

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.

C&L Committee

G. Cordero, Chair
C. Kurtz, Vice Chair
J. Abdo
L. Ackerman
D. Erdman
A. Kassakhian
M. Luna
J. Morris
G. Peterson
T. Quinn
R. Record
H. Repenning
T. Smith

Communications and Legislation Committee

Meeting with Board of Directors *

July 12, 2022

1:00 p.m.

Teleconference meetings will continue until further notice. Live streaming is available for all board and committee meetings on mwdh2o.com ([Click Here](#))

A listen only phone line is also available at 1-877-853-5257; enter meeting ID: 831 5177 2466. Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via teleconference only. To participate call (833) 548-0276 and enter meeting ID: 815 2066 4276.

Tuesday, July 12, 2022 Meeting Schedule

9:30 am - E&O
10:30 am - RP&AM
11:00 am - OP&T
12:00 pm - L&C
1:00 pm - C&L
1:30 pm - WP&S
3:00 pm - BOD

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

* 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 Meeting of the Communications and Legislation Committee held June 13, 2022

[21-1316](#)

Attachments: [07122022 CL 2A Minutes](#)

3. CONSENT CALENDAR ITEMS - ACTION

- 7-5** Express support, if amended, for AB 2108 (Rivas, D-Hollister and Garcia, D-Bell Gardens): Water policy: environmental justice: disadvantaged and tribal communities; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA.

[21-1326](#)

Attachments: [07122022 LC 7-5 B-L](#)
[07122022 CL 7-5 Presentation](#)

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

4. OTHER BOARD ITEMS - ACTION

NONE

5. BOARD INFORMATION ITEMS

NONE

6. COMMITTEE ITEMS

- a. Report on activities from Washington, D.C.

[21-1317](#)

Attachments: [07122022 CL 6a Report](#)
[07122022 CL 6a Matrix](#)

- b. Report on activities from Sacramento

[21-1318](#)

Attachments: [07122022 CL 6b Report](#)
[07122022 CL 6b Matrix](#)

7. MANAGEMENT REPORTS

- a. External Affairs Management Report

[21-1319](#)

8. FOLLOW-UP ITEMS

NONE

9. FUTURE AGENDA ITEMS

10. ADJOURNMENT

NOTE: This committee reviews items and makes a recommendation for final action to the full Board of Directors. Final action will be taken by the Board of Directors. Agendas for the meeting of the Board of Directors may be obtained from the Board Executive Secretary. 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 <http://www.mwdh2o.com>.

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

COMMUNICATIONS AND LEGISLATION COMMITTEE

June 13, 2022

Chair Cordero called the teleconference meeting to order at 1:13 p.m.

Members present: Chair Cordero, Vice Chair Kurtz, Directors Abdo, Ackerman, Erdman, Morris, Peterson, Quinn, Record, and Smith.

Members absent: Directors Kassakhian, Luna, and Repenning.

Other Board Members present: Chairwoman Gray, Directors Atwater, Blois, Dennstedt, Fellow, Fong Sakai, Lefevre, Miller, Sutley and Tamaribuchi.

Committee staff present: Hagekhalil, Scully, Zinke, Stites, Sims and Novoa.

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

None

CONSENT CALENDAR ITEMS – ACTION

2. CONSENT CALENDAR OTHER ITEMS – ACTION

- A. Approval of the Minutes of the Meeting of the Communications and Legislation Committee held May 9, 2022.

3. CONSENT CALENDAR ITEMS – ACTION

None

Director Morris made a motion, seconded by Director Ackerman to approve item 2A

The vote was:

Ayes: Directors Abdo, Ackerman, Erdman, Kurtz, Morris, Quinn, Record, and Smith.

Noes: None

Abstentions: Chair Cordero

Absent: Directors Kassakhian, Luna, Peterson and Repenning

The motion passed by a vote of 8 ayes, 0 noes, 1 abstain, and 4 absent.

END OF CONSENT CALENDAR ITEMS

4. OTHER BOARD ITEMS – ACTION

None

5. BOARD INFORMATION ITEMS

None

6. COMMITTEE ITEMS

- a. Subject: Inspection Trip Update
- Presented by: Carolyn Schaffer, Section Manager Member Services and Public Outreach

Ms. Schaffer gave an overview on the inspection trip program. This includes informing and educating on water issues and MWD's operations, programs, and objectives. Sponsoring trips, trip options, planning and scheduling and FFPC Reporting.

The following Directors provided a comment or asked a question:

1. Lefevre
2. Dennstedt

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 reported on legislative activities from Washington, D.C. including fiscal year 2023 appropriation bills, the newly introduced Water efficiency, Conservation and Sustainability Act, Water Resources Development Act and other infrastructure funding, and Equity Action Plans.

c. Subject: Report on Activities from Sacramento

Presented by: Kathy Viatella, Executive Legislative Representative

Ms. Viatella reported on activities from Sacramento including policy committee deadlines, fiscal bills deadlines, Metropolitan sponsored bills, state budget and legislative initiatives on drought, water quality, conservation, infrastructure investments, climate change and resiliency.

The following Director provided a comment or asked a question:

1. Record

Staff responded to the Directors' comments or questions.

7. MANAGEMENT REPORTS

a. Subject: External Affairs Management Report

Presented by: Sue Sims, External Affairs Group Manager

Ms. Sims provided an update on, water conservation and drought-resiliency messaging, outreach activities, awards, media coverage and new in house produced television commercials streaming on YouTube.

The following Director provided a comment or asked a question:

1. Cordero

Staff responded to the Directors' comments or questions.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on July 11, 2022.

Meeting adjourned at 2:13 p.m.

Gloria Cordero
Chair



- **Board of Directors**
Communications and Legislation

7/12/2022 Board Meeting

7-5

Subject

Express support, if amended, for AB 2108 (Rivas, D-Hollister and Garcia, D-Bell Gardens): Water policy: environmental justice: disadvantaged and tribal communities; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Executive Summary

As introduced, AB 2108 would have added the requirement that one member of the State Water Resources Control Board (State Board) and at least one of the seven appointees to each of the nine Regional Water Quality Control Boards (Regional Boards) be qualified in water supply and water quality relating to disadvantaged or tribal communities, engage in outreach to disadvantaged and tribal communities in waste discharge permitting processes, hire new staff upon appropriation of funding, and address waste discharge impacts in disadvantaged and tribal communities when issuing regional and statewide permits or waivers. The bill was amended to expand the new procedural and substantive mandates to include addressing environmental justice, racial inequities, and tribal community impacts in adopting or updating regional and statewide water quality control plans and policies, including the current and future updates to the Bay-Delta Water Quality Control Plan. While the overarching objective of the bill to include disadvantaged and tribal communities in water quality planning and permitting is laudable, some provisions in the bill are ambiguous in ways that could be interpreted to authorize and require the State Board to reallocate water rights, including in the Bay-Delta watershed, to address injustices or inequities, jeopardizing the current and future Bay-Delta Water Quality Control Plan update processes and potentially diminishing State Water Project supplies.

Details

Background

Under existing law, the State Board has five members appointed by the governor, subject to Senate confirmation, each of whom shall represent the state at large and should be from different regions. The five members must include an attorney, a civil engineer, a professional engineer, someone qualified in water quality, and someone with no special qualifications. One of the preceding five members also must be qualified in water supply and water quality relating to irrigated agriculture.

Each Regional Board has seven members appointed by the governor, subject to Senate confirmation. With one exception, each member shall be appointed based on a demonstrated interest or proven ability in water quality, including water pollution control, water resource management, water use, or water protection. One member need not have an interest or proven ability in water quality. And for any appointments from the nonpublic sector, the governor shall consider including members from key economic sectors such as agriculture, industry, commerce, forestry, and fisheries.

The State and Regional Boards may designate tribal and subsistence fishing beneficial uses for qualifying waters, in which case the water quality control plans must provide for the reasonable protection of those beneficial uses.

Summary of AB 2108 as Amended June 16, 2022

AB 2108 (**Attachment 1**) requires that one member of the State Board and each of the nine Regional Boards be qualified in water supply and water quality relating to disadvantaged or tribal communities. It also requires the

State and Regional Boards to address environmental justice and social equity issues early in the permit and policy planning processes, including community outreach and a mandate to meaningfully involve potentially affected communities for major projects and appropriate minor projects in disadvantaged communities. Contingent upon an appropriation by the Legislature, the State and Regional Boards must hire environmental justice and tribal community coordinator positions solely dedicated to the purpose of achieving, at a minimum, the following goals:

- Adhering to related environmental justice goals, policies, and objectives.
- Promoting meaningful civic engagement in the public decision-making processes relating to statewide and regional permitting, water quality policies, and water quality control plans.
- Informing permit conditions that address the needs of disadvantaged communities.
- Informing regulatory mitigation and remediation opportunities before State Board or Regional Board decisions and during enforcement actions and regulatory decisions—including water quality control plans such as the Bay-Delta Plan, and, where appropriate, after formal enforcement orders or administrative civil liability orders are adopted.
- Soliciting community recommendations for future projects to be listed on Regional Board supplemental environmental project lists.

