the rate increase on the SDCWA exchange deliveries would be less.

- In place of new resource development, Metropolitan may look to conservation as a means of achieving 100 percent reliability. Although further study is recommended to understand the availability of conservation, price elasticity, and average annual overall rate impacts, a preliminary estimate places annual conservation costs at greater than \$1 billion per year through 2032 in IRP D scenario. Metropolitan's ability to fund this level of conservation through the rate base alone is questionable, given financing limitations and/or potential rate burdens. Exploration of external funding support through federal and/or state grants may provide a potential mitigating offset to those anticipated constraints associated with funding conservation directly from operating revenues. Moreover, investing in conservation also locks in lower water demands that will increase water rates, all other things considered equal.



*Member Agency rate impacts might be substantially higher than the overall rate increase as a result of the Cost of Service allocation and cost recovery approach taken for each project. For example, if a project only impacts the supply function, then the rate increase for full-service water would increase more and the rate increase on the SDCWA exchange deliveries would be less.

- In contrast to capital projects, which are typically completed once initial construction has begun, conservation spending can be curtailed at any time. If Metropolitan observes a natural reduction in demands, it could slow or stop spending on conservation spending, allowing for adaptive management of resources to meet actual demands. The benefits of conservation are paid for upfront but take effect immediately and continue for many years in the future. In comparison to core supply development, which has ongoing annual O&M and financing costs, the rate increases beyond the 10-year modeling period would likely be lower under a scenario where demands are met with conservation only.
- It is estimated that Metropolitan will need to invest \$5.5 billion to \$6.0 billion under IRP scenario D by 2032 to be 100 percent reliable. However, Metropolitan would be challenged to accomplish this level of investment in such a short time frame. The realities of construction timelines coupled with financing constraints will be impediments to swift, large-scale development of new supply resources.

Forthcoming Board Discussion

Based on the results of the draft LRFP-NA, Metropolitan staff seeks Board feedback on three important questions critical to the undertaking of phase two:

- What is an acceptable average annual rate increase on full-service water sales through 2032 to fund water portfolio projects and/or conservation to address the expected impacts of climate change as analyzed within the 2020 IRP Needs Assessment?
- What is the desired estimated allocation between core supplies (which includes conservation), flex supplies, and storage in the optimal portfolio mix developed within the acceptable average annual rate increases identified by the Board?
- What alternative financing approaches interest the Board either singularly or in combination to address funding of future capital investments?

Phase 2 – LRFP

The second phase of the LRFP process will commence with the final completion of LRFP-NA and the CAMP4W process. The ultimate LRFP document will incorporate input from the Metropolitan Board and member agencies reflecting a more refined financial analysis for the funding and timing of specific capital projects.

Within phase two, Metropolitan will develop a tailored finance plan for the board's preferred Capital Improvement Plan portfolio of projects. When analyzing the most advantageous finance plan, feasibility will be determined by meeting several factors:

- Minimum credit rating target levels
- Liquidity/reserve targets
- Debt service coverage ratios
- Debt to equity/debt capacity constraints

Although financial modeling cannot predict the future, the analysis performed in the LRFP-NA provides valuable insight into the relationship between rate impacts and water supply reliability.

Attachments:

Attachment A – [Review Draft 2023 Long-Range Finance Plan Needs Assessment](#)

Attachment B – [Draft Long-Range Finance Plan Needs Assessment - Presentation](#)



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

From: Natural Resource Results

RE: Monthly Board Report – August 2023

Appropriations

Government funding will be the top priority for Congress between now and the end of the fiscal year (September 30th). The Senate has moved all 12 of its appropriations bill out of committee but has not yet brought any of them to the Senate floor. The House has passed 10 of its 12 bills out of committee and has passed 1 of the 12 bills through the full House.

It is extremely unlikely that a deal on all 12 appropriations bills will be reached by September 30th which means Congress will need to pass a short-term Continuing Resolution (CR). However, even this path is fraught with challenges. Over the August recess, the House Freedom Caucus sent a letter to Speaker McCarthy that drew a red line – they will not support a CR unless it tackles a number of policy issues including border security, the “weaponized” Department of Justice and “woke” Department of Defense policies. Attaching any of these items to a CR would mean the CR would die in the Senate, where Democrats have a majority.

At this point, Speaker McCarthy essentially has two options 1) bring a CR to the floor without any of the above policy riders and use Democratic votes to pass the bill (this would likely lead to a referendum on his Speakership) or 2) include the policies mentioned above and drastically increase the chances of a government shutdown on October 1st.

There are many moving pieces to these negotiations and the situation will likely remain fluid for the foreseeable future, potentially up to the very last minute.

DOI Leadership Changes

Mike Brain is now the Acting Assistant Secretary for Water and Science after the departure of Tanya Trujillo. Mike was previously one of the Deputy Commissioners at the Bureau of Reclamation. Before joining the Biden Administration, Mike spent time on the House Appropriations Committee where he was responsible for the Bureau of Reclamation’s budget and he also worked on the House Transportation and Infrastructure Committee on the subcommittee with jurisdiction over EPA and the Army Corps of Engineers.

Bureau of Reclamation 24-Month Study

With the release of the study on August 15th, Reclamation announced that in 2024 they will operate under a tier 1 shortage, up from the tier 2a cuts that some states faced in 2023. Under a tier 1 shortage, California will not be required to make any cuts.

Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead

On August 15th, the seven basin states sent a letter to the Bureau of Reclamation highlighting the need to ensure that Reclamation is engaging with the states as it begins to develop its post-2026 guidelines. Letter attached for reference.

WOTUS

On Tuesday, August 29th, EPA and the Army Corps of Engineers announced their final WOTUS rule in the Federal Register. The amendment, referenced as the “Conforming Rule” by the Agencies, makes several targeted revisions to the January 2023 Rule:

- Redefining “adjacent” to simply mean “having a continuous surface connection.”
- Striking all references to waters qualifying as jurisdictional on the basis of whether they “significantly affect the chemical, physical, or biological integrity of waters” and correspondingly removing the definition and qualifying criteria for “significantly affect.” Collectively, these deletions remove all elements of the January 2023 Rule that relied on Justice Kennedy’s *Rapanos* “significant nexus” test.
- Striking “interstate wetlands” from the defined list of WOTUS categories.

While the final amendment clearly reflects the *Sackett* majority’s “continuous surface connection” test, the Agencies preserved the opportunity for protection of some water features.

First, the Agencies refrained from categorically stripping jurisdictional protections from certain stream features such as ephemeral and intermittent features. Instead, in the preamble to the Conforming Rule, the Agencies emphasize the *Rapanos* plurality position that “relatively permanent” waters do “not necessarily exclude streams, rivers, or lakes that might dry up in extraordinary circumstances, such as drought” or “*seasonal* [emphasis added] rivers, which contain continuous flow during some months of the year but no flow during dry months.”

Second, the Agencies indicate that they plan to rely on guidance and regional specific tools within their authority to develop when implementing the Conforming Rule across the country. This regional approach leaves open the option for Corps Districts to develop varying interpretations of “continuous surface connection” and “relatively permanent” that reflect their District’s unique geography and weather events.

For the same reasons the Agencies cited when bypassing public notice and comment under the APA, the Agencies also plan to have the Conforming Rule go into effect immediately upon publication in the Federal Register (expected September 1st). Because the January 2023 Rule is enjoined in roughly half the country, the Conforming Rule will only go into effect in those states where the Biden January 2023 Rule was effective. In the other states, litigation can now proceed on the merits with courts assessing whether the Biden Administration hit the mark in conforming

their January 2023 Rule with *Sackett*. Litigants in these suits are likely to also bring new claims that the Biden Administration violated the APA, both by claiming a “good cause” exemption to bypass public notice and comment rulemaking when good cause exemptions are rarely upheld, and by proceeding with immediate implementation of the Conforming Rule.

The Agencies are planning an informational webinar on the Conforming Rule for September 12th at 3pm ET. You can register [here](#) (note that registration is limited but the webinar will be recorded).



**Colorado River Basin States Representatives of
Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming**

August 15, 2023

The Honorable Camille Touton
Commissioner
U.S. Bureau of Reclamation
1849 C Street, NW
Washington, D.C. 20240

Sent via Electronic Mail

Dear Commissioner Touton:

The undersigned Governors' Representatives of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming (collectively, the Basin States) respectfully submit the following comments in response to the Bureau of Reclamation's *Notice of Intent To Prepare an Environmental Impact Statement and Notice To Solicit Comments and Hold Public Scoping Meetings on the Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead*, Fed. Reg. Vol. 88, No. 116, p. 39455 (June 16, 2023). We appreciate this opportunity to provide comments to be considered in the upcoming environmental impact statement for post-2026 operations for Lake Powell and Lake Mead (EIS or Post-2026 EIS).

The Basin States have a unique interest in the management of the Colorado River. Reclamation's engagement with the Basin States will therefore be essential to ensure the effectiveness of post-2026 operations. As parties and beneficiaries to the interstate compacts, treaties, laws, and supreme court decrees that govern the Colorado River, the Basin States have significant interests in protecting the water supplies of the forty million people who rely on the Colorado River. Recognizing the unique status of the Basin States, the Secretary of the Interior ("Secretary") must consult with the Governors' Representatives from each Basin State and collaborate on the development of alternatives for the Post-2026 EIS at Lake Powell and Lake Mead. The Secretary's options for post-2026 operations will be significantly limited without the Basin States' participation. The Basin States are committed to working with Reclamation through the NEPA process to develop the new guidelines for the Post-2026 EIS. In addition, the Basin States anticipate working together to develop an alternative for consideration and evaluation, as the States did for the NEPA process for the 2007 Guidelines.

Operational experience illustrates that the 2007 Guidelines and the 2019 Drought Contingency Plans are insufficient to properly manage Lakes Powell and Mead. Extended periods of dry hydrology and depleted reservoir conditions have highlighted the inadequacy of these measures to adapt to worsening hydrology.

The unprecedented challenges we face require greater collaboration to achieve sustainable solutions. We understand that the success of future operations of Lake Powell and Lake Mead depends on working closely with Colorado River Basin Tribes, water users, non-governmental organizations, and other stakeholders.

Collaboration with Mexico is also critical. This should occur through a separate process involving the International Boundary and Water Commission. We expect that process to occur simultaneously with the Post-2026 EIS. Additionally, the active and direct participation of the Basin States in formal meetings with Mexico is essential.

By providing these comments, we do not waive any rights, including any claims or defenses, we may have or that may accrue under any existing federal or state law or administrative rule, regulation, or guideline. Any failure by the undersigned to address specific aspects of the NOI, shall not be construed as an endorsement or an admission with respect to any factual or legal issue for the purposes of any future legal, administrative, or other proceeding. Moreover, we reserve the right to provide further comments and engage with Reclamation as it proceeds with subsequent phases of the NEPA process.

We look forward to continuing our work to protect the Colorado River system now and in the future.

Respectfully,



Thomas Buschatzke
Governor's Representative
State of Arizona



Rebecca Mitchell
Governor's Representative
State of Colorado



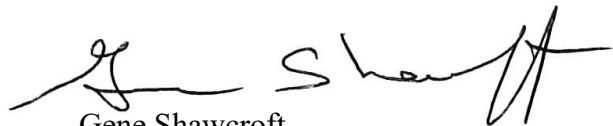
J.B. Hamby
Governor's Representative
State of California



John J. Entsminger
Governor's Representative
State of Nevada



Estevan Lopez
Governor's Representative
State of New Mexico



Gene Shawcroft
Governor's Representative
State of Utah



Brandon Gebhart
Governor's Representative
State of Wyoming

cc: U.S. Bureau of Reclamation via Electronic Mail - crbpost2026@usbr.gov

To:	MWDOC Workshop
From:	Syrus Devers Advocacy LLC
Date:	August 30th, 2023
Re:	State Legislative Report

Legislative Report

Just like last month's report, this report is brief because it only covers the two weeks since the Legislature returned from the Summer Recess on August 14th.

The main events this week are the "suspense files" in each house. All fiscal bills, which are about 80% of all bills introduced, are designated as fiscal bills because they might put cost pressure on the State Budget. All fiscal bills go to the Appropriations Committees and, of those bills, the majority go to the suspense file. The criteria for which bills go on suspense changes every year based on budget conditions, but there are also political factors that come into play. Deciding which bills "come off suspense" and make it to the Floor for a vote is heavily dependent on leadership. Both houses will hear the suspense file on Friday, Sept. 1st.

The major bill the water community is watching on suspense is AB 1594 (Garcia), which would give water and electric utilities more assurance that they will not be required to purchase zero-emission vehicles (ZEVs) to replace heavy and medium duty trucks needed for emergency and disaster response. It is somewhat surprising the bill has made it this far without more votes against it. Legislative staff have attempted to disparage the bill in comments and committee analyses, but so far the members have not not been moved and have passed it along.

Staff may try to have the last word by working behind the scenes to keep the bill "on suspense", which halts a bill's progress until next year. If AB 1594 does come off suspense, there are no more significant obstacles for it to overcome. The California Air Resources Control Board (CARB) has agreed to not oppose the bill in the Governor's office if an amendment is taken to allow them to consult on when a vehicle has reached the end of its useful life. With CARB on the sidelines and no "NO" votes in the Legislature, the bill would be virtually certain to become law.

The other big news is the decision to push the bond bills (AB 1567 (Garcia) and SB 867 (Allen)) to the November ballot next year instead of the March primary ballot. In order to make the March ballot, the bill language would have needed to be passed in this session concluding on September 15th. A lot of work was done to lobby for the priorities of the water community in anticipation of the bill(s) moving this year, but the work was not in vain. The negotiations will pick up where they left off in the fall.



Administration Report

The proposed regulations for Making Conservation a Way of Life, which began with the passage of AB 1668 (Friedman) and SB 606 (Hertzberg) in 2018, were released on August 18th. The public comment period runs until October 17th.

