

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.

LRA&C Committee

F. Jung, Chair
A. Kassakhian, Vice Chair
J. Abdo
L. Ackerman
B. Dennstedt
A. Fellow
J. Garza
G. Gray
M. Luna
J. McMillan
T. Phan
B. Pressman
M. Ramos
T. Smith

Legislation, Regulatory Affairs, and Communications Committee - Final - Revised 1

Meeting with Board of Directors *

April 10, 2023

1:30 p.m.

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Monday, April 10, 2023 Meeting Schedule

09:00 a.m. EOT
11:00 a.m. Break
11:30 a.m. OWS
01:30 p.m. LRAC
03:00 p.m. EIA

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

Teleconference Locations:

Fullerton City Hall Council Chambers • 303 W. Commonwealth Avenue • Fullerton, CA 92832

3008 W. 82nd Place • Inglewood, CA 90305

5707 Ocean View Boulevard • La Canada, CA 91011

2680 W. Segerstrom Avenue Unit I, • Santa Ana CA 92704

8700 Beverly Boulevard, Ste M313 • Los Angeles, CA 90048

* The Metropolitan Water District's meeting of this Committee is noticed as a joint committee meeting with the Board of Directors for the purpose of compliance with the Brown Act. Members of the Board who are not assigned to this Committee may participate as members of the Board, whether or not a quorum of the Board is present. In order to preserve the function of the committee as advisory to the Board, members of the Board who are not assigned to this Committee will not vote on matters before this Committee.

- 1. Opportunity for members of the public to address the committee on matters within the committee's jurisdiction (As required by Gov. Code Section 54954.3(a))**

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

- 2. CONSENT CALENDAR OTHER ITEMS - ACTION**

- A. Approval of the Minutes of the Legislation, Regulatory Affairs, and Communications Committee for March 13, 2023 (Copies have been submitted to each Director, Any additions, corrections, or omissions) [21-2095](#)

Attachments: [04102023 LRAC 2A \(03132023\) Minutes](#)

3. CONSENT CALENDAR ITEMS - ACTION

- 7-14 Authorize the General Manager to co-sponsor, if amended, Assembly Bill 1572 (Friedman, D – Glendale): Potable water: nonfunctional turf; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [REVISED LANGUAGE 4/4/23] [21-2072](#)

Attachments: [04112023 LRAC 7-14 B-L](#)
[04102023 LRAC 7-14 Presentation](#)

- 7-15 Adopt Policy Principles for Modernization of Water Rights Administration in California to Enhance Enforcement and Protect Supply Reliability; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [21-2073](#)

Attachments: [04112023 LRAC 7-15 B-L](#)
[04102023 LRAC 7-15 Presentation](#)

**** END OF CONSENT CALENDAR ITEMS ****

4. OTHER BOARD ITEMS - ACTION

NONE

5. BOARD INFORMATION ITEMS

NONE

6. COMMITTEE ITEMS

- a. Report on Activities from Washington, D.C. [21-2096](#)

Attachments: [04102023 LRAC 6a Report](#)
[04102023 LRAC 6a Presentation](#)

- b. Report on activities from Sacramento [21-2097](#)

Attachments: [04102023 LRAC 6b Report](#)
[04102023 LRAC 6b Presentation](#)

7. MANAGEMENT REPORTS

- a. External Affairs Management Report

[21-2098](#)

Attachments: [04102023 LRAC 7a Presentation](#)

8. FOLLOW-UP ITEMS

NONE

9. FUTURE AGENDA ITEMS

10. ADJOURNMENT

NOTE: This committee reviews items and makes a recommendation for final action to the full Board of Directors. Final action will be taken by the Board of Directors. Committee agendas may be obtained on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>. This committee will not take any final action that is binding on the Board, even when a quorum of the Board is present.

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.

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGISLATION, REGULATORY AFFAIRS AND COMMUNICATIONS COMMITTEE

March 13, 2023

Chair Jung called the hybrid teleconference meeting to order at 11:05 a.m.

Members present: Directors Abdo (entered after roll call), Dennstedt, Fellow (entered after roll call), Garza, Gray (entered after roll call), Jung, McMillan, Ramos and Smith.

Members absent: Directors Ackerman, Kassakhian, Luna, Phan and Pressman.

Other Board Members present: Chair Ortega, Directors Camacho, Goldberg, McCoy and Quinn.

Committee Staff present: Hagekhalil, Zinke, Horton, Sims, and Novoa.

1. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMITTEE ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION

None

2. OPPORTUNITY FOR DIRECTORS WHO ARE NOT MEMBERS OF THE COMMITTEE TO ADDRESS THE COMMITTEE ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION

None

CONSENT CALENDAR ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the Minutes of the Meeting of the Communications and Legislation Committee held January 24, 2023.

Director Dennstedt made a motion, seconded by Director McMillan to approve item 3A.

The vote was:

Ayes: Directors Abdo, Dennstedt, Fellow, Jung, McMillan, Ramos, and Smith.
Noes: None
Abstentions: Garza
Absent: Directors Ackerman, Gray, Kassakhian, Luna, Phan and Pressman

The motion passed by a vote of 7 ayes, 0 noes, 1 abstain, and 6 absent.

4. CONSENT CALENDAR ITEMS – ACTION

None

END OF CONSENT CALENDAR ITEMS

5. OTHER BOARD ITEMS – ACTION

None

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

a. Subject: Report on Activities from Washington, D.C.

Presented by: Abby Schneider, Executive Legislative Representative

Ms. Schneider provided an oral report on activities from Washington, D.C., including an update on the FY 2022/2023 federal budget negotiations and appropriations, permitting reform legislation, Environmental Protection Agency proposed drinking water standard, Colorado River Drought Contingency Plan, and Metropolitan Board of Directors meetings with Washington, D.C lawmakers and officials.

b. Subject: Report on Activities from Sacramento

Presented by: Rosie Thompson, Principal Legislative Representative

Ms. Thompson provided an update of the FY 2023/24 legislative session and the proposed FY 2023/24 state budget, legislative issues, and the Metropolitan Board of Directors trip to Sacramento to meet with legislators and discuss priorities on matters related to water supply, water quality and investments.

The following Directors provided a comment or asked a question:

1. Chair Ortega
2. Smith
3. Fellow
4. Dennstedt
5. McMillan

Staff responded to the Directors' comments or questions.

8. MANAGEMENT REPORTS

- a. Subject: External Affairs Management Report

Presented by: Sue Sims, External Affairs Group Manager

Ms. Sims provided an update on our current messaging strategies regarding the drought issues, upcoming media events and generating positive visibility for MWD and member agencies, our topline messaging to promote water efficiency and conservation, water saving tips and rebates. Earned media stories about landscape transformation and conservation and the over 200 news stories about Metropolitan that have appeared on radio, online digital and television since the start of the calendar year.

The following Directors provided a comment or asked a question:

1. McMillan
2. Fellow
3. Ramos

Staff responded to the Directors' comments or questions.

Chair Jung called on Director Pressman as the Chair of the Subcommittee on Public Affairs Engagement to set up the first subcommittee meeting as soon as practicable. **(added)**

9. FOLLOW-UP ITEMS

None

10. FUTURE AGENDA ITEMS

None

11. ADJOURNMENT

Meeting adjourned at 11:55 a.m.

Fred Jung
Chair



● **Board of Directors**
Legislation, Regulation, and Communication Committee

4/11/2023 Board Meeting

7-14

Subject

Authorize the General Manager to co-sponsor, if amended, Assembly Bill 1572 (Friedman, D – Glendale): Potable water: non-functional turf; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Executive Summary

Metropolitan has received a request to co-sponsor Assembly Bill 1572 (Friedman, D – Glendale): Potable water: non-functional turf (NFT).

