

# 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**

Meeting with Board of Directors \*

**September 12, 2023**

**3:00 p.m.**

Agendas, live streaming, meeting schedules, and other board materials are available here: <https://mwdh2o.legistar.com/Calendar.aspx>. A listen-only phone line is available at 1-877-853-5257; enter meeting ID: 891 1613 4145. Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via in-person or teleconference. To participate via teleconference 1-833-548-0276 and enter meeting ID: 815 2066 4276 or click <https://us06web.zoom.us/j/81520664276pwd=a1RTQWh6V3h3ckFhNmDsUWpKR1c2Zz09>

**Tuesday, September 12,  
2023**

**08:30 a.m. LC  
10:30 a.m. FAIRP  
12:30 p.m. Break  
01:00 p.m. BOD  
03:00 p.m. LRAC**

---

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

**Teleconference Locations:**

**525 Via La Selva • Redondo Beach, CA 90277**

**Cedars Sinai Medical Center • 8700 Beverly Blvd • Los Angeles, CA 90048**

**3008 W. 82nd Place • Inglewood, CA 90305**

**Glendale City Hall • 613 E. Broadway, 2nd Floor • Glendale, CA 91206**

**20 Civic Center Plaza • Santa Ana CA 92701**

---

\* 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 Actions, and Communications Committee for August 14, 2023 (copies have been submitted to each Director, any additions, corrections, or omissions) [21-2430](#)

**Attachments:** [09122023 LRAC 2A \(08142023\) Minutes](#)

### 3. CONSENT CALENDAR ITEMS - ACTION

NONE

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

### 4. OTHER BOARD ITEMS - ACTION

NONE

### 5. BOARD INFORMATION ITEMS

NONE

### 6. COMMITTEE ITEMS

- a. Vista del Lago Water Education Center Upgrades [21-2626](#)

**Attachments:** [09122023 LRAC 6a Presentation](#)

- b. Federal and State Regulatory Tracking Matrices [21-2627](#)

**Attachments:** [09122023 LRAC 6b Federal Regulatory Matrix](#)  
[09122023 LRAC 6b State Regulatory Matrix](#)  
[09122023 LRAC 6b Presentation](#)

- c. Report on Activities from Washington, D.C. [21-2431](#)

**Attachments:** [09112023 LRAC 6c Federal Legislative Matrix](#)  
[09122023 LRAC 6c Presentation](#)

- d. Report on Activities from Sacramento [21-2432](#)

**Attachments:** [09112023 LRAC 6d State Legislative Matrix](#)  
[09122023 LRAC 6d Presentation](#)

### 7. MANAGEMENT REPORTS

- a. External Affairs Management Report

[21-2433](#)

**Attachments:** [09122023 LRAC 7a Presentation](#)

## **8. SUBCOMMITTEE REPORT AND DISCUSSION**

- a. Discuss and provide direction to Subcommittee on Public Affairs Engagement

[21-2634](#)

## **9. FOLLOW-UP ITEMS**

NONE

## **10. FUTURE AGENDA ITEMS**

## **11. 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**

**August 14, 2023**

Chair Jung called the meeting to order at 11:41 a.m.

Members present: Directors Abdo, Ackerman, Dennstedt, Fellow, Garza, Jung (teleconference posted location), Kassakhian, McMillan (entered after roll call), Pressman (teleconference posted location), and Smith.

Members absent: Directors Gray, Phan, and Ramos.

Other Board Members present: Directors Alvarez, Armstrong, Bryant, Camacho, Cordero, De Jesus, Dick, Erdman, Faessel, Fong-Sakai, Goldberg, Kurtz, Lefevre, McCoy, Miller, Morris, and Ortega.

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

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

None

Director McMillan entered the meeting.

#### **2. SUBCOMMITTEE REPORTS AND DISCUSSION**

##### **a. Report from Subcommittee on Public Affairs Engagement**

Director Fellow reported on the Public Affairs Engagement Subcommittee meeting on July 25th, including results of the Probolosky focus groups research for Metropolitan, staff presentations to build on current research, the EMC public attitudes survey and an update on the Climate Adaptation Master Plan.

##### **b. Discuss and provide direction to Subcommittee on Public Affairs Engagement.**

Vice Chair Camacho reported on the recommendation of the Ad Hoc Committee on Facilities Naming to ask the board to approve the nomination and renaming of Metropolitan's Pure Water Southern California Demonstration Plant as the Grace F. Napolitano Pure Water Southern California Innovation Center.

#### **CONSENT CALENDAR ITEMS – ACTION**

### **3. CONSENT CALENDAR OTHER ITEMS - ACTION**

- a. Approval of the Minutes of the Meeting of the Legislation, Regulatory Affairs, and Communications Committee held July 10, 2023.

### **4. CONSENT CALENDAR ITEMS – ACTION**

None

Director Fellow made a motion, seconded by Director Garza to approve item 3a.

Ayes: Directors Abdo, Ackerman, Dennstedt, Fellow, Garza, Jung, Kassakhian, McMillan, Pressman, and Smith

Noes: None

Abstentions: Luna

Absent: Directors Gray, Phan and Ramos

The motion passed by a vote of 10 ayes, 0 noes, 1 abstention, and 3 absent.

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

### **5. OTHER BOARD ITEMS – ACTION**

None

### **6. BOARD INFORMATION ITEMS**

None

## 7. COMMITTEE ITEMS

- a. Subject: Update on Water Conservation Outreach, Advertising and Messaging.

Presented by: Sue Sims, Group Manager-External Affairs

Ms. Sims presented an update on water conservation outreach, advertising and messaging. It included: campaign goals and measurements of success, television commercials, influencer campaigns, research-based messaging, three year media buy, and next steps.

The following Directors provided a comment or asked a question:

- 1.) Fellow
- 2.) Dick
- 3.) Smith
- 4.) Kassakhian
- 5.) Fong-Sakai
- 6.) Bryant
- 7.) Ackerman
- 8.) Faessel

Staff responded to the Directors' comments or questions.

- b. Subject: Report on Activities from Washington, D.C.

Presented by: Abby Schneider, Executive Legislative Representative

Ms. Schneider provided an update on the congressional calendar, fiscal year 2024 appropriations, Bureau of Reclamation appropriations, Senate hearings and a PFAS update.

The following Directors provided a comment or asked a question:

- 1.) Smith

Staff responded to the Directors' comments or questions.

c. Subject: Report on Activities from Sacramento

Presented by: Jay Jefferson, Executive Legislative Representative

Mr. Jefferson provided an update on legislative deadlines, Metropolitan's \$50 million budget request for projects to provide more resiliency for SWP dependent areas, and Assembly and Senate bills of interest to Metropolitan.

## **8. MANAGEMENT REPORTS**

a. Subject: External Affairs Management Report

Presented by: Sue Sims, Group Manager-External Affairs

Ms. Sims provided an update on upcoming events, social media campaigns, and outreach.

## **9. FOLLOW-UP ITEMS**

None

## **10. FUTURE AGENDA ITEMS**

None

## **11. ADJOURNMENT**

Meeting adjourned at 12:52 p.m.

