

The Metropolitan Water District of Southern California October 7, 2024– State Regulatory Matrix

| Agency | Regulation | Summary | Potential Impacts | Regulatory Status |
|----------|---|--|---|--|
| Cal/OSHA | <u>Proposed Indoor Heat Illness Prevention Standard</u> | On June 20, 2024, Cal/OSHA adopted its Indoor Heat Illness Prevention Standard. The rule applies when indoor workplaces temperatures meet or exceed 82 °F while employees are present. Key actions include providing water access, promoting hydration and breaks in cool areas, monitoring for signs of heat illness, and comprehensive training for acclimatization, monitoring, and response. | 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 are combining both the existing Outdoor Heat Illness Standard with the new requirements of the Indoor Heat Illness standard into one MWD Heat Illness Prevention Program. | Standard became effective July 23, 2024. |
| Cal/OSHA | <u>Proposed Updates on Lead Standards for General Industry and Construction</u> | On February 15, 2024, Cal/OSHA adopted new lead standards for general industrial and construction work areas. The standards lower the eight-hour time-weighted average Permissible Exposure Level for lead from 50 to 10 µg/m ³ and lower the Action Level from 30 to 2 µg/m ³ . The standards also increase the need for blood lead level (BLL) testing when an employee’s BLL is at or above 10 µg/dL, among other requirements. | The rule requires industry to conduct new lead exposure assessments and update written procedures, training, and potentially implement additional engineering controls (e.g., HEPA-equipped vacuum, containment, and ventilation). Staff provided input to through PRR over the feasibility of the proposed standards—namely the engineering controls. | Standards go into effect January 1, 2025. |
| CARB | <u>Zero-Emissions Forklift Rule</u> | On June 27, 2024, CARB adopted its Zero-Emissions Forklift Rule. The rule prohibits fleet operators from purchasing new propane or gasoline-fueled Class IV (any lift capacity) and Class V forklifts (lifting capacity up to 12,000 lbs.) starting in 2026. Fleets would need to phase-out 2018 model year (MY) and older forklifts starting in 2028. Fleet operators would be allowed to purchase used 2025 MY or older forklifts so long as the MY has not been phased out. | The rule requires industry, including Metropolitan and member agencies, to develop a forklift replacement strategy. Staff are working on a forklift replacement strategy for Metropolitan’s 17 propane- and one gas-powered forklifts. Metropolitan staff submitted comments addressing concerns with provisions in the latest rulemaking package. | The rule goes into effect January 1, 2026. |

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| CDFW | <u>Proposed rule governing suspension and revocation of Fish & Game Code section 1602 Lake or Streambed Alteration Agreements</u> | On May 3, 2024, CDFW proposed a regulation specifying the procedures for CDFW to suspend or revoke Lake or Stream Alteration Agreements (LSAAs). Fish and Game Code section 1612 authorizes CDFW to suspend or revoke an LSAA if it determines the permittee is not in compliance with its terms or has failed to provide required status reports. The proposed process provides notice and an opportunity to cure any alleged violations before CDFW would suspend or revoke an LSAA. | While Metropolitan has never faced a notice of suspension or revocation, on June 18, 2024, Metropolitan provided comments that the proposed regulation may be problematic to agencies with LSAAAs if the notice is erroneous or if the notice does not provide sufficient time to cure alleged violations (or explain why no violation has occurred) before suspension or revocation would be required under the regulation. Metropolitan also provided clarification language to address these concerns. | Awaiting final rule. |
| DTSC | <u>Generator Improvements Rule</u> | On May 6, 2024, OAL approved DTSC’s revised Generator Improvements Rule (GIR). The new rule aligns the state with federal requirements. By July 1, 2024, each large quantity generator will be required to submit a Quick Reference Guide along with the contingency plan to the local emergency responders either when the contingency plan is amended or when the generator first becomes subject to large quantity generator requirements. | By aligning with federal standards, the new GIR may clarify and simplify hazardous waste/material handling procedures. Staff will need to update standard operating procedures to correctly cross-reference the renumbered rule sections. Staff commented through CCEEB to help streamline rule compliance (e.g., how best to submit contingency plans and associated Quick Reference Guides?). | Phase I went into effect July 1, 2024. Staff are awaiting Phase II of GIR rulemaking. |