ACKERMAN CONSULTING

Legal and Regulatory

September 6, 2023

1. **Water and Space:** We all know the value of water on Earth. However, it now may be the key to exploration of outer space. It is common knowledge that there is water on the moon. The location and the quantity of it is uncertain. Many countries including the USA would like to establish a colony of some sort on the moon as a jumping off location to explore the rest of the universe. If humans are to be a part of that exploration, water is a necessity. That is why you have been reading about all the attempts to explore water on the moon. The importance of this could be a key factor in worldwide geopolitics. Russia had not attempted to land something on the moon in almost 50 years. Yet, last month it fired a Luna 25 craft at the moon whose main purpose was explore water resources at the south pole of the moon. There is substantial evidence that the shadowed portion of the moon nears its south pole may have a lot of water stored. Japan had a failed attempt to do the same thing last April. India shot a rocket shortly after Russia. The Russian Luna 25 crashed into the moon surface. Experts believe that Russian technology is way behind due to various international sanctions and the emphasis on military operations. The press release issued by Russia is priceless: "The Luna 25 spacecraft switched to an off design orbit and ceased to exist as a result of a collision with the surface of the moon." Last week, India landed its Chandrayaan 3 craft near the moons south pole. This is a major accomplishment for India and shows it is a major player in space technology.
2. **JPL Moon Robot:** Jet Propulsion Laboratory (JPL) in La Canada Flintridge with a little help from Cal Tech, is developing a snake like robot to explore the moon. It looks like an oversized fire hose with multiple joints and a large head. It is designed to operate on land, ice, underwater, climb mountains, go down holes and explore caves. It is called EELS which means Exobiology Extant Life Surveyor. It is controlled by artificial intelligence and can operate without human direction or commands. It will gather information about possible underground water and protected sites which make it possible to live on the moon. It can learn from its experiences when it encounters rocks, water, and holes on the moon. It is not ready for prime time now, but it is getting close.
3. **More PFAS Filters:** The University of British Columbia is working on yet another possible solution for the PFAS problem. They are using a natural compound, tannins, along with wood dust to create a filter that captures microplastics in water. The system is simple, inexpensive and can be used at the home level or in large treatment plant. It is over 95% effective. Tannic acids come from plants, bark, wood or leaves and wood sawdust is a forestry byproduct. All these are readily available and renewable.
4. **Environmental Justice Complaint:** The EPA is currently investigating a complaint filed by Native American tribes and environmental groups against the State of California. They claim the State Water Board has failed to protect

water quality, has created an ecological crisis, that the damage has been incurred by Native tribes and communities of color and they have been excluded from policy making and negotiations. They further claim that the system of water rights in California is racist and unfair to their groups. The State has denied some portions of the complaint but has yet has time to file their formal response. The EPA will issue its findings in the coming 6 months unless everyone agrees to resolve the issue on their own. This should be watched carefully as it could have a dramatic impact on water rights in California.

5. **Old Seawater:** Sea salt (halite) has been around for 150 million years. Some of it contains seawater dating back to various time periods for those 150 million years. The chemical make up of this old water can help us understand the relationship between ocean chemistry and atmospheric conditions. Ocean temperature and carbon dioxide release have a large impact on atmospheric reactions which in turn generate the weather conditions we experience. The tectonic plates are responsible for ocean temperature and chemical changes. The slowdown in such activity over the last 150 million years has produced less lithium in the ocean and reduced carbon dioxide release. The study of this old sea salt has shown a reduction in the amount of lithium. While varying causes have been discussed in the past decades for the results of climate change, this report says the major contributor is tectonic plate motion.
6. **Roman Pipe Cleaning:** We are all aware of the advanced water systems developed by the Roman Empire. You may not have heard of the advance maintenance practices they had to go along with the infrastructure. Evidence has been discovered around the aqueduct in Divona (near Cahors, France) of regular removal of limestone deposits and debris from their canals and aqueducts. It was done every one to five years and rapidly. There was even a treatise written by Roman author Julius Frontinus (AD 40-113) telling when and how to do it. The research all showed that political stability was also a factor. When the government was stable, the maintenance was done according to the treatise. When instability occurred, not so much.
7. **Chicken Feather Filters:** The University of Alberta is researching the use of chicken feathers to remove heavy metals from contaminated water. When combined with certain chemical agents, the keratin in the feathers grabs certain heavy metals at a 99% rate. Feathers are low cost and byproducts of chicken raising and a sustainable way of water treatment. The heavy metals they had the best success with are arsenic, cadmium, chromium, cobalt, lead, nickel, selenium and zinc, a pretty good hit list.
8. **Drought Emissions:** A recent Stanford University study attempts to measure the negative impacts of droughts in the Western states when hydro power is reduced and replaced by fossil fuel generation. The increase in carbon emissions, methane leakage, air pollution and deaths caused by the fossil fuel plants has caused over \$20 billion damage in the last 20 years. These are health and economic costs which are borne by society and individuals. While the damages are not specified, they state they are calculated based on widely accepted estimates and statistical models.
9. **Dam Removal:** There are 4 hydroelectric dams on the Klamath River along the Oregon California border. One of them Copco 2, in Siskiyou County, California has been removed. This dam was a 35-foot concrete dam than spanned the entire width of the Klamath. This project when completed will be the largest dam removal in the history of USA. It will reopen 400 miles of fish habitat that has been interrupted for more than 100 years. The

process includes returning some of the junk concrete to local quarries, replanting and seeding the surrounding area with native plants and removing nonnative plants. Work on the next dam entails drilling a 10-foot diameter hole in the base of the dam to get rid of sediment and start water release. There are three reservoirs behind the dams upstream which will be gradually drained at a slow rate.

10. **Dead Lakes Alive:** After our wet winter, several former dry lakes came to life again. Tulare Lake in the San Joaquin Valley was formerly the largest freshwater lake west of the Mississippi. Over time the water was redirected to agriculture and the bed plowed up. The Santa Rosa Rancheria Tachi Yokut Tribe would like to see it return to its original state. Cahuilla Lake near Palm Springs used to run to the Mexican border including the Salton Sea, now has some water. Mono Lake is retaining some water which may actually help the City of LA in their legal battle. Owens Lake gained some water which likewise may help LA. Machado Lake, near LA harbor has some water. The side benefit of all these formerly dry lakes is the reappearance of brine shrimp. Brine shrimp were present in all these lakes before and seem to be reappearing in some of them. Brine shrimp can be dormant for many years and they reappear with a little rain.

September 6, 2023

TO: MWDOC Board of Directors

FROM: Peter Whittingham

SUBJECT: August 2023 Report

The month of August brought Tropical Storm Hilary to Orange County and the region, dumping an historic amount of rain for the season. In addition to this event which generated significant national media coverage, following are a few of the more notable developments and issues of August:

- Hilary brought up to 4.5 inches of rain to areas of Orange County, and despite the speed of the storm and the exceptionally high existing levels in the groundwater basin, Orange County Water District (OCWD) announced that it was able to capture 2.56 inches of rain and increase its water storage behind Prado Dam to more than 3.4 billion gallons of water.
- The U.S. EPA announced its National Enforcement and Compliance Initiatives for 2024-2027, which for the first time included initiatives to mitigate climate change and address exposure to PFAS contamination. On the latter, EPA will begin implementation of EPA's [PFAS Strategic Roadmap](#) and hold responsible those who manufactured PFAS and/or used PFAS in the manufacturing process, federal facilities that released PFAS, and other industrial parties who significantly contributed to the release of PFAS into the environment. The agency's press release may be read here - [EPA Announces Federal Enforcement Priorities to Protect Communities from Pollution | US EPA](#).
- The San Bernardino County Board of Supervisors voted to join with Santa Margarita Water District and Fenner Gap Mutual Water Company as an ex-officio member of the Fenner Valley Water Authority, the joint powers authority that will oversee design, construction and operation of the proposed Cadiz Water Conservation & Storage Project.
- The San Diego County Water Authority filed suit to prevent the Fallbrook and Rainbow Water Districts from leaving the county system, citing the likelihood of environmental harm under the California Environmental Quality Act. The lawsuit challenges a 5-3 vote in July by the San Diego County Local Agency Formation

Commission to allow the two districts to join Eastern Municipal Water District without paying what the Water Authority asserts is the two agencies' fair share of water-reliability investments. The two districts are seeking to join EMWD, which draws primarily from the Colorado River and the State Water Project, in hopes of securing lower-cost water for the farmers who make up much of their respective districts. The Water Authority's suit argues that detachment will harm the environment because Fallbrook and Rainbow will draw more water from the ecologically stressed Bay-Delta via the State Water Project.

- The County of Orange, MWDOC and numerous member agencies finalized and approved their respective responses to the recent Orange County Grand Jury report, *Historic Rain, Yet Drought Remains*.
- The City of Huntington Beach completed new flood control improvements, an \$83 million project which transformed a section of the man-made channel that moves storm water out to the ocean. The work has expanded the system's readiness rating from a 20-year storm to a 100-year storm.
- Areas of the Newport Beach peninsula, both in West Newport and near the Balboa Fun Zone, along with Pacific Coast Highway in Sunset Beach were flooded by high tides, necessitating the turning of more than 30 valves in Newport Beach in an effort to prevent the bay water from breaching land. Elsewhere in Newport Beach, Friends of Newport Harbor filed another lawsuit against the City and the U.S. Army Corps of Engineers over the planned confined aquatic disposal site in Newport Harbor. The complaint seeks to prevent city funding to construct and operate the disposal unit in lower Newport Harbor, where sediment deemed unsafe for open ocean release would be stored.
- Santa Margarita Water District's Board of Directors unanimously adopted a resolution to impose adjusted charges on San Juan Capistrano's ratepayers for potable water, recycled water, and wastewater services. The increased rates are based on a Cost of Service and Rate Study conducted earlier this year and are expected to provide SMWD with an overall revenue increase of 7% each year for the next three years. The District has roughly \$40 million worth of capital improvements planned for the City's water and wastewater system over the next several years.

It is a pleasure to work with you and to represent the Municipal Water District of Orange County.

Sincerely,



Peter Whittingham

MWDOC Workshop

Bill Matrix

Prepared by SDA Government Relations, August 30th, 2023

A. Priority Support/Oppose

[AB 334](#)

(Rubio, Blanca D) Public contracts: conflicts of interest.

Status: 8/28/2023-Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 75. Noes 0.).

Summary: Current law prohibits members of the Legislature and state, county, district, judicial district, and city officers or employees from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Current law authorizes the Fair Political Practices Commission to commence an administrative or civil action against persons who violate this prohibition, as prescribed, and includes provisions for the collection of penalties after the time for judicial review of a commission order or decision has lapsed, or if all means of judicial review of the order or decision have been exhausted. Current law identifies certain remote interests in contracts that are not subject to this prohibition and other situations in which an official is not deemed to be financially interested in a contract. Existing law makes a willful violation of this prohibition a crime. This bill would establish that an independent contractor, who meets specified requirements, is not an officer for purposes of being subject to the prohibition on being financially interested in a contract.

Position	Priority
Support	A. Priority Support/Oppose

Notes 1: Support position adopted June 7th

[AB 460](#)

(Bauer-Kahan D) State Water Resources Control Board: water rights and usage: interim relief: procedures.

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/7/2023)(May be acted upon Jan 2024)

Summary: Current law authorizes the State Water Resources Control Board to investigate all streams, stream systems, lakes, or other bodies of water, take testimony relating to the rights to water or the use of water, and ascertain whether water filed upon or attempted to be appropriated is appropriated under the laws of the state. Current law requires the board to take appropriate actions to prevent waste or the unreasonable use of water. This bill would authorize the board, in conducting specified investigations or proceedings to inspect the property or facilities of a person or entity, as specified. The bill would authorize the board, if consent is denied for an inspection, to obtain an inspection warrant, as specified, or in the event of an emergency affecting public health and safety, to conduct an inspection without consent or a warrant.

Position	Priority
Opposition	A. Priority Support/Oppose

[AB 557](#)

(Hart D) Open meetings: local agencies: teleconferences.

Status: 6/29/2023-Read second time. Ordered to third reading.

Calendar: 9/1/2023 #120 SENATE ASSEMBLY BILLS - THIRD READING FILE

Summary: The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body

at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would revise the authority of a legislative body to hold a teleconference meeting under those abbreviated teleconferencing procedures when a declared state of emergency is in effect. Specifically, the bill would extend indefinitely that authority in the circumstances under which the legislative body either (1) meets for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (2) has previously made that determination.

Position	Priority
Support	A. Priority
	Support/Oppose

Notes 1: Support adopted April 5th

AB 735

(Berman D) Workforce development: utility careers.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)

Summary: Would establish the High Road Utility Careers (HRUC) program, to be administered by the California Workforce Development Board, to connect existing resources with individuals interested in careers in the utility sector and ensure a continued reliable workforce for California utilities. The bill would require the board to administer the HRUC program through partnerships with statewide water, wastewater, and energy utility associations and to coordinate the program with existing and future programs and initiatives administered by the board, including high road training partnerships, in order to align interested individuals with available resources. The bill would require the HRUC program, upon appropriation by the Legislature, to dedicate funding and resources toward accomplishing specified goals, including connecting workers to high-quality jobs or entry-level work with defined routes to advancement and increasing skills and opportunities while expanding pipelines for low-income populations.

Position	Priority
Support	A. Priority
	Support/Oppose

Notes 1: Support adopted April 5th

AB 755

(Papan D) Water: public entity: water usage demand analysis.

Status: 8/22/2023-Read second time. Ordered to third reading.

Calendar: 9/1/2023 #239 SENATE ASSEMBLY BILLS - THIRD READING FILE

Summary: Current law authorizes a public entity that supplies water at retail or wholesale within its service area to adopt, in accordance with specified procedures, and enforce a water conservation program. This bill would require a public entity, as defined, to conduct a water usage demand analysis, as defined, prior to completing, or as part of, a cost-of-service analysis conducted to set fees and charges for water service that are consistent with applicable law. The bill would require a public entity to identify, within the water usage demand analysis, the costs of water service for the highest users, as defined, incurred by the public entity, and the average annual volume of water delivered to high water users.

Position	Priority
Opposition	A. Priority
	Support/Oppose

Notes 1: Oppose position adopted May 3rd. Amended in the Senate and may be considered for a WATCH position.