If passed as introduced, this bill would make legislative findings and declarations concerning water use, including that the use of potable water to irrigate NFT 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 NFT with potable water.

Metropolitan’s Board supports the long-term conversion of NFT in residential, commercial, industrial, and institutional (CII) landscapes and a ban on the installation of NFT in new construction. Discussions with member agency staff highlighted a number of policy and operational challenges at the retail level and are outlined below with possible amendment concepts to address the concerns.

Timing and Urgency

Due to the constitutional deadlines in the state legislative process, staff recommends early action to enable collaboration and partnership with all communities of interest, including the Metropolitan member agencies, the co-sponsors, and other local groups.

Details

Bill Actions

AB 1572, as introduced (**Attachment 1**), would require the State Water Resources Control Board (SWRCB) to establish, no later than July 1, 2025, specified compliance, certification, and reporting requirements related to the irrigation of NFT. Specifically, the bill would prohibit the irrigation of NFT in CII and multi-family residential projects (covered properties) with potable water by specified timelines as follows:

- All properties owned or leased by the Department of General Services, beginning January 1, 2026.
- All commercial, industrial, municipal, and institutional properties, except municipal properties in a disadvantaged community, beginning January 1, 2027.
- All multi-family residential properties, except multi-family residential affordable housing properties and all municipal properties in a disadvantaged community, beginning January 1, 2028.
- All multi-family residential affordable housing properties and all municipal properties in a disadvantaged community, beginning January 1, 2029.

In setting forth these requirements, the bill provides the SWRCB with the discretion to extend compliance dates, including for economic hardship, critical business needs, and other categories to be determined that are essential for public health and safety.

Owners of covered properties would be required to certify their compliance with these provisions pursuant to regulations to be established by the SWRCB no later than July 1, 2025. Additionally, the bill would authorize an urban water supplier, city, county, or city and county to enforce these provisions.

The bill would also place related requirements on the SWRCB and the Department of Water Resources (DWR), including, beginning July 1, 2028, requiring the SWRCB, in collaboration with the DWR and with assistance from urban water suppliers, to annually conduct a compliance audit for two of the state's ten hydrologic regions, so that all of the state's hydrologic regions receive an audit once every five years, as specified. Audits would be conducted and reported by "visual inspection" of a representative sample of various property types.

In addition, the bill establishes new education requirements relative to native and drought-tolerant vegetation. By requiring the Division of Agriculture and Natural Resources within the office of the President of the University of California, in consultation with the Department of Education, to disseminate information on native and drought-tolerant plants that support vibrant ecosystems, including pollinators, in schools serving kindergarten and grades 1 through 12 and would additionally require the vice president of the division to, no later than June 30, 2026, report to the Senate Committee on Environmental Quality and the Assembly Committee on Water, Parks, and Wildlife on progress in implementing these provisions.

Finally, the bill would require the Governor's Office of Business and Economic Development to support small and minority-owned businesses that provide services that advance compliance with these provisions.

Background

On October 11, 2022, Metropolitan's Board took action to support the long-term conversion of NFT in residential, CII landscapes and a ban on the installation of NFT in new construction. The resolution encouraged municipalities to enact ordinances banning the irrigation of NFT with potable water.

In addition, on November 15, 2022, Metropolitan joined 30 agencies across the Colorado River Basin, including several member agencies, in signing on to a Memorandum of Understanding, committing to reduce NFT across the service area by 30%.

To better understand and represent the member agency perspectives on the bill, Metropolitan convened a work group of member agency staff to seek input on the issue of NFT and AB 1572, specifically, and met individually with a number of member agencies for more in-depth input from the local level. The NFT work group has met twice (March 15 and April 3). Additionally, Metropolitan staff met with the bill sponsors and facilitated a discussion with the member agencies on proposed amendments, which are not yet in print at the time of this letter. The proposed amendments to the bill incorporate many of the amendments requested by the Association of California Water Agencies.

While most of the agencies expressed conceptual support for a legislative framework that would discourage the irrigation of NFT with potable water, they expressed concerns with some of the provisions in AB 1572 regarding its implementation.

The feedback from the member agencies fell into the following broad categories:

1. Regulatory timing – member agency staff expressed concerns around conflicts in the implementation of the long-term framework for indoor water use efficiency objectives and this legislation.
2. Administrative burden and liability – member agency staff expressed concerns that addressed the burden created by increased reporting and enforcement, a lack of flexibility and local control, the need for funding support, along with potential financial liability for penalties that may be accrued.
3. Lack of clarity – member agency staff expressed concern around ambiguity in the bill language, as introduced, regarding conflicting or ambiguous provisions regarding enforcement, designations of "functional" versus "non-functional," and a lack of parity between public and private entities.

In addition, the agencies expressed the need for funding to help incentivize the conversion of NFT, particularly for underserved communities, and to protect trees and prevent blight from lack of vegetation.

Suggested amendments identified by the workgroup include:

1. Reduce administrative burden and liability by clarifying SWRCB will be responsible for processing certifications of compliance, rather than the water purveyor, and ensure that penalty accrues to the violator, not the water agency, to protect compliant ratepayers. Additionally, amendments to ensure that assistance with audits will not require the collection of data not collected in the ordinary course of business.
2. Clarity in definitions and metrics to assist in local compliance and certainty.
3. Possible credit system, waivers, or exemptions for agencies that already meet a specified standard, as defined in the local model landscape water efficiency ordinances and relief for agencies that have invested, or are investing, in recycled water for properties currently served by potable supplies.
4. Delay in compliance deadlines to allow for full implementation and assessments of other regulatory conservation objectives and exemptions for multi-family residential and municipal buildings within underserved communities until a funding source is identified.

Staff recommends co-sponsoring this legislation if it is amended to address the concerns expressed by our member agencies and their retail providers and to advance the objectives approved by the Board.

Policy

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA (Public Resources Code Section 21065, State CEQA Guidelines Section 15378) because it involves legislative proposals that do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment (Section 15378(b)(1) of the State CEQA Guidelines).

CEQA determination for Option #2:

None required

Board Options

Option #1

Authorize the General Manager to co-sponsor, if amended, AB 1572 (Friedman): Potable water: non-functional turf.

Fiscal Impact: Unknown

Business Analysis: Work with the author, sponsors and stakeholders to obtain desired amendments, and reserve the right to withdraw if issues cannot be worked out consistent with board direction and without potential adverse impacts to Metropolitan and its member agencies.

Option #2

Do not authorize the General Manager to co-sponsor, but authorize a position of support if amended.

Fiscal Impact: Unknown

Business Analysis: Consistent with board direction, Metropolitan may take a support if amended position and could work with the bill author and co-sponsors to seek desired amendments as directed to prevent adverse effects to Metropolitan and its member agencies.

Option #3

Take no action

Staff Recommendation


Option # 1



Susan Sims
Group Manager, External Affairs

4/5/2023

Date



Adel Hagekhalil
General Manager

4/6/2023

Date

**Attachment 1 – Bill text for AB 1572 (Friedman): Potable water: non-functional turf
(as introduced, February 17, 2023)**

Ref# ea12693248

california legislature—2023–24 regular session

ASSEMBLY BILL

No. 1572

Introduced by Assembly Member Friedman

February 17, 2023

An act to amend Section 10608.12 of, to add Section 110 to, and to add Chapter 2.5 (commencing with Section 10608.14) to Part 2.55 of Division 6 of, the Water Code, relating to water.

legislative counsel's digest

AB 1572, as introduced, Friedman. Potable water: nonfunctional turf.