Also, upon appropriation, the State Board must:

- Direct resources for training of State and Regional Board staff to advance adherence to environmental justice objectives, goals, and policies.
- Establish a community capacity-building stipend program to promote meaningful civic engagement by disadvantaged communities and tribal communities in the State Board and Regional Board decision-making processes.
- Develop program-specific tools to better identify and prioritize State Board and Regional Board compliance assessment and enforcement actions in disadvantaged communities.

AB 2108 also requires the State and Regional Boards to make programmatic findings and identify and potentially impose permit terms to address potential environmental justice, tribal impact, and racial equity considerations when issuing regional or statewide water quality control plans or policies, including the ongoing update to the Bay-Delta Water Quality Control Plan, and for waste discharge permits and waivers.

Potential Impacts on Metropolitan

AB 2108's requirements that at least one member of each water board be qualified in water supply and water quality relating to disadvantaged or tribal communities and to promote the meaningful engagement of disadvantaged and tribal communities in water quality policymaking and permitting are consistent with the Board's legislative policy to support administrative and legislative actions that prioritize providing safe and affordable drinking water to disadvantaged communities. The overall intent of the bill is also consistent with the Board's overarching objective in its 2022 Legislative Priorities and Principles that lay out an integrated "One Water" collaborative approach to managing Southern California's watersheds, water resources, and water infrastructure to ensure long-term resilience and reliability for communities and ecosystems.

However, the bill includes broad findings calling for actions to remedy past injustices and ambiguous statutory language that could be interpreted by the State and Regional Boards or reviewing courts to authorize and mandate that the State Board reallocate water rights to address economic or racial injustices when updating water quality control plans, including the Bay-Delta Plan. Such broad authority and mandate could affect the Department of Water Resources' State Water Project water rights, which are junior to many water rights in the Bay-Delta watershed.

Staff has discussed the bill's intent with its sponsor and has learned that the intent is not to expand the State or Regional Boards' authority or to reallocate water rights, but to ensure the boards engage with disadvantaged and tribal communities and take their input into account when adopting policies or issuing permits that affect water quality in disadvantaged and tribal communities.

Suggested Amendments

Based on the concerns above, staff recommends supporting AB 2108 if amended to address the potential impacts to water rights throughout the state, including the Department of Water Resources' State Water Project rights. Amendments to AB 2108 include:

1. Amend the Section 1 findings to avoid suggesting the bill's intent is to reallocate water rights and to acknowledge that public water agencies must serve all people within their service areas regardless of economic status, race, or cultural heritage and must meet state and federal drinking water quality requirements.
2. In Section 3, strike and replace broad, ambiguous language requiring water boards to "address" issues of environmental justice and social equity with language focusing on the mandate to conduct outreach and engagement to identify such issues early in water quality permitting and rulemaking processes.
3. In Section 4, amend language to avoid requiring water boards to base findings on all comments, even if comments are baseless or factually inaccurate, and instead require the boards to consider all comments in regulatory and permitting processes.
4. In Section 4, add reference to State and Regional Board's existing authority under the Porter-Cologne Water Quality Control Act (Water Code Division 7, commencing with Section 13000) to clarify that AB 2108 creates no new regulatory or permitting authority.
5. Make conforming amendments as needed to address the concerns outlined above.

Recommendation

Staff recommends the Board authorize the General Manager to express a support-if-amended position and seek amendments to clarify the bill's focus on process and water quality under the State and Regional Boards' existing authority over water quality.

Policy

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

By Minute Item 52579, dated November 9, 2021, the Board adopted the Legislative Priorities and Principles for 2022, Section II.B., Water Governance and Funding, Subsection 1. Support administrative/legislative actions that prioritize providing safe and affordable drinking water to disadvantaged communities.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Public Resources Code Section 21065; Section 15378(b)(2) of the State CEQA Guidelines). In addition, the proposed action is not subject to CEQA because it can be seen with certainty that there is no possibility that this activity may have a significant effect on the environment (Section 15061(b)(3) of the State CEQA Guidelines).

CEQA determination for Option #2:

None required

Board Options

Option #1

Express support, if amended, for AB 2108 (Rivas, D-Hollister and Garcia, D-Bell Gardens)

Fiscal Impact: Unknown. Reduces the risk of reallocation of water rights and future litigation.

Business Analysis: Metropolitan's State Water Project supplies would not be impacted and potential delays to water quality control plan updates may be avoided.

Option #2

Take no position on AB 2108

Fiscal Impact: Unknown. Increased risk of reallocation of water rights and litigation costs.

Business Analysis: Metropolitan's State Water Project supplies could be adversely impacted, water quality control plan updates could be delayed leading to water supply reliability uncertainty, and litigation costs could be incurred.

Staff Recommendation

Option #1



Susan Sims
External Affairs Group Manager

7/7/2022
Date



Adel Hagekhalil
General Manager

7/7/2022
Date

**Attachment 1— Bill Text: AB 2108 (Rivas, D-Hollister and Garcia, D-Bell Gardens): Water policy: environmental justice: disadvantaged and tribal communities, as amended
June 16, 2022**

Ref# ea12687462

AMENDED IN SENATE JUNE 16, 2022

AMENDED IN ASSEMBLY MAY 19, 2022

AMENDED IN ASSEMBLY APRIL 19, 2022

AMENDED IN ASSEMBLY MARCH 15, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL**No. 2108**

**Introduced by Assembly Members Robert Rivas and
Cristina Garcia
(Coauthors: Assembly Members Eduardo Garcia, Ramos, and
Bennett)**

February 14, 2022

An act to amend Sections 175 and 13201 of, and to add Sections 189.7 and 13149.2 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2108, as amended, Robert Rivas. Water policy: environmental justice: disadvantaged and tribal communities.

Existing law establishes the State Water Resources Control Board (state board) in the California Environmental Protection Agency. The state board consists of 5 members appointed by the Governor, including one member who is not required to have specialized experience. Existing law requires one of those members, excluding the member who is not required to have specialized experience, to additionally be qualified in the field of water supply and water quality relating to irrigated agriculture.

Existing law also establishes 9 California regional water quality control boards. Each regional board consists of 7 members appointed

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by the Governor, of whom 6 are appointed on the basis of demonstrated interest or proven ability in the field of water quality and one as a public member not specifically associated with any enumerated qualification.

This bill would require that one of the persons appointed by the Governor to the state board be qualified in the field of water supply and water quality relating to disadvantaged or tribal communities and not be the same member as the member appointed who is qualified in the field of water supply and water quality relating to irrigated agriculture. The bill would also require that at least one person appointed to each regional board have specialized experience relating to disadvantaged or tribal communities, except as provided. The bill would prohibit, in making those appointments, preference to be given on the basis of ethnicity or national origin.

Existing law requires the state board to formulate and adopt state policy for water quality control. Existing law requires the regional ~~board~~ *boards* to prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge, except discharges into a community sewer system, with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. Existing law also authorizes the state board or a regional board to waive these requirements as to a specific discharge or type of discharge if the state board or a regional board determines, after any necessary state board or regional board meeting, that the waiver is consistent with any applicable state or regional water quality control plan and is in the public interest.

This bill would, among other things, require the state board and each regional board to begin addressing issues of environmental justice and social equity as early as possible in permit and policy planning processes. The bill would require the state board and each regional board, contingent upon an appropriation, to hire environmental justice and tribal community coordinator positions for specified purposes. The bill would require the state board, contingent upon an appropriation, to establish a community capacity-building stipend program to promote meaningful civic engagement by disadvantaged communities and tribal communities in the state board and regional board decisionmaking processes, among other activities. The bill would require the state board and each regional board to make a programmatic finding on potential environmental justice, tribal impact, and racial equity considerations when issuing ~~certain plans, policies, waste discharge requirements, and~~

~~waivers~~, regional or statewide water quality control plans, policies for water quality control, waste discharge requirements, or waivers of waste discharge requirements. The bill would also set forth related findings and declarations.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) Disadvantaged communities are disproportionately impacted
4 by water quality pollution. The state's 2021 *CalEnviroScreen*
5 update reveals that the top 10 percent of least polluted
6 neighborhoods are 67 percent White, and the top 10 percent of
7 most polluted neighborhoods are 90 percent Black, Indigenous,
8 and people of color. Contaminated drinking water sources
9 disproportionately burden low-income and Black, Indigenous, and
10 people of color communities throughout California, further
11 exacerbating persistent inequities, which can be seen in data
12 collected by the human right to water framework.
13 (b) The 2021 Pollution and Prejudice story map from the
14 California Environmental Protection Agency (CalEPA)
15 demonstrates that historically redlined neighborhoods are generally
16 associated with worse environmental conditions and greater
17 population vulnerability to the effects of pollution today. People
18 of color are overrepresented in the neighborhoods that are the most
19 environmentally degraded and are still experiencing severe racial
20 wealth gaps caused by redlining and other land-use practices
21 designed to oppress them. Many of these communities lack access
22 to parks, open spaces, greenways, and green infrastructure to
23 provide, for example, natural flood protection, water treatment,
24 and groundwater recharge and replenishment.
25 (c) In 2021, the State Water Resources Control Board released
26 the 2021 Drinking Water Needs Assessment, which identifies
27 approximately 345 water systems that fail to meet the goals of the
28 human right to water. In addition, the needs assessment identified
29 617 at-risk public water systems, 611 at-risk state small water
30 systems, and 80,000 at-risk domestic wells. It also identified 13
31 federally regulated tribal water systems that failed to meet the

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1 goals of the human right to water and 22 at-risk tribal water
2 systems.