Chair Jung



Legislation, Regulatory Affairs & Communications  
Committee

# Proposal to Upgrade Metropolitan Room at Vista del Lago Water Education Center

Item 6a

September 12, 2023

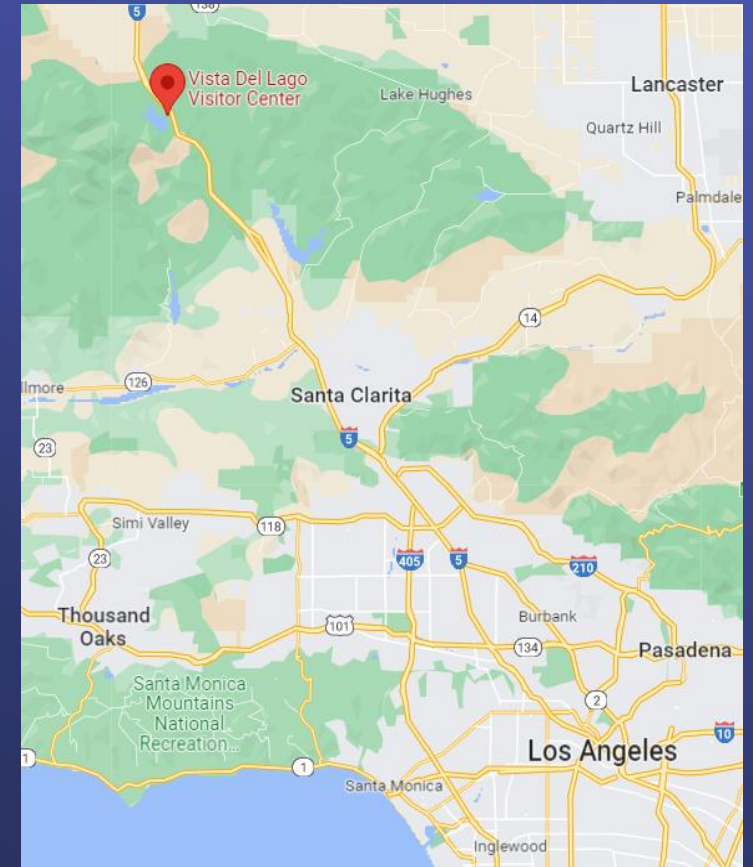


# Vista del Lago Visitor Center

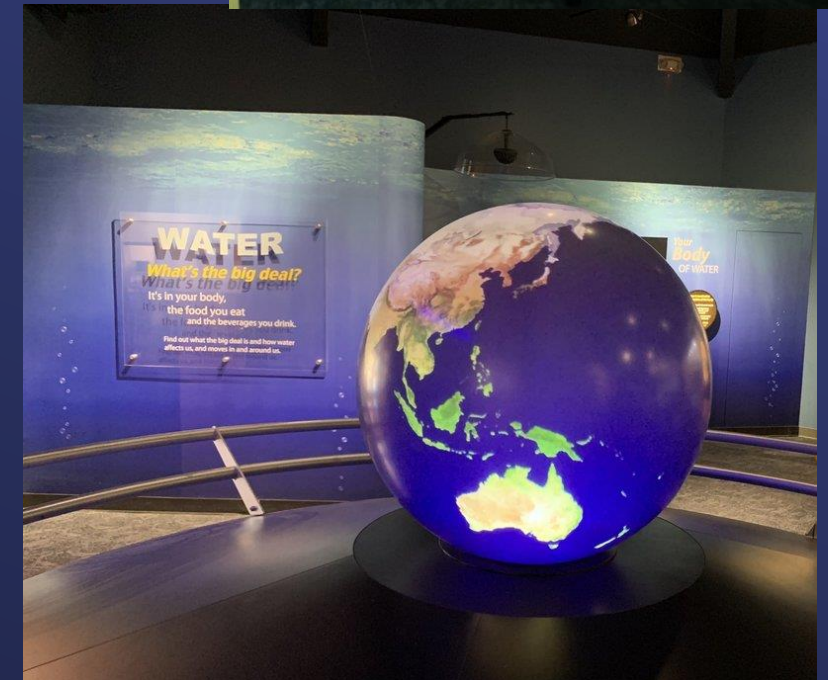
## Overview

## Facts

- State's largest water education facility (owned and operated by DWR)
- Constructed in 1993 at Pyramid Lake
- Features exhibits, theater, school program and tours
- Average of 150,000+ visitors annually



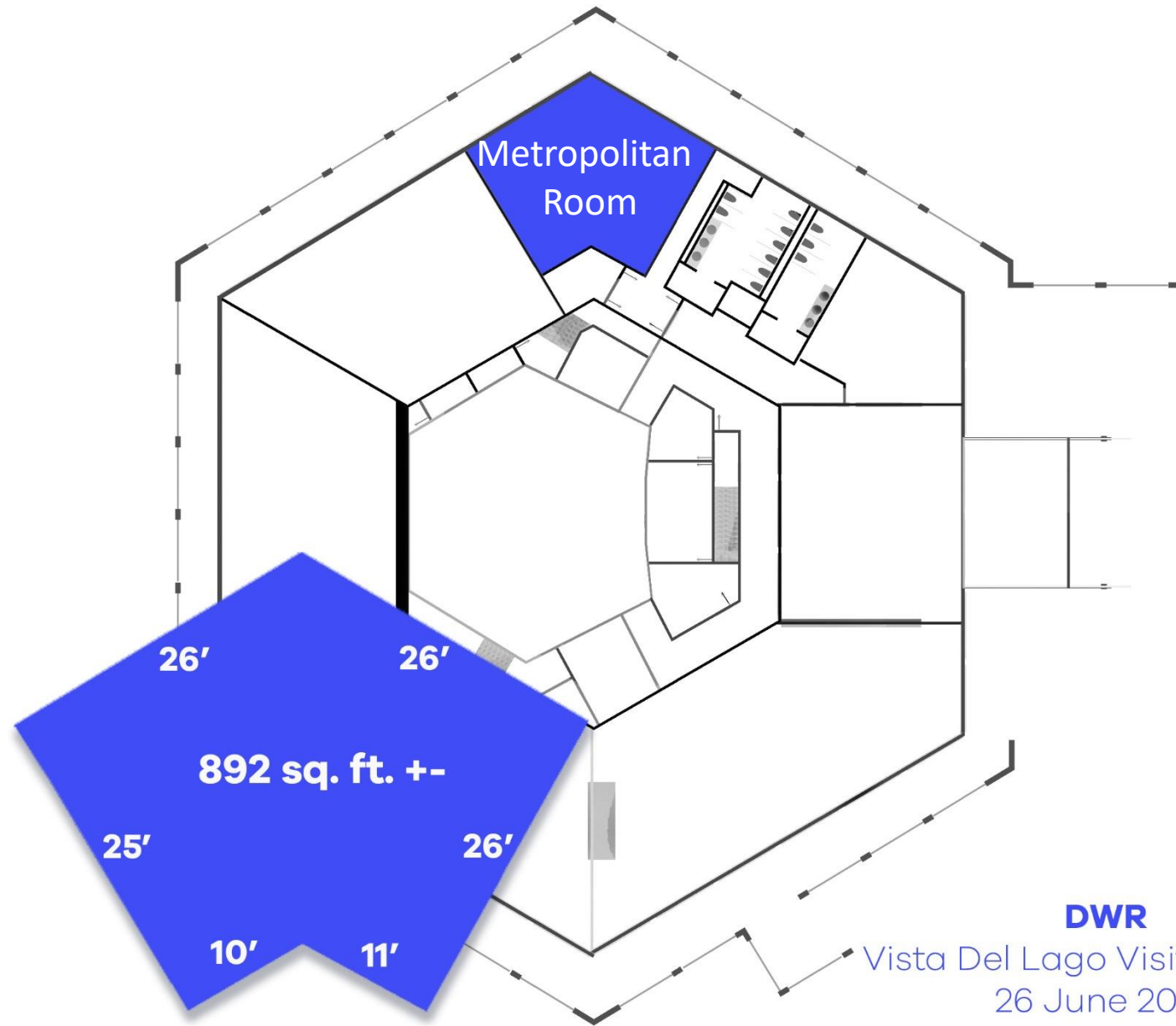
# Water Education Displays, Exhibits





Metropolitan Room

# Vista del Lago



**DWR**

Vista Del Lago Visitor Center  
26 June 2023

Metropolitan Room

# Vista del Lago

## Metropolitan Room

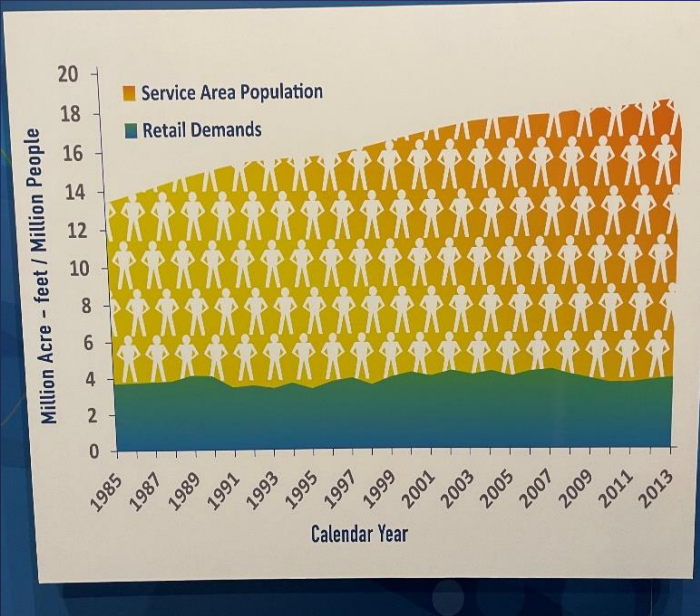
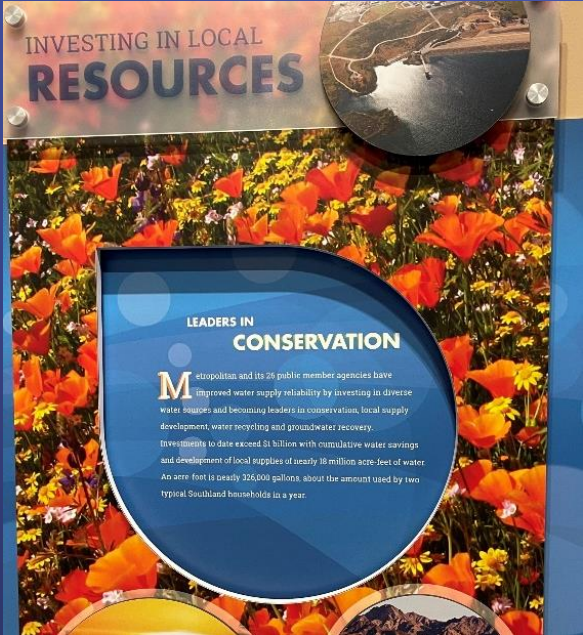
- Metropolitan's only educational display center that is open to the general public
- Current displays in Metropolitan Room are many years old. Need updating to reflect GM/Board priorities