(1) Existing law establishes various state water policies, including the policy that the use of water for domestic purposes is the highest use of water.

This bill 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.

(2) Existing law provides various findings and declarations of the Legislature related to sustainable water use and demand reduction. Existing law imposes various water use reduction requirements that apply to urban retail water suppliers, including a requirement that the state achieve a 20% reduction in urban per capita water use by December 31, 2020.

This bill would prohibit the use of potable water, as defined, for the irrigation of nonfunctional turf located on commercial, industrial, municipal, institutional, and multifamily residential properties, as

AB 1572

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specified. The bill would require the State Water Resources Control Board to establish, no later than July 1, 2025, specified compliance, certification, and reporting requirements. The bill would require owners of covered properties to certify their compliance with these provisions, as specified. The bill would authorize an urban water supplier, city, county, or city and county to enforce these provisions. The bill would place related requirements on the board and the Department of Water Resources, including, beginning July 1, 2028, requiring the board, in collaboration with the department and with assistance from urban water suppliers, to annually conduct a compliance audit for 2 of the state's hydrologic regions, so that all of the state's hydrologic regions receive an audit once every 5 years, as specified. The bill would require the Division of Agriculture and Natural Resources within the office of the President of the University of California, in consultation with the Department of Education, to disseminate information on native and drought-tolerant plants that support vibrant ecosystems, including pollinators, in schools serving kindergarten and grades 1 through 12 and would additionally require the vice president of the division to, no later than June 30, 2026, report to the Senate Committee on Environmental Quality and the Assembly Committee on Water, Parks, and Wildlife on progress in implementing these provisions. The bill would require the Governor's Office of Business and Economic Development to support small and minority-owned businesses that provide services that advance compliance with these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 110 is added to the Water Code, to read:
- 2 110. (a) The Legislature hereby finds and declares all of the
- 3 following:
- 4 (1) The use of potable water to irrigate nonfunctional turf is
- 5 wasteful and incompatible with state policy relating to climate
- 6 change, water conservation, and reduced reliance on the
- 7 Sacramento-San Joaquin Delta ecosystem.
- 8 (2) The Governor reported in August 2022 that climate change
- 9 will bring significant enduring reductions in California's water
- 10 supply and that the state must take steps to respond to this reality.

1 (3) The State of Nevada enacted AB 356 in 2021 to prohibit the
2 use of Colorado River water to irrigate nonfunctional turf on all
3 properties except single-family residences by January 1, 2027.

4 (b) It is the intent of the Legislature that the irrigation of grasses
5 for agricultural production shall not be limited by requirements to
6 eliminate the use of potable water to irrigate nonfunctional turf.

7 (c) The Legislature hereby directs all appropriate state agencies
8 to encourage and support the elimination of irrigation of
9 nonfunctional turf with potable water.

10 SEC. 2. Section 10608.12 of the Water Code is amended to
11 read:

12 10608.12. Unless the context otherwise requires, the following
13 definitions govern the construction of this part:

14 (a) *“Affordable housing” has the same meaning as defined in*
15 *Section 34191.30 of the Health and Safety Code.*

16 ~~(a)~~

17 (b) *“Agricultural water supplier” means a water supplier, either*
18 *publicly or privately owned, providing water to 10,000 or more*
19 *irrigated acres, excluding recycled water. “Agricultural water*
20 *supplier” includes a supplier or contractor for water, regardless of*
21 *the basis of right, that distributes or sells water for ultimate resale*
22 *to customers. “Agricultural water supplier” does not include the*
23 *department.*

24 ~~(b)~~

25 (c) *“Base daily per capita water use” means any of the following:*

26 (1) *The urban retail water supplier’s estimate of its average*
27 *gross water use, reported in gallons per capita per day and*
28 *calculated over a continuous 10-year period ending no earlier than*
29 *December 31, 2004, and no later than December 31, 2010.*

30 (2) *For an urban retail water supplier that meets at least 10*
31 *percent of its 2008 measured retail water demand through recycled*
32 *water that is delivered within the service area of an urban retail*
33 *water supplier or its urban wholesale water supplier, the urban*
34 *retail water supplier may extend the calculation described in*
35 *paragraph (1) up to an additional five years to a maximum of a*
36 *continuous 15-year period ending no earlier than December 31,*
37 *2004, and no later than December 31, 2010.*

38 (3) *For the purposes of Section 10608.22, the urban retail water*
39 *supplier’s estimate of its average gross water use, reported in*
40 *gallons per capita per day and calculated over a continuous*

AB 1572

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- 1 five-year period ending no earlier than December 31, 2007, and
2 no later than December 31, 2010.
- 3 ~~(e)~~
- 4 (d) “Baseline commercial, industrial, and institutional water
5 use” means an urban retail water supplier’s base daily per capita
6 water use for commercial, industrial, and institutional users.
- 7 ~~(d)~~
- 8 (e) “CII water use” means water used by commercial water
9 users, industrial water users, institutional water users, and large
10 landscape water users.
- 11 ~~(e)~~
- 12 (f) “Commercial water user” means a water user that provides
13 or distributes a product or service.
- 14 ~~(f)~~
- 15 (g) “Compliance daily per capita water use” means the gross
16 water use during the final year of the reporting period, reported in
17 gallons per capita per day.
- 18 ~~(g)~~
- 19 (h) “Disadvantaged community” means a community with an
20 annual median household income that is less than 80 percent of
21 the statewide annual median household income.
- 22 (i) “Division” means the Division of Agriculture and Natural
23 Resources within the office of the President of the University of
24 California.
- 25 ~~(h)~~
- 26 (j) “Gross water use” means the total volume of water, whether
27 treated or untreated, entering the distribution system of an urban
28 retail water supplier, excluding all of the following:
- 29 (1) Recycled water that is delivered within the service area of
30 an urban retail water supplier or its urban wholesale water supplier.
- 31 (2) The net volume of water that the urban retail water supplier
32 places into long-term storage.
- 33 (3) The volume of water the urban retail water supplier conveys
34 for use by another urban water supplier.
- 35 (4) The volume of water delivered for agricultural use, except
36 as otherwise provided in subdivision (f) of Section 10608.24.
- 37 ~~(i)~~
- 38 (k) “Industrial water user” means a water user that is primarily
39 a manufacturer or processor of materials as defined by the North
40 American Industry Classification System code sectors 31 to 33,

1 inclusive, or an entity that is a water user primarily engaged in
2 research and development.

3 ~~(j)~~

4 (l) “Institutional water user” means a water user dedicated to
5 public service. This type of user includes, among other users,
6 higher education institutions, schools, courts, churches, hospitals,
7 government facilities, and nonprofit research institutions.

8 ~~(k)~~

9 (m) “Interim urban water use target” means the midpoint
10 between the urban retail water supplier’s base daily per capita
11 water use and the urban retail water supplier’s urban water use
12 target for 2020.

13 ~~(l)~~

14 (n) “Large landscape” means a nonresidential landscape as
15 described in the performance measures for CII water use adopted
16 pursuant to Section 10609.10.

17 ~~(m)~~

18 (o) “Locally cost effective” means that the present value of the
19 local benefits of implementing an agricultural efficiency water
20 management practice is greater than or equal to the present value
21 of the local cost of implementing that measure.

22 (p) “Multifamily residential property” means a property that
23 includes a building containing more than four dwelling units.

24 (q) “Nonfunctional turf” means any turf that is not located in
25 areas designated by a property owner or a government agency for
26 recreational use or public assembly. Nonfunctional turf does not
27 include turf located in cemeteries.