AB 838

(Connolly D) California Water Affordability and Infrastructure Transparency Act of 2023.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

Summary: 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. Current 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. The act prohibits a person from operating a public water system unless the person first submits an application to the state board and receives a permit to operate the system, as specified. The act requires a public water system to submit a technical report to the state board as a part of the permit application or when otherwise required by the state board, as specified, and to submit the report in the form and format and at intervals specified by the state board. This bill would require, beginning January 1, 2025, and thereafter at intervals determined by the state board, public water systems to provide specified information and data related to customer water bills and efforts to replace aging infrastructure to the state board.

Position	Priority
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Opposition

A. Priority
Support/Oppose

AB 1337

(Wicks D) State Water Resources Control Board: water diversion curtailment.

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/7/2023)(May be acted upon Jan 2024)

Summary: Under existing law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability. This bill would expand the instances when the diversion or use of water is considered a trespass. This bill contains other related provisions and other existing laws.

Position

Priority

Opposition

A. Priority

Support/Oppose

Notes 1: Oppose adopted April 5th

AB 1572

(Friedman D) Potable water: nonfunctional turf.

Status: 8/28/2023-In committee: Referred to suspense file.

Calendar: 9/1/2023 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE APPROPRIATIONS SUSPENSE, PORTANTINO, ANTHONY, Chair

Summary: Would make legislative findings and declarations concerning water use, including that the use of potable water to irrigate nonfunctional turf is wasteful and incompatible with state policy relating to climate change, water conservation, and reduced reliance on the Sacramento-San Joaquin Delta ecosystem. The bill would direct all appropriate state agencies to encourage and support the elimination of irrigation of nonfunctional turf with potable water.

Position

Priority

Oppose unless
amended

A. Priority

Support/Oppose

Notes 1: OUA adopted April 5th

AB 1594

(Garcia D) Medium- and heavy-duty zero-emission vehicles: public agency utilities.

Status: 8/14/2023-In committee: Referred to APPR suspense file.

Calendar: 9/1/2023 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE APPROPRIATIONS SUSPENSE, PORTANTINO, ANTHONY, Chair

Summary: Current law establishes the Air Quality Improvement Program that is administered by the State Air Resources Board for purposes of funding projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality, and establishes the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program within the Air Quality Improvement Program to make financing tools and nonfinancial supports available to operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. This bill would require any state regulation that seeks to require, or otherwise compel, the procurement of medium- and heavy-duty zero-emission vehicles to authorize public agency utilities to purchase replacements for traditional utility-specialized vehicles that are at the end of life when needed to maintain reliable service and respond to major foreseeable events, including severe weather, wildfires, natural disasters, and physical attacks, as specified. The bill would define a public agency utility to include a local publicly owned electric utility, a community water system, and a wastewater treatment provider, as specified.

Position

Priority

Support

A. Priority

Support/Oppose

Notes 1: Support adopted May 3rd

SB 23

(Caballero D) Water supply and flood risk reduction projects: expedited permitting.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)

Summary: Current law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, except under specified conditions, including requiring the entity to send written notification to the Department of Fish and Wildlife regarding the activity in the manner prescribed by the department. This bill would require a project proponent, if already required to submit a notification to the department, to submit to the department the certified or adopted environmental review document, as applicable, for the activity in the notification. The bill would require the department, under prescribed circumstances, to take certain actions within specified timelines, or within a

mutually agreed-to extension of time.

Position	Priority
Support	A. Priority Support/Oppose

Notes 1: Support position approved on 3/1/2023

SB 366

(Caballero D) The California Water Plan: long-term supply targets.

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was W.,P. & W. on 6/8/2023)(May be acted upon Jan 2024)

Summary: Current law requires the Department of Water Resources to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state, which is known as “The California Water Plan.” Current law requires the department to include a discussion of various strategies in the plan update, including, but not limited to, strategies relating to the development of new water storage facilities, water conservation, water recycling, desalination, conjunctive use, water transfers, and alternative pricing policies that may be pursued in order to meet the future needs of the state. Current law requires the department to establish an advisory committee to assist the department in updating the plan. This bill would revise and recast certain provisions regarding The California Water Plan to, among other things, require the department to instead establish a stakeholder advisory committee and to expand the membership of the committee to include tribes, labor, and environmental justice interests. The bill would require the department to coordinate with the California Water Commission, the State Water Resources Control Board, other state and federal agencies as appropriate, and the stakeholder advisory committee to develop a comprehensive plan for addressing the state’s water needs and meeting specified long-term water supply targets established by the bill for purposes of The California Water Plan. The bill would require the plan to provide recommendations and strategies to ensure enough water supply for all beneficial uses.

Position	Priority
Support	A. Priority Support/Oppose

SB 389

(Allen D) State Water Resources Control Board: investigation of water right.

Status: 8/17/2023-Read second time. Ordered to third reading.

Calendar: 8/31/2023 #58 ASSEMBLY THIRD READING FILE - SENATE BILLS

Summary: Current law authorizes the State Water Resources Control Board to investigate bodies of water, to take testimony in regard to the rights to water or the use of water, and to ascertain whether or not water is appropriated lawfully, as provided. Under current law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability. This bill would instead authorize the board to investigate and ascertain whether or not a water right is valid. The bill would authorize the board to issue an information order in furtherance of an investigation, as executed by the executive director of the board, to a water right holder or claimant, diverter, or user to provide the information related to a diversion and use of water, as specified. The bill would authorize a diversion or use of water ascertained to be unauthorized pursuant to this provision to be enforced as a trespass.

Position	Priority
Opposition	A. Priority Support/Oppose

Notes 1: Oppose adopted April 5th. Amended in the Assembly. ACWA is now WATCH.

SB 687

(Eggman D) Water Quality Control Plan: Delta Conveyance Project.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2023)(May be acted upon Jan 2024)

Summary: Would require the State Water Resources Control Board to adopt a final update of the 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, as provided, before the board may consider a change in point diversion or any other water rights permit or order for the Delta Conveyance Project. The bill would also, if, after completing the update of the plan and in compliance with existing law, the board approves a change in point of diversion or any other water rights permit or order associated with the Delta Conveyance Project, prohibit the operation of the Delta Conveyance Project unless and until the updated plan is fully implemented. The bill would specify that these provisions do not constitute an authorization for or approval of funding for the Delta Conveyance Project or any other project that includes isolated Delta conveyance facilities, and do not reduce any statutory or other regulatory conditions or permit requirements for Delta conveyance projects.

Position	Priority
Opposition	A. Priority Support/Oppose

Notes 1: Oppose adopted per Policy Principles.

B. Watch

[AB 30](#)

(Ward D) Atmospheric rivers: research: reservoir operations.

Status: 8/22/2023-Enrolled and presented to the Governor at 3:45 p.m.

Summary: Current law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program in the Department of Water Resources. Current law requires the department, upon an appropriation for purposes of the program, to research climate forecasting and the causes and impacts that climate change has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. This bill would rename that program the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program. The bill would require the department to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.

Position	Priority
Watch	B. Watch

[AB 62](#)

(Mathis R) Statewide water storage: expansion.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)

Summary: 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. This bill would establish a statewide goal to increase above- and below-ground water storage capacity by a total of 3,700,000 acre-feet by the year 2030 and a total of 4,000,000 acre-feet by the year 2040. The bill would require the Department of Water Resources, in consultation with the state board, to take reasonable actions to promote or assist efforts to achieve the statewide goal, as provided. The bill would require the department, beginning July 1, 2027, and on or before July 1 every 2 years thereafter until January 1, 2043, in consultation with the state board, to prepare and submit a report to the Legislature on the progress made to achieve the statewide goal.

Position	Priority
Watch	B. Watch

[AB 66](#)

(Mathis R) Natural Resources Agency: water storage projects: permit approval.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

Summary: Current law establishes the Natural Resources Agency, composed of departments, boards, conservancies, and commissions responsible for the restoration, protection, and management of the state's natural and cultural resources. Current law establishes in the agency the Department of Water Resources, which manages and undertakes planning with regard to water resources in the state. This bill would require the agency, and each department, board, conservancy, and commission within the agency, to take all reasonable steps to approve the necessary permits for specified projects that meet certain employment conditions within 180 days from receiving a complete permit application.

Position	Priority
	B. Watch

[AB 249](#)

(Holden D) Water: schoolsites: lead testing: conservation.

Status: 8/21/2023-In committee: Referred to APPR suspense file.

Calendar: 9/1/2023 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE APPROPRIATIONS SUSPENSE, PORTANTINO, ANTHONY, Chair

Summary: Would require a community water system that serves a schoolsite, as defined, to test for lead in the potable water system outlets of the schoolsite before January 1, 2027, except for potable water system outlets in buildings that

were either constructed after January 1, 2010, or modernized after January 1, 2010, and all faucets and other end point devices used for providing potable water were replaced as part of the modernization. The bill would require the community water system to report its findings to the applicable schoolsite or local educational agency and to the state board. The bill would require the local educational agency or schoolsite, if the lead level exceeds a specified level at a schoolsite, to notify the parents and guardians of the pupils who attend the schoolsite, take immediate steps to make inoperable and shut down from use all potable water system outlets where the excess lead levels may exist, and work to ensure that a lead-free source of drinking water is provided for pupils, as specified. The bill would require a community water system to test a potable water system outlet that replaces an outlet that is found to have excess levels of lead. The bill would require a community water system to prepare a sampling plan for each schoolsite where lead sampling is required under these provisions, as specified. The bill would require the schoolsite, local education agency, and state board to make the results of schoolsite lead sampling publicly available by posting the results on its internet website. The bill would require a schoolsite and a local educational agency, if an internet website is not maintained, to provide the results upon request. By imposing additional duties on local agencies, this bill would impose a state-mandated local program.

Position	Priority
Watch	B. Watch

AB 277 **(Rodriguez D) Extreme Weather Forecast and Threat Intelligence Integration Center.**

Status: 8/21/2023-In committee: Referred to APPR suspense file.

Calendar: 9/1/2023 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE APPROPRIATIONS
SUSPENSE, PORTANTINO, ANTHONY, Chair

Summary: Current law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program within the department to, upon appropriation of special fund moneys, research climate forecasting and the causes and impacts that climate change has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection in the state, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. This bill would establish the State-Federal Flood Operations Center within the Department of Water Resources and would authorize the department to administer the center in the department's divisions, offices, or programs. The bill would provide that the purpose of the center is to function as the focal point for gathering, analyzing, and disseminating flood and water-related information to stakeholders and would authorize the center to take specified actions for that purpose, including to function during emergency situations to enable the department to centrally coordinate statewide emergency responses.

Position	Priority
Watch	B. Watch

AB 305 **(Villapudua D) California Flood Protection Bond Act of 2024.**

Status: 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

Summary: Would enact the California Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,500,000,000 pursuant to the State General Obligation Bond Law for flood protection projects, as specified. The bill would provide for the submission of these provisions to the voters at the November 5, 2024, statewide general election.

Position	Priority
Watch	B. Watch

AB 338 **(Aguiar-Curry D) Public works: definition.**

Status: 8/14/2023-In committee: Referred to APPR suspense file.

Calendar: 9/1/2023 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE APPROPRIATIONS
SUSPENSE, PORTANTINO, ANTHONY, Chair

Summary: Current law requires that, except as specified, not less than the general prevailing rate of per diem wages, determined by the Director of Industrial Relations, be paid to workers employed on public works projects. Existing law defines the term "public works" for purposes of requirements regarding the payment of prevailing wages to include construction, alteration, demolition, installation, or repair work done under contract and paid for using public funds, except as specified. Current law makes a willful violation of laws relating to the payment of prevailing wages on public works a misdemeanor. This bill would, commencing January 1, 2025, expand the definition of "public works" to include fuel reduction work done under contract and paid for in whole or in part out of public funds performed as part of a fire mitigation project, as specified. The bill would limit those provisions to work that falls within an apprenticeship occupation in the building and construction trades for which an apprenticeship program has been approved and to contracts in excess of \$100,000. The bill would delay the application of those provisions until January 1, 2026, for nonprofits.

Position	Priority
Watch	B. Watch

AB 340

(Fong, Vince R) California Environmental Quality Act: grounds for noncompliance.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 2/9/2023)(May be acted upon Jan 2024)

Summary: The California Environmental Quality Act (CEQA) prohibits an action or proceeding from being brought in a court to challenge the approval of a project by a public agency unless the alleged grounds for noncompliance are presented to the public agency orally or in writing by a person during the public comment period provided by CEQA or before the close of the public hearing on the project before the issuance of the notice of determination. This bill would require the alleged grounds for noncompliance with CEQA presented to the public agency in writing be presented at least 10 days before the public hearing on the project before the issuance of the notice of determination. The bill would prohibit the inclusion of written comments presented to the public agency after that time period in the record of proceedings and would prohibit those documents from serving as basis on which an action or proceeding may be brought.

Position	Priority
Watch	B. Watch

AB 676

(Bennett D) Water: general state policy.

Status: 8/22/2023-Read second time. Ordered to third reading.

Calendar: 9/1/2023 #254 SENATE ASSEMBLY BILLS - THIRD READING FILE

Summary: Would specify that the use of water for domestic purposes includes water use for human consumption, cooking, sanitary purposes, care of household livestock, animals, and gardens, fire suppression and other safety purposes, and a purpose determined to be a domestic purpose as established by the common law.

Position	Priority
Watch	B. Watch

AB 1072

(Wicks D) Water conservation and efficiency: low-income residential customers.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2023)(May be acted upon Jan 2024)

Summary: Would declare the policy of the state that all residents have access to water conservation and efficiency programs. The bill would also set forth related findings including that reaching the state's environmental justice goals and commitments requires designing climate adaptation programs so that all households may participate.

Position	Priority
Watch	B. Watch

AB 1205

(Bauer-Kahan D) Water rights: sale, transfer, or lease: agricultural lands.

Status: 8/21/2023-In committee: Referred to APPR suspense file.

