

The Metropolitan Water District of Southern California November 14, 2023 – State Regulatory Matrix

Agency	Regulation	Summary	Potential Impacts	Regulatory Status
Cal/OSHA	<u>Proposed Indoor Heat Illness Prevention Standard</u>	On March 31, 2023, Cal/OSHA proposed new indoor heat standards requiring employee access to water and cool down areas, as well as encouraged preventative cool-down breaks when the indoor temperature exceeds or equals 82°F. Employees must be trained on indoor heat illness prevention and employers should take additional steps to minimize the risk of heat illness. If the indoor temperature equals or exceeds 87°F, additional requirements are triggered.	The rule requires industry to develop written indoor heat illness prevention procedures, assess areas impacted by excessive heat, and determine appropriate control measures (e.g., provide cooling, breaks, and training). Staff provided input to PRR regarding the definition of indoor spaces and making the training consistent with outdoor heat illness prevention programs.	Awaiting final rule. Occupation Safety and Health (OSH) Board has until March 2024 to adopt final rule.
Cal/OSHA	<u>Proposed Updates on Lead Standards for General Industry and Construction</u>	On March 3, 2023, Cal/OSHA published new lead standards for general industrial and construction work areas. The proposal lowers the Permissible Exposure Level (PEL) for lead from 50 ug/m ³ to 10 ug/m ³ and lowers the Action Level (AL) from 30 to 2 ug/m ³ . The standard also increases the need for blood lead level (BLL) testing when an employee’s BLL is at or above 10 ug/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 to through PRR over the feasibility of the proposed standards—namely the engineering controls.	Awaiting final rule. OSH Board has until March 2024 to adopt final rule.
CARB	<u>Advanced Clean Fleets (ACF) Regulation</u>	On April 28, 2023, CARB adopted the ACF that mandates 50% of medium to heavy-duty (MHD) vehicle (i.e., > 8,500 lbs) purchases be zero-emission (ZE) starting in 2024, and 100% by 2027. The Rule includes an optional milestone compliance pathway and exemptions for infrastructure construction or electrification delays and mutual aid designated vehicles.	The rule requires all public fleets, including Metropolitan and its member agencies, to develop a MHD vehicle replacement strategy. Metropolitan provided comments expressing concerns over the compliance timeline given the current lack of ZE vehicle availability and infrastructure, and higher unit costs—which may affect system reliability and emergency response in the interim. Metropolitan is implementing a transition plan for its fleet of 500 MHD vehicles.	Adopted April 28, 2023 with compliance starting on January 1, 2024.

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CARB	<u>In-Use Off Road Diesel-Fueled Fleets Regulation</u>	Beginning January 1, 2024, the In-Use Off Road Diesel-Fueled Fleets Regulation mandates the phase-out of older Tier 0-2 engines, bans adding Tier 3 & Tier 4i engines, requires the use of R99 or R100 renewable diesel, and requires affected entities to only hire compliant fleets.	The rule affects all off-road construction equipment using diesel engines with 25 horsepower or more. The rule requires the removal of older, dirtier engines, and encourages—not requires, the adoption of zero-emission engines. The rule also requires industry to meet a fleet-average NOx emission target based on horsepower and model year of each engine. Staff are working on a clean-vehicle deployment schedule which includes a phase-out plan for Metropolitan’s 47 Tier 0-2 engines.	Adopted November 17, 2022 with compliance starting on January 1, 2024.
CARB	<u>Zero-Emission Forklift Rulemaking</u>	On March 20, 2023, CARB released revised regulatory language prohibiting fleet operators from purchasing new propane or gasoline-fueled Class IV and Class V forklifts with a Rated Capacity of up to 12,000 pounds 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.	CARB anticipates releasing a new 45-day rulemaking draft in late 2023 with final adoption in May 2024.
DTSC	<u>Generator Improvements Rule</u>	On March 24, 2023, DTSC released its revised Generator Improvements Rule (GIR) for public comment. The new rule aligns the state with federal 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 adopted. Staff are awaiting Phase II of GIR rulemaking.