28 ~~(n)~~

29 (r) “Performance measures” means actions to be taken by urban
30 retail water suppliers that will result in increased water use
31 efficiency by CII water users. Performance measures may include,
32 but are not limited to, educating CII water users on best
33 management practices, conducting water use audits, and preparing
34 water management plans. Performance measures do not include
35 process water.

36 ~~(o)~~

37 (s) “Potable reuse” means direct potable reuse, indirect potable
38 reuse for groundwater recharge, and reservoir water augmentation
39 as those terms are defined in Section 13561.

AB 1572

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- 1 (t) *“Potable water” means water that is suitable for human*
2 *consumption.*
- 3 ~~(p)~~
- 4 (u) *“Process water” means water used by industrial water users*
5 *for producing a product or product content or water used for*
6 *research and development. Process water includes, but is not*
7 *limited to, continuous manufacturing processes, and water used*
8 *for testing, cleaning, and maintaining equipment. Water used to*
9 *cool machinery or buildings used in the manufacturing process or*
10 *necessary to maintain product quality or chemical characteristics*
11 *for product manufacturing or control rooms, data centers,*
12 *laboratories, clean rooms, and other industrial facility units that*
13 *are integral to the manufacturing or research and development*
14 *process is process water. Water used in the manufacturing process*
15 *that is necessary for complying with local, state, and federal health*
16 *and safety laws, and is not incidental water, is process water.*
17 *Process water does not mean incidental water uses.*
- 18 (v) *“Public water system” has the same meaning as defined in*
19 *Section 116275 of the Health and Safety Code.*
- 20 ~~(q)~~
- 21 (w) *“Recycled water” means recycled water, as defined in*
22 *subdivision (n) of Section 13050.*
- 23 ~~(r)~~
- 24 (x) *“Regional water resources management” means sources of*
25 *supply resulting from watershed-based planning for sustainable*
26 *local water reliability or any of the following alternative sources*
27 *of water:*
- 28 (1) *The capture and reuse of stormwater or rainwater.*
29 (2) *The use of recycled water.*
30 (3) *The desalination of brackish groundwater.*
31 (4) *The conjunctive use of surface water and groundwater in a*
32 *manner that is consistent with the safe yield of the groundwater*
33 *basin.*
- 34 ~~(s)~~
- 35 (y) *“Reporting period” means the years for which an urban retail*
36 *water supplier reports compliance with the urban water use targets.*
- 37 (z) *“Turf” has the same meaning as defined in Section 491 of*
38 *Title 23 of the California Code of Regulations.*
- 39 ~~(t)~~

1 (aa) “Urban retail water supplier” means a water supplier, either
2 publicly or privately owned, that directly provides potable
3 municipal water to more than 3,000 end users or that supplies more
4 than 3,000 acre-feet of potable water annually at retail for
5 municipal purposes.

6 (ab) “Urban water supplier” has the same meaning as defined
7 in Section 10617.

8 ~~(u)~~

9 (ac) “Urban water use objective” means an estimate of aggregate
10 efficient water use for the previous year based on adopted water
11 use efficiency standards and local service area characteristics for
12 that year, as described in Section 10609.20.

13 ~~(v)~~

14 (ad) “Urban water use target” means the urban retail water
15 supplier’s targeted future daily per capita water use.

16 ~~(w)~~

17 (ae) “Urban wholesale water supplier” means a water supplier,
18 either publicly or privately owned, that provides more than 3,000
19 acre-feet of water annually at wholesale for potable municipal
20 purposes.

21 SEC. 3. Chapter 2.5 (commencing with Section 10608.14) is
22 added to Part 2.55 of Division 6 of the Water Code, to read:

23

24 Chapter 2.5. Nonfunctional Turf

25

26 10608.14. (a) The use of potable water for the irrigation of
27 nonfunctional turf located on commercial, industrial, municipal,
28 institutional, and multifamily residential properties is prohibited
29 as of the following dates:

30 (1) All properties owned or leased by the Department of General
31 Services, beginning January 1, 2026.

32 (2) All commercial, industrial, municipal, and institutional
33 properties, except those specified in paragraph (4), beginning
34 January 1, 2027.

35 (3) All multifamily residential properties, except those specified
36 in paragraph (4), beginning January 1, 2028.

37 (4) All multifamily residential affordable housing properties
38 and all municipal properties in a disadvantaged community,
39 beginning January 1, 2029.

AB 1572

— 8 —

- 1 (b) The board may extend the compliance date for certain
2 persons, institutions, and businesses by regulation.
- 3 (c) The board shall develop and adopt regulations no later than
4 July 1, 2025, that shall establish all of the following:
- 5 (1) Allowances for compliance extensions, including economic
6 hardship, critical business need, and any other categories the board
7 determines are essential to public health and safety.
- 8 (2) Methods of compliance certification.
- 9 (3) Reporting requirements for an urban water supplier and
10 public water system.
- 11 (d) Regulations governing the terms and conditions of water
12 service adopted by urban retail water suppliers shall include the
13 requirements of subdivision (a) no later than January 1, 2026.
- 14 (e) (1) An owner of commercial, industrial, municipal, and
15 institutional property with more than 5,000 square feet of irrigated
16 area shall certify, commencing June 30, 2028, and every three
17 years thereafter, that their property is in compliance with the
18 requirements of this chapter.
- 19 (2) An owner of a multifamily residential property with more
20 than 5,000 square feet of irrigated area shall certify, commencing
21 June 30, 2029, and every three years thereafter, that their property
22 is in compliance with the requirements of this chapter.
- 23 (f) Noncompliance by a person or entity with this chapter or
24 regulations adopted thereunder shall be subject to civil liability
25 and penalties set forth in Section 1846, or to civil liability and
26 penalties imposed by an urban retail water supplier pursuant to a
27 locally adopted regulation.
- 28 (g) An urban water supplier, city, county, or city and county
29 may enforce the provisions of this chapter.
- 30 (h) The Public Utilities Commission shall, through a rulemaking
31 proceeding, or decisions in general rate cases, before January 1,
32 2026, set penalty amounts for investor-owned water companies
33 that violate the requirements of this chapter.
- 34 (i) (1) Beginning July 1, 2028, the board, in collaboration with
35 the department, and with assistance from urban water suppliers,
36 shall annually conduct a compliance audit for two of the state's
37 hydrologic regions, so that all of the state's hydrologic regions
38 receive an audit once every five years. The audit shall include all
39 of the following:

- 1 (A) Visual inspections of commercial and industrial properties
2 known to have large lots and significant landscaping.
- 3 (B) Visual inspections of nonresidential properties with
4 extraordinarily high water use.
- 5 (C) Visual inspections of addresses that have been the subject
6 of water waste complaints in the past year.
- 7 (2) Visual inspections shall be conducted without entry to
8 nonpublic properties or premises.
- 9 (3) The board and the department shall post the audit data on
10 their respective internet websites, including both of the following:
- 11 (A) Number of inspections conducted by property type.
12 (B) Number of violations identified.
- 13 (4) An urban water supplier shall provide to the board
14 information to facilitate compliance audits through the reporting
15 mechanism established pursuant to Section 116530 of the Health
16 and Safety Code.
- 17 (j) The department shall, using funds appropriated for water
18 conservation and integrated regional water management, prioritize
19 financial assistance for nonfunctional turf replacement to water
20 suppliers serving disadvantaged communities and to owners of
21 affordable housing.
- 22 (k) The department shall utilize the saveourwater.com internet
23 website and outreach campaign to provide information and
24 resources on converting nonfunctional turf to native vegetation.
- 25 (l) The department shall analyze and quantify how compliance
26 with this chapter supports the goal of reducing reliance on the
27 Sacramento-San Joaquin Delta as directed by Division 35
28 (commencing with Section 85000).
- 29 (m) The division shall, in consultation with the Department of
30 Education, disseminate information on native and drought-tolerant
31 plants that support vibrant ecosystems, including pollinators, in
32 schools serving kindergarten and grades 1 through 12.
- 33 (n) The division's vice president shall, no later than June 30,
34 2026, report to the Senate Committee on Environmental Quality
35 and the Assembly Committee on Water, Parks, and Wildlife on
36 progress in implementing this chapter.