3 (d) Historically, the boards' programs were established over a
4 structural framework that perpetuated inequities based on race.
5 These inequities persist and the boards need to specifically address
6 the role racism has played in creating inequities in affordability
7 and access to clean and safe water and in the allocation and
8 protection of water resources.

9 (e) In California, race predicts a person's access to government
10 services and the quality and affordability of the services they
11 receive. This includes the availability of safe drinking water and
12 the collection, treatment, and reuse of wastewater. In fact, race is
13 the strongest predictor of water and sanitation access.

14 (f) On a community scale, race is strongly correlated with more
15 severe pollution burdens. However, until recently, few of the water
16 boards' policies, programs, or plans expressly considered or
17 addressed racial inequities. As a government agency, the State
18 Water Resources Control Board recognizes the need to
19 acknowledge racial inequity and to take action to address racial
20 inequity within the agency and as part of the programs the regional
21 water quality control boards carry out for the communities served.

22 (g) Over the last decade, the regional water quality control
23 boards have increasingly emphasized actions to address
24 environmental injustices, including: (1) creating the Safe and
25 Affordable Funding for Equity and Resilience (SAFER) Program,
26 a comprehensive approach to implementing the state's commitment
27 to the human right to water by ensuring the estimated 1,000,000
28 Californians being served contaminated water have solutions for
29 safe, affordable drinking water; (2) improving engagement with
30 California Native American tribes and recognizing and protecting
31 tribal beneficial uses; (3) developing a comprehensive response
32 to climate change, including addressing disproportionate impacts
33 on vulnerable communities; and (4) administering funding for
34 projects that remediate the harm—or threat of harm—to human
35 health, safety, and the environment caused by existing or threatened
36 surface water and groundwater contamination.

37 (h) The regional water quality control boards recognize the need
38 to further address environmental injustice and racial inequity. To
39 better represent and serve California's communities, the regional
40 water quality control boards need to address the connection

1 between protecting and managing water resources and systemic
2 and institutional racism while fostering greater workforce diversity,
3 equity, and inclusion within the agency.

4 (i) The state is committed to the protection of public health and
5 beneficial uses of waterbodies in all communities, particularly in
6 Black, Indigenous, and people of color communities
7 disproportionately burdened by environmental pollution through
8 cleanup of contaminated soil, soil vapor, and groundwater; control
9 of wastes discharged to land and surface water; restoration of
10 impaired surface waters and degraded aquifers; and promotion of
11 multibenefit water quality projects to increase access to parks,
12 open spaces, greenways, and other green infrastructure.

13 SEC. 2. Section 175 of the Water Code is amended to read:

14 175. (a) There is in the California Environmental Protection
15 Agency the State Water Resources Control Board consisting of
16 five members appointed by the Governor. One of the members
17 appointed shall be an attorney admitted to practice law in this state
18 who is qualified in the fields of water supply and water rights, one
19 shall be a registered civil engineer under the laws of this state who
20 is qualified in the fields of water supply and water rights, one shall
21 be a registered professional engineer under the laws of this state
22 who is experienced in sanitary engineering and who is qualified
23 in the field of water quality, and one shall be qualified in the field
24 of water quality. One of the above-appointed persons, in addition
25 to having the specified qualifications, shall be qualified in the field
26 of water supply and water quality relating to irrigated agriculture.
27 One of the persons appointed pursuant to this subdivision, in
28 addition to having the qualifications described in this section, shall
29 be qualified in the field of water supply and water quality relating
30 to disadvantaged or tribal communities and shall not be the same
31 member as the member appointed who is qualified in the field of
32 water supply and water quality relating to irrigated agriculture. In
33 appointing the member qualified in the field of water supply and
34 water quality relating to disadvantaged or tribal communities,
35 preference shall not be given on the basis of ethnicity or national
36 origin. One member shall not be required to have specialized
37 experience.

38 (b) Each member shall represent the state at large and not any
39 particular portion thereof and shall serve full time. The board shall,
40 to the extent possible, be composed of members from different

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1 regions of the state. The appointments made by the Governor shall
2 be subject to confirmation by the Senate in accordance with Article
3 2 (commencing with Section 1770) of Chapter 4 of Division 4 of
4 Title 1 of the Government Code.

5 SEC. 3. Section 189.7 is added to the Water Code, to read:

6 189.7. (a) Addressing issues of environmental justice and
7 social equity shall begin as early as possible in state board or
8 regional board permit and policy planning processes. In accordance
9 with that requirement, the state board and each regional board shall
10 do both of the following:

11 (1) Engage in equitable, culturally relevant community outreach
12 to meaningfully involve potentially impacted communities for
13 major projects and appropriate minor projects in ~~underrepresented,~~
14 ~~identified vulnerable, or~~ disadvantaged communities and ensure
15 that outreach and engagement shall continue throughout the review
16 and permitting processes.

17 (2) Contingent upon an appropriation by the Legislature in the
18 annual Budget Act for this purposes, hire environmental justice
19 and tribal community coordinator positions solely dedicated to the
20 purpose of achieving, at a minimum, all of the following goals:

21 (A) Adhering to related environmental justice goals, policies,
22 and objectives.

23 (B) Promoting meaningful civic engagement in the public
24 decisionmaking process.

25 (C) Informing permit conditions that address the needs of
26 disadvantaged communities pursuant to Section 13149.2.

27 (D) Informing ~~regulatory~~ mitigation and remediation
28 *opportunities* before state board or regional board ~~decisions and~~
29 ~~during enforcement actions pursuant to Section 13149.2.~~ *regulatory*
30 *decisions pursuant to Section 13149.2 and, where appropriate,*
31 *after formal enforcement orders or administrative civil liability*
32 *orders are adopted.*

33 (E) ~~Soliciting and informing supplemental environmental project~~
34 ~~proposals.~~

35 (E) *Soliciting community recommendations for future projects*
36 *to be listed on regional board supplemental environmental project*
37 *lists.*

38 (b) Contingent upon an appropriation by the Legislature in the
39 annual Budget Act for these purposes, the state board shall do all
40 of the following:

1 (1) Direct resources for training of state board and regional
2 board staff to advance adherence to environmental justice
3 objectives, goals, and policies adopted by the state board and the
4 regional boards.

5 (2) Establish a community capacity-building stipend program
6 to promote meaningful civic engagement by disadvantaged
7 communities and tribal communities in the state board and regional
8 board decisionmaking processes by providing funding or services
9 that allow members of the public to overcome barriers, such as
10 technology, language, travel, and income, to public participation.

11 (3) Develop program-specific tools to better identify and
12 prioritize state board and regional board compliance assessment
13 and enforcement actions in disadvantaged communities.

14 (c) The state board may, through contracts or grants, utilize
15 nonprofit organizations to administer all or part of the activities
16 specified in paragraph (1) of subdivision (a) and paragraph (2) of
17 subdivision (b).

18 (d) For purposes of this section, the following definitions apply:

19 (1) “Disadvantaged community” has the same meaning as
20 defined in Section 116275 of the Health and Safety Code.

21 (2) “Environmental justice” has the same meaning as defined
22 in Section 30107.3 of the Public Resources Code.

23 (3) “Meaningful civic engagement” includes, but is not limited
24 to, all of the following:

25 (A) An opportunity for people to participate in decisions about
26 activities that may affect their environment or health.

27 (B) Public contribution that may influence a regulatory agency’s
28 decisionmaking.

29 (C) Community concerns that are considered in the process.

30 (D) Decisionmakers seeking out and facilitating the involvement
31 of people potentially affected.

32 (E) Informing disadvantaged and tribal community members
33 of decisionmaker appointment opportunities, thereby empowering
34 those community members to become decisionmakers.

35 SEC. 4. Section 13149.2 is added to the Water Code, to read:

36 13149.2. (a) It is the intent of the Legislature in enacting this
37 section to facilitate the development of analyses and findings that
38 apply environmental justice objectives, goals, and policies adopted
39 by the state board and the regional boards in a transparent and
40 inclusive manner.