Calendar: 9/1/2023 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE APPROPRIATIONS SUSPENSE, PORTANTINO, ANTHONY, Chair

Summary: Current law declares that, because of the conditions prevailing in this state, the general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of the water is to be exercised with a view to the reasonable and beneficial use of the water in the interest of the people and for the public welfare. This bill would require the State Water Resources Control Board to, on or before January 1, 2027, conduct a study and report to the Legislature and appropriate policy committees on the existence of speculation or profiteering by an investment fund in the sale, transfer, or lease of an interest in any surface water right or groundwater right previously put to beneficial use on agricultural lands, as specified. The bill would repeal this provision on January 1, 2031.

Position	Priority
Watch	B. Watch

AB 1567

(Garcia D) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.

Status: 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

Summary: Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,995,000,000 pursuant to the State General Obligation Bond Law to

finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.

Position	Priority
Watch	B. Watch

AB 1573 **(Friedman D) Water conservation: landscape design: model ordinance.**

Status: 8/28/2023-In committee: Referred to suspense file.

Calendar: 9/1/2023 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE APPROPRIATIONS
SUSPENSE, PORTANTINO, ANTHONY, Chair

Summary: The Water Conservation in Landscaping Act provides for a Model Water Efficient Landscape Ordinance that is adopted and updated at least every 3 years by the Department of Water Resources, unless the department makes a specified finding. Current law requires a local agency to adopt the model ordinance or to adopt a water efficient landscape ordinance that is at least as effective in conserving water as the updated model ordinance, except as specified. Current law specifies the provisions of the updated model ordinance, as provided. Current law includes a related statement of legislative findings and declarations. This bill would require the updated model ordinance to include provisions that require that plants included in a landscape design plan be selected based on their adaptability to climatic, geological, and topographical conditions of the project site, as specified. The bill would also exempt landscaping that is part of a culturally specific project, as defined, ecological restoration projects that do not require a permanent irrigation system, mined-land reclamation projects that do not require a permanent irrigation system, and existing plant collections, as part of botanical gardens and arboretums open to the public, from the model ordinance. The bill would require the updated model ordinance to include provisions that, among other changes, prohibit the use of traditional overhead sprinklers on all new and rehabilitated landscapes and require that new and rehabilitated landscapes use only water efficient irrigation devices, require that all new or renovated nonresidential areas install in the project footprint not less than 25% California native plants, as provided, and prohibit the inclusion of nonfunctional turf in nonresidential landscape projects after January 1, 2026.

Position	Priority
Watch	B. Watch

AB 1637 **(Irwin D) Local government: internet websites and email addresses.**

Status: 7/10/2023-In committee: Referred to APPR. suspense file.

Calendar: 9/1/2023 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE APPROPRIATIONS
SUSPENSE, PORTANTINO, ANTHONY, Chair

Summary: Would, no later than January 1, 2029, require a local agency, as defined, that maintains an internet website for use by the public to ensure that the internet website utilizes a “.gov” top-level domain or a “.ca.gov” second-level domain and would require a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a “.gov” or “.ca.gov” domain. This bill, no later than January 1, 2029, would also require a local agency that maintains public email addresses to ensure that each email address provided to its employees utilizes a “.gov” domain name or a “.ca.gov” domain name. By adding to the duties of local officials, the bill would impose a state-mandated local program.

Position	Priority
Watch	B. Watch

Notes 1: No longer applies to special districts

AB 1648 **(Bains D) Water: Colorado River conservation.**

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/16/2023)(May be acted upon Jan 2024)

Summary: Would prohibit the Metropolitan Water District of Southern California and the Department of Water and Power of the City of Los Angeles from achieving a reduction in, or conservation of, Colorado River water consumption required by an agreement with specified entities through increased water deliveries or imports from other regions of California, including the San Joaquin Valley and the Sacramento-San Joaquin Delta. The bill would require the Colorado River Board of California, the Department of Water Resources, and the State Water Resources Control Board to use their existing authority to enforce these provisions. The bill would specify that these provisions apply retroactively to January 1, 2023, and apply to any agreement entered into on or after that date.

Position	Priority
Watch	B. Watch

ACA 2 **(Alanis R) Public resources: Water and Wildfire Resiliency Act of 2023.**

Status: 4/20/2023-Referred to Coms. on W., P., & W. and NAT. RES.

Summary: Would establish the Water and Wildfire Resiliency Fund within the State Treasury, and would require the Treasurer to annually transfer an amount equal to 3% of all state revenues that may be appropriated as described from the General Fund to the Water and Wildfire Resiliency Fund. The measure would require the moneys in the fund to be appropriated by the Legislature and would require that 50% of the moneys in the fund be used for water projects, as specified, and that the other 50% of the moneys in the fund be used for forest maintenance and health projects, as specified.

Position	Priority
Out for Analysis	B. Watch

SB 3

(Dodd D) Discontinuation of residential water service: public water system.

Status: 8/23/2023-August 23 set for first hearing. Placed on suspense file.

Calendar: 9/1/2023 Upon adjournment of Session - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS
SUSPENSE, HOLDEN, CHRIS, Chair

Summary: Current law authorizes the State Water Resources Control Board to provide for the deposit into the Safe and Affordable Drinking Water Fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would require the board to, upon appropriation by the Legislature, expend moneys to provide training statewide to community water systems with between 15 and 200 service connections to meet compliance with the Water Shutoff Protection Act.

Position	Priority
Out for Analysis	B. Watch

SB 48

(Becker D) Building Energy Savings Act.

Status: 8/23/2023-August 23 set for first hearing. Placed on suspense file.

Calendar: 9/1/2023 Upon adjournment of Session - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS
SUSPENSE, HOLDEN, CHRIS, Chair

Summary: Current law requires each utility to maintain records of the energy usage data of all buildings to which they provide service for at least the most recent 12 complete calendar months, and to deliver or otherwise provide that aggregated energy usage data for each covered building, as defined, to the owner, as specified. Current law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to adopt regulations providing for the delivery to the Energy Commission and public disclosure of benchmarking of energy use for covered buildings, and specifies that this requirement does not require the owner of a building with 16 or fewer residential utility accounts to collect or deliver energy usage information to the Energy Commission. This bill would additionally specify that the requirement does not require the owner of a building with less than 50,000 square feet of gross floor space to collect or deliver energy usage information to the Energy Commission.

Position	Priority
Watch	B. Watch

SB 57

(Gonzalez D) Utilities: disconnection of residential service.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E. U., & C. on 3/22/2023)(May be acted upon Jan 2024)

Summary: Would require an electrical corporation, local publicly owned electric utility, gas corporation, local publicly owned gas utility, water corporation, or local agency that owns a public water system to postpone the disconnection of a customer's residential service for nonpayment of a delinquent account when the temperature will be 32 degrees Fahrenheit or cooler, or 95 degrees Fahrenheit or warmer, within the utility's service area during the 24 hours after that service disconnection would occur, as specified. The bill would require each of those utilities to notify its residential ratepayers of that requirement and to create an online reporting system available through its internet website, if it has one, that enables its residential ratepayers to report when their utility service has been disconnected in violation of that requirement, as specified. The bill would require the PUC to establish a citation program to impose a penalty on an electrical corporation or gas corporation that violates that requirement, and require each local publicly owned electric utility and local publicly owned gas utility to annually report to the State Energy Resources Conservation and Development Commission the number of residential service connections it disconnected for nonpayment of a delinquent account. The bill would authorize the State Water Resources Control Board to enforce the requirement that a water corporation and local agency that owns a public water system postpone a disconnection of a customer's residential service, as specified.

Position	Priority
Watch	B. Watch

(Hurtado D) Water Quality, Supply, and Infrastructure Improvement Act of 2014: Drinking Water Capital Reserve Fund: administration.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 3/29/2023)(May be acted upon Jan 2024)

Summary: The Water Quality, Supply, and Infrastructure Improvement Act of 2014 bond act provides that the sum of \$260,000,000 is to be available for grants and loans for public water system infrastructure improvements and related actions to meet safe drinking water standards, ensure affordable drinking water, or both, as specified. Current law requires the State Water Resources Control Board to deposit up to \$2,500,000 of the \$260,000,000 into the Drinking Water Capital Reserve Fund, to be available upon appropriation by the Legislature. Current law requires the state board to administer the Drinking Water Capital Reserve Fund for the purpose of serving as matching funds for disadvantaged communities and requires the state board to develop criteria to implement this provision. This bill would require the state board to provide an analysis of the criteria to implement that provision to the Senate Committee on Natural Resources and Water and Assembly Committee on Water, Parks, and Wildlife on January 1, 2025, and every 2 years thereafter.

Position	Priority
Watch	B. Watch

(Cortese D) California Environmental Quality Act: local agencies: filing of notices of determination or exemption.

Status: 8/16/2023-August 16 set for first hearing. Placed on suspense file.

Calendar: 9/1/2023 Upon adjournment of Session - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS SUSPENSE, HOLDEN, CHRIS, Chair

Summary: The California Environmental Quality Act (CEQA) requires a local agency that approves or determines to carry out a project subject to CEQA to file a notice of determination with the county clerk of each county in which the project will be located, as provided. CEQA authorizes a local agency that determines that a project is not subject to CEQA to file a notice of exemption with the county clerk of each county in which the project will be located, as provided. CEQA requires the county clerk to make the notice available for public inspection and post the notice within 24 hours of receipt in the office or on the internet website of the county clerk, as specified. CEQA requires an action or proceeding challenging an act or decision of a public agency, including a local agency, on the grounds of noncompliance with CEQA to be commenced within certain time periods, as specified. This bill would require a local agency to file a notice of determination with the State Clearinghouse in the Office of Planning and Research in addition to the county clerk of each county in which the project will be located. The bill would authorize a local agency to file a notice of exemption with the State Clearinghouse in the Office of Planning and Research in addition to the county clerk of each county in which the project will be located. The bill would require the notice, including any subsequent or amended notice, to be posted both in the office and on the internet website of the county clerk and by the Office of Planning and Research on the State Clearinghouse internet website within 24 hours of receipt. The bill would specify that the posting of the notice by the Office of Planning and Research would not affect the applicable time periods to challenge an act or decision of a local agency, as described above.

Position	Priority
Watch	B. Watch

(Hurtado D) Department of Water Resources: water supply forecasting.

Status: 8/23/2023-August 23 set for first hearing. Placed on suspense file.

Calendar: 9/1/2023 Upon adjournment of Session - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS SUSPENSE, HOLDEN, CHRIS, Chair

Summary: Would require the Department of Water Resources, on or before December 31, 2025, to establish a formal process for annually evaluating and improving the accuracy of its water supply forecasts, adopt a new water supply forecasting model that better addresses the effects of climate change, and implement a formal policy and procedures for documenting its operational plans for the state's water supply and its rationale for its operating procedures. The bill would require the department, by December 1, 2024, to prepare, and submit to the Legislature, a report on its progress toward meeting these requirements.

Position	Priority
Watch	B. Watch

(Laird D) Sea level rise: planning and adaptation.

Status: 8/16/2023-August 16 set for first hearing. Placed on suspense file.

Calendar: 9/1/2023 Upon adjournment of Session - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS SUSPENSE, HOLDEN, CHRIS, Chair

Summary: Current law creates within the Ocean Protection Council the California Sea Level Rise State and Regional Support Collaborative to provide state and regional information to the public and support to local, regional, and other state agencies for the identification, assessment, planning, and, where feasible, the mitigation of the adverse environmental, social, and economic effects of sea level rise within the coastal zone, as provided. This bill would require a local government, as defined, lying, in whole or in part, within the coastal zone, as defined, or within the jurisdiction of the San Francisco Bay Conservation and Development Commission, as defined, to implement sea level rise planning and adaptation through either submitting, and receiving approval for, a local coastal program, as defined, to the California Coastal Commission or submitting, and receiving approval for, a subregional San Francisco Bay shoreline resiliency plan to the San Francisco Bay Conservation and Development Commission, as applicable, on or before January 1, 2034, as provided. By imposing additional requirements on local governments, the bill would impose a state-mandated local program. The bill would require local governments that receive approval for sea level rise planning and adaptation on or before January 1, 2029, to be prioritized for sea level rise funding, upon appropriation by the Legislature, for the implementation of projects in the local government's approved sea level rise adaptation plan.

Position	Priority
Watch	B. Watch

SB 315

(Hurtado D) Groundwater: groundwater sustainability agencies: probationary basins.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)

Summary: The Sustainable Groundwater Management Act authorizes the State Water Resources Control Board to designate specified basins as probationary basins if certain conditions are met, including, but not limited to, that the Department of Water Resources, in consultation with the board, determines that a groundwater sustainability plan is inadequate or that the groundwater sustainability program is not being implemented in a manner that will likely achieve the sustainability goal. Current law requires the board, if it designates a basin as a probationary basin pursuant to specified conditions, to identify the specific deficiencies and potential remedies. Current law authorizes the board to request the department, within 90 days of the designation, to provide technical recommendations to local agencies to remedy the deficiencies and to develop an interim plan for the probationary basin one year after the designation, as specified. This bill would require any groundwater sustainability agency that hires a third-party consulting firm to ensure that the integrity of the science being used to develop a groundwater sustainability plan is protected and the data is not sold. The bill would delete the authorizations for the board to request technical recommendations from the department. The bill would additionally place various requirements on the board in working with a groundwater sustainability agency, including, among other things, requiring the board to provide clear benchmarks and guidance for groundwater sustainability agencies to improve their groundwater management plans.

Position	Priority
Watch	B. Watch

SB 865

(Laird D) Municipal water districts: automatic exclusion of cities.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/1/2023)(May be acted upon Jan 2024)

Summary: Current law authorizes a governing body of a municipal water district to adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, if the territory is annexed prior to the effective date of the formation of the municipal water district. Current law requires the Secretary of State to issue a certificate reciting the passage of the ordinance and the exclusion of the area from the municipal water district within 10 days of receiving a certified copy of the ordinance. This bill would extend the number of days the Secretary of State has to issue a certificate to 14 days.

Position	Priority
Watch	B. Watch

SB 867

(Allen D) Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.

Status: 7/6/2023-July 10 hearing postponed by committee.

Summary: Would enact the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,500,000,000 pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs.