# Vista del Lago

## Metropolitan Room



DWR Upgrades

## Vista del Lago

# DWR Plans to Upgrade the Center

- Exhibits to be fabricated and installed 2025-2026
- Multi-million-dollar investment of multimedia and interactive displays



Water Replenishment  
District's Albert Robles  
Center, Pico Rivera



# Opportunities for Metropolitan

## Use Vista del Lago to Share Messages



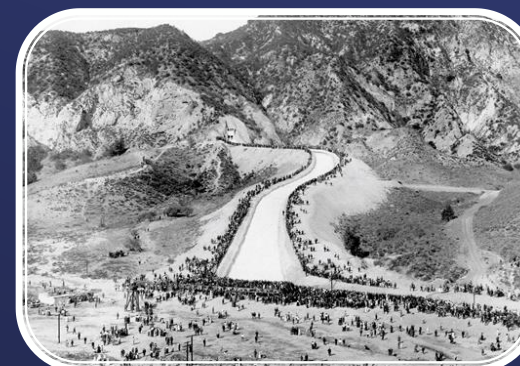
Climate adaptation



Pure Water Southern  
California



Conservation and  
water efficiency



Fourth Aqueduct



Call to Action

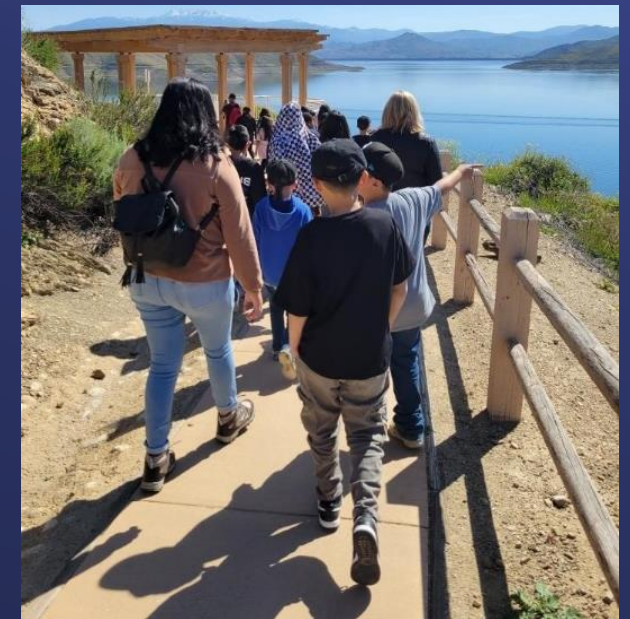
Exhibits  
May Be  
Replicated  
Elsewhere

# Future Opportunities to Integrate with other Educational Displays, Outreach

- Diamond Valley Lake
- Pure Water Southern California
- Field Trips and other Outreach



Learning Center at  
Pure Water Southern California



Student Field Trips at DVL



Your Input Requested

## Board Direction for Metropolitan Room

### Options

1. Upgrade room to multimedia approach  
- consistent with DWR plans (\$1-1.2 m)
  - \$60,000 for pre-design
  - \$140,000 for design in early 2025
  - \$800,000-\$1 million for production/installation in FY 2025-26
  - Represents a 10+ year investment in education
2. Maintain low-cost investment
  - Use in-house resources to update photos and static exhibits

Metropolitan Room at  
Vista del Lago

## Next Steps

- With board direction, staff will continue planning efforts to upgrade Metropolitan Room and coordinate with DWR
- Return to Committee with updates and for approval to award contract consistent with the Board-approved budget





## The Metropolitan Water District of Southern California

### September 11, 2023 – Federal Regulatory Matrix

Agency	Issue	Summary	Potential Impacts	Regulatory Status
EPA	<a href="#"><u>Consumer Confidence Reports (CCRs)</u></a>	On April 5, 2023, EPA published proposed revisions to the Consumer Confidence Reports (CCRs). When finalized, EPA’s proposal would require public water systems serving over 10,000 people to deliver CCRs twice a year, encourage modern electronic delivery options, clarify information regarding lead in drinking water, and provide translation for customers with limited English proficiency.	The biennial requirement is only for community water systems that exceed a maximum contaminant level (MCL), health advisory (HA), notification level (NL), or response level (RL). It is unclear how the second CCR requirement would be met given sampling schedules and compliance with running annual averages. As a wholesaler, Metropolitan is not required to do a CCR, but will be required to provide water quality data to our member agencies twice per year. Staff worked with AMWA, AWWA and CMUA on comments.	Final rule due by March 15, 2024.
EPA	<a href="#"><u>Maximum Contaminant Levels for PFAS</u></a>	On March 29, 2023, EPA published draft maximum contaminant levels (MCLs) for PFOA and PFAS at 4 parts per trillion (ppt) for each compound-- the detection limit of EPA's test method. The proposed rule also set maximum contaminant level goals (MCLGs) for both PFOA and PFOS to 0 ppt. Lastly, EPA proposed regulating PFNA, PFHxS, PFBS, and GenX as a mixture.	Metropolitan submitted comments on May 30, 2023 in support of regulating PFOA and PFOS in drinking water. However, staff commented that regulating the remaining PFAS is premature as these compounds did not follow the full regulatory process and may have unintended economic impacts.	EPA hopes to finalize the regulation by early 2024 with a three-year compliance timeline from the rule's effective date.

ACWA –Association of Clean Water Administrators  
AMWA –Association of Metropolitan water Agencies  
AWWA – American Water Works Association  
EPA – United States Environmental Protection Agency

FWS – United States Fish and Wildlife Service  
NMFS -- United States National Marine Fisheries Service  
NRWA -- National Rural Water Association  
WUWC – Western Urban Water Coalition

## The Metropolitan Water District of Southern California

### September 11, 2023 – Federal Regulatory Matrix

Agency	Issue	Summary	Potential Impacts	Regulatory Status
EPA	<a href="#"><u>National Cybersecurity Strategy</u></a>	On March 3, 2023, EPA directed Safe Drinking Water Act state primacy agencies to assess cybersecurity resilience of public water systems as part of the sanitary survey process or through other state programs. When a primacy agency identifies a significant cybersecurity deficiency during a sanitary survey, the agency is instructed to use its authority to require the public water system to address the deficiency. This directive was not subject to the rulemaking process.	The water industry is concerned that the Sanitary Survey Program is not the right tool for addressing cybersecurity vulnerabilities or deficiencies. Many state primacy agencies lack both the resources and technical expertise to evaluate and address cybersecurity issues and the ability to secure sensitive information collected through sanitary surveys. Lack of a rulemaking process and stakeholder engagement may lead to a duplication of effort. AWWA and NRWA joined several states in challenging the rule. Staff are working with AWWA on alternative compliance pathways.	Rule effective, but the Court halted implementation per AWWA's and NRWA's request.
EPA	<a href="#"><u>PFAS and CERCLA</u></a>	On September 6, 2022, EPA proposed to list perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).	Metropolitan submitted comments on November 7, 2022 that the rulemaking will greatly increase the potential liability under CERCLA for water treatment residuals. Staff also worked with ACWA, AMWA, AWWA, and WUWC on comments seeking an exemption under CERCLA for the water industry.	EPA intends to finalize the rule by February 2024.
EPA	<a href="#"><u>PFAS and CERCLA</u></a>	On April 13, 2023, EPA requested public "input and data" regarding whether to designate the precursors to PFOA and PFOS, as well as seven additional PFAS as hazardous substances under CERCLA. The seven additional PFAS are PFBS, PFHxS, PFNA, Gen X, PFBA, PFHxA, and PFDA. The notice also request input on regulating groups or categories of PFAS as hazardous substances.	Metropolitan submitted comments on August 3, 2023 that EPA should consider updated occurrence data and develop robust and reliable analytical methods before making any regulatory determination for the affected PFAS. In addition, staff requested that EPA explore other regulatory pathways for PFAS rather than CERCLA, as well as follow the "Polluter Pays" principle and make additional funding available for treatment and cleanup costs.	Awaiting EPA's decision whether to propose regulating these PFAS as hazardous substances under CERCLA.