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(b) When issuing regional or statewide ~~plans or policies, or water quality control plans, policies for water quality control, waste discharge requirements requirements, or waivers of waste discharge requirements~~, the state board or a regional board shall make a programmatic finding on potential environmental justice, tribal impact, and racial equity considerations related to the issuance. The finding shall be based on readily available information identified by staff or raised during the public review process and shall include both of the following:

(1) A summary of the anticipated water quality impact in disadvantaged or tribal communities as a result of the permitted activity or facility, and any environmental justice concerns within the scope of the state board or regional board's authority previously raised to the applicable board by interested persons with regard to these impacts.

(2) Identification of measures available and within the scope of the state board or regional board's authority to address the impacts of the permitted activity or facility in a disadvantaged or tribal community.

(c) When issuing an individual waste discharge requirement or waiver of a waste discharge requirement that regulates activity or a facility that may impact a disadvantaged or tribal community, and that includes a time schedule in accordance with subdivision (c) of Section 13263 for achieving an applicable water quality objective, water quality variance, or ~~other permit exemption for achieving applicable water quality objectives, receiving water limitation exemption~~, the state board or a regional board shall make a finding on potential environmental justice, tribal impact, and racial equity considerations. The finding shall be based on readily available information identified by staff or raised during the public review process and include the information specified in paragraphs (1) and (2) of subdivision (b). *This subdivision does not apply to the use of mixing zones or dilution credits.*

(d) This section does not apply to certifications issued pursuant to Section 401 of the federal Clean Water Act (33 U.S.C. Sec. 1341).

(e) For purposes of this section, the following definitions apply:

(1) "Disadvantaged community" has the same meaning as defined in Section 116275 of the Health and Safety Code.

1 (2) “Environmental justice” has the same meaning as defined
2 in Section 30107.3 of the Public Resources Code.

3 SEC. 5. Section 13201 of the Water Code is amended to read:

4 13201. (a) There is a regional board for each of the regions
5 described in Section 13200. Each board shall consist of seven
6 members appointed by the Governor, each of whom shall represent,
7 and act on behalf of, all the people and shall reside or have a
8 principal place of business within the region.

9 (b) Except as specified in subdivision (c), each member shall
10 be appointed on the basis of that member’s demonstrated interest
11 or proven ability in the field of water quality, including water
12 pollution control, water resource management, water use, or water
13 protection. The Governor shall consider appointments from the
14 public and nonpublic sectors. In regard to appointments from the
15 nonpublic sector, the Governor shall consider including members
16 from key economic sectors in a given region, such as agriculture,
17 industry, commercial activities, forestry, and fisheries.

18 (c) (1) At least one member shall be appointed as a public
19 member who is not required to meet the criteria established
20 pursuant to subdivision (b).

21 (2) At least one member appointed pursuant to subdivision (a)
22 shall have specialized experience relating to disadvantaged or tribal
23 communities. In appointing the member with specialized
24 experience relating to disadvantaged or tribal communities,
25 preference shall not be given on the basis of ethnicity or national
26 origin.

27 (d) All persons appointed to a regional board shall be subject
28 to Senate confirmation, but shall not be required to appear before
29 any committee of the Senate for purposes of such confirmation
30 unless specifically requested to appear by the Senate Committee
31 on Rules.

32 (e) Insofar as practicable, appointments shall be made so as to
33 result in representation on the board from all parts of the region.

34 (f) Insofar as practicable, appointments shall be made so as to
35 result in representation on the board from diverse experiential
36 backgrounds.

37 (g) Each member shall be appointed on the basis of that
38 member’s ability to attend substantially all meetings of the board
39 and to actively discharge all duties and responsibilities of a member
40 of the board.

AB 2108

— 10 —

1 (h) The reduction in the number of members of each regional
2 board required by Chapter 39 of the Statutes of 2012 shall be
3 achieved according to the ordinary expiration of the terms of
4 incumbents and other vacancies. Notwithstanding Section 13202,
5 the Governor shall not fill a vacancy on any regional board until
6 the number of members serving on that regional board falls below
7 seven members. If the number of members serving on the regional
8 board falls below seven members, the Governor shall appoint or
9 reappoint individuals pursuant to this section. Paragraph (2) of
10 subdivision (c) does not apply, and shall not limit the Governor,
11 in instances in which an appointment or reappointment is necessary
12 for a regional board to establish a quorum.

O



Communications & Legislation Committee

Express support, if amended, for AB 2108 (Rivas, D-Hollister; Garcia, D-Bell Gardens):
water policy; environmental justice;
disadvantaged and tribal communities.

Item #7-5
July 12, 2022

Overview.

- Summary of AB 2108 Proposed Actions
- Rationale
- Impacts to Metropolitan
- Suggested Amendments
- Board Options
- Staff Recommendation

As amended June 16, 2022

Summary of AB 2108.

- Requires environmental justice or tribal expertise on Boards
- Requires the State and Regional Boards to make a programmatic finding on potential environmental justice, tribal impact, and racial equity considerations when issuing:
 - Regional or statewide water quality control plans
 - Policies for water quality control
 - Waste discharge requirements
- Creates environmental justice and tribal community coordinator positions upon appropriation
- Mandates “meaningful civic engagement” in public decision-making process

AB 2108 Rationale.

- Low-income communities of color have historically been excluded from policy and permitting processes
- Low-income communities of color and tribal communities are disproportionately impacted by water quality pollution
- Environmental justice or tribal representation will reduce barriers to community engagement and mandate environmental justice considerations in the permitting process

Impacts to Metropolitan.

- Environmental justice, tribal impact, and racial equity considerations are consistent with Board-adopted priorities/policies
- Broad findings and ambiguous language may be interpreted as new authority for the State Board to reallocate water resources to address past injustices
- Possible impacts to DWR's State Water Project water rights

Suggested Amendments.

- Clarify the intent of legislation
- Replace ambiguous language
- Amend & clarify language on findings and regarding comments received in public processes
- Clarify no new regulatory/permitting authority granted
- Conforming amendments

Other Positions.

Support

- 50+ environmental groups
- California Federation of Teachers AFL-CIO
- Physicians for Social Responsibility - Los Angeles

Opposition

- Orange County Water District
- California Council for Environmental & Economic Balance

Opposition (unless amended)

- 12 agricultural interest groups
- California Building Industry Association
- California Chamber of Commerce
- State Building & Construction Trades Council of California

Board Options.

Option #1

Express support, if amended, for AB 2108
(Rivas, D-Hollister and Garcia, D-Bell
Gardens)

Option #2

Take no position on AB 2108

Staff Recommendation.

Option #1

Express support, if amended, for AB 2108
(Rivas, D-Hollister and Garcia, D-Bell
Gardens)



Express support, if amended, for AB 2108 (Rivas, D-Hollister;
C. Garcia, D-Bell Gardens): **water policy; environmental
justice; disadvantaged and tribal communities_**

Questions.

Chris Gabelich, WSO
Kathy Viatella, Legislative Services





● Report on Activities from Washington, D.C.

Summary

Report on Activities from Washington, D.C.

Purpose

(3) Informational

Attachments

Attachment #1 – July 2022 Federal Legislative Matrix

Detailed Report

Schedule

The House and Senate returned to session on July 11 after a two-week break for a last legislative sprint until Congress adjourns for the August recess. The House is scheduled to break for the summer on July 29 and the Senate on August 4.

Appropriations

The House Appropriations Committee worked in June to advance their Fiscal Year 2023 (FY 23) appropriations bills; the House remains on track to approve their bills before the August recess. The House bills are moving forward despite not having an agreement with the Senate on top line numbers for each appropriations bill.

The House Interior and Environment bill funds several federal agencies including the Environmental Protection Agency (EPA). The House bill proposes level funding for EPA's state revolving fund program, \$1.75 B for the clean water state revolving fund and \$1.13 B for the drinking water state revolving fund. This funding is in addition to the \$2.2 B each fund will receive in FY 23 from the Infrastructure Investment and Jobs Act.

Additionally, the House bill provides \$10 million for EPA's alternative water sources program. If enacted, this would be the first time the program receives funding and would provide a new source of grant funding for water recycling projects. Senator Alex Padilla (D-CA) championed the passage of this program in the Senate and his staff is working to secure similar funding in the Senate appropriations bill.

The House Energy and Water appropriations bill funds the Bureau of Reclamation (BOR) and other agencies. The bill provides \$1.75 billion for the BOR water and related resources account. This includes \$63 million for water recycling projects, \$134 million for water storage projects, and \$75 million for WaterSMART grants. This funding is in addition to the \$1.6 billion BOR will receive in FY 23 from the Infrastructure Investments and Jobs Act.

There is a long way until enactment and these numbers are likely to change; staff will provide updates as the process moves forward.

National Defense Authorization Act

The House and Senate have begun working on their respective versions of the National Defense Authorization Act of 2023. This bill authorizes Department of Defense (DoD) programs and activities

Board Report (Report on Activities from Washington, D.C.)

and is sometimes a vehicle to attach other legislation. In prior years, a broad range of issues/programs ranging from PFAS regulations to climate change programs have been added to the bill.