Position	Priority
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C. Spot Bill

AB 422**(Alanis R) Natural Resources Agency: statewide water storage: tracking.****Status:** 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 2/9/2023)(May be acted upon Jan 2024)**Summary:** Would require the Natural Resources Agency, on or before June 1, 2024, to post on its publicly available internet website information tracking the progress to increase statewide water storage, and to keep that information updated.Position
WatchPriority
C. Spot Bill**Total Measures: 40****Total Tracking Forms: 40**

Metropolitan Water District of Southern California

State Legislation Matrix

August 14, 2023 – First Year of Legislative Session

Item No. 2f

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
AB 400 B. Rubio (D – Baldwin Park) Sponsors: California State Association of Counties, League of California Cities	Amended 6/13/2023 Assembly Floor	Local agency design-build projects: authorization. This measure would extend the existing sunset date to January 1, 2031, for the use of design-build as a delivery method for public works contracts.	Support Based on October 2021 Board Action	Metropolitan’s current authority to use design-build under AB 1845 (Calderon, CH. 275, 2022) will sunset on January 1, 2028. The provisions of this bill would allow Metropolitan to use design-build for future projects through January 1, 2031.
AB 1567 Garcia (D-Coachella)	Amended 5/26/2023 Senate Natural Resources and Water Committee	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024. This measure would authorize a \$15.995 billion general obligation bond for the March 5, 2024, ballot to fund a broad range of resource-based programs that will assist California to improve its climate resiliency.	Support, if amended Based on June 2023 Board Action	This measure is consistent with Metropolitan’s current policy priorities and supports the objectives of Metropolitan’s Climate Adaptation Master Plan. Metropolitan is seeking amendments to increase funding for recycled water, dam safety, regional conveyance, drought and conservation projects.
AB 1572 Friedman (D - Glendale) Co-Sponsors: Metropolitan, Heal the Bay, National Resources Defense Council	Amended 7/10/2023 Senate Appropriations Committee	Potable water: nonfunctional turf. This measure prohibits the use of potable water for the irrigation of non-functional turf located on commercial, industrial, institutional. This measure provides the State Water Resources Control Board with the authority to postpone compliance dates as prescribed.	Co-Sponsor Based on April 2023 Board action	Based on input from the Board and member agencies, Metropolitan sought amendments to exclude multi-family residential buildings and protect the authority and local control of public water systems. The June 19 version reflects these amendments and Metropolitan is now a “Co-Sponsor” of this measure.

Metropolitan Water District of Southern California

State Legislation Matrix

August 14, 2023 – First Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
AB 1573 Friedman (D - Glendale) Sponsor: Earth Advocacy and California Native Plant Society	Amended on 7/10/2023 Senate Appropriations Committee	Water conservation: landscape design: model ordinance. This measure would update the model water efficient landscape ordinance for new or renovated nonresidential areas to require at least 25% local native plants beginning January 1, 2026. This measure would also prohibit the use of nonfunctional turf in nonresidential landscape projects after January 1, 2026.	Support Based on 2023 Legislative Priorities and Principles, adopted December 2022	This measure is consistent with Metropolitan's effort to reduce nonfunctional turf within its service area. Metropolitan staff initially identified implementation challenges but were able to work with the author's office to bring Metropolitan to a support position. Metropolitan's requested amendments included: (1) removal of the .3 plant factor, (2) a phased approach implementation of native plant requirement, and (3) require water efficient irrigation methods. The current version of the bill reflects these requested changes.
AB 1648 Bains (D - Bakersfield)	Amended 3/16/2023 Two Year Bill	Water: Colorado River Conservation This measure would specifically prohibit Metropolitan and LADWP to offset federally required reductions on Colorado River resources with increased water deliveries from other regions of California, including the Delta, retroactively as of January 1, 2023.	Oppose Based on 2023 Legislative Priorities and Principles, adopted December 2022	This measure affects Metropolitan's flexibility with its entire water portfolio, including the Integrated Water Resources Plan and the Annual Operating Plan. Metropolitan's reliability and its ability to meet demands would also be impaired by restrictions on partnerships with its State Water Project and Colorado River Basin stakeholders.
SB 122 Senate Committee on Budget and Fiscal Review	Amended 6/26/2023 Signed by the Governor Chapter 51, 2023	Flood Flow Streamlining Provisions in this trailer bill provide that diversion of flood flows for groundwater recharge do not require an appropriate water right if specified conditions regarding the diversion are met. These provisions exempt from the California Environmental Quality Act (CEQA) specified actions related to the implementation of Colorado River water conservation agreements with the US Bureau of Reclamation.	Seek Amendments Based on 2023 Water Rights Principles, adopted April 2023	The no-permit authorization poses a significant concern to Metropolitan's State Water Project supplies. There is no process for protesting, no requirement that diverters avoid harm to other legal water users with water rights senior to the flood flow diverter, and no protection of SWP and CVP rights to divert "excess flows" when they exist in the system up to the full capacity of the projects. Metropolitan will work with the administration to address these issues as the program is implemented.

Metropolitan Water District of Southern California

State Legislation Matrix

August 14, 2023 – First Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
SB 124 Senate Committee on Budget and Fiscal Review	Amended 6/26/2023 Signed by the Governor Chapter 53, 2023	Green Financing Programs for Federal IRA Funding This measure contains various provisions to implement the 2023 State Budget Act, which includes authorizing the State Infrastructure and Economic Development Bank and DWR to access and utilize federal funding in the Inflation Reduction Act to finance projects that reduce greenhouse emissions.	Support Based on 2023 Legislative Priorities and Principles, adopted December 2022	For the State Water Project, DWR's direct investment in qualifying projects could lower its capital costs, which would ultimately be passed on to Metropolitan and other SWP contractors.
SB 146 Gonzalez (D-Long Beach)	Amended 6/26/2023 Signed by the Governor Chapter 58, 2023	Public resources: infrastructure: contracting. This measure is part of the negotiated infrastructure trailer bill package and authorizes DWR to use the progressive design-build project delivery method for up to eight public works projects that exceed \$25 million. The Delta conveyance facilities and seawater desalination are expressly prohibited under this measure.	Support Based on October 2021 Board Action	By utilizing PDB and awarding a project contract prior to the completion of all design work, DWR can potentially reduce overall costs and execute shorter project delivery schedules. This could lead to reduced costs for SWP-related projects-resulting in cost savings being passed on to Metropolitan.
SB 147 Ashby (D-Sacramento)	Amended 6/26/2023 Signed by the Governor Chapter 59, 2023	Fully protected species: California Endangered Species Act: authorized take This measure is part of the negotiated infrastructure trailer bill package and authorizes the take of fully protected species for certain infrastructure projects if specified conditions are met. Eligible projects include the maintenance, repair and improvement of the State Water Project, as well as critical regional and local water infrastructure.	Support and Amended Based on 2023 Legislative Priorities and Principles, adopted December 2022	While this alternative may have benefits over current FPS regulations, the requirements are extensive and may make permit terms infeasible or cost prohibitive and could create other litigation risks for permittees. Combined, these aspects make it unlikely Metropolitan would seek to use this method.

Metropolitan Water District of Southern California

State Legislation Matrix

August 14, 2023 – First Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
SB 149 Caballero (D-Merced)	Amended 6/28/2023 Signed by the Governor Chapter 60, 2023	<p>California Environmental Quality Act: administrative and judicial procedures: record of proceedings: judicial streamlining.</p> <p>This measure is part of the negotiated infrastructure trailer bill package and makes various changes to CEQA. This bill provides clarification for what is considered as part of the administrative record, as well as allowing a public agency to deny a request to prepare the record of proceedings. This bill also provides for expedited judicial review for specified energy and transportation projects.</p>	<p>Support and Amend</p> <p>Based on 2023 Legislative Priorities and Principles, adopted December 2022</p>	<p>Administrative Records Streamlining: Overall, the provisions would be beneficial to Metropolitan as they could lower CEQA litigation costs and shorten litigation timelines.</p> <p>Expedited Judicial Review: The process for preparing the administrative record for any governor-certified infrastructure project must follow certain extensive and potentially costly specifications. While expedited judicial review is beneficial in concept, unless amended, the prerequisites may be infeasible or costly to implement.</p>
SB 150 Durazo (D-Los Angeles)	Amended 6/26/2023 Signed by the Governor Chapter 61, 2023	<p>Construction: workforce development: public contracts.</p> <p>This measure is part of the negotiated infrastructure trailer bill package and focuses on strengthening the state's workforce and community benefits with infrastructure investments through California's share of federal funds.</p>	<p>Support</p> <p>Based on 2023 Legislative Priorities and Principles, adopted December 2022</p>	<p>This bill is intended to help develop procurement models to enhance the state's training and access pipeline for jobs while ensuring community benefits on infrastructure and manufacturing investments.</p> <p>This bill is aligned with Metropolitan's values and would benefit the district by building the next generation of the state's construction workforce.</p>

Metropolitan Water District of Southern California

State Legislation Matrix

August 14, 2023 – First Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
SB 366 Caballero (D - Merced) Sponsors: California Municipal Utilities Association, California Council for Environmental and Economic Balance, California State Association of Counties	Amended 6/29/2023 Two-year bill	The California Water Plan: long-term supply targets. This measure would revise the California Water Plan to require the DWR to update the California Water Plan by December 31, 2028, and every five years after, to include a long-term water supply target for 2050 and discussion on the development of specified water supply sources to meet demand.	Support, if amended Based on 2023 Legislative Priorities and Principles, adopted December 2022	The intent of this bill is to help modernize California's water management practices and provide long-term reliable supplies in response to the current climate challenges. Metropolitan is seeking clarifying amendments to ensure the 2050 target reflects statewide, regional, and local planning efforts. Recent amendments related to the Delta environment are not consistent with the purpose of the California Water Plan.
SB 659 Ashby (D – Sacramento) Sponsors: Sacramento Regional Water Authority	Amended 7/12/2023 Assembly Appropriations Committee	California Water Supply Solutions Act of 2023. This bill would require DWR to develop a groundwater recharge plan by January 1, 2026, to create additional groundwater recharge capacity and include the plan as part of the 2028 update to the California Water Plan.	Support, if Amended Based on 2023 Legislative Priorities and Principles adopted December 2022.	This bill will further elevate the importance of groundwater in the state's planning efforts. Metropolitan is requesting amendments to add clarifying language to the definition of stormwater capture and merge this plan into the development of the California Water Plan to remove duplication of effort and ensure more comprehensive planning.
SB 687 Eggman (D - Stockton)	Amended 5/2/2023 Two-year bill	Water Quality Control Plan: Delta Conveyance Project. This measure will require the State Water Resources Control Board to adopt a final update of the Bay-Delta Water Quality Control Plan before the Board considers a change in the point of diversion or any other water rights permit or order for the Delta Conveyance Project.	Oppose Based on 2023 Legislative Priorities and Principles, adopted December 2022	Metropolitan supports updating the Water Quality Control Plan to protect beneficial uses in the Delta. However, this bill would result in halting or delaying planning efforts on the Delta Conveyance Project and potentially prevent the project from operating if approved.

Metropolitan Water District of Southern California

State Legislation Matrix

August 14, 2023 – First Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
SB 706 Caballero (D-Merced) Sponsors: CA State Association of Counties; County of San Diego; Design Build Institute of America Western Pacific Chapter; League of California Cities	Amended 6/28/23 Assembly Appropriations Committee	Public contracts: progressive design-build: local agencies. This bill would provide additional authority, until January 1, 2023, for cities, counties, and special districts to use progressive design-build authority for up to 10 public works projects that are in excess of \$5 million. In addition, any local agency that uses this authorized progressive-design build process must submit a report to the Legislature.	Support Based on 2023 Legislative Priorities and Principles, adopted December 2022	Currently, progressive design-build eligible projects are limited to wastewater treatment facilities, park and recreational facilities, solid waste management facilities and water recycling facilities. However, this bill will now authorize Metropolitan to address other physical structures and needs to further support Metropolitan's operations for reliable water supply deliveries throughout its service area.
SB 867 Allen (D-Santa Monica)	Amended 6/22/2023 Assembly Natural Resources Committee	Drought, Flood and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024. This measure would authorize a \$15.5 billion general obligation bond for a range of resource-based programs that will improve California's climate resiliency. If approved, this measure would be on the March 5, 2024 statewide ballot.	Support, if amended Based on June 2023 Board Action	This measure is consistent with Metropolitan's current policy priorities and supports the objectives of Metropolitan's Climate Adaptation Master Plan. Metropolitan is seeking amendments to increase funding for recycled water, dam safety, regional conveyance, drought, and conservation projects.



DISCUSSION ITEM

September 6, 2023

TO: Board of Directors

**FROM: Harvey De La Torre,
Interim General Manager**

Staff Contact: Melissa Baum-Haley
Alex Heide
Kevin Hostert

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

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

Water Transactions for June 2023 (for water delivered in April 2023) totaled 75.4 thousand acre-feet (TAF), which was 44.2 TAF lower than the budget of 119.6 TAF and translates to \$75.2 million in receipts for June 2023, which was \$40.6 million lower than budget of \$115.8 million.

Year-to-date water transactions through June 2023 (for water delivered in May 2022 through April 2023) were 1,385.8 TAF, which was 204.4 TAF lower than the budget of 1,590.2 TAF. Year-to-date water receipts through June 2023 were \$1,322.7 million, which was \$180.5 million lower than the budget of \$1,503.2 million.

On June 21, 2023, Metropolitan issued \$258,410,000 in Water Revenue and Refunding Bonds, 2023 Series A. Bond proceeds funded a portion of Metropolitan's Capital Investment Plan, repaid a \$35.6 million draw on a Wells Fargo Bank Revolving Credit Facility that was used to refund a like amount of subordinate lien bonds, and funded costs of issuance.