ACWA – Association of Clean Water Administrators  
AMWA – Association of Metropolitan water Agencies  
AWWA – American Water Works Association  
EPA – United States Environmental Protection Agency

FWS – United States Fish and Wildlife Service  
NMFS -- United States National Marine Fisheries Service  
NRWA -- National Rural Water Association  
WUWC – Western Urban Water Coalition



## The Metropolitan Water District of Southern California

### September 11, 2023 – Federal Regulatory Matrix

Agency	Issue	Summary	Potential Impacts	Regulatory Status
<b>EPA</b>	<a href="#"><u>"Waters of the United States" (WOTUS)</u></a>	On September 8, 2023, the EPA and the Army Corps of Engineers published the final rule revising the January 2023 definition of WOTUS. The final rule incorporates the 2023 Supreme Court ruling in <i>Sackett v. EPA</i> which rejected the “significant nexus test” and concluded that WOTUS only encompasses “traditional” streams, oceans, rivers, and lakes. The ruling also limits Clean Water Act coverage for wetlands to only those wetlands that have a “continuous surface connection” to a “relatively permanent body of water connected to traditional interstate navigable waters.”	Metropolitan had previously commented in support of the January 2023 rule that put back into place the pre-2015 definition of WOTUS and codified the Supreme Court decisions from 2001 and 2006 (i.e., <i>Solid Waste Agency of N. Cook Cnty. v. U.S. Army Corps</i> and <i>Rapanos v. United States</i> ). In addition to rejecting the significant nexus test found in <i>Rapanos v. United States</i> , the new rule no longer covers ephemeral streams—a common feature in the arid Southwest. Staff are reviewing the new WOTUS Rule to determine how it would impact source water protection and permitting activities.	Rule effective on September 8, 2023. No further comments will be taken.
<b>FWS and NMFS</b>	<a href="#"><u>Regulations for Interagency Cooperation</u></a>	On June 22, 2023, FWS and NMFS proposed to amend portions of Section 7 of the Endangered Species Act to clarify and improve the interagency consultation processes, while continuing to provide for the conservation of listed species. The proposed rule would revise and expand the scope of reasonable and prudent measures that could be included as part of an incidental take statement in a biological opinion.	Metropolitan submitted comments on August 21, 2023 requesting that FWS and NMFS reconsider their revised interpretation of the use of reasonable and prudent measures to offset remaining impacts of an incidental take. This rule changes the standard by which applicants must mitigate an incidental take from only implementing avoidance and minimization measures to also include full mitigation of the impact.	Awaiting final rule.

ACWA –Association of Clean Water Administrators  
 AMWA –Association of Metropolitan water Agencies  
 AWWA – American Water Works Association  
 EPA – United States Environmental Protection Agency

FWS – United States Fish and Wildlife Service  
 NMFS -- United States National Marine Fisheries Service  
 NRWA -- National Rural Water Association  
 WUWC – Western Urban Water Coalition

## The Metropolitan Water District of Southern California

### September 11, 2023 – State Regulatory Matrix

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

ACWA – Association of California Water Agencies  
 Cal/OSHA – California Occupational Safety and Health Administration  
 CARB – California Air Resources Board  
 CCEEB – California Council for Environmental and Economic Balance  
 CMUA – California Municipal Utilities Association

CUWA – California Urban Water Agencies  
 DDW – Division of Drinking Water  
 OEHHA – Office of Environmental Health Hazard Assessment  
 PRR – Phylmar Regulatory Roundtable  
 SWRCB – State Water Resources Control Board

## The Metropolitan Water District of Southern California

### September 11, 2023 – State Regulatory Matrix

Agency	Regulation	Summary	Potential Impacts	Regulatory Status
CARB	<a href="#"><u>In-Use Off Road Diesel-Fueled Fleets Regulation</u></a>	Beginning January 1, 2024, the In-Use Off Road Diesel-Fueled Fleets Regulation mandates the phase-out of older Tier 0-2 engines, bans adding Tier 3 & Tier 4i engines, requires the use of R99 or R100 renewable diesel, and requires affected entities to only hire compliant fleets.	The rule affects all off-road construction equipment using diesel engines with 25 horsepower or more. The rule requires the removal of older, dirtier engines, and encourages—not requires, the adoption of zero-emission engines. The rule also requires industry to meet a fleet-average NOx emission target based on horsepower and model year of each engine. Staff are working on a clean-vehicle deployment schedule which includes a phase-out plan for Metropolitan’s 47 Tier 0-2 engines.	Adopted November 17, 2022 with compliance starting on January 1, 2024.
CARB	<a href="#"><u>Zero-Emission Forklift Rulemaking</u></a>	On March 20, 2023, CARB released revised regulatory language prohibiting fleet operators from purchasing new propane or gasoline-fueled Class IV and Class V forklifts with a Rated Capacity of up to 12,000 pounds starting in 2026. Fleets would need to phase-out 2018 model year (MY) and older forklifts starting in 2028. Fleet operators would be allowed to purchase used 2025 MY or older forklifts so long as the MY has not been phased out.	The rule requires industry, including Metropolitan and member agencies, to develop a forklift replacement strategy. Staff are working on a forklift replacement strategy for Metropolitan’s 17 propane- and one gas-powered forklifts.	CARB anticipates releasing a new 45-day rulemaking draft in October 2023 with final adoption in May 2024.
DTSC	<a href="#"><u>Generator Improvements Rule</u></a>	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.

ACWA – Association of California Water Agencies  
 Cal/OSHA – California Occupational Safety and Health Administration  
 CARB – California Air Resources Board  
 CCEEB – California Council for Environmental and Economic Balance  
 CMUA – California Municipal Utilities Association

CUWA – California Urban Water Agencies  
 DDW – Division of Drinking Water  
 OEHHA – Office of Environmental Health Hazard Assessment  
 PRR – Phylmar Regulatory Roundtable  
 SWRCB – State Water Resources Control Board



## The Metropolitan Water District of Southern California

### September 11, 2023 – State Regulatory Matrix

Agency	Regulation	Summary	Potential Impacts	Regulatory Status
SWRCB	<a href="#"><u>California Ocean Plan Amendments for Seawater Desalination</u></a>	The SWRCB will update the Ocean Plan to include new seawater siting criteria. Preliminary meetings are related studies are expected to start in Q4 2023.	Changes to the Ocean Plan could impact existing and planned member agency seawater desalination projects, as well as any future Metropolitan partnerships on desalination.	Rulemaking expected to start in 2024.
SWRCB	<a href="#"><u>Conservation as a California Way of Life</u></a>	On August 18, 2023, SWRCB released rulemaking text in response to AB 1668 and SB 606--Making Conservation a California Way of Life. The regulation establishes standards for components of the urban water use objective for urban water retailers. These components include residential indoor and outdoor water use, commercial-industrial-institutional (CII) landscapes with dedicated irrigation meters, as well as for retail water loss, variances for unique water uses (e.g., seasonal populations, etc.), and a bonus incentive for potable reuse.	The regulatory framework affects retail water suppliers. Since 2021, staff have submitted five comment letters to address technical components of the regulation and compliance matters. The latest comment letter addressed the outdoor residential water use standard, non-functional turf irrigated with recycled water, CII best management practices, variances, and impacts on under resourced communities. Staff are preparing comments on the current regulatory language.	SWRCB staff will host a public hearing on October 4, 2023. Written comments due October 17, 2023. Urban water retailer compliance expected to begin January 2024.
SWRCB	<a href="#"><u>Direct Potable Reuse Regulations</u></a>	On July 21, 2023, SWRCB released 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.	On September 8, 2023, Metropolitan submitted joint comments with the Los Angeles County Sanitation Districts on the proposed regulations. Staff comments included modifying the “Alternatives” clause to provide greater operational flexibility while still maintaining public health protections, establishing a Science Advisory Panel for constituents of emerging concern, and streamlining the monitoring, operator certification, and consecutive system requirements.	Final regulations expected to be adopted by SWRCB by December 31, 2023.

ACWA – Association of California Water Agencies  
 Cal/OSHA – California Occupational Safety and Health Administration  
 CARB – California Air Resources Board  
 CCEEB – California Council for Environmental and Economic Balance  
 CMUA – California Municipal Utilities Association

CUWA – California Urban Water Agencies  
 DDW – Division of Drinking Water  
 OEHHA – Office of Environmental Health Hazard Assessment  
 PRR – Phylmar Regulatory Roundtable  
 SWRCB – State Water Resources Control Board

## The Metropolitan Water District of Southern California

### September 11, 2023 – State Regulatory Matrix

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

ACWA – Association of California Water Agencies  
 Cal/OSHA – California Occupational Safety and Health Administration  
 CARB – California Air Resources Board  
 CCEEB – California Council for Environmental and Economic Balance  
 CMUA – California Municipal Utilities Association

CUWA – California Urban Water Agencies  
 DDW – Division of Drinking Water  
 OEHHA – Office of Environmental Health Hazard Assessment  
 PRR – Phylmar Regulatory Roundtable  
 SWRCB – State Water Resources Control Board

## The Metropolitan Water District of Southern California

### September 11, 2023 – State Regulatory Matrix

SWRCB	<a href="#"><u>Maximum Contaminant Level (MCL) for Hexavalent Chromium</u></a>	On June 16, 2023, DDW proposed a maximum contaminant level (MCL) for hexavalent chromium of 10 micrograms per liter (µg/L) 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 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 finalizing the rule in February 2024 with implementation starting in July 2024.
SWRCB	<a href="#"><u>MCLs for Perfluoro-octanoic acid (PFOA) and perfluoro-octane sulfonic acid (PFOS)</u></a>	On July 22, 2021, OEHHA released draft public health goals (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	<a href="#"><u>Statewide General Permit for Drinking Water System Discharges</u></a>	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.

