

The Metropolitan Water District of Southern California

April 9, 2024– 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. Of note, the California Department of Finance withdrew its approval at the last minute due to the standard’s potential cost impact on the state.	Occupational Safety and Health Standards Board (OSHSB) voted to adopt the standard on March 21, 2024.
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 eight-hour time-weighted average 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.	Adopted February 15, 2024 with a January 1, 2025 effective date.
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 (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	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 staff submitted comments addressing concerns with provisions in the latest rulemaking package.	CARB released 45-day rulemaking draft Nov 2023 with final adoption tentative for Summer 2024.

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		purchase used 2025 MY or older forklifts so long as the MY has not been phased out.		
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.
SWRCB	<u>California Ocean Plan Amendments for Seawater Desalination</u>	The SWRCB will update the Ocean Plan to include new seawater desalination siting criteria and assorted changes to the regulations. Preliminary meetings are expected to start in 2024.	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 March 12, 2024, SWRCB released a second draft of its Making Conservation a California Way of Life regulations in response to AB 1668 and SB 606. The major updates to the regulation text include 1) a delay and extension of the ramp-down of the outdoor standards, 2) extending the allowance of 20% additional irrigated land for suppliers unable to meet their overall objective, 3) delaying compliance with the objective until 2027, and 4) making alternative compliance pathways more accessible for certain suppliers facing larger reductions.	The regulatory framework affects retail water suppliers. Since 2021, Metropolitan has submitted seven comment letters addressing technical components of the regulation and compliance matters. Metropolitan’s latest comment letter, dated March 26, 2024, addressed support for the extension of the ramp-down of the outdoor residential water use standard, support for modifications increasing flexibility for suppliers in CII best management practices, requested an expansion to the temporary provision of water use for climate ready trees and landscapes, and requested clarification to the	The SWRCB has indicated that the proposed regulation will be considered for adoption in Summer 2024. If adopted, the rule becomes effective January 1, 2025 with the compliance deadline extended to 2027. Urban water retailer suppliers submitted

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			enforcement timeline due to the delays in the rulemaking process.	their first Annual Water Use on January 1, 2024.
SWRCB	<u>Direct Potable Reuse Regulations</u>	On December 19, 2023, the SWRCB adopted its proposed Direct Potable Reuse regulations. The regulations provide the regulatory framework by which highly treated recycled water can be introduced either immediately upstream of a water treatment plant or directly into a public water system.	Metropolitan collaborated with the Los Angeles County Sanitation Districts on both written and oral comments on the proposed regulations, advocating for flexibility to accommodate diverse project partnerships and governance structures, ensuring that DPR initiatives can effectively serve a broad range of agencies and communities while complying with regulatory requirements.	Adopted December 19, 2023. Subject to further review by the Office of Administrative Law with an estimated effective date of April 1, 2024.
SWRCB	<u>Drought and Conservation Reporting Order</u>	On January 1, 2024, DDW issued a new annual reporting Order titled the <i>Clearinhouse Annual Inventory Report</i> (CAIR) that consolidates section 6 of the <i>Electronic Annual Report</i> (eAR) and the 2023 <i>Drought and Conservation Reporting Order</i> into a centralized location. The Order requires Metropolitan and its member agencies to provide volumetric flow and groundwater and/or lake elevation data for each source water on a quarterly basis using monthly data.	On December 22, 2023 Metropolitan submitted comments requesting the removal of three Metropolitan small water systems from the drought reporting requirements under the CAIR 2024 Order and offered technical fixes to help streamline data reporting.	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 a 10 micrograms per liter (µg/L) MCL for hexavalent chromium and a detection limit for purposes of reporting (DLR) of 0.1 µg/L. Compliance timelines vary from 2-4 yrs. depending on system size. On November 22, 2023, DDW proposed amendments that kept the MCL at 10 µg/L, but modified the requirements for the Hexavalent Chromium MCL Compliance Plan and added that water systems must give public notice of exceedances of the MCL prior to the applicable compliance deadline.	On August 15, 2023, Metropolitan provided comments in support of the 10 µg/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 adopting the rule on April 17, 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 µg/L. On October 6, 2020, DDW lowered the DLR from 4 µg/L to 2 µg/L starting in January 2021, and decreasing to 1 µg/L in January 2024. These actions were in response to OEHHA lowering the public health goal (PHG) for perchlorate from 6 µg/L to 1 µg/L in February 2015.	DDW’s perchlorate MCL review and changes to the DLR could result in the MCL being lowered, as a MCL must be set as close to the PHG as is technologically and economically feasible. On August 6, 2020, Metropolitan submitted comments that a DLR of 1 µg/L was premature and that DDW should hold off until such time that adequate laboratory capacity is determined and perchlorate occurrence data at the 2 µg/L DLR are collected and evaluated. More reportable perchlorate detections are anticipated with the lower DLR of 1 µg/L, including for Metropolitan and member agencies. Perchlorate over 1 µg/L was detected in 14 of 182 samples (8%) in Metropolitan’s treatment plant effluent samples over the last 10 years. While perchlorate will be reported more frequently with the lower DLR, public water systems will remain in compliance as long as	The DLR of 1 µg/L went into effect January 1, 2024. Awaiting further action by DDW on revising the MCL.

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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.
SWRCB	<u>Seawater Desalination Siting and Streamlining Report to Expedite Permitting</u>	On December 19, 2023, the SWRCB, in conjunction with the California Coastal Commission and State Lands Commission, finalized its seawater desalination (desal) siting and streamlining criteria. The criteria are designed to expedite permitting of desal facilities and 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.	Guidelines finalized in December 2023.

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SWRCB	<u>Water Quality Control Plan</u>	In September 2023, SWRCB release a draft Staff Report/Substitute Environmental Document for Phase 2 of the Water Quality Control Plan (WQCP) for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. The WQCP establishes the water quality objectives and proposed flow regime of the estuary, and water rights decisions for the Bay-Delta.	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.	The SWRCB staff will consider public comments and finalize the Staff Report in Spring 2024.

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