

The Metropolitan Water District of Southern California January 14, 2025 – State Regulatory Matrix

Agency	Regulation	Summary	Potential Impacts	Regulatory Status
Cal/OSHA	<u>Workplace Violence Prevention in General Industry</u>	SB 553 (Cortese, 2023), which took effect on July 1, 2024, included minimum employer requirements for Workplace Violence Prevention Plans (WVPPs) and required Cal/OSHA to propose by December 31, 2025, and the Occupational Safety & Health Standards Board to adopt by December 31, 2026, regulations regarding WVPPs. In response, Cal/OSHA released a draft WV regulation on July 15, 2024, which included the WVPP requirements, as well as new engineering controls, communication requirements, recordkeeping, and post-incident procedures.	Metropolitan has implemented SB 553 WVPPs requirements and will continue to update our WVPP as necessary.	Awaiting final rule by December 31, 2026.
Cal/OSHA	<u>Enterprise-Wide and Egregious Violations Rulemaking</u>	In July 2024, Cal/OSHA proposed regulations providing definitions of an “egregious violation” (i.e., willful) and an “enterprise-wide violation” (i.e., violations at more than one worksite). Employers cited for enterprise-wide violations associated with workplace safety won’t be eligible for penalty adjustments except for size. The proposed penalty for enterprise-wide violations will be multiplied by the number of worksites covered by the citation at the time of the inspection. The proposed regulations also increase the lookback period for assessing serious, repeat, or willful violations from three years to five years.	Cal/OSHA’s proposed rules are in response to SB 606 (Gonzalez, 2021) that expanded Cal/OSHA’s authority to issue citations, require abatement, and seek court orders that address workplace safety law violations. For those employers labeled as “egregious,” especially with multiple work locations, the financial penalties can be more severe.	Awaiting revised draft of the regulations.

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Cal/OSHA	<u>Proposed Updates on Lead Standards for General Industry and Construction</u>	On February 15, 2024, Cal/OSHA adopted new lead standards for general industrial and construction work areas. The standards lower the eight-hour time-weighted average Permissible Exposure Level for lead from 50 to 10 µg/m ³ and lowers the Action Level from 30 to 2 µg/m ³ . The standards also increase the need for blood lead level (BLL) testing when an employee’s BLL is at or above 10 µg/dL, among other requirements.	The rule requires industry to conduct new lead exposure assessments and update written procedures, training, and potentially implement additional engineering controls (e.g., HEPA-equipped vacuum, containment, and ventilation). Staff provided input through PRR over the feasibility of the proposed standards – namely the engineering controls.	Standards go into effect January 1, 2025.
CARB	<u>Advanced Clean Fleets</u>	On October 1, 2024, CARB released a discussion draft on amendments to the Advanced Clean Fleets Regulation brought on by the passage of AB 1594 (Garcia, 2023). The draft introduces a definition for “traditional utility-specialized vehicles” and alters exemption requirements, potentially allowing utilities to add internal combustion engine vehicles over 8,500 lbs. to their fleets when zero-emission trucks are not available in similar configurations or suitable for utility-specific operations.	Metropolitan provided comments that CARB should expand the definition of “traditional utility-specialized vehicle” to include vehicles with towing capacities exceeding 30,000 lbs., develop criteria for low-use vehicles, and refine the exemptions for both replacement and addition of new qualified internal-combustion engine powered vehicles. Lastly, staff asked CARB to delay the compliance date for Class 8 ZEVs used to transport extremely hazardous materials, such as chlorine, until 2030 or exempt this application altogether.	CARB expects to hold a Board hearing in early 2025.
CARB	<u>Proposed Zero-Emission Appliance Standards</u>	CARB is developing zero-emission appliance standards to require California sales of zero-emission (ZE) space and water heaters by 2030 for new construction or renovating existing buildings. The potential regulation would not require existing non-ZE space and water heaters to be replaced before 2030.	These standards are in line with CARB’s climate and air quality strategy as laid out in the 2022 Scoping Plan and State Strategy for the State Implementation Plan. These standards may impact regional requirements for grid capacity, access to electricity and building retrofit costs.	CARB anticipates adopting the regulation in 2025 with implementation beginning in 2030.