ACWA – Association of California Water Agencies  
 Cal/OSHA – California Occupational Safety and Health Administration  
 CARB – California Air Resources Board  
 CCEEB – California Council for Environmental and Economic Balance  
 CMUA – California Municipal Utilities Association

CUWA – California Urban Water Agencies  
 DDW – Division of Drinking Water  
 OEHHA – Office of Environmental Health Hazard Assessment  
 PRR – Phylmar Regulatory Roundtable  
 SWRCB – State Water Resources Control Board



Legislation, Regulatory Affairs, and  
Communications Committee

# Federal and State Regulatory Tracking Matrices

Item # 6b  
September 12, 2023

# Federal and State Regulatory Matrices

## High-Level Rulemaking Summaries & Impacts

- Both state and federal regulatory agencies
- Engagement with staff, member agencies, and associations

The Metropolitan Water District of Southern California September 11, 2023 – Federal Regulatory Matrix				
Agency	Issue	Summary	Potential Impacts	Regulatory Status
EPA	National Cybersecurity Strategy	On March 3, 2023, EPA directed Safe Drinking Water Act state primary agencies to assess cybersecurity resilience of public water systems as part of the sanitary survey process or through other state programs. When a primary agency identifies a significant cybersecurity deficiency during a sanitary survey, the agency is instructed to use its authority to require the public water system to address the deficiency. This directive was not subject to the rulemaking process.	The water industry is concerned that the Sanitary Survey Program is not the right tool for addressing cybersecurity vulnerabilities or deficiencies. Many state primary agencies lack both the resources and technical expertise to evaluate and address cybersecurity issues and the ability to secure sensitive information collected through sanitary surveys. Lack of a rulemaking process and stakeholder engagement may lead to a duplication of effort. AWWA and NRWA joined several states in challenging the rule. Staff are working with AWWA on alternative compliance pathways.	Rule effective, but the Court halted implementation per AWWA's and NRWA's request.
EPA	PFAS and CERCLA	On September 6, 2022, EPA proposed to list perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).	Metropolitan submitted comments on November 7, 2022 that the rulemaking will greatly increase the potential liability under CERCLA for water treatment residuals. Staff also worked with ACWA, AMWA, AWWA, and WUWC on comments seeking an exemption under CERCLA for the water industry.	EPA intends to finalize the rule by February 2024.
EPA	PFAS and CERCLA	On April 13, 2023, EPA requested public "input and data" regarding whether to designate the precursors to PFOA and PFOS, as well as seven additional PFAS as hazardous substances under CERCLA. The seven additional PFAS are PFBS, PFHxS, PFNA, Gen X, PFBA, PFHxA, and PFDA. The notice also request input on regulating groups or categories of PFAS as hazardous substances.	Metropolitan submitted comments on August 3, 2023 that EPA should consider updated occurrence data and develop robust and reliable analytical methods before making any regulatory determination for the affected PFAS. In addition, staff requested that EPA explore other regulatory pathways for PFAS rather than CERCLA, as well as follow the "Polluter Pays" principle and make additional funding available for treatment and cleanup costs.	Awaiting EPA's decision whether to propose regulating these PFAS as hazardous substances under CERCLA.

ACWA – Association of Clean Water Administrators → FWS – United States Fish and Wildlife Service  
 AMWA – Association of Metropolitan Water Agencies → NMFS – United States National Marine Fisheries Service  
 AWWA – American Water Works Association → NRWA – National Rural Water Association  
 EPA – United States Environmental Protection Agency → WUWC – Western Urban Water Coalition

## Recent Highlights

# Comment Letters

## Federal

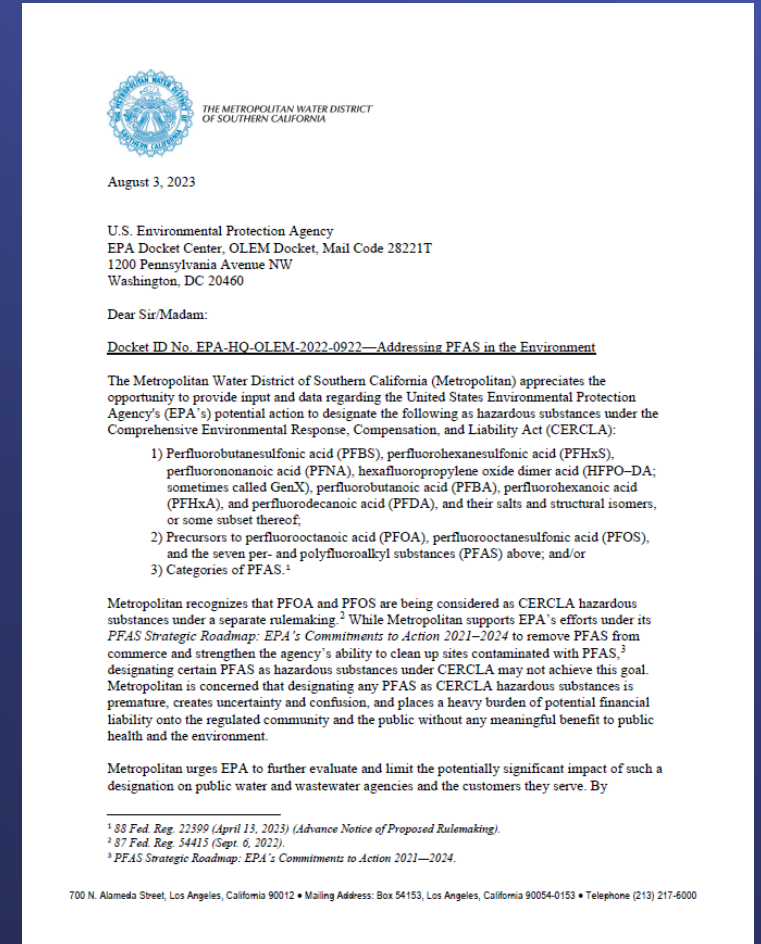
- PFAS and CERCLA
- PFAS MCL

## State

- Advanced Clean Fleets

## Regulation

- Direct Potable Reuse Regulations





## Next Steps

- Updated quarterly and posted publicly on Metropolitan's Legislative Services webpage
- Key rules presented at their respective Board Committees



# Federal and State Regulatory Tracking Matrices Questions





**Metropolitan Water District of Southern California**  
**Federal Legislative Matrix**  
**September 11, 2023 – 118<sup>th</sup> Congress, First Session**

Topic	Bill/Author	Status	Title – Summary	MWD Position	Effects on MWD
Conservation	<b>H.R. 3490 (Gallego, D-AZ)</b>	5/19/23: Referred to the House Transportation and Infrastructure Subcommittee on Water Resources and Environment.	<b>Water Infrastructure Modernization Act of 2023</b>  Authorizes a new grant program to help wastewater and drinking water systems detect leaks and reduce water loss.	<b>SUPPORT</b>  Based upon 2023 Legislative Priorities and Principles, adopted December 2022	This bill directly benefits Metropolitan and its member agencies by creating a grant program to help cover the costs for conveyance leak detection and reduce supplier-side water loss. It could be used for a variety of investments including smart water network technologies, real-time sensing technologies, real-time decision support, and advanced metering infrastructure.
Conservation	<b>S. 2166 (Padilla, D-CA)</b>	7/19/23: Hearing held before the Senate Energy and Natural Resources Subcommittee on Water and Power.	<b>Voluntary Agricultural Land Repurposing Act</b>  Authorizes a grant program at the Bureau of Reclamation to provide States and Indian Tribes with funding to establish programs to voluntarily repurpose agricultural land to reduce consumptive water use.	<b>SUPPORT</b>  Based upon 2023 Legislative Priorities and Principles, adopted December 2022	This new program would provide federal funding to support California’s Multibenefit Land Repurposing Program. It would provide funding to help agriculture lands transition out of production and instead be used for habitat restoration, renewable energy projects, or other purposes. The program would support Metropolitan’s work in the Central Valley and along the Colorado River.

**Metropolitan Water District of Southern California**  
**Federal Legislative Matrix**  
**September 11, 2023 – 118<sup>th</sup> Congress, First Session**

Topic	Bill/Author	Status	Title – Summary	MWD Position	Effects on MWD
Conservation	<b>H.R. 5016</b> <b>(Levin, D-CA)</b>  <b>S. 2654</b> <b>(Padilla, D-CA)</b>	7/27/23: Referred to the House Committee on Energy and Commerce.  7/27/23: Referred to the Senate Committee on Environment and Public Works.	<b>Water Efficiency, Conservation, and Sustainability Act of 2022</b>  Creates new EPA grant programs for water efficiency and conservation measures, water loss control programs, and water efficient plumbing code adoption.	<b>SUPPORT</b>  Based upon 2023 Legislative Priorities and Principles, adopted December 2022	This bill directly benefits Metropolitan and its member agencies by creating new grant programs to help both water agencies and consumers reduce water loss. The new programs will supplement on-going work by Metropolitan and its member agencies and promote water conservation throughout Metropolitan’s service territory
Endangered Species Act Oversight	<b>H.R. 872</b> <b>(Calvert, R-CA)</b>	2/21/23: Referred to the House Natural Resources Subcommittee on Water, Wildlife and Fisheries.	<b>Federally Integrated Species Health Act or the “FISH Act”</b>  Transfers the authority to oversee ESA-related responsibilities for anadromous fish from the Secretary of Commerce to the Secretary of the Interior.	<b>SUPPORT</b>  Based upon 2023 Legislative Priorities and Principles, adopted December 2022	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.