AB 1572

— 10 —

- 1 (o) The Governor's Office of Business and Economic
- 2 Development shall support small and minority-owned businesses
- 3 that provide services that advance compliance with this chapter.

O



Legislation, Regulatory Affairs & Communication Committee

Authorize the General Manager to co-sponsor, if amended, Assembly Bill 1572 (Friedman, D – Glendale):
Potable water: nonfunctional turf

Item 7-14

April 10, 2023

AB 1572
(Friedman):
Potable
water:
nonfunctional
turf.

- Prohibit the use of “potable water” for irrigation of nonfunctional turf located on CII, municipal, and multifamily residential properties by specified dates
- Require the SWRCB to adopt regulations by January 1, 2025
- Require certification of compliance and compliance audits
 - Property owner designation
 - Visual inspection

AB 1572
(Friedman):
Potable
water:
nonfunctional
turf.

- Enforcement:
 - May be enforced by local water agencies
 - Agencies must add prohibition to water service agreements by January 1, 2026
 - Requires reporting by local water agencies as determined by SWRCB
 - Local agencies must submit information to support compliance audits by SWRCB

Board
Actions
supporting
NFT
Conversion
& Ban

Aug 2022 – the Board (OWC) considers and supports 4 options to advance NFT removal

- Incentives-based
- Sample ordinance / Board resolution
- New water allocation methodology for drought emergency
- **State legislation**

Oct 2022 – Board adopts **resolution** encouraging reduction/elimination of irrigation for NFT

Nov 2022 – Six Basin State Proposed Agreement threatens **50% of California's Colorado River** imported supplies. Metropolitan and 13 member agencies sign on to Colorado River letter, committing to **reducing NFT by 30%**

Board
Actions
supporting
NFT
Conversion
& Ban

Dec 2022 – Board adopts 2023 Legislative Priorities and Principles, which includes:

- Priority B.1. for a Metropolitan-sponsored bill
- Legislative principles explicitly supporting the long-term conversion of NFT in residential, commercial, industrial, and institutional landscapes and banning installation of NFT in new construction

Feb 2023 – AB 1572 (Friedman) is introduced

- Co-sponsorship request received from NRDC & Heal the Bay

Mar 2023 – Outreach efforts undertaken by Metropolitan staff, consistent with Board direction

Outreach Efforts & Process.

Member Agency NFT Work Group

- Two meetings on March 15 and April 3
- Virtually all MAs were present and represented

Individual Agency Meetings

- Week of March 20: Met with 6 MAs to discuss concerns and solicit input
- Calleguas, Eastern, LADWP, LVMWD, MWDOC, SDCWA

Presentation at Member Agency Manager Meeting

- March 24 - Discuss bill and solicit input

Meetings with Bill Sponsors

MA Managers & NFT Work Group Input

Administrative Burden & Liability.

Concerns

- Increased reporting and enforcement
- Lack of flexibility and local control
- Need for funding support
- Potential financial liability for penalties that may be accrued.

Possible Amendments to Provide Relief from Administrative Burden & Liability

- Clarify SWRCB responsibility for certifications of compliance
- Ensure that penalties accrue to violators to protect compliant ratepayers
- Possible credits, waivers or exemptions for agencies which already meet specified standards or invest in recycled water

MA
Managers &
NFT
Work Group
Input

Lack of
Clarity.

Concerns

- Designations of “functional” versus “non-functional”
- Conflicting or ambiguous definitions for enforcement
- Lack of parity between public and private entities

Possible Amendments to Increase Clarity

- Provide clear definitions of NFT to ensure accurate property owner designations of “functional” versus “non-functional”
- Provide clarity in metrics to assist in compliance

MA Managers and NFT Work Group Input

Regulatory Timing & Funding.

Concerns

- Conflicts in development & implementation with the long-term water efficiency framework
- Lack of green space in underserved communities in multi-family residential or municipal buildings, without funding to support conversion of turf to climate appropriate landscaping

Possible Amendments to Address Timing & Funding

- Delay in compliance deadlines to allow for full implementation and assessments of other regulatory conservation objectives
- Exemptions for multifamily residential and municipal building in underserved (DAC) communities until there is a funding source

Outreach Efforts

Meetings with Bill Sponsors.

Co-Sponsors

- Natural Resources Defense Council (NRDC) and Heal the Bay are sponsors of the legislation

Meetings

- Met with NRDC staff to discuss bill and amendments.
- Facilitated discussion with NRDC and MA-NFT Work Group

Discussion regarding Anticipated Amendments

- Proposed amendments incorporate much of ACWA's requested changes
- Not yet in print

Board Options

- Option #1

Authorize the General Manager to co-sponsor, if amended, AB 1572 (Friedman): Potable water, non-functional turf

- Option #2

Do not authorize the General Manager to co-sponsor, but authorize a position of support if amended

- Option #3

Take no action

Staff Recommendation

- Option #1
Authorize the General Manager to co-sponsor, if amended, AB 1572 (Friedman): Potable water, non-functional turf





● **Board of Directors**
Legislation, Regulatory Affairs & Communications Committee

4/11/2023 Board Meeting

7-15

Subject

Adopt Policy Principles for Modernization of Water Rights Administration in California to Enhance Enforcement and Protect Supply Reliability; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Executive Summary

A set of bills have been introduced in this state legislative session with the goal of improving the state’s water rights system. However, the proposed legislation, as currently drafted, raises serious concerns about certainty in the water rights system and a lack of due process for water rights holders, including Metropolitan and the State Water Contractors, due to the potential bypass of the usual state rules of evidence necessary for the fair determination of rights for water providers tasked with providing reliable water supplies.

Staff proposes the Board adopt a set of policy principles that support modernizing the administration of water rights and that would provide direction regarding positions on current and future legislation or proposed regulations.

Timing and Urgency

Timely action is necessary to allow staff flexibility to respond within the established deadlines of the state legislative process.

Details

Background

Water rights are vested property rights to use water. It is important to have certainty in water rights and transparent, predictable, and fully informed enforcement that does not weaken or bypass due process protections. Certainty in water rights and a stable process for administering water rights is foundational to public and private investments in infrastructure, business, water management planning, and voluntary water transfers and exchanges.

Climate change is resulting in more frequent and prolonged droughts and wetter wet periods in California. The last two droughts have revealed challenges in the State Board’s ability to quickly respond and enforce water rights priorities and deter violations of its orders. The higher precipitation years of 2017 and 2023 and periodic high-storm runoff events in otherwise extremely dry years have underscored the need for more flexible regulations and modernized infrastructure to divert and store more water in wet periods while protecting the environment.

A set of state bills have been introduced in this legislative session with the goal of improving the state’s water rights system. However, the proposed legislation, as currently drafted, delegates broad new regulatory authorities to the State Board to investigate, cancel, reduce, reallocate, and enforce water rights. As drafted, the bills would make changes that create uncertainty in the water rights system and a

lack of due process for water rights holders, like Metropolitan and the State Water Contractors, due to the potential bypass of the usual due process and state rules of evidence necessary for the fair determination of rights for water rights holders, including water suppliers tasked with providing reliable water supplies.

