

The Metropolitan Water District of Southern California

April 7, 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. Staff is monitoring revisions to the draft WV regulations.	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, requirement of 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. Staff is monitoring the proposed regulations.	Awaiting revised draft of the regulations.

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April 7, 2025 – State Regulatory Matrix

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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. On January 14, 2025, CARB withdrew its request for a waiver from the U.S. Environmental Protection Agency (EPA) to implement its Advanced Clean Fleets regulation. CARB staff has stated they have authority to enforce the State and Local Government Agency Fleet portion of the rule—which Metropolitan falls under— regardless of the status of the EPA waiver.	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.	In response to comments from utility stakeholders, CARB delayed the May 22 nd Board hearing for the AB 1594 Amendments to an unspecified future date.
CARB	<u>Proposed Zero-Emission Appliance Standards</u>	CARB is developing zero-emission (ZE) appliance standards to require California sales of 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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April 7, 2025 – State Regulatory Matrix

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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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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. On December 17, 2024, staff submitted comments to the OAL requesting that Fish and Game either amend or delay implementation of the emergency regulation until it is clarified that affected water agencies may operate using control measures or a control plan to avoid infesting other regulated water bodies—similar to how quagga mussels are dealt with.	The regulation went into effect on December 19, 2024, without change.
Fish and Game Commission	<u>Petition to list the White Sturgeon as Threatened under the California Endangered Species Act</u>	On June 19, 2024, the California Fish and Game Commission approved White Sturgeon as a candidate species under the California Endangered Species Act. As such, any activity that causes a “take” of White Sturgeon will require an incidental take permit from CDFW.	The listing may impact operation of the Central Valley Project (CVP) and State Water Project (SWP), 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.	By July 12, 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.

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April 7, 2025 – State Regulatory Matrix

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			White Sturgeon were listed as a state Candidate Species pending the outcome of the process. The SWP received incidental take authority under the 2024 ITP at a cost of more than a million dollars, and with a potential water supply impact.	
Fish and Game Commission	<u>Petition to list Western Burrowing Owl as Threatened or Endangered under the California Endangered Species Act</u>	On October 25, 2024, the Fish and Game Commission (FGC) determined that the Western Burrowing Owl is a candidate for listing under the California Endangered Species Act, 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.	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 now that it is a candidate for listing.	CDFW has until October 25, 2025, to conduct a status review to inform the FGC final decision of whether to list the Western Burrowing Owl as Threatened or Endangered.
Fish and Game Commission	<u>Petition to list the Quino Checkerspot Butterfly as Endangered under the California Endangered Species Act</u>	On December 18, 2024, the California Fish and Game Commission received a petition to list Quino checkerspot butterfly (<i>Euphydryas editha quino</i>) as an endangered species under the California Endangered Species Act.	Quino checkerspot exists in Metropolitan’s service area in Western San Bernardino, Western Riverside, Orange, Eastern Los Angeles, and San Diego Counties. If the species becomes a candidate and/or listed as endangered, presence of the species could affect timing of maintenance and construction projects with additional constraints, permitting, and mitigation requirements.	The Fish and Game Commission is expected to receive the Department of Fish and Wildlife’s evaluation and recommendation by April 16-17, 2025.

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SCAQMD	<u>PAR 1171-- Solvent Cleaning Operations</u>	Proposed Amended Rule (PAR) 1171 regulates the use of solvents used for cleaning during the production, repair, maintenance, or servicing of parts, products, tools, machinery, equipment, and general work areas within the SCAQMD's jurisdiction.	Parts of PAR 1171 would be beneficial to Metropolitan and other water agencies by allowing for use of liquid denatured alcohol to clean electrical equipment, and ozone and chlorine systems. However, the proposal to limit the use of aerosol solvents (160 oz/year) for general parts cleaning may hamper basic maintenance and repair activities. Staff are working with SCAQMD staff to address these critical solvent applications.	The rule is tentatively scheduled for adoption at the June 6, 2025, Board meeting.
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.

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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.
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.

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SWRCB	<u>Maximum Contaminant Level for Perchlorate</u>	In 2017, DDW announced it would review the maximum contaminant level (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. Perchlorate was not included in DDW’s 2025 regulatory priorities. As such, no action is expected this year.	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>Maximum Contaminant Levels 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. On February 19, 2025, DDW stated as part of their 2025 regulatory priorities that regulating PFAS was their top priority. DDW intends to adopt the federal PFAS MCL standards in 2025 and work on additional PFAS thereafter.	Once announced, staff will evaluate impacts and potential comments.	Awaiting official release of proposed regulation.

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SWRCB	<u>Maximum Contaminant 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 development of a PHG is an important step that informs the establishment of an enforceable maximum contaminant level (MCL) for drinking water. Currently, NDMA has a non-enforceable Notification Level (NL) of 10 ppt and a Response Level (RL) of 300 ppt which were established in 2002. One of DDW's regulatory priorities for 2025 is to evaluate a potential MCL 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. Staff worked on a comment letter with ACWA questioning OEHHA's toxicological assumptions that led to the new proposed PHG for NDMA.	Awaiting further action by OEHHA formalizing the proposed PHG.
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>Notification and Response Levels for Manganese</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. Revising the manganese NL and RL is one of DDW's 2025 regulatory priorities.	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.

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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. On January 17, 2025, staff submitted comments focused on technical concerns with specific operating, monitoring, closure, and inspection form requirements within the UST regulations.	Awaiting formal adoption of the regulations, 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.	Awaiting further action by SWRCB.

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SWRCB	<u>Water Diversion Measurement and Reporting</u>	On February 28, 2025, SWRCB circulated a set of draft amendments to the regulations implementing the statutes that require water rights holders to measure and report diversions known as SB 88. The proposed amendments are intended to clarify provisions to facilitate compliance and, of concern, to make it easier for diverters to submit and follow Alternative Compliance Plans (ACPs) that do not measure diversions, but purport to provide “useful” information in lieu of measuring and reporting actual diversions.	The amendments authorizing ACPs that fail to measure or report diversions will hamstring the SWRCB’s ability to monitor and enforce water rights, complicating or frustrating implementation of the Healthy Rivers and Landscapes Program, enforcement of curtailments during droughts, and potential unlawful diversion of State Water Project supplies. This conflicts with Metropolitan’s water rights policies and policies supporting the Healthy Rivers and Landscapes Program. Staff is currently reviewing the draft amendments and will provide comments by the specified due dates. In late 2024, staff and SWC provided comments on a pre-rulemaking draft of the amendments, but the SWRCB made no changes to the proposed regulations and did not respond to comments.	Written comments on the proposed amendments are due April 23, 2025; oral comments may be made at the April 16, 2025, hearing.

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