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CARB	<u>Zero- Emissions Forklift Rule</u>	On September 16, 2024, OAL approved CARB’s Zero-Emission Forklift Regulation. The rule prohibits fleet operators from purchasing new propane or gasoline-fueled Class IV (any lift capacity) and Class V forklifts (lifting capacity up to 12,000 lbs.) starting in 2026. Fleets would need to phase-out 2018 model year (MY) and older forklifts starting in 2028. Fleet operators would be allowed to purchase used 2025 MY or older forklifts so long as the MY has not been phased out.	The rule requires industry, including Metropolitan and member agencies, to develop a forklift replacement strategy. Staff are working on a forklift replacement strategy for Metropolitan’s 17 propane- and one gas-powered forklifts. Metropolitan submitted comments addressing concerns with provisions in the latest rulemaking package.	The rule goes into effect January 1, 2026.
CDFW	<u>Proposed rule governing suspension and revocation of Fish & Game Code section 1602 Lake or Streambed Alteration Agreements</u>	On November 19, 2024, CDFW circulated revisions to the proposed regulation specifying the procedures for CDFW to suspend or revoke Lake or Stream Alteration Agreements (LSAAs). Fish and Game Code section 1612 authorizes CDFW to suspend or revoke an LSAA if it determines the permittee is not in compliance with its terms or has failed to provide required status reports. The proposed process provides notice and an opportunity to cure any alleged violations before CDFW would suspend or revoke an LSAA.	While Metropolitan has never faced a notice of suspension or revocation, on June 18, 2024, Metropolitan provided comments that the proposed regulation may be problematic to agencies with LSAAs if the notice is erroneous or if the notice does not provide sufficient time to cure alleged violations (or explain why no violation has occurred) before suspension or revocation would be required under the regulation. Metropolitan also provided clarification language to address these concerns.	Awaiting final rule.

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DTSC	<u>Generator Improvements Rule</u>	On May 6, 2024, OAL approved DTSC’s revised Generator Improvements Rule (GIR). The new rule aligns the state with federal requirements. By July 1, 2024, each large quantity generator will be required to submit a Quick Reference Guide along with the contingency plan to the local emergency responders either when the contingency plan is amended or when the generator first becomes subject to large quantity generator requirements.	By aligning with federal standards, the new GIR may clarify and simplify hazardous waste/material handling procedures. Staff will need to update standard operating procedures to correctly cross-reference the renumbered rule sections. Staff commented through CCEEB to help streamline rule compliance (e.g., how best to submit contingency plans and associated Quick Reference Guides).	Phase I went into effect July 1, 2024. Staff are awaiting Phase II of GIR rulemaking.
Fish and Game Commission	<u>Emergency regulation to add golden mussel to the list of restricted animals</u>	On December 12, 2024, the Fish and Game Commission adopted an emergency regulation that adds golden mussel to its list of restricted animals or regulated invasive species. Adding golden mussel to the list of restricted animals will immediately prohibit the importation, transportation, and possession of live golden mussels; as well as allow water managers operating mussel prevention programs grounds to refuse watercraft from launching into waterways. Additionally, it will allow law enforcement to detain vessels or equipment until such time as they no longer pose a threat to the environment.	If golden mussels are detected in Metropolitan’s water supplies, Metropolitan will work with Fish and Game to adopt control measures or a plan to avoid infesting other regulated water bodies. Metropolitan submitted comments to the Office of Administrative Law (OAL) after Fish and Game adopted the regulation, which is allowed for emergency regulations per Government Code Section 11349.6.	Awaiting final OAL approval.