**Metropolitan Water District of Southern California**  
**Federal Legislative Matrix**  
**September 11, 2023 – 118<sup>th</sup> Congress, First Session**

Topic	Bill/Author	Status	Title – Summary	MWD Position	Effects on MWD
Financing Tools for Water Infrastructure Projects	<b>H.R. 1837</b> <b>(Kustoff, R-TN)</b>  <b>S. 1453</b> <b>(Wicker, R-MS)</b>	3/28/23: Referred to the House Committee on Ways and Means.  5/4/23: Referred to the Senate Committee on Finance.	<b>House Title: Investing in Our Communities Act</b>  <b>Senate Title: Lifting Our Communities through Advance Liquidity for Infrastructure Act or the LOCAL Infrastructure Act</b>  Both bills amend the Internal Revenue Code of 1986 to restore the tax exemption for advance refunding bonds.	<b>SUPPORT</b>  Based upon 2023 Legislative Priorities and Principles, adopted December 2022	The ability to advance refund bonds on a tax-exempt basis would benefit Metropolitan and its member agencies by allowing municipal issuers to lower borrowing costs to take advantage of favorable interest rates.
Financing Tools for Water Infrastructure Projects	<b>S. 2162</b> <b>(Feinstein, D-CA)</b>	7/19/23: Hearing held before the Senate Energy and Natural Resources Subcommittee on Water and Power.	<b>Support To Rehydrate the Environment, Agriculture, and Municipalities Act” or the “STREAM Act</b>  Authorizes funding for a variety of Bureau of Reclamation infrastructure investments including storage, water recycling, desalination, and ecosystem restoration projects for 5 years. It also authorizes a new assistance to provide drinking water to disadvantaged communities and creates a new low interest loan program to help finance western water projects.	<b>SUPPORT</b>  Based upon 2023 Legislative Priorities and Principles, adopted December 2022	This bill would benefit Metropolitan and its member agencies by providing more funding for water infrastructure projects and ecosystem restoration projects. For example, the bill would accelerate the development of local water recycling projects by authorizing \$300 million for the Title XVI- WIIN water reuse grants program and raising the per-project funding cap from \$20 million to \$50 million. Additionally, the bill authorizes \$250 million for environmental restoration projects, including helping imperiled species adapt to climate change. This new program could support Metropolitan’s science projects in the Delta.

**Metropolitan Water District of Southern California**  
**Federal Legislative Matrix**  
**September 11, 2023 – 118<sup>th</sup> Congress, First Session**

Topic	Bill/Author	Status	Title – Summary	MWD Position	Effects on MWD
Source Water Protection	<b>H.R. 1181</b> <b>(Garamendi, D-CA)</b>	2/27/23: Referred to the House Transportation and Infrastructure Subcommittee on Water Resources and Environment	<b>Federal Water Pollution Control Permitting Terms</b>  Amends the Federal Water Pollution Control Act (Clean Water Act) with respect to permitting terms.	<b>SUPPORT</b>  Based upon 2023 Legislative Priorities and Principles, adopted December 2022	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.
Source Water Protection	<b>H.R. 3439</b> <b>(Panetta, D-CA)</b>  <b>S. 1715</b> <b>(Feinstein, D-CA)</b>	6/23/23: Referred to the House Committees on Agriculture, Education and Workforce, Energy and Commerce and Natural Resources.  5/18/23: Referred to the Senate Committee on Agriculture, Nutrition and Forestry.	<b>Wildfire Emergency Act of 2023</b>  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.	<b>SUPPORT</b>  Based upon 2023 Legislative Priorities and Principles, adopted December 2022	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.

**Metropolitan Water District of Southern California**  
**Federal Legislative Matrix**  
**September 11, 2023 – 118<sup>th</sup> Congress, First Session**

Topic	Bill/Author	Status	Title – Summary	MWD Position	Effects on MWD
Source Water Protection	<b>H.R. 1236 (Crow, D-CO)</b>  <b>S. 540 (Bennet, D-CO)</b>	3/22/23: Referred to the House Committees on Agriculture and Natural Resources.  2/28/23: Referred to the Senate Committee on Agriculture, Nutrition and Forestry.	<b>Protect the West Act of 2023</b>  Establishes a \$60 billion fund at the Treasury Department for use by the Secretary of Agriculture for restoration and resilience projects, wildfire risk reduction projects and habitat restoration projects.	<b>SUPPORT</b>  Based upon 2023 Legislative Priorities and Principles, adopted December 2022	This bill would benefit Metropolitan and its member agencies by funding projects to improve watershed health. It creates a grant program for restoration and resilience projects to improve forest conditions, rangeland health, watershed functions, or wildlife habitat. Additional grants would provide funding for partnership projects to reduce wildfire risk, restore habitat, and expand access to the outdoors. State agencies, local and tribal governments, and special districts may use these funds along with partner organizations.
Source Water Protection	<b>S. 2514 (Bennett, D-CO)</b>	7/26/23: Referred to the Senate Committee on Agriculture, Nutrition, and Forestry.	<b>Colorado River Salinity Control Fix Act</b>  Amends the Colorado River Basin Salinity Control Act to modify certain requirements applicable to salinity control units, and for other purposes.	<b>SUPPORT</b>  Based upon 2023 Legislative Priorities and Principles, adopted December 2022	The bill directly benefits Metropolitan and its member agencies by ensuring continued federal funding for salinity control projects along the Colorado River. This bill increases the federal cost share for projects to reduce the salt load in the Colorado River. The states have insufficient funds to meet the current cost share requirements because project costs are increasing, and the state contribution is funded by hydropower power revenue which is declining. The cost share change is needed to maintain the current program.

**Metropolitan Water District of Southern California**  
**Federal Legislative Matrix**  
**September 11, 2023 – 118<sup>th</sup> Congress, First Session**

Topic	Bill/Author	Status	Title – Summary	MWD Position	Effects on MWD
Water Project Authorizations	<b>H.R. 924 (Harder, D-CA)</b>	2/10/23: Referred to the House Transportation and Infrastructure Subcommittee on Water Resources and the Environment.	<b>Stop the Tunnels Act</b>  Prohibits the Corps of Engineers from issuing a permit for the Delta Conveyance Project.	<b>OPPOSE</b>  Based upon 2023 Legislative Priorities and Principles, adopted December 2022	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	<b>H.R. 2419 (Costa, D-CA)</b>  <b>S. 2161 (Feinstein, D-CA)</b>	5/8/23: Referred to the House Natural Resources Subcommittee on Water, Wildlife and Oceans.  7/19/23: Hearing held before the Senate Energy and Natural Resources Subcommittee on Water and Power.	<b>Canal Conveyance Capacity Restoration Act</b>  This bill authorizes the Bureau of Reclamation to provide financial assistance to mitigate the impacts of subsidence on California’s water delivery system.	<b>SUPPORT</b>  Based upon 2023 Legislative Priorities and Principles, adopted December 2022	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**  
**September 11, 2023 – 118<sup>th</sup> Congress, First Session**

Topic	Bill/Author	Status	Title – Summary	MWD Position	Effects on MWD
Water Science	<b>S. 466 (Peters, D-MI)</b>	2/16/23: Referred to the Committee on Commerce, Science, and Transportation	<b>Federal PFAS Research Evaluation Act</b>  Directs the National Academy of Sciences to study and report on a Federal research agenda to advance the understanding of PFAS.	<b>SUPPORT</b>  Based upon 2023 Legislative Priorities and Principles, adopted December 2022	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.



**Metropolitan Water District of Southern California**  
**Federal Legislative Matrix**  
**September 11, 2023 – 118<sup>th</sup> Congress, First Session**

Topic	Bill/Author	Status	Title – Summary	MWD Position	Effects on MWD
Water Science	<b>H.R. 2429</b> <b>(Lee, D-NV)</b>  <b>S. 1118</b> <b>(Cortez-Mastro, D-NV)</b>	<p>5/8/23: Referred to the House Natural Resources Subcommittee on Water, Wildlife and Oceans.</p> <p>7/19/23: Hearing held before the Senate Energy and Natural Resources Subcommittee on Water and Power.</p>	<p><b>Open Access Evapotranspiration Data Act</b></p> <p>Establishes the Open Access Evapotranspiration (OpenET) Data Program to provide satellite-based evapotranspiration data from across the western U.S. to Federal agencies, States, and Indian Tribes. Authorizes \$23 million per year for five years for this program.</p>	<p><b>SUPPORT</b></p> <p>Based upon 2023 Legislative Priorities and Principles, adopted December 2022</p>	<p>The OpenET platform is currently supported by NASA and private philanthropy. Dedicated federal funding and support will improve the quantification of evaporation and consumptive water use and help provide data users with field- scale estimates of evapotranspiration over user- defined time periods. This information will help Metropolitan measure consumptive water use in Palo Verde and throughout the Colorado River basin, including areas where there is currently little data available.</p>

**Metropolitan Water District of Southern California**  
**Federal Legislative Matrix**  
**September 11, 2023 – 118<sup>th</sup> Congress, First Session**

Topic	Bill/Author	Status	Title – Summary	MWD Position	Effects on MWD
Water Science	<b>H.R. 3027 (Porter, D-CA)</b>	6/14/23: Hearing held before the House Natural Resources Subcommittee on Water, Wildlife and Fisheries.	<b>Reclamation Climate Change and Water Program Reauthorization Act of 2023</b>  Extends the authorization for Reclamation’s basin studies program for ten years.	<b>SUPPORT</b>  Based upon 2023 Legislative Priorities and Principles, adopted December 2022	The Basin studies bring together technical experts, state and local water managers, conservation groups, and other stakeholders to assess water supply and demand imbalances at the river basin level. This benefits Metropolitan and its member agencies by ensuring consistent operations using science and awareness of the. In addition to the Colorado River basin, Reclamation has conducted these studies in other watersheds across the West including the Los Angeles and Santa Ana basins in Metropolitan’s service area and the Sacramento-San Joaquin system.
Water System Security	<b>H.R. 1367 (Schakowsky, D-IL)</b>  <b>S. 660 (Markey, D-MA)</b>	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.	<b>Water System Threat Preparedness and Resilience Act of 2023</b>  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).	<b>SUPPORT</b>  Based upon 2023 Legislative Priorities and Principles, adopted December 2022	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.