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| <p style="text-align: center;">Fish and Game Commission</p> | <p><u>Petition to list the White Sturgeon as threatened under the California Endangered Species Act (CESA)</u></p> | <p>On June 19, 2024, the California Fish and Game Commission approved white sturgeon as a candidate species under CESA. As such, any activity that causes a “take” of white sturgeon will require an incidental take permit from CDFW.</p> | <p>The listing may impact operation of the Central Valley Project and State Water Project, as well as Sites Reservoir, the Delta Conveyance Project and the Agreements to Support Healthy Rivers and Landscapes. The State Water Contractors and San Luis & Delta Mendota Water Authority sent a comment letter to the Commission in June 2024. The letter emphasized that the listing is not warranted as the white sturgeon population is stable and the petition does not use the best available science.</p> | <p>The comment deadline on the status of the species is October 31, 2024.</p> |
| <p style="text-align: center;">Fish and Game Commission</p> | <p><u>Petition to list Western Burrowing Owl as Threatened or Endangered under the California Endangered Species Act (CESA)</u></p> | <p>On March 5, 2024, Center for Biological Diversity et al. submitted a petition to the Fish and Game Commission to list the Western Burrowing Owl as a threatened or endangered species under CESA, due primarily to loss of habitat. In August 2024, CDFW determined that the petition was sufficient.</p> | <p>The Western Burrowing Owl exists in Metropolitan’s service area in Southern California. Presence of the species can affect timing of maintenance and construction projects with additional constraints and mitigation requirements beyond what currently exist if it becomes listed.</p> | <p>Awaiting the Commission’s decision to list the species.</p> |
| <p style="text-align: center;">SWRCB</p> | <p><u>California Ocean Plan Amendments for Seawater Desalination</u></p> | <p>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.</p> | <p>Changes to the Ocean Plan could impact existing and planned member agency seawater desalination projects, as well as any future Metropolitan partnerships on desalination.</p> | <p>Rulemaking expected to start in 2024.</p> |

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| SWRCB | <u>Conservation as a California Way of Life</u> | On July 3, 2024, SWRCB adopted the Making Water Conservation a California Way of Life regulation. In direct response to legislative mandates found in AB 1668 (Friedman, 2018) and SB 606 (Hertzberg, 2018), the regulation establishes standards for components of the urban water use objective for urban water retailers. These components include residential indoor and outdoor water use, commercial-industrial-institutional (CII) landscapes with dedicated irrigation meters, as well as for retail water loss, variances for unique water uses (e.g., seasonal populations, etc.), and a bonus incentive for potable reuse. | The regulatory framework affects retail water suppliers. Since 2021, Metropolitan has submitted seven comment letters addressing technical components of the regulation and compliance matters. | Adopted on July 3, 2024. The rule now goes to OAL for final approval with an anticipated effective date of January 1, 2025. |
| SWRCB | <u>Direct Potable Reuse Regulations</u> | On August 6, 2024, OAL approved the final Direct Potable Reuse (DPR) 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. | The final DPR regulations went into effect on October 1, 2024. |
| SWRCB | <u>Manganese Notification and Response Levels</u> | On February 16, 2023, DDW proposed new notification and response levels (NL and RL) for manganese at 20 parts per billion (ppb) and 200 ppb, respectively. | The proposed NL and RL are significantly lower than the current NL and RL (0.5 parts per million (ppm) and 5.0 ppm, respectively). Thus, water agencies may need to report more instances of NL and RL exceedances in their Consumer Confidence Reports and/or make operational changes. | Awaiting further action by DDW. |

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| SWRCB | <u>Maximum Contaminant Level (MCL) for Hexavalent Chromium</u> | On July 24, 2024, OAL approved the final hexavalent chromium MCL of 10 parts per billion (ppb). The rule also established a detection limit for purposes of reporting (DLR) of 0.1 ppb; 2-to-4-year compliance timelines depending on system size; and the need for a compliance plan, among other provisions. | On August 15, 2023, Metropolitan provided comments in support of the 10 ppb 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. | The rule went into effect on October 1, 2024. |
| SWRCB | <u>MCL for Perchlorate</u> | In 2017, DDW announced it would review the MCL established in 2007 for perchlorate at 6 parts per billion (ppb). On October 6, 2020, DDW lowered the DLR from 4 ppb to 2 ppb starting in January 2021, and decreasing to 1 ppb in January 2024. These actions were in response to OEHHA lowering the Public Health Goal (PHG) for perchlorate from 6 ppb to 1 ppb in February 2015. | DDW’s perchlorate MCL review and changes to the DLR could result in the MCL being lowered soon, as a MCL must be set as close to the PHG as is technologically and economically feasible. On August 6, 2020, Metropolitan submitted comments expressing concerns that a DLR of 1 ppb was premature and that DDW should hold off implementing the lower DLR until such time that adequate laboratory capacity is determined and perchlorate occurrence data at the 2 ppb DLR are collected and evaluated. | The DLR of 1 ppb went into effect January 1, 2024. Awaiting further action by DDW on revising the MCL. |
| SWRCB | <u>MCLs for Perfluoro-octanoic acid (PFOA) and perfluoro-octane sulfonic acid (PFOS)</u> | On April 5, 2024, OEHHA adopted PHGs of 0.007 parts per trillion (ppt) for PFOA and 1 ppt for PFOS. A PHG is the level of a drinking water contaminant that does not pose a significant risk to health with lifetime exposure. DDW will use the PHGs to develop drinking water standards for PFOA and PFOS that are as close to the PHGs as possible but still technically and economically achievable for drinking water systems. | Once announced, staff will evaluate impacts and potential comments. | Awaiting official release of proposed regulation. |

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| SWRCB | <u>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. |
| SWRCB | <u>Water Quality Control Plan</u> | In September 2023, SWRCB released 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 release for public review and comment a draft Program of Implementation in fall 2024. The SWRCB staff will consider public comments, finalize the Staff Report, and adopt plan updates in mid-2025. |

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