Risks to Metropolitan Water Supply Portfolio

If passed as drafted, the proposed water rights legislation poses serious concerns to the state's water rights system and would impact Metropolitan's water supply portfolio. Examples of possible risks and impacts to Metropolitan, member agencies, and regionally from the bills as drafted include:

- Colorado River Agreements: the bills would create uncertainty for Colorado River agreements. In years when Metropolitan fills the Colorado River Aqueduct, nearly half of that water comes through transfer and exchange agreements with contractors that have higher priority rights to Colorado River water in California. These agreements were entered to reduce the risk of supply shortages to Southern California that could result from Metropolitan's junior priority. Metropolitan and the San Diego County Water Authority have made significant investments in these contracts, and legislation that changes water rights could have the unintended effect of reducing municipal water supply certainty. These agreements and partnerships account for approximately 450,000 acre-feet of annual water supply to Metropolitan and San Diego County Water Authority.
- Bay-Delta Regulatory Stability: the bills would slow or could potentially undo the progress made to date on the Bay-Delta Water Quality Control Plan, placing further regulatory uncertainty onto Metropolitan's State Water Project (SWP) supplies if an alternative solution such as the Voluntary agreement is not implementable because water rights are reallocated. The SWP supplies currently make up on average 30 percent of Metropolitan's annual water supply.
- Existing Water Supply Programs: the bills jeopardize existing water transfers and groundwater programs if parties in those partnerships do not have stable water supply reliability and assets to assure Metropolitan's continued supply reliability, especially during drought periods, as described below:
 - Since 2007, Metropolitan has secured over 250,000 acre-feet of water through its partnership in the Lower Yuba River Accord Water Transfer Program, a supplemental water program composed of more senior water rights, which has been instrumental in managing through recent droughts.
 - In 2021, Metropolitan utilized its existing groundwater partnership with Arvin Edison to secure 38,000 acre-feet of water, which involved multiple parties, including senior water rights holders (Central Valley Project Contractors), to provide needed water supply to Metropolitan during a critical water year.
- New Water Partnerships and Water Transfer Market: the bills could create future uncertainty in water transfer markets designed to solve supply shortages in light of climate change, including the viability of long-term water programs. As a result, water users and entities are disincentivized from advancing creative partnerships such as multi-benefit initiatives, land repurposing, and flood and/or sustainable groundwater management solutions.
- Infrastructure Investments and Regional Economy Impacts: the bills could create open-ended and ongoing risks to the ability to maintain and sustain economic health and stability for water suppliers, communities, farms, tribes, and others, including other State Water Contractors that have developed urban and agricultural infrastructure and investments based upon the certainty of consistent and predictable water rights.

The current water rights system already includes a process for allocating water in times of drought through curtailments. Improvements are needed in the administration of water rights through improved water diversion measurement, reporting, and enforcement. Staff proposes the Board adopt a set of policy principles that support modernizing the administration of water rights, giving the State Board up-to-date information, tools, and resources to track water diversions in real time, enforce water rights and deter unlawful diversions.

In addition, the policy principles would provide direction regarding bills or proposed regulations enabling more flexible management in times of high-storm runoff or snow melt, as well as more flexible and efficient transfers among SWP and Central Valley Project contractors, including through a consolidation of the place-of-use of water for the two projects. Consolidation has been approved on a year-to-year basis, but a longer-term consolidation could have advantages of efficiency and certainty.

The proposed policies are intended to protect investments made by the state and water agencies, including Metropolitan, in water supply infrastructure, voluntary transfers and exchanges, and their interests in reaching voluntary agreements in the Bay-Delta and Colorado River watersheds to address the near- and long-term impacts of climate change needed to maintain or improve water supply reliability.

Proposed Policy Principles

1. Support funding for State Board staff and data modernization tools needed to monitor and enforce water rights priorities and protect SWP supplies, including funding and technical assistance to fully implement existing law requiring metering of diversions and potential legislation or regulation aimed at providing real-time water diversion data.
2. Support funding for and adjudication of water rights affording due process and fair proceedings governed by the California Evidence Code over reallocation by regulation or preemptive investigations by the State Board.
3. In recognition of California's constitutional policy to put California's water to beneficial use to the fullest extent possible, support application of the waste and unreasonable use doctrine based on specific fact finding for each water right at issue to determine whether water use exceeds the quantity reasonably needed to serve the beneficial use.
4. Support increases in civil penalties to deter violations of State Board orders, including curtailment orders.
5. Support the protection of SWP releases of stored water from unlawful diversion to meet water quality and environmental requirements and protect water deliveries south of the Delta.
6. Support improvements in existing law authorizing the Attorney General to seek injunctive relief in court to quickly address alleged violations of State Board orders.
7. Support voluntary water transfers and exchanges as the means to reallocate water supplies, including for the environment, to meet water supply reliability goals and achieve voluntary agreements on the implementation of the Bay-Delta Water Quality Control Plan and interstate solutions to limited Colorado River supplies.
8. Support the consolidated place-of-use of the SWP and the Central Valley Project, allowing for improved flexibility of current water systems throughout the state while protecting SWP supplies.
9. Support more flexible regulations to enhance the ability to divert water in times of high storm runoff and snow melt while protecting existing water rights, SWP water supplies, and the environment.

If adopted, staff would engage with authors and sponsors of current and future bills and proposed regulations affecting water rights and the administration and enforcement of water rights to seek amendments consistent with the policies. Staff would continue to provide regular updates on specific bills and regulations and bring recommended positions to the Board as needed.

Policy

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

By Minute Item 53051, 2023 Metropolitan Legislative Priorities and Principles, Legislative Priority A.1; Principles III.H.1, IV.A.1; V.D.1.

California Environmental Quality Act (CEQA)

CEQA determination(s) for Option #1:

The proposed action is not defined as a project under CEQA (Public Resources Code Section 21065, State CEQA Guidelines Section 15378) because the proposed action will not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and involves legislative proposals that do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment (Public Resources Code Section 21065 and Section 15378(b)(1) of the State CEQA Guidelines).

Board Options

Option #1

Adopt Policy Principles for Modernization of Water Rights Administration in California to Enhance Enforcement and Protect Supply Reliability

Fiscal Impact: Unknown

Business Analysis: Adoption of these principles supports staff's ability to address matters in a timely fashion related to legislation as well as advocating for more flexible regulations and transfers.

Option #2

Take no action

Fiscal Impact: Unknown

Business Analysis: Absence of these principles could hinder staff's ability to respond in a timely manner to legislation as well as advocate for more flexible regulations and transfers.

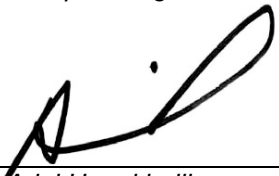
Staff Recommendation

Option # 1



Susan Sims
Group Manager, External Affairs

4/6/2023
Date



Adel Hagekhalil
General Manager

4/6/2023
Date

Ref# ea12693376



Legislative, Regulatory Affairs and Communication Committee

Adopt Policy Principles for Modernization of Water Rights Administration in California to Enhance Enforcement and Protect Supply Reliability

Item 7-15

April 10, 2023

Legislative Activity & Approach

- Legislative slate of bills introduced
- Goal of improving the state's water rights system
- As drafted, the bills create lack of certainty & bypass the due process
- Significant water supply impacts to Metropolitan & the region

What are water rights?