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SWRCB	<u>California Ocean Plan Amendments for Seawater Desalination</u>	The SWRCB will update the Ocean Plan to include new seawater siting criteria. Preliminary meetings are related studies are expected to start in Q4 2023.	Changes to the Ocean Plan could impact existing and planned member agency seawater desalination projects, as well as any future Metropolitan partnerships on desalination.	Rulemaking expected to start in 2024.
SWRCB	<u>Conservation as a California Way of Life</u>	On August 18, 2023, SWRCB released rulemaking text in response to AB 1668 and SB 606--Making Conservation a California Way of Life. 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 six comment letters addressing technical components of the regulation and compliance matters. The latest comment letter, dated October 16, 2023, addressed the outdoor residential water use standard, special landscape areas irrigated with recycled water, CII best management practices, variances, and funding sources for disadvantaged communities.	If adopted, the rule becomes effective on Oct. 1, 2024. Urban water retailer Annual Water Use reporting starts January 1, 2024.
SWRCB	<u>Direct Potable Reuse Regulations</u>	On July 21, 2023, SWRCB released its proposed Direct Potable Reuse regulations. The revised rule language was released on October 19, 2023. 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..	On September 9, 2023 and November 6, 2023, Metropolitan submitted joint comments with the Los Angeles County Sanitation Districts on the proposed regulations. Some of the September 9, 2023 comments (e.g., flexibility in achieving pathogen log-removal credits) were incorporated. However, the November comments reiterated the previous requests to establish a Science Advisory Panel for constituents of emerging concern, standardize the on-line monitoring requirements, and provide enhanced flexibility for the governance structure of DPR projects.	Final regulations expected to be adopted by SWRCB by December 31, 2023 with an estimated effective date of April 1, 2024.

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SWRCB	<u>Draft Seawater Desalination Siting and Streamlining Report</u>	On July 12, 2023, the SWRCB, in conjunction with the California Coastal Commission and State Lands Commission, released draft siting and streamlining criteria for seawater desalination (desal) facilities. The criteria cover siting, intakes, outfalls, monitoring and mitigation requirements.	The guidelines could impact existing and planned member agency seawater desal projects, as well as any future Metropolitan partnerships on desal. Metropolitan submitted comments supporting concurrent state agency review for all seawater desal projects and the ability of water agencies to determine the need for a project. Metropolitan also commented that the criteria should not use loading orders to prioritize project type but should accommodate alternative projects such as offshore desal. Metropolitan supported CalDesal’s letter on the same issues, among others.	The guidelines will be finalized in Fall 2023.
SWRCB	<u>Drought and Conservation Reporting Order</u>	On January 1, 2023, DDW issued a Drought and Conservation Technical Reporting Order requiring all community water systems and non-transient non-community schools to prepare drought and conservation reports beginning January 2023.	Order requires Metropolitan and its member agencies to provide volumetric flow and lake elevation data for each source water on a quarterly basis using monthly data. Metropolitan provided both written and oral comments that the Order is inappropriate for Metropolitan’s systems based on the district’s size and complexity.	Order is final, but DDW is open to revisions.
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, respectfully.	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. DDW may adopt these NL and RL at any time.

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SWRCB	<u>Maximum Contaminant Level (MCL) for Hexavalent Chromium</u>	On June 16, 2023, DDW proposed an MCL for hexavalent chromium of 10 micrograms per liter ($\mu\text{g/L}$) and a detection limit for purposes of reporting (DLR) of 0.1 $\mu\text{g/L}$. Compliance timelines vary from 2-4 yrs. depending on system size.	On August 15, 2023, Metropolitan provided comments in support of the 10 $\mu\text{g/L}$ MCL, compliance timelines, and the use of stannous chloride as a best available technology. Metropolitan also expressed concerns over the cost of compliance and asked for additional funding to help offset treatment costs.	DDW anticipates finalizing the rule in February 2024 with implementation starting in July 2024.
SWRCB	<u>MCL for Perchlorate</u>	In 2017, DDW announced it would review the MCL established in 2007 for perchlorate at 6 $\mu\text{g/L}$. On October 6, 2020, DDW lowered the DLR from 4 $\mu\text{g/L}$ to 2 $\mu\text{g/L}$ starting in January 2021, and decreasing to 1 $\mu\text{g/L}$ in January 2024. These actions were in response to OEHAA lowering the public health goal (PHG) for perchlorate from 6 $\mu\text{g/L}$ to 1 $\mu\text{g/L}$ in February 2015.	DDW’s perchlorate MCL review and changes to the DLR could result in the MCL being lowered in the near future, as a MCL must be set as close to the PHG as is technologically and economically feasible. Metropolitan submitted comment letters supporting DDW’s review and a DLR of 2 $\mu\text{g/L}$. On August 6, 2020, Metropolitan submitted comments expressing concerns that a DLR of 1 $\mu\text{g/L}$ 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 $\mu\text{g/L}$ DLR are collected and evaluated.	The DLR of 1 $\mu\text{g/L}$ goes into effect January 1, 2024. Awaiting further action by DDW on revising the MCL.
SWRCB	<u>MCLs for Perfluoro-octanoic acid (PFOA) and perfluoro-octane sulfonic acid (PFOS)</u>	On July 22, 2021, OEHHA released draft PHGs for two PFAS: 0.007 ppt for PFOA and 1 ppt for PFOS—the first step towards DDW proposing MCLs for these compounds. DDW also requested OEHHA to evaluate whether PFAS can be grouped together for regulatory purposes based on specific characteristics or features. On July 14, 2023, OEHHA released additional supporting documentation for the proposed PHGs for PFOA and PFOS.	Once announced, staff will evaluate impacts and potential comments.	Awaiting official release of regulation.

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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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