The House bill was marked up on June 22, and an amendment was adopted that would require DoD to remediate PFAS to the most stringent standard, including EPA's Health Advisories. Similar language failed to be incorporated in the final NDAA in FY 22 because of the impact of this provision on DoD's budget; staff will provide updates on the fate of this provision in this Congress.

The only PFAS provisions in the Senate version of the bill extends the authorization for an ongoing study on the health impacts of PFAS in drinking water being conducted by the Centers for Disease Control and Prevention.

Senate Energy and Natural Resources Hearing

The Commissioner of the Bureau of Reclamation Camille Touton, appeared before the Senate Energy and Natural Resources Committee on June 14 at a hearing entitled "Short- and Long-term Solutions to the Extreme Western Drought."

During her opening statement, the Commissioner said that Colorado River water users need to conserve an additional 2-4 million acre-feet of water per year starting in 2023 in order to protect critical elevations at Lake Powell and Lake Mead. In response to questions, she reported that the states have 60 days to come up with a plan and if they do not, the Department of Interior has the authority to act unilaterally to protect the system. This statement garnered a lot of Congressional interest.

Staff will monitor closely and provide an update if legislation is developed to help implement a new agreement or if the Department of Interior proceeds to act unilaterally.

Regulations

- The Administration released its latest regulatory agenda, laying out plans for the coming months and beyond on June 22. It includes two particularly notable items relating to water quality: EPA says it will propose a nation drinking water standard for PFOA and PFOS in December of this year and finalize the standards a year later.
- EPA also intends to release an Advance Notice of Proposed Rulemaking in which the Agency will seek public input on further PFAS-related designations under CERCLA. As examples, the Agency may request input regarding the potential hazardous substance designation of precursors to PFOA and PFOS; hazardous substance designation of additional PFAS; and designation, or designations of classes or sub-classes of PFAS as hazardous substances.

Conclusion

Staff continues to actively monitor and engage on Metropolitan policy and program priorities and will provide regular updates to the Board on these issues as they develop.

Metropolitan Water District of Southern California
Federal Legislative Matrix
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Topic	Bill / Author	Status	Title – Summary	MWD Position	Effects on MWD
Assistance for Disadvantaged Communities	H.R. 3293 (Rochester, D-DE)	7/2/21: Passed the House as part of H.R. 3684 (DeFazio, D-OR), Invest in America Act.	Low Income Water Customer Assistance Programs Act of 2021 Establishes programs to assist low-income households with their drinking water and wastewater bills.	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	This bill does not directly impact Metropolitan but would help its member agencies. It creates a voluntary EPA grant program to help water systems expand the scope of their existing ratepayer assistance programs or create new ones.
Conservation	H.R. 4647 (Huffman, D-CA) S. 2430 (Feinstein, D-CA)	11/19/21: Passed the House as part of H.R. 5376 (Yarmuth, D-KY), Build Back Better Act. 7/22/21: Referred to the Senate Committee on Finance.	Water Conservation Rebate Tax Parity Act Amends the Internal Revenue Code of 1986 to expand the exclusion for conservation subsidies to include water conservation or efficiency measures and storm water management measures.	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	This bill makes rebates that homeowners receive for water conservation improvements to their home, including smart irrigation systems and turf removal, exempt from federal taxes. If enacted Metropolitan and its member agencies would no longer need to provide tax forms at the end of the year to customers that have received \$600 or more in water conservation rebates.

Metropolitan Water District of Southern California
Federal Legislative Matrix
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Topic	Bill / Author	Status	Title – Summary	MWD Position	Effects on MWD
Conservation	H.R. 5438 (Cartwright, D-PA)	9/30/21: Referred to the House Committees on Energy and Commerce, Energy and Reform, and Ways and Means.	Water Advanced Technologies for Efficient Resource Use Act of 2021 Addresses federal procurement of WaterSense products, creates a grant program for water conservation incentives, and makes water conservation incentives federally non-taxable.	SUPPORT Based on Board-adopted January 2022 Federal Legislative Priorities	This bill authorizes a new grant program to help water agencies provide financial incentives to consumers for the purchase of WaterSense products. It also includes tax parity for water conservation measures. If enacted there could be some considerable water conservation effects in Metropolitan’s service territory, grants could be used to increase rebate amounts for smart irrigation controllers and customers who receive rebates over \$600 will not be taxed.
Conservation	H.R. 6088 Gallego, D-AZ) S. 3282 (Kelly, R-WV)	11/30/21: Referred to the House Committee on Energy and Natural Resources. 11/30/21: Referred to the Senate Committee on Environment and Public Works.	Water Infrastructure Modernization Act of 2021 Authorizes a new grant program to help wastewater and drinking water systems detect leaks and reduce water loss.	SUPPORT Based on Board-adopted January 2022 Federal Legislative Priorities	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.

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Topic	Bill / Author	Status	Title – Summary	MWD Position	Effects on MWD
Conservation	H.R. 7847 (McNerney, D-CA) S.4279 (Padilla, D-CA)	5/19/22: Referred to the House Committee on Energy and Natural Resources. 5/19/22: Referred to the Senate Environment and Public Works Committee	Water Efficiency, Conservation, and Sustainability Act of 2022 Creates new EPA grant programs for water efficiency and conservation measures,, water loss control programs, and water efficient plumbing code adoption.	SUPPORT Based on Board-adopted January 2022 Federal Legislative Priorities	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.	H.R. 866 (Calvert, R-CA)	3/3/21: Referred to the House Natural Resources Subcommittee on Water, Oceans and Wildlife.	Federally Integrated Species Health Act or the “FISH Act” Transfers the authority to oversee ESA-related responsibilities for anadromous fish from the Secretary of Commerce to the Secretary of the Interior.	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	This would simplify ESA consultations by consolidating those functions/authorities to one federal agency (US Fish and Wildlife Service) rather than two under the current law (the second being National Marine Fisheries Service). This would directly benefit Metropolitan's interests in the Delta related to SWP operations and facilities, as well as Delta islands activities.
Financing Tools for Water Infrastructure Projects	H.R. 535 (Garamendi, D-CA) S. 91 (Sinema, D-AZ)	1/28/21: Referred to the House Committees on Oversight Reform and Financial Services. 1/28/21: Referred to the Senate Committee on Finance.	Special Districts Provide Essential Services Act Allows special districts to access future federal funding to help offset costs associated with responding to the COVID-19 pandemic. It also defines special districts in federal statute for the first time.	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	Metropolitan and some of its member agencies would qualify as special districts under the Act. If additional funds are allocated to states to help offset costs associated with the COVID-19 pandemic, special districts would be eligible to receive funding.

Metropolitan Water District of Southern California
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Topic	Bill / Author	Status	Title – Summary	MWD Position	Effects on MWD
Financing Tools for Water Infrastructure	H.R. 1848 (Pallone, D-NJ)	11/15/21: Funding for PFAS removal and EPA’s State Revolving Funds included in the Infrastructure Investment and Jobs Act, Public Law 117-58.	Leading Infrastructure for Tomorrow’s America Act or the LIFT America Act To rebuild and modernize the Nation's infrastructure, rehabilitate drinking water infrastructure, modernize the electric grid and energy supply infrastructure.	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	This bill would positively impact Metropolitan and its member agencies. It reauthorizes EPA’s drinking water state revolving loan fund and establishes a grant program to provide capital funding for PFAS remediation, and lead service line replacement. It creates DOE programs to provide funding for enhanced physical and cybersecurity, accelerate the use of renewable energy and transition to zero-emission vehicle fleets.
Financing Tools for Water Infrastructure Projects	H.R. 1915 (DeFazio, D-OR)	11/19/21: Clean water SRF funding included in the Infrastructure Investment and Jobs Act, Public Law 117-58. Other provisions included in House passed H.R. 5376 (Yarmuth, D-KY), Build Back Better Act.	Water Quality Protection and Job Creation Act of 2021 Authorizes \$50 billion in investment over 5 years for wastewater and stormwater infrastructure improvements.	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	This bill would benefit Metropolitan and its member agencies by authorizing increased funding for EPA’s clean water state revolving fund and other wastewater and stormwater programs. It also authorizes \$1 billion in grants to implement treatment standards for PFAS and other emerging contaminants.
Financing Tools for Water Infrastructure Projects	H.R. 3282 (McKinley, R-WV)	5/17/21: Referred to the House Committees on Energy and Commerce and Transportation and Infrastructure.	Drinking Water Funding for the Future Act of 2021 To reauthorize funding for EPA drinking water programs under the Safe Drinking Water Act and America's Water Infrastructure Act of 2018.	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	This bill would benefit Metropolitan and its member agencies by reauthorizing numerous EPA water infrastructure programs including the drinking water state revolving fund, WIFIA, the lead testing in school programs, and workforce development program.