- Fundamental, vested property rights
- Creates certainty needed for human and economic activity
- Requires stable, predictable process of administration

The Problem

- Climate change is creating volatility and intensity in weather events that demand quick responses by State Board
- Lack of staffing, tools and funding
- Modernization and additional support needed
 - More nimble, effective enforcement of water rights
 - Stronger deterrence of violations

Water Supply Impacts & Risks

- Colorado River agreements
 - 450,000 AFY for Metropolitan & SDCWA
- Bay-Delta regulatory stability
 - 30 percent of Southern California's annual supply
- Existing water supply programs
 - Lower Yuba River Accord Water Transfer (250,000 AF since 2007)
 - Arvin Edison (38,000 AF in 2021)
- New water partnerships & water transfer market
- Infrastructure investments & regional economy

Modernization of Water Rights Administration

Proposed Policy Principles

- Support funding for staff and data modernization tools, including technical assistance
- Support funding for and adjudication of water rights consistent with state law and ensure protection of due process rights and fair process
- Support application of waste and unreasonable use doctrine, on case by case basis

Modernization of Water Rights Administration

Proposed Policy Principles

- Support increases in civil penalties to deter violations
- Support protection of SWP releases from unlawful diversion
- Support improvements in existing law to authorize the AG to seek injunctive relief

Modernization of Water Rights Administration

Proposed Policy Principles

- Support voluntary water transfers and exchanges
- Support the consolidated place-of-use of the SWP/CVP for improved flexibility
- Support flexible regulations to divert water while maintaining/protecting water rights, SWP supplies and the environment

Water Rights Administration Policy Principles

Board Options

- Option #1
Adopt Policy Principles for Modernization of Water Rights Administration in California to Enhance Enforcement and Protect Supply Reliability
- Option #2
Take no action

Water Rights Administration Policy Principles

Staff Recommendation

- Option #1
Adopt Policy Principles for Modernization of Water Rights Administration in California to Enhance Enforcement and Protect Supply Reliability



Metropolitan Water District of Southern California
Federal Legislative Matrix
April 10, 2023 – 118th Congress, First Session

| Topic | Bill/Author | Status | Title – Summary | MWD Position | Effects on MWD |
|----------------------------------|--|--|--|--|--|
| Endangered Species Act Oversight | H.R. 872 (Calvert, R-CA) | 2/21/23: Referred to the House Natural Resources Subcommittee on Water, Wildlife and Fisheries. | Federally Integrated Species Health Act or the “FISH Act” Transfers the authority to oversee ESA-related responsibilities for anadromous fish from the Secretary of Commerce to the Secretary of the Interior. | SUPPORT Based on Board-adopted January 2023 Federal Legislative Priorities | This would simplify ESA consultations by consolidating those functions/authorities to one federal agency (US Fish and Wildlife Service) rather than two under the current law (the second being National Marine Fisheries Service). This would directly benefit Metropolitan's interests in the Delta related to SWP operations and facilities, as well as Delta islands activities. |
| Source Water Protection | H.R. 1181 (Garamendi, D-CA) | 2/27/23: Referred to the House Transportation and Infrastructure Subcommittee on Water Resources and Environment | Federal Water Pollution Control Permitting Terms Amends the Federal Water Pollution Control Act (Clean Water Act) with respect to permitting terms. | SUPPORT Based on Board-adopted January 2023 Federal Legislative Priorities | This legislation would extend the maximum term for National Pollutant Discharge Elimination System (NPDES) permits issued under the Clean Water Act from 5 to 10 years, for public agencies that have demonstrated compliance with existing permit conditions. This change is designed to better reflect the construction schedules for public agencies. |

Metropolitan Water District of Southern California
Federal Legislative Matrix
April 10, 2023 – 118th Congress, First Session

| Topic | Bill/Author | Status | Title – Summary | MWD Position | Effects on MWD |
|------------------------------|-------------------------------------|---|--|--|---|
| Source Water Protection | S. 188 (Feinstein, D-CA) | 1/31/23: Referred to the Senate Committee on Energy and Natural Resources. | Wildfire Emergency Act of 2023 To direct the Secretary of Agriculture to select and implement landscape-scale forest restoration projects, to assist communities in increasing their resilience to wildfire, and for other purposes. | SUPPORT Based on Board-adopted January 2023 Federal Legislative Priorities | This bill has water supply, water quality, and ecosystem benefits for the Colorado River watershed and State Water Project watershed. Proper forest management and wildfire prevention promotes runoff, helps protect water quality, and improves habitat. |
| Water Project Authorizations | H.R. 924 (Harder, D-CA) | 2/10/23: Referred to the House Transportation and Infrastructure Subcommittee on Water Resources and the Environment. | Stop the Tunnels Act Prohibits the Corps of Engineers from issuing a permit for the Delta Conveyance Project. | OPPOSE Based on Board-adopted January 2023 Federal Legislative Priorities | This bill prevents the Army Corps from issuing a Clean Water Act section 404 permit for the Delta Conveyance Project. Metropolitan has invested in the planning and permitting process for this project and if enacted this bill would stop the permitting process from moving forward. |
| Water Project Authorizations | H.R. 2419 (Costa, D-CA) | 3/30/23: Referred to the House Committee on Natural Resources. | Canal Conveyance Capacity Restoration Act This bill authorizes the Bureau of Reclamation to provide financial assistance to mitigate the impacts of subsidence on California’s water delivery system. | SUPPORT Based on Board-adopted January 2023 Federal Legislative Priorities | This legislation would authorize repairs to the Friant-Kern Canal, Delta-Mendota Canal, and California Aqueduct to restore conveyance capacity lost due to subsidence. |

Metropolitan Water District of Southern California
Federal Legislative Matrix
April 10, 2023 – 118th Congress, First Session

| Topic | Bill/Author | Status | Title – Summary | MWD Position | Effects on MWD |
|-----------------------|---|---|---|--|--|
| Water Science | S. 466 (Peters, D-MI) | 2/16/23: Referred to the Committee on Commerce, Science, and Transportation. | Federal PFAS Research Evaluation Act Directs the National Academy of Sciences to study and report on a Federal research agenda to advance the understanding of PFAS. | SUPPORT Based on Board-adopted January 2023 Federal Legislative Priorities | Metropolitan supports research studies to understand the occurrence of PFAS in the environment. This bill directs the National Academy of Sciences to conduct studies to determine the research efforts needed to further the understanding of human exposure to, and toxicity of PFAS, as well as treatment of PFAS contamination in the environment, and the development of safe alternatives to PFAS. |
| Water System Security | H.R. 1367 (Schakowsky, D-IL) S. 660 (Markey, D-MA) | 3/6/23: Referred to the House Energy and Commerce Subcommittee on Water Resources and Environment. 3/6/23: Referred to the Senate Committee on Environment and Public Works. | Water System Threat Preparedness and Resilience Act of 2023 Establishes a new EPA grant program to increase drinking water and wastewater system threat preparedness and resilience, by helping cover the dues to join the Water Information Sharing and Analysis Center (WaterISAC). | SUPPORT Based on Board-adopted January 2023 Federal Legislative Priorities | The WaterISAC is a source of information and best practices for water systems to protect against, mitigate, and respond to natural hazards, as well as physical and cyber security threats. Metropolitan, and many of our member agencies, are members of WaterISAC. This new program could help cover our dues or be used to help smaller agencies who lack access to WaterISAC participate in the program. |



Legislation, Regulatory Affairs and Communications
Committee

Report on Activities from Washington, D.C.

Item #6a
April 10, 2023

Permitting Reform.