**Metropolitan Water District of Southern California**  
**Federal Legislative Matrix**  
**September 11, 2023 – 118<sup>th</sup> Congress, First Session**

Topic	Bill/Author	Status	Title – Summary	MWD Position	Effects on MWD
Water System Security	<b>S.1430 (Lummis, R-WY)</b>	5/3/23: Referred to the Senate Committee on Environment and Public Works.	<b>Water Systems PFAS Liability Protection Act</b>  Provides exemptions to drinking water and wastewater facilities from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) for PFAS chemicals designated as hazardous substances.	<b>SUPPORT</b>  Based upon 2023 Legislative Priorities and Principles, adopted December 2022	The bill follows the “polluters pay” principle for cleanup of PFAS under CERCLA by shielding drinking water and wastewater systems from cleanup liability when they properly dispose of water treatment byproducts containing PFAS.



Legislation, Regulatory Affairs and Communications  
Committee

# Report on Activities from Washington, D.C.

Item 6c  
September 12, 2023

# Appropriations Update.



FY23 Ends Sept. 30th



House passed 1/12 bills



Senate passed 0/12 bills



FEMA disaster relief funding  
nearly exhausted

## Other Legislation.



### NDAA

- Expires Sept. 30
- House and Senate passed different versions of the bill
- Goal enactment Sept.

### Farm Bill

- Expires Sept. 30
- Committees drafting legislation
- Goal enactment Dec.

## Other Legislation.



### PFAS

- Senate legislation TBD
- Definition and CERCLA issues need resolution

### Water Assistance Program

- Funds obligated by Sept. 30
- Deadline extended to March 31
- Congress developing legislation





**Metropolitan Water District of Southern California**  
**State Legislation Matrix**  
**September 11, 2023 – First Year of Legislative Session**

<b>Bill Number Author</b>	<b>Amended Date Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>AB 400</b> <b>B. Rubio (D – Baldwin Park)</b>  Sponsors: California State Association of Counties, League of California Cities	Amended 6/13/23  Pending Governor's Signature	<b>Local agency design-build projects: authorization.</b>  This measure would extend the existing sunset date to January 1, 2031, for the use of design-build as a delivery method for public works contracts.	<b>Support</b>  Based on October 2021 Board Action	Metropolitan's current authority to use design-build under AB 1845 (Calderon, CH. 275, 2022) will sunset on January 1, 2028. The provisions of this bill would allow Metropolitan to use design-build for future projects through January 1, 2031.
<b>AB 1567</b> <b>Garcia (D-Coachella)</b>	Amended 5/26/2023  Senate Natural Resources and Water Committee	<b>Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.</b>  This measure would authorize a \$15.995 billion general obligation bond for the March 5, 2024, ballot to fund a broad range of resource-based programs that will assist California to improve its climate resiliency.	<b>Support, if amended</b>  Based on June 2023 Board Action	This measure is consistent with Metropolitan's current policy priorities and supports the objectives of Metropolitan's Climate Adaptation Master Plan.  Metropolitan is seeking amendments to increase funding for recycled water, dam safety, regional conveyance, drought and conservation projects.
<b>AB 1572</b> <b>Friedman (D - Glendale)</b>  Co-Sponsors: Metropolitan, Heal the Bay, National Resources Defense Council	Amended 9/5/2023  Senate Floor	<b>Potable water: nonfunctional turf.</b>  This measure prohibits the use of potable water for the irrigation of non-functional turf located on commercial, industrial, institutional. This measure provides the State Water Resources Control Board with the authority to postpone compliance dates as prescribed.	<b>Co-Sponsor</b>  Based on April 2023 Board action	Based on input from the Board and member agencies, Metropolitan sought amendments to exclude multi-family residential buildings and protect the authority and local control of public water systems. The June 19 version reflects these amendments and Metropolitan is a "Co-Sponsor" of this measure.

**Metropolitan Water District of Southern California**  
**State Legislation Matrix**  
**September 11, 2023 – First Year of Legislative Session**

<b>Bill Number Author</b>	<b>Amended Date Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>AB 1573 Friedman (D - Glendale)</b>  Sponsor: Earth Advocacy and California Native Plant Society	Amended on 9/1/2023  Senate Floor	<b>Water conservation: landscape design: model ordinance.</b>  This measure would update the model water efficient landscape ordinance for new or renovated nonresidential areas to require at least 25% local native plants beginning January 1, 2026. This measure would also prohibit the use of nonfunctional turf in nonresidential landscape projects after January 1, 2026.	<b>Support</b>  Based on 2023 Legislative Priorities and Principles, adopted December 2022	This measure is consistent with Metropolitan’s effort to reduce nonfunctional turf within its service area. Metropolitan staff initially identified implementation challenges but were able to work with the author’s office to bring Metropolitan to a support position.  Metropolitan’s requested amendments included: (1) removal of the .3 plant factor, (2) a phased approach implementation of native plant requirement, and (3) require water efficient irrigation methods. The current version of the bill reflects these requested changes.
<b>AB 1648 Bains (D - Bakersfield)</b>	Amended 3/16/2023  Two Year Bill	<b>Water: Colorado River Conservation</b>  This measure would specifically prohibit Metropolitan and LADWP to offset federally required reductions on Colorado River resources with increased water deliveries from other regions of California, including the Delta, retroactively as of January 1, 2023.	<b>Oppose</b>  Based on 2023 Legislative Priorities and Principles, adopted December 2022	This measure affects Metropolitan’s flexibility with its entire water portfolio, including the Integrated Water Resources Plan and the Annual Operating Plan. Metropolitan’s reliability and its ability to meet demands would also be impaired by restrictions on partnerships with its State Water Project and Colorado River Basin stakeholders.
<b>SB 122 Senate Committee on Budget and Fiscal Review</b>	Amended 6/26/2023  Signed by the Governor Chapter 51, Statutes of 2023	<b>Flood Flow Streamlining</b>  Provisions in this trailer bill provide that diversion of flood flows for groundwater recharge do not require an appropriative water right if specified conditions regarding the diversion are met. These provisions exempt from the California Environmental Quality Act (CEQA) specified actions related to the implementation of Colorado River water conservation agreements with the US Bureau of Reclamation.	<b>Seek Amendments</b>  Based on 2023 Water Rights Principles, adopted April 2023	The no-permit authorization poses a significant concern to Metropolitan’s State Water Project supplies. There is no process for protesting, no requirement that diverters avoid harm to other legal water users with water rights senior to the flood flow diverter, and no protection of SWP and CVP rights to divert “excess flows” when they exist in the system up to the full capacity of the projects. Metropolitan will work with the administration to address these issues as the program is implemented.