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Topic	Bill / Author	Status	Title – Summary	MWD Position	Effects on MWD
Financing Tools for Water Infrastructure Projects	H.R. 3404 (Huffman, D-CA)	5/21/21: Referred to the House Committees on Energy and Commerce, Judiciary, Natural Resources, Science, Space and Technology, and Transportation and Infrastructure.	Furthering Underutilized Technologies and Unleashing Responsible Expenditures (FUTURE) Western Water Infrastructure and Drought Resiliency Act The bill authorizes funding for water infrastructure projects, including storage, recycling, and desalination projects, in Reclamation states. It also creates a new Reclamation program to help underserved communities have access to drinking water, authorizes investments to improve the use of technology and data in water forecasting, provides tax parity for water conservation and efficiency measures, and authorizes habitat restoration funding.	SUPPORT AND AMEND Based on Board-adopted January 2021 Federal Legislative Priorities	Metropolitan and its member agencies would benefit from numerous provisions in this bill including the additional funding for water recycling projects, tax parity for water conservation and efficiency measures, and new financing mechanism for water projects including habitat restoration and dam safety. Metropolitan is seeking amendments to ensure groundwater and surface storage projects have access to federal funding.
Financing Tools for Water Infrastructure Projects	H.R. 4099 (Napolitano, D-CA) S. 2334 (Cortez Masto, D-NV)	11/15/21: Included in the Infrastructure Investment and Jobs Act, Public Law 117-58. 5/25/22: Hearing held before the Senate Energy and Natural Resources Subcommittee on Water and Power.	Large Scale Water Recycling Project Investment Act Directs the Secretary of the Interior to establish a competitive grant program for the planning, design, and construction of large-scale water recycling and reclamation projects that provide substantial water supply and other benefits to drought stricken regions within the Reclamation States.	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	This bill would benefit Metropolitan and our member agencies by authorizing a new Reclamation program to provide funding for the Regional Recycled Water Project and other large-scale recycled water projects. This new program would provide more federal financial assistance for recycled water projects than is available through the current Title XVI, water recycling program.

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Topic	Bill / Author	Status	Title – Summary	MWD Position	Effects on MWD
Financing Tools for Water Infrastructure Projects	H.R. 7776 (DeFazio, D-OR) S. 4136 (Carper, D-DE)	6/9/22: Passed House 6/08/22, 392-28. 5/04/22: Approved by the Senate Environment and Public Works Committee.	Water Resources Development Act of 2022 Authorizes U.S. Army Corps of Engineers (Corps) to carry out water resources development projects and studies; and provides policy direction to the Corps for implementation of its civil works mission.	SUPPORT Based on Board-adopted January 2022 Federal Legislative Priorities	While this bill does not impact Metropolitan directly, it authorizes projects and feasibility studies for some of our member agencies. Additionally, there are several provisions that could be beneficial to Metropolitan including a study of Corps reservoirs in arid Western states to evaluate opportunities to improve water supply, respond to drought, and prepare for climate change.
Financing Tools for Water Infrastructure Projects	S. 479 (Wicker, R-MS)	2/25/21: Referred to the Senate Committee on Finance.	Lifting Our Communities through Advance Liquidity for Infrastructure Act or the LOCAL Infrastructure Act To amend the Internal Revenue Code of 1986 to reinstate advance refunding bonds	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	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	S.914 (Duckworth, D-IL)	4/29/21: Passed the Senate, 89-2. 11/15/21: Included in the Infrastructure Investment and Jobs Act, Public Law 117-58.	Drinking Water and Wastewater Infrastructure Act of 2021 Authorizes \$35 billion in investment over 5 years for drinking water and wastewater infrastructure improvements.	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	This bill would benefit Metropolitan and its member agencies by authorizing increased funding for numerous EPA programs including the clean water and drinking water state revolving fund program, WIFIA, an infrastructure resiliency and sustainability program, and a grant program to remove lead service lines.

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Topic	Bill / Author	Status	Title – Summary	MWD Position	Effects on MWD
Financing Tools for Water Infrastructure Projects	S. 2454 (Padilla, D-CA)	7/22/21: Referred to the Senate Committee on Environment and Public Works.	Water Reuse and Resiliency Act of 2021 Authorizes \$1 billion over five years for the EPA’s Pilot Program for Alternative Water Source Projects grants program.	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	This bill would benefit Metropolitan and its member agency by authorizing increased funding for an EPA program to provide grants for water recycling and stormwater management projects.
Financing Tools for Water Infrastructure Projects	S. 4231 (Feinstein, D-CA)	5/25/22: Hearing held before the Senate Energy and Natural Resources Subcommittee on Water and Power.	Support To Rehydrate the Environment, Agriculture, and Municipalities Act” or the “STREAM Act 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.	SUPPORT Based on Board-adopted January 2022 Federal Legislative Priorities	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 new program could support Metropolitan’s science projects in

Metropolitan Water District of Southern California
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Topic	Bill / Author	Status	Title – Summary	MWD Position	Effects on MWD
Financing Tools for Water Infrastructure Projects	S. 4494 (Cortez-Mastro, D-NV)	6/23/22: Referred to the House Committee on Energy and Natural Resources.	Facilitating Large-Scale Water Recycling and Reuse Projects Act Amends the Infrastructure Investment and Jobs Act to provide for an additional authorization of appropriations for the large-scale recycled water program and repeal the termination of authority for that program..	SUPPORT Based on Board-adopted January 2022 Federal Legislative Priorities	This bill permanently establishes Reclamation’s large-scale recycling water program. This change will allow Metropolitan to better utilize the program to help fund the Pure Water Southern California project. It also authorizes an additional \$500 million for the program.
Source Water Protection	H.R. 1881 (Garamendi, D-CA)	3/15/21: Referred to the House Transportation and Infrastructure Subcommittee on Water Resources and Environment	Federal Water Pollution Control Permitting Terms Amends the Federal Water Pollution Control Act with respect to permitting terms.	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	This legislation would extend the maximum term for National Pollutant Discharge Elimination System (NPDES) permits issued under the Clean Water Act from 5 to 10 years, for public agencies that have demonstrated compliance with existing permit conditions. This changed is designed to better reflect the construction schedules for public agencies.
Source Water Protection	H.R. 2008 (Craig, D-MN) S. 29 (Klobuchar, D-MN)	6/15/21: Passed the House, referred to the Senate Committee on Environment and Public Works. 1/22/21: Referred to the Senate Committee on Environment and Public Works.	Local Water Protection Act Amends the Federal Water Pollution Control Act (Clean Water Act) to reauthorize through FY25 a grant program to help states manage nonpoint source water pollution or protect groundwater quality. Authorizes \$200 million per year for this program.	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	This bill would benefit Metropolitan and its member agencies by providing funding to help address non-point source pollution. Pollutants commonly associated with non-point sources include nutrients and pesticides. According to EPA, more than 40 percent of all impaired waters were affected solely by nonpoint sources, while less than 10 percent of water quality criteria exceedances were caused by point source discharges alone.

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Topic	Bill / Author	Status	Title – Summary	MWD Position	Effects on MWD
Source Water Protection	H.R. 2682 (Crow, D-CO) S. 1248 (Bennet, D-CO)	6/15/21: Referred to the House Agriculture Subcommittee on Conservation and Forestry. 4/20/21: Referred to the Senate Committee on Agriculture, Nutrition, and Forestry	Outdoor Restoration Partnership Act 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.	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	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	H.R. 3534 (Panetta, D-CA) S. 2806 Feinstein, D-CA)	7/7/21: Referred to the House Agriculture Subcommittee on Conservation and Forestry. 10/21/21: Hearing held before the Senate Committee on Energy and Natural Resources.	Wildfire Emergency Act of 2021 Provides for programs and activities in support of forest restoration, wildfire mitigation, and energy resilience.	SUPPORT Based on Board-adopted January 2022 Federal Legislative Priorities	This bill has water supply, water quality, and ecosystem benefits for the Colorado River watershed and State Water Project watershed. Proper forest management and wildfire prevention promotes runoff, helps protect water quality, and improves habitat.

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Topic	Bill / Author	Status	Title – Summary	MWD Position	Effects on MWD
Water Infrastructure Improvements for the Nation (WIIN) Updates.	H.R. 1015 (Napolitano, D-CA)	11/15/21: \$500 million for water recycling projects included in the Infrastructure Investment and Jobs Act, Public Law 117-58.	Water Recycling Investment and Improvement Act Authorizes an increase in federal funding for the water recycling program created in the WIIN Act from \$50M to \$500M, raises the cap in federal funding from \$20M to \$30M per project, makes the program permanent by removing the 2021 expiration date, and removes the requirement that approved projects to be specifically named in appropriation legislation.	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	A ten-fold increase in federal funding for water recycling projects could have a significant effect on Metropolitan and its member agencies with funding to significantly accelerate the development of recycled water projects that, once completed, would reduce or offset the need for new imported water supplies.
Water Infrastructure Improvements for the Nation (WIIN) Updates.	H.R. 1563 (Garcia, R-CA)	3/3/21: Referred to the House Committee on Natural Resources.	To Extend Authorities Under the Water Infrastructure Improvements for the Nation Act Extends the WIIN Act programs funding storage projects, water recycling projects, and desalination projects for seven years. Authorizes these programs at funding levels consistent with prior years: \$134 million/year for storage, \$20 million/year for recycling, and \$12 million/year for desalination.	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	This bill would benefit Metropolitan and its member agencies by providing funding for a variety of water infrastructure projects. Without an extension these Reclamation programs will expire at the end of the year.