ISSUE BRIEF #B

SUBJECT: MET's Supply Condition Update

RECENT ACTIVITY

The 2022-23 Water Year (2022-23 WY) officially started on October 1, 2022. Thus far, Northern California accumulated precipitation (8-Station Index) reported **65.1 inches or 132% of normal** as of August 29th. The Northern Sierra Snow Water Equivalent peaked at **59.1 inches on April 9th**, which is **215% of normal** for that day. Due to barrage of atmospheric rivers in January and March, the Department of Water Resources (DWR) has increased the State Water Project (SWP) **"Table A" allocation to 100%**. This allocation provides Metropolitan with approximately **1,911,500 AF in SWP deliveries this water year**. In addition, Article 21 supplies (approximately 148,000 AF) were made to SWP contractors on March 24th 2023. DWR's SWP Allocation considers several factors including existing storage in SWP, conservation reservoirs, SWP operational regulatory constraints, and the 2023 contractor demands. In addition, Metropolitan received **134,000 AF for Human Health and Safety Supply in Calendar Year (CY) 2022**.

The Upper Colorado River Basin accumulated precipitation is reporting **32.3 inches or 117% of normal as of August 28th**. 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 peaked **26.2 inches as of April 10th**, which is **131% of normal** for that day. Due to the below average inflows into Lake Powell over the past several years, the United States Bureau of Reclamation **declared a shortage at Lake Mead that has been ongoing since January 1st, 2022**. As of August, **there is a 93% chance of shortage continuing in CY 2024 and a 3% chance that Metropolitan will see a 180,000 AF reduction in Colorado River water supplies in CY 2025**.

As of August 28th Lake Oroville storage is at **82% of total capacity and 139% of normal**. As of August 28th San Luis Reservoir has a current volume of **87% of the reservoir's total capacity and is 225% of normal**.

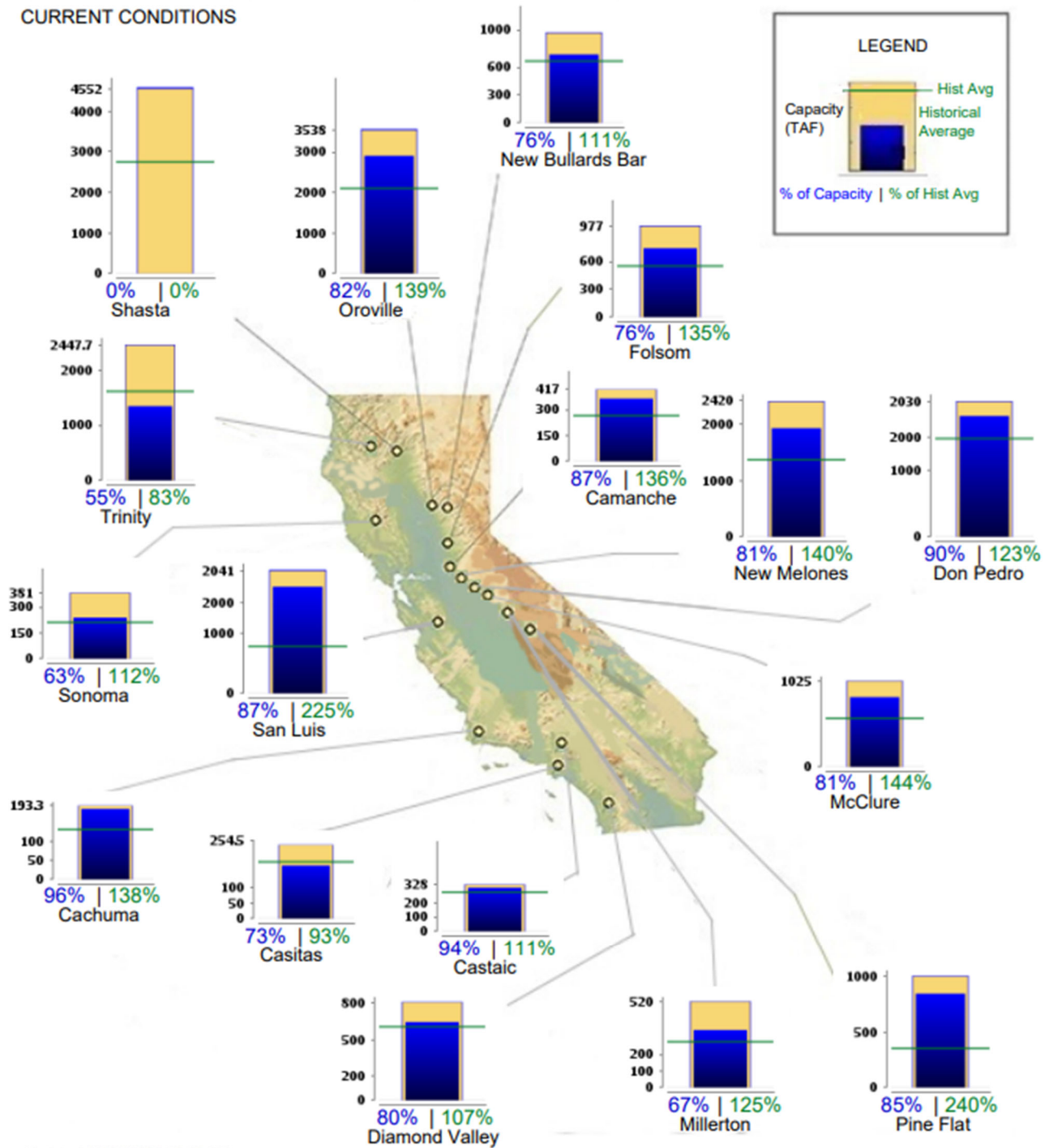
With CY 2023 estimated total demands and losses of 1.55 million acre-feet (MAF) and with a 100% SWP Table A Allocation, Metropolitan is projecting that supplies will exceed demands levels in CY 2023. Based on this, estimated total dry-year storage for Metropolitan at the end of **CY 2023 will increase to approximately 3.4 MAF**.

A projected dry-year storage supply of **3.4 MAF would be the highest level in MWD History. Unfortunately, due to the 100% SWP Table A Allocation, there is potential that MWD will not be able to store approximately 437 TAF**. A large factor in maintaining a high water storage level are lower than expected water demands. We are seeing regional water demands reaching a 40-year low. **However, with a majority of MWD's water supplies stored in Lake Mead and with still a 5 year shortage projection at Lake Mead, there remains a lot of uncertainty to where supply balances will be in the future.**

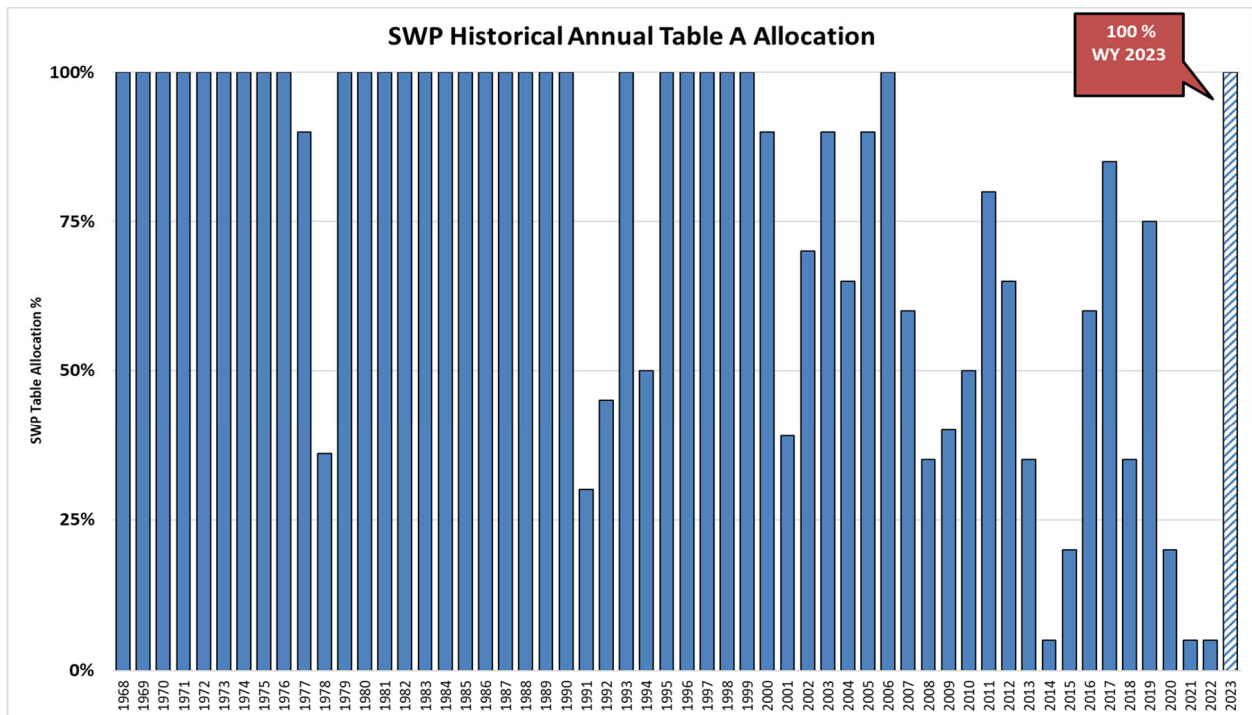
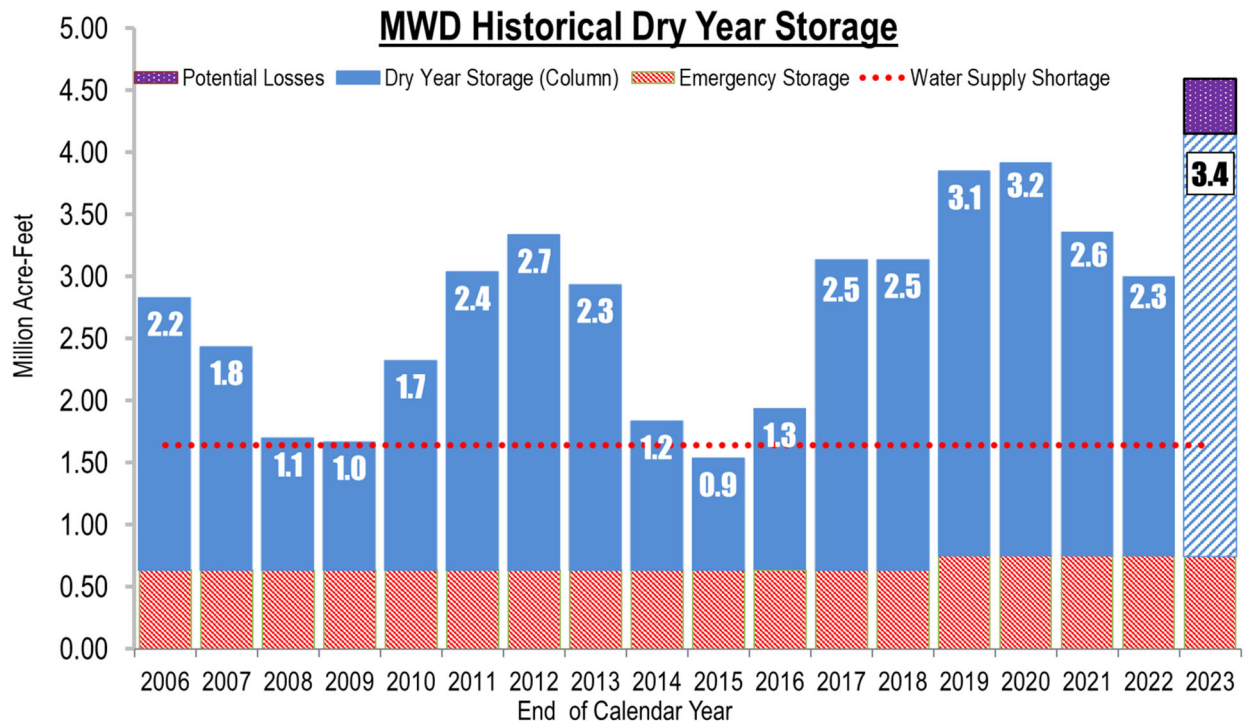
CALIFORNIA MAJOR WATER SUPPLY RESERVOIRS

CURRENT CONDITIONS

Midnight - August 28, 2023



Updated 08/29/2023 10:48 AM



ISSUE BRIEF #C

SUBJECT: MET's Water Quality Update

RECENT ACTIVITY

Water System Operations

Metropolitan member agency water deliveries were 112,400 acre-feet (AF) for July with an average of 3,600 AF per day, which was about 700 AF per day higher than in June. In addition, Metropolitan delivered 24,600 AF to Cyclic and Conjunctive Use Programs. Treated water deliveries increased by around 10,000 AF from June for a total of 69,600 AF, or 51 percent of total deliveries for the month. The Colorado River Aqueduct (CRA) pumped a total of 70,000 AF in June. State Water Project (SWP) imports averaged 4,200 AF per day, totaling about 130,000 AF for the month. The target SWP blend is around 50 percent for Weymouth and Diemer plants and 55 percent for the Skinner plant.

Water Treatment and Distribution

The SWP target blend entering the Weymouth and Diemer plants was approximately 50 percent in July. The Mills plant continued to receive a blend of water from Silverwood Lake and Lake Perris in July because of low alkalinity in the East Branch SWP. The SWP target entering Lake Skinner fluctuated to accommodate multiple operational needs and to maximize water delivery from the SWP. The SWP blend leaving Lake Skinner was in the range of 40 to 70 percent. Flow-weighted running annual averages for total dissolved solids from June 2022 through May 2023 for Metropolitan's treatment plants capable of receiving a blend of supplies from the SWP and the CRA were 545, 558, and 620 mg/L for the Weymouth, Diemer, and Skinner plants, respectively. Metropolitan staff cleaned the sedimentation basin as part of the annual preventative maintenance work at the Diemer plant. The sedimentation basins are an essential part of the treatment process where the majority of suspended solids are removed. Preventative maintenance is critical to ensure the reliability and longevity of the equipment.

Future Legislation and Regulation

On June 16, the Division of Drinking Water announced a proposed maximum contaminant level (MCL) for hexavalent chromium of 10 micrograms per liter (µg/L) and a detection limit for purposes of reporting (DLR) of 0.1 µg/L. Compliance timelines vary from 2 to 4 years, depending on system size. Metropolitan staff will submit comments in support of the MCL by the August 4, 2023, comment deadline.