H.R. 1: The Lower Energy Costs Act

FY 2024 Budget Request Hearings.



Michael Regan
Administrator, Environmental Protection Agency



Deb Haaland
Secretary, Department of the Interior



Camille Calimlim Touton
Commissioner, Bureau of Reclamation

“Waters of the United States.”



BLOCKING FEDERAL CLEAN WATERWAYS RULE

LIVE

ON PASSAGE

| | H | J | RES | — | 27 |
|---------------|------------|------------|-----|---|-----------|
| REPUBLICAN | 218 | 1 | | | 3 |
| DEMOCRATIC | 9 | 197 | | | 7 |
| INDEPENDENT | | | | | |
| TOTALS | 227 | 198 | | | 10 |

U.S. HOUSE

TIME REMAINING 0:00

C-SPAN

A high-angle, wide shot of the U.S. House of Representatives chamber during a legislative session. The room is filled with members of Congress seated at their desks, which are arranged in a semi-circular pattern. The floor is covered with a blue carpet featuring a gold pattern. The scene is brightly lit, and the atmosphere appears busy and formal.

Water Hearings.



Senate Environment and Public Works Committee

House Natural Resources Subcommittee on Water, Wildlife and Fisheries



**Metropolitan Water District of Southern California
State Legislation Matrix
April 10, 2023 – First Year of Legislative Session**

| Bill Number Author | Amended Date. Location | Title-Summary | MWD Position | Effects on Metropolitan |
|--------------------------------|---|--|--|---|
| AB 400 B. Rubio (D) | Assembly Local Government Committee | Local agency design-build projects: authorization. This measure would repeal the existing sunset date of January 1, 2025, for the use of design-build as a delivery method for public works contracts and allow the use of design-build to continue indefinitely. | Support Based on October 2021 Board Action | Metropolitan’s current authority to use design-build was authorized under AB 1845 (Calderon, CH. 275, 2022), but the authority will sunset on January 1, 2028. The provisions of this bill also apply to Metropolitan’s statutory authorization and will allow Metropolitan to use design-build for future projects beyond January 1, 2028. |
| AB 1648 Bains (D) | Amended on 3/16/2023 Assembly Water, Parks, and Wildlife Committee | Water: Colorado River Conservation. This measure would specifically prohibit Metropolitan and LADWP achieving federally required reductions on Colorado River resources through increased water deliveries from other regions of California, including the Delta, retroactively as of January 1, 2023. | Oppose Based upon Board-adopted legislative policy principles on 12/13/2022 | This measure would create additional challenges and affect Metropolitan’s flexibility with its entire water portfolio including the integrated water resource management and the Annual Operating Plan. Metropolitan’s reliability and its ability to meet demands would also be impacted by restricting Metropolitan’s discretion to develop creative partnerships with its State Water Project and Colorado River Basin stakeholders. |



Legislation, Regulatory Affairs, and
Communications Committee

Report on Activities from Sacramento

Item 6b
April 10, 2023

Legislative Deadlines

March 31 – April 9:

Legislative spring recess

April 10:

Legislature reconvenes

April 28:

Policy committee deadline
for fiscal bills

May 5:

Policy committee deadline
for non-fiscal bills

Sacramento Legislative Highlights

Bills of Interest:

- SB 366 (Caballero): The California Water Plan: long-term supply targets
- SB 659 (Ashby) California Water Supply Solutions Act of 2023
- AB 1613 (Bains): Sacramento-San Joaquin Delta: Salinity Intrusion Delta Act
- SB 687 (Eggman): Water Quality Control Plan: Delta Conveyance Project
- AB 1573 (Friedman): Water conservation: landscape design: model ordinance
- SB 57 (Gonzalez): Utilities: disconnection of residential service

Sacramento Legislative Highlights

Water Rights Bills

- AB 406 (Bauer-Kahan): State Water Resources Control Board: water rights and usage: interim relief: procedures
- AB 676 (Bennett): Water: general state policy
- AB 1272 (Wood): State Water Resources Control Board: drought planning
- AB 1337 (Wicks): State Water Resources Control Board: water shortage enforcement
- SB 389 (Allen): State Water Resources Control Board: determination of water right

Sacramento Legislative Highlights

Water bonds

- AB 1567 (Garcia): Safe Drinking Water, Wildfire, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2023.
- SB 867 (Allen): Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond of 2024.
- AB 305 (Villapudua): California Flood Protection Bond Act of 2024
- SB 638 (Eggman): Climate Resiliency and Flood Protection Bond Act of 2024





Legislation, Regulatory Affairs and Communications Committee

External Affairs Management Report

Item 7a
April 10, 2023

Update on
Communications & Messaging

Highlights



Video clip to be shown

Diamond Valley Lake
March 27, 2023

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Highlights



MWD and State Officials at Diamond Valley Lake Press Conference



Media Tour Participants at Intake

Los Angeles Times

'Nature gave us a lifeline in the face of climate whiplash.'



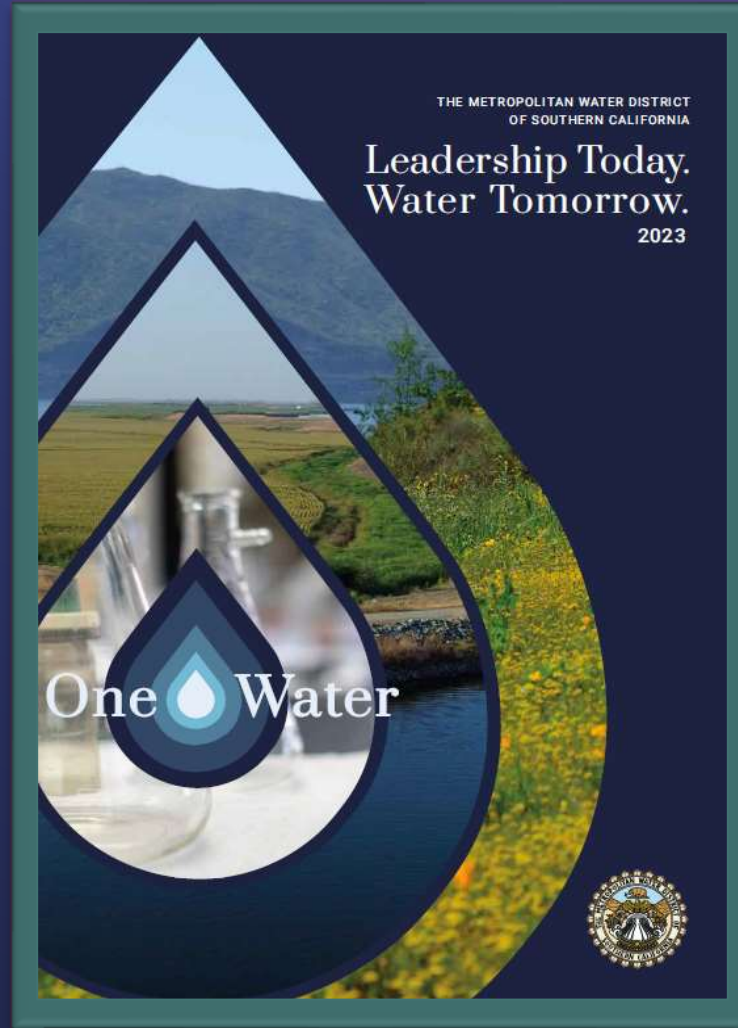
Torrent of water welcome sight after years of drought

Diamond Valley Lake is being refilled to full capacity

- Press conference at Diamond Valley Lake
- CRA media trip
- Earned media metrics

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New and Updated Materials