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<p>Fish and Game Commission</p>	<p><u>Petition to list the White Sturgeon as Threatened under the California Endangered Species Act (CESA)</u></p>	<p>On June 19, 2024, the California Fish and Game Commission approved white sturgeon as a candidate species under CESA. As such, any activity that causes a “take” of white sturgeon will require an incidental take permit from CDFW.</p>	<p>The listing may impact operation of the Central Valley Project and State Water Project, as well as Sites Reservoir, the Delta Conveyance Project and the Agreements to Support Healthy Rivers and Landscapes. The State Water Contractors and San Luis & Delta Mendota Water Authority sent comment letters in June and October 2024 emphasizing that the listing is not warranted as the white sturgeon population is stable, the petition does not use the best available science, and that incidental take from operation of the SWP and CVP has been historically low, especially relative to take from recreational fishing and the recent die off due to red tides in San Francisco Bay.</p>	<p>By June 9, 2025, CDFW must prepare and submit to the Fish and Game Commission a peer-reviewed status report on the species that is based on the best scientific information. CDFW may request a six-month extension.</p>
<p>Fish and Game Commission</p>	<p><u>Petition to list Western Burrowing Owl as Threatened or Endangered under the California Endangered Species Act (CESA)</u></p>	<p>On October 25, 2024, the Fish and Game Commission determined that the Western Burrowing Owl is a candidate for listing under CESA, primarily due to loss of habitat. As a candidate for listing, the species is afforded the same regulations and protections as if it were listed as threatened or endangered.</p>	<p>The Western Burrowing Owl exists in Metropolitan’s service area in Southern California. Presence of the species can affect timing of maintenance and construction projects with additional constraints, permitting, and mitigation requirements beyond what currently exist if it becomes listed.</p>	<p>Awaiting the Fish and Game Commission decision to list the Western Burrowing Owl as Threatened or Endangered.</p>

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SCAQMD	<u>Rule 1146 Series, Zero Emission Water Heaters, Boilers and Process Heaters</u>	SCAQMD is proposing a series of rules to require all industrial, institutional, and commercial natural gas-powered water heaters, boilers, and process heaters to be replaced or retrofitted with zero-emission technologies such as all-electric heat pumps, or electric resistance units. The rules pertain to equipment with a heat input capacity greater than 5 million British thermal units per hour (MBtu/hr) (Rule 1146), 2 to 5 MBtu/hr (Rule 1146.1), and less than 2 MBtu/hr (Rule 1146.2).	The Rule 1146 series of rules are designed to reduce nitrogen oxide (NOx) emissions in accordance with SCAQMD’s 2022 Air Quality Management Plan. Of the three rules, 1146.2 was adopted and has a phased implementation plan between January 1, 2026, and January 1, 2033. To help offset transition costs, SCAQMD is developing a Zero-Emission Rebate Program that will assist residential and some commercial buildings to transition to zero NOx emission space and water heating, with a focus on overburdened communities.	Rule 1146 rulemaking started November 13, 2024. Rule 1146.1 rulemaking started November 13, 2024. Rule 1146.2 adopted on June 7, 2024.
SCAQMD	<u>Proposed Rule 1445, Control of Toxic Metal Particulate Emissions from Laser and Plasma Cutting</u>	The proposed regulation would control metal particulate emissions from both portable and stationary laser and plasma cutting operations. Toxic emissions would be reduced from point source emissions by establishing higher efficiency control device requirements, and fugitive emissions would be addressed by requirements for building enclosures, housekeeping and best management practices.	While this rule is limited in scope to laser and plasma cutting operations, it may set precedent for future toxics regulations (e.g., welding operations). Staff are working with Clean Water SoCal to ensure the proposed regulation reflects the existing exemption for portable plasma cutters performing maintenance and repair activities. Staff has also asked that additional control devices not be required for existing permitted equipment that have already been shown to meet health risk requirements, among other technical issues.	Final adoption on hold pending rule refinements per public comments.