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Topic	Bill / Author	Status	Title – Summary	MWD Position	Effects on MWD
Water Project Authorizations	H.R. 2552 (Costa, D-CA) S. 1179 (Feinstein, D-CA)	4/15/21: Referred to the House Committee on Natural Resources. 5/25/22: Hearing held before the Senate Energy and Natural Resources Subcommittee on Water and Power.	Canal Conveyance Capacity Restoration Act This bill authorizes the Bureau of Reclamation to provide financial assistance to mitigate the impacts of subsidence on California’s water delivery system.	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	This legislation would authorize repairs to the Friant-Kern Canal, Delta-Mendota Canal, and California Aqueduct to restore conveyance capacity lost due to subsidence.
Water Science	H.R. 4832 (Lee, D-NV) S. 2568 (Cortez-Mastro, D-NV)	11/5/21: Hearing held before the House Natural Resources Subcommittee on Water, Oceans, and Wildlife. 6/7/22: Hearing held before the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining.	Open Access Evapotranspiration Data Act 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 \$14 million per year for five years for this program.	SUPPORT Based on Board-adopted January 2021 Federal Legislative Priorities	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. Metropolitan could use this data to study water use trends, verify partner compliance with the terms of new and existing agricultural conservation programs, and measure the water supply benefits from such programs.



● Report on Activities from Sacramento

Summary

This letter provides information on state legislative activities.

Purpose

(3) Informational

Attachments

Attachment #1 – July 2022 State Legislative Matrix

Detailed Report

State Budget Update

Last month, the Legislature passed the main budget bill AB 154 (Ting, D-San Francisco). Since then, the Legislature passed and the Governor has signed two additional budget bills, called “budget bill juniors,” AB 178 (Ting, D-San Francisco) and AB 180 (Ting, D-San Francisco), along with 27 budget trailer bills that enact the full budget of both houses and the Newsom Administration.

Negotiations on a full drought and climate resiliency package are ongoing, and another budget trailer bill is expected with those details in August. This presents an opportunity for continued advocacy to increase funding in the budget for Southern California’s priorities focused on emergency drought mitigation projects, conservation, recycled water, and PFAS treatment.

The initial funding for drought and climate resiliency summarized below:

Overview of the drought and climate resiliency funding highlights in 2022-23 budget:

- \$300 million urban and small community drought relief
- \$100 million for urban and small supplier conservation
- \$75 million for turf replacement
- \$50 million for Department of Water Resources Save Our Water Campaign
- \$100 million for recycling
- \$50 million for PFAS reporting and treatment
- \$60 million for SGMA implementation
- \$100 million for conveyance repairs

The Legislature also appropriated \$2.2 billion for a Strategic Reliability Reserve (Reserve) to be administered by DWR to support electric grid reliability during the summer months until 2030. AB 205 (Committee on Budget), a complimentary energy budget trailer bill, was enacted and authorizes DWR to use the Reserve to contract for, purchase, finance, or otherwise secure electrical generation, subject to the California Energy Commission’s approval, to create additional capacity during extreme energy grid events. The bill contains language protecting the State Water Contractors from any financial liability. Environmental groups opposed the new authority granted DWR to potentially invest in fossil fuel assets, such as extending the life of once-through cooling plants slated to close in 2023. Local government groups opposed the bill because it takes away their local permitting authority. There is likely to be clean up legislation in August to address these concerns.

Board Report (Report on Activities from Sacramento)

Legislative Update

The Legislature started summer recess on June 30. Before departing, they finalized policy bill hearings. When they return on August 1, the Appropriations committees will resume hearing bills and the last two weeks of August will be devoted to floor sessions. Both Metropolitan-sponsored bills SB 230 (Portantino, D-La Cañada Flintridge) on constituents of emerging concern in drinking water and AB 1845 (Calderon, D-Whittier) on alternative delivery methods passed unanimously out of the policy committee hearings and were referred to Appropriations Committees where they will be heard in August.

Metropolitan is working through the State Water Contractors on amendments to SB 1020 (Laird, D-Santa Cruz; Caballero, D-Merced; Durazo, D-Los Angeles; and Atkins, D-San Diego): The Clean Energy, Jobs and Affordability Act of 2022 that would require DWR to achieve 100 percent renewables or carbon free resources to power the State Water Project by 2030 rather than 2045. General Manager Hagekhalil sent a letter to the bill's authors expressing concern regarding the bill's cost to the State Water Contractors, which DWR estimates would be an additional \$2.6 billion; Metropolitan's share would be \$130 million a year. These significant costs would be difficult to absorb while trying to meet other infrastructure needs and maintain affordability. Metropolitan is advocating for state financial assistance to help DWR cover the cost to procure new, renewable or carbon free resources to protect ratepayers.

The Sacramento team is monitoring two bills that could impact retail water agencies. SB 1157 (Hertzberg, D-Los Angeles) that would lower the indoor water use standard was amended in Assembly Water, Parks, and Wildlife Committee on June 16 to require further study on the economic benefit and impacts of lowering the standard to 42 gallons per capita per day in 2030. In addition, the bill now requires the State Water Board to consider whether to adopt additional variances to accommodate unique challenges to water and wastewater operations. Most of the trade associations have moved to a watch position on the bill. ACWA remains opposed unless the bill is amended.

SB 222 (Dodd, D-Napa) that would create a statewide water rate assistance program was pulled off the Assembly Floor inactive file and amended on June 23 to move the administration of such a program from the California Department of Community Services and Development to the State Water Board. There are several provisions in the bill that concern retail water agencies, including the cost and ability of the State Water Board to administer such a program, the ability of the State Water Board to maintain confidentiality of customer records, and the lack of a dedicated funding source.

Election Update

Two new members have joined the Assembly after the June 7 Special Election. Tina McKinnor, a Democrat, has been sworn and will represent Assembly District 62, which includes Inglewood and the South Bay communities of Los Angeles County. David Alvarez, also a Democrat, was sworn in and will represent Assembly District 80, which is wholly within San Diego County. The addition of these two members brings the California Legislature back to full capacity with 120 members between both houses.

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Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
Metropolitan-sponsored bills	SB 230 Portantino (D) Sponsors: Metropolitan and the California Municipal Utilities Association (CMUA)	Amended 6/22/2022 Assembly Appropriations Committee Hearing: August 3, 2022	State Water Resources Control Board: Constituents of Emerging Concern Program Seeks to expand statewide knowledge of Constituents of Emerging Concern (CECs) in drinking water sources and recommend CECs for further regulatory action.	CO-SPONSOR Based on October 2019 Board Action	Metropolitan and CMUA are co-sponsoring legislation in response to growing public concern about CECs in drinking water. The bill would require the State Water Board to build its knowledge of Constituents of Emerging Concern (CECs) in drinking water and authorizes the Board to convene a Science Advisory Panel to review and provide information on CECs for further regulatory action. The bill authorizes the Board to establish a consistent and science-based approach for assessing the public health and drinking water consequences of CECs, with the intent to improve knowledge and future regulatory determinations. The bill requires the State Water Board to present a final report to the Legislature. The recent amendments add PFAS back into the program and gives the State Water board more flexibility to determine if they need to establish a Science Advisory Panel or if they can build on existing efforts to

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					evaluate CECs in freshwater ecosystems.
Metropolitan-sponsored bills	AB 1845 Calderon (D) Sponsor: Metropolitan	Amended 6/16/2022 Senate Appropriations Committee Hearing: August 1, 2022	Metropolitan Water District of Southern California: alternative project delivery methods Allows the Metropolitan Water District of Southern California to use alternative project delivery methods for the design and construction of a Regional Recycling Water Program and a limited set of drought-related projects.	SPONSOR	Metropolitan is limited to the traditional Design-Bid-Build method for delivery of public works construction contracts which can be inefficient and inflexible for large, time-sensitive, and complex projects like its Regional Recycled Water Program and emergency drought mitigation projects. The bill would amend the Public Contracting Code to permit Metropolitan to use Design-Build, Progressive Design-Build, and Construction Manager/General Contractor. These methods have the potential to expedite construction of critical new water infrastructure projects and reduce their overall costs. The recent amendments seek to clarify the process for progressive design build and specify liability protections for subcontractors and designers.
Delta/State Water Project	SB 832 Dodd (D) Sponsor: Author	Amended 4/6/2022 Senate Appropriations	Water rights: measurement of diversion Clarifies existing law that a person diverting 10 acre-feet or more of water per year under a	SUPPORT Based upon Board-adopted 2022 Legislative	Metropolitan supports metering and reporting of diversions to prevent unlawful diversion of State Water Project supplies in the Delta and other locations that may lead to additional regulatory burdens. Metropolitan is