**Metropolitan Water District of Southern California**  
**State Legislation Matrix**  
**September 11, 2023 – First Year of Legislative Session**

<b>Bill Number Author</b>	<b>Amended Date Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>SB 124 Senate Committee on Budget and Fiscal Review</b>	Amended 6/26/2023  Signed by the Governor Chapter 53, Statutes of 2023	<b>Green Financing Programs for Federal IRA Funding</b>  This measure contains various provisions to implement the 2023 State Budget Act, which includes authorizing the State Infrastructure and Economic Development Bank and DWR to access and utilize federal funding in the Inflation Reduction Act to finance projects that reduce greenhouse emissions.	<b>Support</b>  Based on 2023 Legislative Priorities and Principles, adopted December 2022	For the State Water Project, DWR's direct investment in qualifying projects could lower its capital costs, which would ultimately be passed on to Metropolitan and other SWP contractors.
<b>SB 146 Gonzalez (D-Long Beach)</b>	Amended 6/26/2023  Signed by the Governor Chapter 58, Statutes of 2023	<b>Public resources: infrastructure: contracting.</b>  This measure is part of the negotiated infrastructure trailer bill package and authorizes DWR to use the progressive design-build project delivery method for up to eight public works projects that exceed \$25 million. The Delta conveyance facilities and seawater desalination are expressly prohibited under this measure.	<b>Support</b>  Based on October 2021 Board Action	By utilizing PDB and awarding a project contract prior to the completion of all design work, DWR can potentially reduce overall costs and execute shorter project delivery schedules. This could lead to reduced costs for SWP-related projects-resulting in cost savings being passed on to Metropolitan.
<b>SB 147 Ashby (D- Sacramento)</b>	Amended 6/26/2023  Signed by the Governor Chapter 59, Statutes of 2023	<b>Fully protected species: California Endangered Species Act: authorized take</b>  This measure is part of the negotiated infrastructure trailer bill package and authorizes the take of fully protected species for certain infrastructure projects if specified conditions are met. Eligible projects include the maintenance, repair and improvement of the State Water Project, as well as critical regional and local water infrastructure.	<b>Support and Amended</b>  Based on 2023 Legislative Priorities and Principles, adopted December 2022	While this alternative may have benefits over current FPS regulations, the requirements are extensive and may make permit terms infeasible or cost prohibitive and could create other litigation risks for permittees. Combined, these aspects make it unlikely Metropolitan would seek to use this method.

**Metropolitan Water District of Southern California**  
**State Legislation Matrix**  
**September 11, 2023 – First Year of Legislative Session**

<b>Bill Number Author</b>	<b>Amended Date Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>SB 149 Caballero (D-Merced)</b>	Amended 6/28/2023  Signed by the Governor Chapter 60, Statutes of 2023	<b>California Environmental Quality Act: administrative and judicial procedures: record of proceedings: judicial streamlining.</b>  This measure is part of the negotiated infrastructure trailer bill package and makes various changes to CEQA. This bill provides clarification for what is considered as part of the administrative record, as well as allowing a public agency to deny a request to prepare the record of proceedings. This bill also provides for expedited judicial review for specified energy and transportation projects.	<b>Support and Amend</b>  Based on 2023 Legislative Priorities and Principles, adopted December 2022	Administrative Records Streamlining: Overall, the provisions would be beneficial to Metropolitan as they could lower CEQA litigation costs and shorten litigation timelines.  Expedited Judicial Review: The process for preparing the administrative record for any governor-certified infrastructure project must follow certain extensive and potentially costly specifications. While expedited judicial review is beneficial in concept, unless amended, the prerequisites may be infeasible or costly to implement.
<b>SB 150 Durazo (D-Los Angeles)</b>	Amended 6/26/2023  Signed by the Governor Chapter 61, Statutes of 2023	<b>Construction: workforce development: public contracts.</b>  This measure is part of the negotiated infrastructure trailer bill package and focuses on strengthening the state's workforce and community benefits with infrastructure investments through California's share of federal funds.	<b>Support</b>  Based on 2023 Legislative Priorities and Principles, adopted December 2022	This bill is intended to help develop procurement models to enhance the state's training and access pipeline for jobs while ensuring community benefits on infrastructure and manufacturing investments.  This bill is aligned with Metropolitan's values and would benefit the district by building the next generation of the state's construction workforce.

**Metropolitan Water District of Southern California**  
**State Legislation Matrix**  
**September 11, 2023 – First Year of Legislative Session**

<b>Bill Number Author</b>	<b>Amended Date Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>SB 366 Caballero (D - Merced)</b>  Sponsors: California Municipal Utilities Association, California Council for Environmental and Economic Balance, California State Association of Counties	Amended 6/29/2023  Two-year bill	<b>The California Water Plan: long-term supply targets.</b> This measure would revise the California Water Plan to require the DWR to update the California Water Plan by December 31, 2028, and every five years after, to include a long-term water supply target for 2050 and discussion on the development of specified water supply sources to meet demand.	<b>Support, if amended</b>  Based on 2023 Legislative Priorities and Principles, adopted December 2022	The intent of this bill is to help modernize California's water management practices and provide long-term reliable supplies in response to the current climate challenges. Metropolitan is seeking clarifying amendments to ensure the 2050 target reflects statewide, regional, and local planning efforts.  Recent amendments related to the Delta environment are not consistent with the purpose of the California Water Plan.
<b>SB 659 Ashby (D – Sacramento)</b>  Sponsors: Sacramento Regional Water Authority	Amended 9/1/2023  Assembly Floor	<b>California Water Supply Solutions Act of 2023.</b>  This bill would require DWR to develop a groundwater recharge plan by January 1, 2026, to create additional groundwater recharge capacity and include the plan as part of the 2028 update to the California Water Plan.	<b>Support, if Amended</b>  Based on 2023 Legislative Priorities and Principles adopted December 2022.	This bill will further elevate the importance of groundwater in the state's planning efforts.  Metropolitan is requesting amendments to add clarifying language to the definition of stormwater capture and merge this plan into the development of the California Water Plan to remove duplication of effort and ensure more comprehensive planning.
<b>SB 687 Eggman (D - Stockton)</b>	Amended 5/2/2023  Two-year bill	<b>Water Quality Control Plan: Delta Conveyance Project.</b>  This measure will require the State Water Resources Control Board to adopt a final update of the Bay-Delta Water Quality Control Plan before the Board considers a change in the point of diversion or any other water rights permit or order for the Delta Conveyance Project.	<b>Oppose</b>  Based on 2023 Legislative Priorities and Principles, adopted December 2022	Metropolitan supports updating the Water Quality Control Plan to protect beneficial uses in the Delta. However, this bill would result in halting or delaying planning efforts on the Delta Conveyance Project and potentially prevent the project from operating if approved.

**Metropolitan Water District of Southern California**  
**State Legislation Matrix**  
**September 11, 2023 – First Year of Legislative Session**

<b>Bill Number Author</b>	<b>Amended Date Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>SB 706 Caballero (D-Merced)</b>  Sponsors: CA State Association of Counties; County of San Diego; Design Build Institute of America Western Pacific Chapter; League of California Cities	Amended 6/28/23  Pending Governor's Signature	<b>Public contracts: progressive design-build: local agencies.</b>  This bill would provide additional authority, until January 1, 2023, for cities, counties, and special districts to use progressive design-build authority for up to 10 public works projects that are in excess of \$5 million. In addition, any local agency that uses this authorized progressive-design build process must submit a report to the Legislature.	<b>Support</b>  Based on 2023 Legislative Priorities and Principles, adopted December 2022	Currently, progressive design-build eligible projects are limited to wastewater treatment facilities, park and recreational facilities, solid waste management facilities and water recycling facilities. However, this bill will now authorize Metropolitan to address other physical structures and needs to further support Metropolitan's operations for reliable water supply deliveries throughout its service area.
<b>SB 867 Allen (D-Santa Monica)</b>	Amended 6/22/2023  Assembly Natural Resources Committee	<b>Drought, Flood and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.</b>  This measure would authorize a \$15.5 billion general obligation bond for a range of resource-based programs that will improve California's climate resiliency. If approved, this measure would be on the March 5, 2024 statewide ballot.	<b>Support, if amended</b>  Based on June 2023 Board Action	This measure is consistent with Metropolitan's current policy priorities and supports the objectives of Metropolitan's Climate Adaptation Master Plan.  Metropolitan is seeking amendments to increase funding for recycled water, dam safety, regional conveyance, drought, and conservation projects.



Legislation, Regulatory Affairs, and  
Communications Committee

# Report on Activities from Sacramento

Item 6d

September 12, 2023

Report on Activities from  
Sacramento

## Legislative Deadlines

Sept. 1  
Last day for fiscal  
committees

Sept. 5–14  
Floor Session Only

Sept. 14  
Last day of session

Oct. 14  
Last day for Governor to sign bills





## Proposed Climate Bond

Climate Bond Funding: SB 867 (Allen) and  
AB1567 (Garcia)

### Metropolitan Bond Request

- \$1.8 Billion for Recycled Water Projects
- \$850 Million for Dam Safety
- \$500 Million for Regional Conveyance
- \$250 Million for Urban Conservation

## Bills of Interest to Metropolitan

- AB 399 (Boerner) - Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory
- AB 1373 (Garcia) - Energy
- ACA 1 (Aguiar-Curry) - Local government financing: affordable housing and public infrastructure: voter approval.
- ACA 13 (Ward) - Voting thresholds

Report on Activities from  
Sacramento

# Sacramento Legislative Highlights

## Bills of Interest to Metropolitan

- AB 1572 (Friedman): Potable water: nonfunctional turf
- AB 1573 (Friedman): Water conservation: landscape design: model ordinance



Report on Activities from  
Sacramento

# Sacramento Legislative Highlights

## Next Session Highlights

- Bond Measures
- Water Rights
- Floodflow Streamlining
- SMARA Extension
- SWRCB Science Advisory Panel









Legislation, Regulatory Affairs and  
Communications Committee

# External Affairs Management Report

Item 7a  
September 12, 2023

## Reaching Our Many Audiences



- Introduce Creative Team for Water Conservation Advertising Campaign
- Conservation Tips for Renters
- Career Outreach and Education Activities