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SWRCB	<u>California Ocean Plan Amendments for Seawater Desalination</u>	On October 29, 2024, the SWRCB held a scoping session to launch the regulatory process for the Ocean Plan. The SWRCB seeks to expand the use of an integrated water resource management and needs assessment, such as an Urban Water Management Plan, for determining the need for seawater desalination facilities; consider tribal interests, human right to water, racial equity, and environmental justice in permitting decisions; and enhance permitting efficiency. The Ocean Plan will also include guidance for slant well studies, mitigation, coastal hazards, and other topics.	On November 13, 2024, Metropolitan submitted comments on the potential amendments to Ocean Plan. Staff commented that local water agencies should determine the need for seawater desalination, rather than a needs assessment; a permitting pathway should be provided for new technologies such as offshore desalination; and desalination should be developed in concert with alternative supplies and at the discretion of locally elected officials and water agency managers.	Awaiting regulatory draft language.
SWRCB	<u>Conservation as a California Way of Life</u>	On October 22, 2024, OAL approved the SWRCB’s Making Water Conservation a California Way of Life regulation. In direct response to legislative mandates found in AB 1668 (Friedman, 2018) and SB 606 (Hertzberg, 2018), the regulation establishes standards for components of the urban water use objective for urban water retailers. These components include residential indoor and outdoor water use, commercial-industrial-institutional (CII) landscapes with dedicated irrigation meters, as well as for retail water loss, variances for unique water uses (e.g., seasonal populations, etc.), and a bonus incentive for potable reuse.	The regulatory framework affects retail water suppliers. Since 2021, Metropolitan has submitted seven comment letters addressing technical components of the regulation and compliance matters.	Urban retail water suppliers are required to submit their reporting form to SWRCB by January 1, 2025, and annually thereafter.

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SWRCB	<u>Manganese Notification and Response Levels</u>	On February 16, 2023, DDW proposed new notification and response levels (NL and RL) for manganese at 20 parts per billion (ppb) and 200 ppb, respectively.	The proposed NL and RL are significantly lower than the current NL and RL (0.5 parts per million (ppm) and 5.0 ppm, respectively). Thus, water agencies may need to report more instances of NL and RL exceedances in their Consumer Confidence Reports and/or make operational changes.	Awaiting further action by DDW.
SWRCB	<u>MCL for Perchlorate</u>	In 2017, DDW announced it would review the MCL established in 2007 for perchlorate at 6 parts per billion (ppb). On October 6, 2020, DDW lowered the detection limit for purposes of reporting (DLR) from 4 ppb to 2 ppb starting in January 2021, and further decreased the DLR to 1 ppb in January 2024. These actions were in response to OEHHA lowering the Public Health Goal (PHG) for perchlorate from 6 ppb to 1 ppb in February 2015.	DDW’s perchlorate MCL review and changes to the DLR could result in the MCL being lowered soon, as an MCL must be set as close to the PHG as is technologically and economically feasible. On August 6, 2020, Metropolitan submitted comments expressing concerns that a DLR of 1 ppb was premature and that DDW should hold off implementing the lower DLR until such time that adequate laboratory capacity is determined and perchlorate occurrence data at the 2 ppb DLR are collected and evaluated.	The DLR of 1 ppb went into effect January 1, 2024. Awaiting further action by DDW on revising the MCL.
SWRCB	<u>MCLs for PFOA and PFOS</u>	On April 5, 2024, OEHHA adopted PHGs of 0.007 parts per trillion (ppt) for PFOA and 1 ppt for PFOS. A PHG is the level of a drinking water contaminant that does not pose a significant risk to health with lifetime exposure. DDW will use the PHGs to develop drinking water standards for PFOA and PFOS that are as close to the PHGs as possible but still technically and economically achievable for drinking water systems.	Once announced, staff will evaluate impacts and potential comments.	Awaiting official release of proposed regulation.