On July 5, Metropolitan staff submitted written comments to the Senate Environment and Public Works Committee on a draft bill to address PFAS in the environment. The letter asked Congress to provide a more expansive definition of PFAS to protect against future PFAS

contaminants; follow the tenants of the Safe Drinking Water Act rather than mandating various PFAS (namely PFNA, PFHxS, PFBS, and HFPO-DA) be regulated; provide grants or loans to help water systems install PFAS remediation systems; and most important, add a new section that exempts water and wastewater treatment facilities from liability under CERCLA. Metropolitan staff will continue to engage both Congress and EPA with respects to regulating PFAS. On July 21, the State Water Resources Control Board released proposed Direct Potable Reuse (DPR) regulations. The regulations provide the regulatory framework by which highly treated recycled water can be introduced either immediately upstream of a water treatment plant or directly into a public water system. Metropolitan staff is coordinating with the Los Angeles County Sanitation Districts and the member agencies on comments to be submitted by the September 8, 2023, comment deadline.

The Metropolitan Water District of Southern California

Weekly Operations Plan for 8/24/2023 – 8/31/2023

For additional information, please contact James Bodnar at (213) 217-6099

1. **COLORADO RIVER AQUEDUCT:** The CRA is at a 3-pump flow.
2. **EAST BRANCH SPW:** Rialto Pipeline will average a flow between 1,000 and 1,300 AF/day. Santa Ana Valley Pipeline will be at 125 – 175 AF/day. Inland Feeder flow will be at 1,450 – 1,650 AF/day.
3. **WEST BRANCH SPW:** The flow from Castaic Lake will range between 1,200 and 1,500 AF/day. Flow to SCVWA (formerly CLWA) is currently at 60 AF/day.
4. **TERMINAL RESERVOIRS:**

Reservoir	Current Storage* (AF)	Percent of Capacity
Lake Mathews	154,100	85%
Lake Skinner	39,000	89%
DVL	642,800	79%

*as of 8/23/2023

5. **WATER QUALITY:**

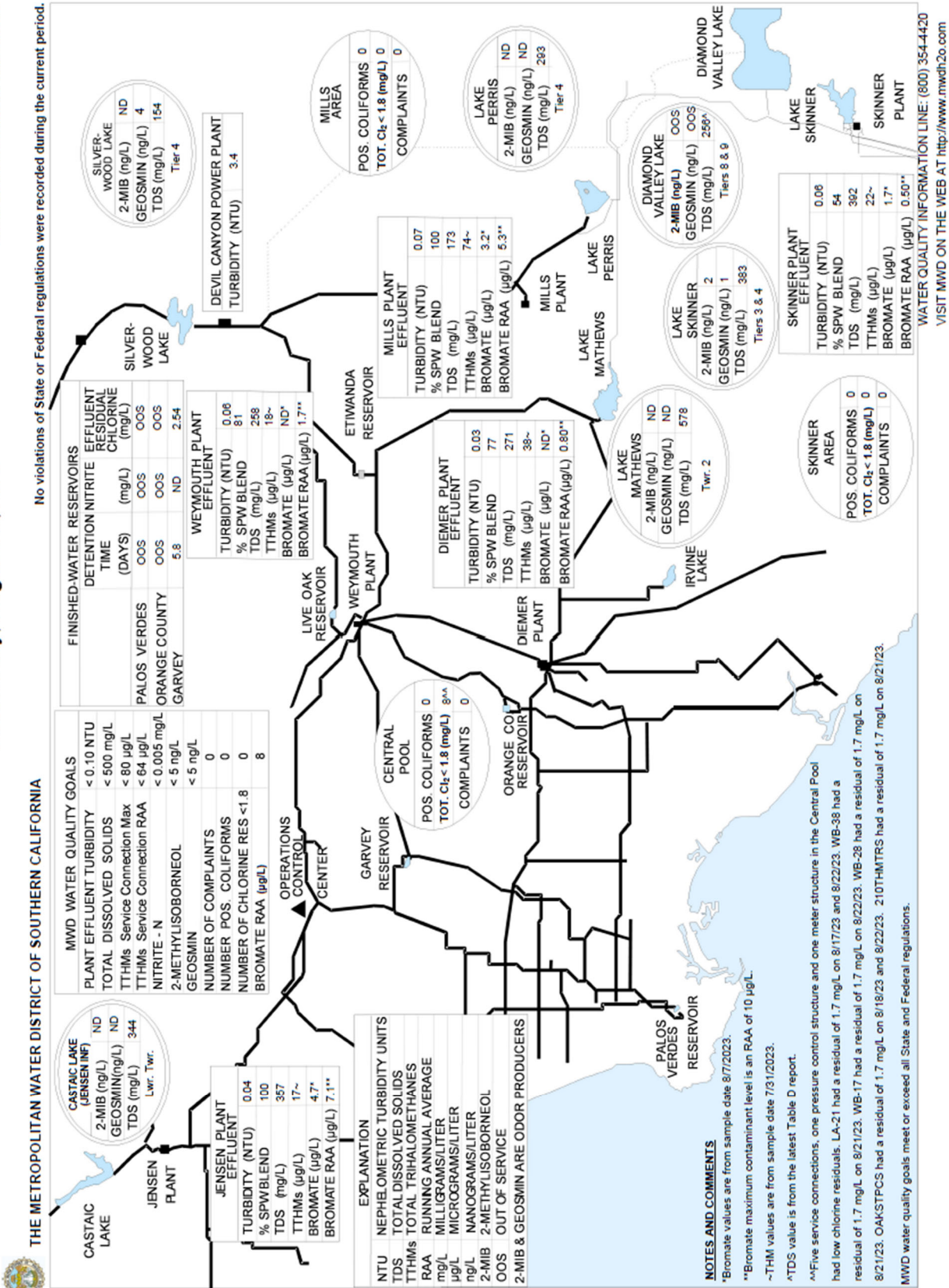
Plant	Targeted Blend (% SPW)	TDS (mg/L)	TTHMs (µg/L)
	As of 8/23/2023	As of 8/23/2023	As of 7/31/2023
Weymouth	80	258	18
Diemer	80	271	38
Skinner	55	392	22
Jensen	100	357	17
Mills	100	173	74

6. **WATER DELIVERIES:** August deliveries are forecasted to be about 121 TAF. As of August 23, 2023, total system demands are about 4,300 AF/day, a decrease of 2,000 AF/day from last week.
7. **HYDROELECTRIC GENERATION:** As of August 23, 2023, the total daily average generation for the week was about 11.0 MW, with 3 of 15 hydroelectric plants in operation.

Weekly Water Quality System Status

Wednesday, August 23, 2023

Generated On: 8/23/2023 10:04:29 AM



Water Quality Section Weekly TDS Report

For the week of 7/30/2023

Percent SPW Needed to Achieve TDS Goal of 500 mg/L				Estimated TDS for Reservoirs		
Source Water TDS		SPW Required		Reservoir (Effluent)	Date	mg/L
Plant	CRW	SPW	Percent			
Weymouth	606	179	25%	Lake Havasu (Table D)	6/14/23	660
Diemer	606	179	25%	Lake Mathews (DFP-LWRFR)	7/31/23	606
Skinner-Silverwood	656	179	33%	Lake Skinner (Outlet Structure)	7/31/23	366
Skinner-Perris	656	138	30%	Castaic Lake (JFP)	7/30/23	345
CRW for Diemer and Weymouth is Lake Mathews and San Jacinto - West Portal for Skinner.				Silverwood (Mills Int)	7/30/23	179
				Lake Perris	7/31/23	138
				DVL Outlet (Table D)	6/7/23	256

SUNDAY COMPOSITE ESTIMATED TDS FOR 03/26/23 - 07/30/23

TDS For Week of 7/30	
Plant Eff.	mg/L
Diemer	431
Weymouth	462
Skinner	402
Jensen	354
Mills	208



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 03/26/23 - 07/30/23

TDS For 7/24 - 7/30	
Plant Eff.	mg/L
Diemer	443
Weymouth	458
Skinner	397



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 July 2022 - June 2023

TDS For Jun 2023	
Plant Eff.	mg/L
Diemer	260
Weymouth	276
Skinner	460
Jensen	350
Mills	185



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 July 2022 - June 2023

Flow-Weighted RAA TDS Jul 2022 - Jun 2023	
Plant	mg/L
Diemer	535
Weymouth	523
Skinner	608
Jensen	343
Mills	268



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 #D

SUBJECT: Colorado River Issues

RECENT ACTIVITY

Work Continues on Post-2026 Guidelines Process and Lower Basin Plan as Part of Revised Supplemental Environmental Impact Statement (EIS) for Short-Term Operations

On June 16, U.S. Bureau of Reclamation (Reclamation) initiated the process for developing the post-2026 Colorado River Guidelines. They laid out a schedule in which a Draft EIS would be prepared by the end of 2024, followed by a Final EIS and Record of Decision in time for the 2027 operating year. The initial step is to solicit scoping comments for the National Environmental Policy Act process. Reclamation has requested input on the scope, strategies, and other issues that should be considered in the development of the EIS. In July, the Colorado River Basin States (Basin States) have been meeting to develop a seven-state scoping comment letter. The letter does not include negotiating positions but does include what actions should be analyzed in the EIS. Metropolitan staff participates on an interstate workgroup that is drafting the letter, which, if approved, would be signed by the Chair of the Colorado River Board of California, along with the principal representatives from each of the other Basin States. Metropolitan is planning on sending a separate set of scoping comments that will focus on our agency's particular interest in the upcoming Guidelines. Comments are due August 15, and Metropolitan staff will share a copy of the comments with the Board when they are complete.

Work also continues on the development of the Lower Basin Plan to conserve an additional 3 million acre-feet of water above the existing shortage requirements. In July, Coachella Valley Water District (CVWD) executed a contract to conserve 105,000 acre-feet of water over the next 3 years, leaving the water in Lake Mead as system water. CVWD will receive funds under the Inflation Reduction Act (IRA) for water left in Lake Mead. Also in July, Imperial Irrigation District and the Fort Mojave Quechan Indian Tribe received draft water conservation contracts to conserve additional supplies. Palo Verde Irrigation District and Bard Water District are still waiting for their contracts. In July, Reclamation extended the deadline to submit longer-term conservation proposals for IRA funding, known as "Bucket 2 Projects," to August 18. Metropolitan staff is developing a proposal to submit to Reclamation and will incorporate feedback from the Board and member agencies in its final proposal. Metropolitan staff will share a copy of the submittal with the Board when they are complete.

ISSUE BRIEF #E

SUBJECT: Delta Conveyance Activities and State Water Project Issues

RECENT ACTIVITY

Delta Conveyance

The California Department of Water Resources (DWR) released a draft Environmental Impact Report (EIR) to comply with the California Environmental Quality Act for a public review that ended on December 16, 2022. DWR received more than 700 unique comment letters with over 6,000 individual comments. DWR is in the process of developing responses to the comments received. The Final EIR is expected at the end of 2023. It will include responses to all substantive comments on the Draft EIR and edits to the Draft EIR, as appropriate, to respond to the comments.

The U.S. Army Corps of Engineers (USACE), as part of its permitting review under the Clean Water Act and Rivers and Harbors Act, released a draft Environmental Impact Statement (EIS) to comply with the National Environmental Policy Act for a public review that ended on March 16, 2023. USACE is in the process of developing responses to the comments received.

Sites Reservoir

At the joint Sites Project Authority (Authority) Board and Reservoir Committee Meeting on July 21, the Reservoir Committee and Authority Board authorized the Executive Director to submit a request for the Sites Reservoir Project to receive the Governor's certification as a Senate Bill 149-eligible infrastructure project. This request includes agreeing to pay costs of trial court, court of appeal, and preparing the record of proceedings. Making the request to the Governor now is necessary because the Senate Bill 149 certification must occur before the approval of the Final EIR/EIS by the Authority, which is currently scheduled for certification in September 2023. If certified, any California Environmental Quality Act (CEQA) litigation would be expedited, with the goal of completing trial court and appellate proceedings within 270 days of filing of the certified administrative record.

The Authority is required under the Joint Powers Agreement to have an annual audit performed. Fechter and Company, Certified Public Accountants continues to be the Authority's auditor and has concluded an examination of the Authority's financial information, including fiscal year 2022. The 2022 financial audit, which included a single audit, found no significant or reportable findings. There were no recommended improvements for strengthening internal controls and operation efficiency identified in the 2022 report.

Science Activities

Throughout the month of July, Metropolitan science staff participated in the final presentations of multiple analyses covering topics including Delta smelt entrainment, management of longfin smelt, and habitat actions related to the 2020 Incidental Take Permit (ITP) and 2019 Biological Opinions (BiOp). At the Delta Smelt Scoping Team on July 11, Metropolitan staff presented the final analysis of the Collaborative Adaptive Management Team (CAMT) Entrainment Studies. The analysis centered on the evaluation of estimates of proportional entrainment of adult Delta smelt in a lifecycle model. Although proportional entrainment could have been influential to the population in the past, the analysis ultimately concluded that recent low entrainment was not likely to be significant to the population. The results suggest that the current entrainment management may be effective.

On July 20 at the Estuarine Ecology Team meeting, Metropolitan staff participated in the presentation of efforts by state and federal agencies to manage longfin smelt in the San Francisco Estuary. The presentations included updates on Priority Science Efforts as mandated by the 2020 ITP to operate the State Water Project. Efforts to improve entrainment risk predictions, lifecycle modeling, and culturing efforts were highlights of the presentation.

Metropolitan science staff is continuing to participate with state and federal agencies in developing the final analysis and presentations on the Summer Fall Habitat Actions from the 2019 BiOp/2020 ITP for independent review as part of the four-year review requirement from the permits. The analysis will include an evaluation of the North Delta Foodweb Subsidy, the Suisun Marsh Salinity Control Gate, and Fall X2. The analysis will be limited because of the limited times that each of these actions were implemented and may just be an update for the future panel to provide comment for future evaluations.

Delta Island Activities

On July 11, Metropolitan's Board approved the purchase of the remaining flow meters in compliance with Senate Bill 88 (2016). Once this phase of meters is installed by the end of 2024, Metropolitan will have fulfilled its obligation under the approved "Plan for Phased Measurement Implementation" for each of its Delta Islands. Continuous data collection for water diversions will be important for annual water use reporting to the Water Resources Control Board.