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SWRCB	<u>Notification Level for NDMA</u>	On December 4, 2024, OEHHA proposed lowering the PHG for N-nitrosodimethylamine (NDMA) in drinking water from 3 parts per trillion (ppt) to 0.5 ppt. The current Notification Level (NL) for NDMA, established in 2002, is 10 ppt. DDW will now take this recommendation under advisement when potentially updating the NL for NDMA.	NDMA is a byproduct of chloramination and other industrial processes. For calendar year 2024, Metropolitan’s treated water effluents and systemwide distribution system have consistently been below the current NL of 10 ppt.	Comment period ends on January 20, 2025, and OEHHA intends to hold a public workshop on the same day.
SWRCB	<u>Notification Level for PFHxA</u>	On September 18, 2024, OEHHA recommended a Notification Level (NL) for PFHxA at 1 part per billion (ppb). NLs are nonregulatory, health-based advisory levels that DDW establishes for contaminants for which regulatory standards have not been set. DDW will now take this recommendation under advisement when potentially setting a NL for PFHxA.	While Metropolitan has sporadically detected PFHxA in source and treated water samples, they were at very low parts per trillion (ppt) levels, whereas the proposed NL is far higher at 1 ppb. Hence, this proposed NL should have minimal impact on Metropolitan.	Awaiting further action by DDW.
SWRCB	<u>Statewide General Permit for Drinking Water System Discharges</u>	Provides a categorical exception to water purveyors for short-term or seasonal planned and emergency (unplanned) discharges resulting from essential operations and maintenance activities undertaken to comply with the federal and state drinking water regulations.	Metropolitan uses this permit for its dewatering operations. Staff would like to expand coverage to include “on-spec” highly treated tertiary water (i.e., post advanced water treatment water prior to either spreading/injection or another drinking water facility). Early talks indicate SWRCB is amenable to this change.	Permit renewal in about 2 years.

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SWRCB	<u>Underground Storage Tank Regulations</u>	On November 22, 2024, SWRCB released draft language that significantly rewrites the underground storage tank (UST) regulations. The draft language deletes all reference to single-walled USTs as they must be permanently closed by December 31, 2025; proposes streamlined construction, monitoring, and testing requirements; utilizes performance goals over prescriptive methods where possible; and reorders the sections within the UST regulations.	The revised regulation affects all water agencies that store hazardous substances (e.g., gasoline or diesel) in USTs. Staff are currently reviewing the draft language for any potential impacts on Metropolitan’s UST program.	Comments are due by January 7, 2025, with an anticipated effective date of January 1, 2026.
SWRCB	<u>Water Quality Control Plan</u>	On October 25, 2024, SWRCB released a revised Draft Sacramento/Delta Updates to the Water Quality Control Plan (WQCP) for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed (Bay-Delta Plan). The draft updates include options for the program of implementation for incorporating a regulatory pathway, based on the proposed Plan amendments in the draft Staff Report, or a pathway based on the Healthy Rivers and Landscapes Program. Additionally, the draft updates include options for two modular alternatives (Alternatives 5a and 6a) that were described in the draft Staff Report. The SWRCB has not yet selected a pathway for updating the Bay-Delta Plan.	On January 19, 2024, Metropolitan provided comments individually and through the State Water Contractors on Phase 2 of the WQCP. The Draft Staff Report’s Proposed Action flow objective is predicted to result in an annual average reduction of 446,000 acre-feet for southern California municipal supplies. SWRCB has encouraged all stakeholders to work together to reach one or more Voluntary Agreements for consideration by the SWRCB that could implement the proposed amendments to the WQCP through a variety of tools, including non-flow habitat restoration for sensitive salmon and smelt species, while seeking to protect water supply reliability. Metropolitan is participating in the Phase 2 proceedings and Voluntary Agreement negotiations.	Comments on Alternatives 5a and 6a are due January 30, 2025. Staff is currently reviewing the draft updates and will provide comments by the specified due dates. The SWRCB has noticed a series of five public workshops beginning on November 20, 2024, and concluding on January 23, 2025.

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