Metropolitan staff is conducting final technical advisory meetings for the Delta Island Adaptations Project and developing concept level adaptations recommendations for the draft/final "Outcomes" report for Bouldin Island. This phase of the project is looking at landscape opportunities with the objectives to stop land subsidence, reduce greenhouse gas emissions, provide for sustainable agriculture, promote habitat restoration, and build collaboration for community science, agriculture, and ecoculture education through land use opportunities. The project team will begin drafting the "Outcomes" report, with

a final report completed by end of 2023. Future reports will inform the Board on input received and final adaptation opportunities (pilot/research projects) for Bouldin Island.

Following the Board's action to accept the \$20.9 million dollar grant from the Delta Conservancy for the Webb Tract Mosaic Landscape Project (Project), Metropolitan staff is preparing a board action to be heard at the September 2023 Engineering, Operations, and Technology Committee meeting to amend the current biennial Capital Investment Plan to add the Project and award consultant agreements for design, environmental planning, and scientific analyses. Award of these agreements and signing of the finalized grant agreement with the Sacramento-San Joaquin Delta Conservancy will kick off Phase 1 of the Project. Metropolitan staff will return to the Board for approval of environmental documentation before proceeding with Phase 2.

**Summary Report for
The Metropolitan Water District of Southern California
Board Meeting
August 15, 2023**

CONSENT CALENDAR ITEMS - ACTION

(a) Awarded a \$1,962,691 contract to Structural Preservation Systems for urgent relining of Sepulveda Feeder; (b) Authorized a \$280,000 increase to a professional services agreement with HDR Engineering Inc. for a new not-to-exceed amount of \$15,780,000; and (c) Authorized a \$240,000 increase to an existing land lease agreement with Los Angeles Community College District for a new not-to-exceed amount of \$1,090,000. **(Agenda Item 7-1)**

Authorized an agreement with Nth Generation Computing Inc. in an amount not to exceed \$367,448 for the Datacenter Backup Infrastructure Upgrade. **(Agenda Item 7-2)**

Authorized amendments to the Cyclic Cost-Offset Program terms and authorized the general manager to execute other agreements, including surface storage, that achieve the same benefits under the same financial terms and conditions, as amended. **(Agenda Item 7-3)**

(Committee members actively discussed the amended motion introduced by Director Miller. Because of uncertainty around the inclusion of surface water, this amendment clarifies that surface-water storage within the service area is included in the Cyclic Cost-Offset Program).

Authorized implementation of the tree rebate option for the Turf Replacement Program. **(Agenda Item 7-4)**

Approved proposed amendment to Administrative Code Section 6471 to increase the amount of the Ethics Officer's authority to obtain professional services for external investigations from \$100,000 to \$250,000 per contract per year. **(Agenda Item 7-5)**

Approved the nomination and renaming of Metropolitan's Pure Water Southern California Demonstration Plant as the Grace F. Napolitano Pure Water Southern California Innovation Center. **(Agenda Item 7-6)**

CONSENT CALENDAR OTHER ITEMS – ACTION

Approved Commendatory Resolution for Director Heather Repenning representing the City of Los Angeles. **(Agenda Item 7B)**

Confirmed the appointment of the Board Executive Secretary, Rickita C. Hudson, effective August 6, 2023. **(Agenda Item 7C)**

Approved Committee Assignments. **(Agenda Item 7D)**

Engineering, Operations, and Technology Committee (EOT)

Added Director Bryant

Ethics, Organization, and Personnel Committee (EOP)

Added Director Bryant

OTHER BOARD ITEMS – ACTION

(a) Adopted the Resolution Levying Ad Valorem Property Taxes for the Fiscal Year Commencing July 1, 2023 and ending June 30, 2024 for the Purposes of The Metropolitan Water District of Southern California (Attachment 1 in the board letter) maintaining the tax rate at .0035 percent of assessed valuation, the same rate levied in FY 2022/23; and (b) Directed staff to transmit that resolution to the county auditor-controllers, or equivalent, for the levy and collection of the ad valorem property tax. **(Agenda Item 8-1)**

Authorized an agreement with Computer Aid Incorporated in an amount not to exceed \$1,750,000 to provide staff augmentation support services for the operation and maintenance of the Metropolitan Cybersecurity Operations Center for a period of up to one year. **(Agenda Item 8-2)**

OTHER MATTERS AND REPORTS

Reported on list of certified assessed valuations for fiscal year 2023/24 and tabulation of assessed valuations, percentage participation, and vote entitlement of member agencies as of august 15, 2023. **(Agenda Item 5G)**

Presented Commendatory Resolution for Director Richard Atwater representing Foothill Municipal Water District. **(Agenda Item 6H)**

Presented 20-year Service Pin to Director Larry D. Dick, Municipal Water District of Orange County. **(Agenda Item 6I)**

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: <https://mwdh2o.legistar.com/Calendar.aspx>

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

**Summary Report for
The Metropolitan Water District of Southern California
Special Board Meeting
August 22, 2023**

OTHER MATTERS

Department Head Performance Evaluations. **(Agenda Item 5-1)**
(Heard in Closed Session; No action taken)

Report on Department Head 2023 Salary Survey. **(Agenda Item 5-2) (Item Deferred)**

Discuss and Approve Compensation Recommendations for General Manager, General Counsel, and Ethics Officer. **(Agenda Item 5-3) (Item Deferred)**

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

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

The Metropolitan Water District of Southern California

Agenda

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 of Directors - Final

September 12, 2023

1:00 PM

Tuesday, September 12, 2023 Meeting Schedule

08:30 a.m. LC
10:30 a.m. FAIRP
12:30 p.m. Break
01:00 p.m. BOD
03:00 p.m. LRAC

Agendas, live streaming, meeting schedules, and other board materials are available here: <https://mwdh2o.legistar.com/Calendar.aspx>. A listen-only phone line is available at 1-877-853-5257; enter meeting ID: 891 1613 4145. 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 1-833-548-0276 and enter meeting ID: 815 2066 4276 or click <https://us06web.zoom.us/j/81520664276pwd=a1RTQWh6V3h3ckFhNmDsUWpKR1c2Zz09>

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

Teleconference Locations:

525 Via La Selva • Redondo Beach, CA 90277

1. Call to Order

- a. Invocation: Director Barry D. Pressman, City of Beverly Hills
- b. Pledge of Allegiance: Director Fred Jung, City of Fullerton

2. Roll Call

3. Determination of a Quorum

4. COMMUNITY REFLECTIONS

- a. Alan Shanahan, Executive President, American Federation of State, County & Municipal Employees (Local 1902) [21-2404](#)

5. 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))

6. OTHER MATTERS AND REPORTS

- A. Report on Directors' Events Attended at Metropolitan's Expense [21-2405](#)

- B. Chair's Monthly Activity Report [21-2406](#)
- C. General Manager's summary of activities [21-2407](#)
- D. General Counsel's summary of activities [21-2408](#)
- E. General Auditor's summary of activities [21-2409](#)
- F. Ethics Officer's summary of activities [21-2410](#)
- G. Presentation of 10-year Service Pin to Director Russell Lefevre [21-2601](#)
- H. Presentation of Commendatory Resolution for Director Heather Repenning representing the City of Los Angeles [21-2602](#)

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

7. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the Minutes of the Board of Directors Meeting for August 15, 2023 (Copies have been submitted to each Director, any additions, corrections, or omissions) [21-2411](#)
- B. Approve Resolution confirming Director John T. Morris for Association of California Water Agencies Region 8 Board Member [21-2642](#)
- C. Approve Committee Assignments

8. CONSENT CALENDAR ITEMS - ACTION

- 7-1 Award a \$3,895,000 contract to Miller Pipeline to furnish and install internal seals along Freda Siphon Barrel No. 1 on the Colorado River Aqueduct; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) [21-2591](#)

Attachments: [09122023 EOT 7-1 B-L](#)

- 7-2** Authorize an agreement with J.F. Shea Construction Inc. for a not-to-exceed amount of \$9.8 million for Phase 1 design-build services for the Sepulveda Feeder Pump Stations project; and authorize an increase of \$1.5 million to an existing agreement with Carollo Engineers Inc. for a new not-to-exceed amount of \$2.49 million to serve as the owner's advisor through the Phase 1 design-build agreement; and authorize an amendment to Metropolitan's Project Labor Agreement to add the Sepulveda Feeder Pumps Project to the list of covered projects; the General Manager has determined that the proposed actions are exempt or otherwise not subject to CEQA (This action is part of a series of projects that are being undertaken to improve the supply reliability for State Water Project dependent areas) (EOT) [21-2592](#)
- Attachments:** [09122023 EOT 7-2 B-L](#)
- 7-3** Adopt resolutions designating Metropolitan's maximum contribution for medical benefits for Active Employees and Retirees in order to comply with the current authorized Memoranda of Understanding; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOP) [21-2595](#)
- Attachments:** [09122023 EOP 7-3 B-L](#)
- 7-4** Review and consider the Eastern Municipal Water District's certified Final Environmental Impact Report and Addendum, and take related CEQA actions; Authorize the General Manager to enter into a Local Resources Program Agreement with Eastern Municipal Water District for the French Valley Recycled Water Distribution System Project for up to 140 acre-feet per year of recycled water for irrigation use in the Eastern Municipal Water District's service area (OWS) [21-2594](#)
- Attachments:** [09122023 OWS 7-4 B-L](#)
- 7-5** Authorize the General Manager to execute a second amendment to extend the office lease located in Washington D.C. an additional ninety months with an option to extend another thirty-six months; the General Manager has determined that the proposed actions are exempt or otherwise not subject to CEQA (FAIRP) [21-2596](#)
- 7-6** Approve use of Representative Concentration Pathway 8.5 for planning purposes in the Climate Adaptation Master Plan for Water [CEQA language to be determined] (FAIRP) [21-2662](#)

**** END OF CONSENT CALENDAR ITEMS ******9. OTHER BOARD ITEMS - ACTION**

- 8-1** Award a \$15,681,000 contract to Steve P. Rados Inc. to construct an intertie between Inland Feeder and Rialto Pipeline as part of the water supply reliability improvements in the Rialto Pipeline service area; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (This action is part of a series of projects that are being undertaken to improve the supply reliability for State Water Project dependent member agencies) (EOT) [21-2597](#)
- Attachments:** [09122023 EOT 8-1 B-L](#)
- 8-2** Authorize payments, by a two-thirds vote, of up to \$4.16 million for participation in the State Water Contractors for FY 2023/24; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA (OWS) [21-2598](#)
- Attachments:** [09122023 OWS 8-2 B-L](#)
- 8-3** Review and consider the Addenda Nos. 1, 2, and 3 to the Mitigated Negative Declaration previously adopted by the Antelope Valley-East Kern Water Agency for the High Desert Water Bank; approve changes to the design, construction, and operation of Water Bank facilities; and authorize up to \$80 million for additional costs associated with these changes; the General Manager has determined that a portion of the proposed action is exempt or otherwise not subject to CEQA (OWS) [21-2558](#)

- 8-4** Authorize three new agricultural lease agreements with Joey DeConinck Farms, Nish Noroian Farms, and Red River Farms, thereby allowing these existing lessees to continue farming on Metropolitan's fee-owned properties in the Palo Verde Valley; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with real property negotiators; properties are approximately 2,815 gross acres of land north of Interstate 10 in and near Blythe, California in the county of Riverside: Assessor Parcel Nos. 830-210-009; 830-210-010; 833-230-001; 833-230-002; 833-280-002; 833-210-013; 833-060-004; 833-060-008; 833-060-018; 833-100-005; 833-100-007; 833-100-011; 833-100-012; 833-100-016; 833-100-017; 833-060-001; 833-060-024; 833-060-025; 827-190-003; 827-190-004; 827-190-005; 827-190-006; 824-190-007; 827-190-009; 827-190-010; 827-190-012; 833-060-026; 815-302-008; 815-310-013; 815-320-007; 827-080-029; 833-030-012; 833-050-014; agency negotiators Anna Olvera and Kevin Webb; negotiating parties: Joseph Deconinck dba Joey DeConinck Farms; Nisha Noroian dba Noroian Farms; Michael Mullion dba Red River Farms; under negotiation: price and terms; to be heard in closed session pursuant to Government Code Section 54956.8] (FAIRP) [21-2599](#)
- 8-5** Report on Baker Electric, Inc. v. Metropolitan Water District of Southern California, et al., (Los Angeles Superior Court Case No. 21STCV15612) regarding Metropolitan's CRA 6.9 kV Power Cables Replacement Project, Contract No. 1915; authorize filing cross-complaints; authorize an increase in the maximum amount payable under contract with Musick, Peeler & Garrett LLP, for legal services by \$800,000 to an amount not-to-exceed \$2,500,000; authorize an increase in the maximum amount payable under contract with Exponent, Inc., for consulting services by \$200,000 to an amount not-to-exceed \$600,000; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA. [Conference with legal counsel – existing litigation and initiation litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1) and 54956.9(d)(4) (LC) [21-2600](#)

10. BOARD INFORMATION ITEMS

- 9-1** Conservation Program Board Report [21-2412](#)
- Attachments:** [09122023 BOD 9-1 Report](#)

11. OTHER MATTERS

- 11-1** Department Head Performance Evaluations [Public Employees' performance evaluations; General Manager, General Counsel, and Ethics Officer; to be heard in closed session pursuant to Gov. Code 54957.] [21-2643](#)
- 11-2** Report on Department Head 2023 Salary Survey [21-2644](#)
- 11-3** Discuss and Approve Compensation Recommendations for General Manager, General Counsel, and Ethics Officer [21-2645](#)

12. FOLLOW-UP ITEMS

NONE

13. FUTURE AGENDA ITEMS

14. 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. (EOT). Board agendas may be obtained on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>

Writings relating to open session agenda items distributed to Directors less than 72 hours prior to a regular meeting are available for public inspection at Metropolitan's Headquarters Building and on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>.

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 Board Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.