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		Committee - Suspense File Held in Committee	registration is subject to existing water diversion measurement, recording, and reporting requirements. Also, authorize the State Water Board to modify water diversion measurement requirements to allow open satellite data methods to estimate evapotranspiration if the board makes certain findings regarding use of water for irrigation.	Priorities and Principles	installing meters on its Delta Islands to comply with existing statutory requirements. While OpenET would be a useful tool for water management and could be used as an indicator of unlawful diversions in the Delta, it is a new methodology for California. The bill requires the State Water Board to conduct a five-year study to determine the adequacy of evapotranspiration methods as a substitute for conventional metering methods to comply with State Water Board reporting requirements.
Design-Build	SB 991 Newman (D) Sponsors: Water Collaborative Delivery Association (formerly Design Build Council)	Amended 6/20/2022 Assembly Appropriations Committee Hearing: August 3, 2022	Public contracts: progressive design-build: local agencies Authorize local water and wastewater agencies to use the progressive design-build (PDB) project delivery method for public works projects in excess of \$5 million.	SUPPORT Based on April 2022 Board Action	SB 991 could benefit water agencies, including Metropolitan, by providing the option to use progressive design-build, which allows for greater collaboration between the project owner and the contractor through the design and construction phase thereby reducing project costs, risk, and schedules. The June 6 amendments clarify the process for amending a contract between the owner and the design build entity and specifies that, if the design build entity is replaced, the design professionals working for the design build entity have sole

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					responsibility for the any errors and omissions in the design. The recent amendments clarify that local agencies can use the progressive design build authority on up to 15 projects.
Governance	AB 2449 B. Rubio (D) Sponsor: Three Valleys Municipal Water District	Amended 6/30/2022 Senate Floor	Open meetings: local agencies: teleconferences Amends the Ralph M. Brown Act to allow a local agency to voluntarily use teleconferencing for public meetings during non-emergencies. Requires a quorum of the members meet in person at a noticed location that is open to the public and within the agency's jurisdiction. The bill prescribes requirements for this exception related to notice, agendas, means and manner of access, and procedures for disruptions. Requires procedures for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law. Requires a quorum of the legislative body present at the location noticed on the agenda, an	SUPPORT Based on April 2021 Board Action	Metropolitan currently hosts teleconferencing public meetings in accordance with Executive Order, N-29-20. AB 2449 allows the option to hold teleconferenced meetings into the future after the COVID-19 public health emergency is over and the Executive Order is lifted as long as a quorum of the Board's directors participate in person, give notice and post agendas as prescribed, ensure that directors attending meeting by teleconference participate through both audio and visual technology, and allow the public to address the Board in person or by teleconference. Waives the requirement to post an agenda at each teleconferenced location based on prescribed requirements. If there is a disruption to the call-in or streaming options, then no action can be taken by the board. The recent amendments to the bill are technical and clarifying in nature.

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			audio and video live-feed of the remote member of the legislative body during the meeting.		
Regulatory Reform	AB 2313 Bloom (D) Sponsor: Author	Amended 6/30/2022 Senate Appropriations Committee	Water: judges and adjudications Would require the Judicial Council on or before January 1, 2025 to establish a program that provides training and education to judges in specified actions relating to water quality, groundwater, water transfers and water rights. Allows parties to file a notice for a water case to be assigned to a judge who has been through the training. Also requires the Judicial Council to identify independent and nonpartisan experts in water issues who will be available to any judge adjudicating a water dispute and authorizes judges to appoint special masters in water cases to investigate technical and legal issues among other duties.	SUPPORT Based upon Board-adopted 2022 Legislative Priorities and Principles	Metropolitan's interests in enforcement of water quality law and water rights would be better served by judges, court staff, and special masters who have received training in the legal, scientific, and technical issues involving water quality, water rights and water transfers.
Regulatory Reform	SB 1065 Eggman (D)	Amended 6/22/2022	California Abandoned and Derelict Commercial Vessel Program	SUPPORT	SB 1065 will benefit water quality in the Bay Delta as abandoned and derelict vessels may cause sewage

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	Sponsor: Author	Assembly Appropriations Committee Hearing: August 3, 2022	Establishes the California Abandoned and Derelict Commercial Vessel Program within the Natural Resources Agency to bring federal, state, and local agencies together to identify, prioritize and, upon appropriation, fund the removal of abandoned and derelict commercial vessels from waters of the state.		contamination and leakage of fuels and lubricants. Studies have shown that abandoned and derelict vessels are one of the stressors to the Delta and its species. SB 1065 would also provide protection to Metropolitan properties in the Delta in the event any vessel happens to be abandoned in any of the waters surrounding Metropolitan's Delta Islands. The recent amendments require the Natural Resources Agency develop a plan to address abandoned and derelict commercial vessels in state waters by July 1, 2025.
Water Bond Infrastructure Funding	SB 559 Hurtado (D) Sponsors: Friant Water Authority, San Luis & Delta Mendota Water Authority, and State Water Contractors	Amended 8/30/2021 Assembly Inactive Two-year bill	Department of Water Resources: water conveyance systems: Canal Conveyance Capacity Restoration Fund Establishes the Canal Conveyance Capacity Restoration Fund that would upon appropriation provide up to \$785 million for the Department of Water Resources (DWR) to help pay for subsidence repairs to the State Water Project and Central Valley Project water conveyance	WATCH Based upon Board adopted 2021 State Legislative Priorities and Principles	Portions of the California Aqueduct, the Friant Kern Canal and the Delta Mendota Canal have lost capacity due to subsidence. The Fund would upon appropriation provide funding to DWR to support a 10-year program to restore the capacity of the canals and ensure a more secure water supply. Funds could be used to cover one-third of the cost to restore the capacity of the canals. A federal companion bill is envisioned that would provide one-third the cost and local partners would contribute the remaining one-third of the cost. The creation of the Fund is

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			systems and for necessary road and bridge upgrades.		contingent upon all the following: an appropriation of funds; an agreement is executed to provide for local cost share; and the provision of adequate cost share as determined by the DWR Director. The August 8 Assembly Amendments are problematic causing the State Water Contractors and Metropolitan to withdraw support for the bill.
Water Conservation	AB 2142 Gabriel (D) Sponsor: Association of California Water Agencies California Water Efficiency Partnership WaterNow Alliance	Amended 4/6/2022 Senate Appropriations Committee – Suspense File	Income taxes: exclusion: turf replacement water conservation program. Would provide an exclusion from gross income for any amount received as a rebate, voucher or other financial incentive issued by a local water agency or supplier for participation in a turf replacement water conservation program during the taxable years of January 1, 2022 through January 1, 2027.	SUPPORT Based upon Board adopted 2022 Legislative Priorities and Principles	Metropolitan previously supported the Making Conservation a Way of Life legislation and is working hard to promote indoor and outdoor conservation. Conservation rebates are key to success. California law previously exempted turf rebates from taxable income, but those provisions were allowed to sunset in December 2019. This bill would reinstate an important tax exemption for turf replacement rebates from gross income in California, aligning it with certain other permanently exempt efficiency rebates.
Water Quality	AB 1817 Ting (D)	Amended 6/30/2022	Product safety: textile articles: perfluoroalkyl and polyfluoroalkyl (PFAS).	SUPPORT	Metropolitan supports the removal or reduction of PFAS in manufactured products in order to protect source

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	<p>Sponsors:</p> <p>Breast Cancer Prevention Partners, Natural Resources Defense Council, and Clean Water Action</p>	Senate Third Reading	Prohibits as of January 1, 2025, any person from manufacturing, distributing, selling, or offering for sale in California any textile articles that contain “regulated PFAS” as defined, and requires the manufacturer to use the least toxic alternative to regulated PFAS.	Based upon Board adopted 2022 Legislative Priorities and Principles	water quality. The May 9 amendments excludes from the PFAS prohibition certain textiles, e.g. personal protective equipment, and requires a manufacturer of textiles that contains PFAS to provide a person selling the product a certificate of compliance stating the textile product complies with the PFAS prohibition. The Senate Environmental Quality Committee amended the bill to exempt certain textiles or grant longer compliance periods to address concerns regarding the lack of an adequate PFAS substitute for some textiles.
Water Quality	<p>AB 2247 Bloom (D)</p> <p>Sponsors:</p> <p>Environmental Working Group, Clean Water Action, and California Association of Sanitation Agencies</p>	<p>Amended 5/19/2022</p> <p>Senate Appropriations Committee</p> <p>Hearing: August 1, 2022</p>	<p>Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products and product components: publicly accessible reporting platform.</p> <p>Requires the Department of Toxic Substances Control to develop a publicly accessible reporting platform to collect information about PFAS and products containing intentionally added PFAS by January 1, 2025. By</p>	<p>SUPPORT</p> <p>Based upon Board adopted 2022 Legislative Priorities and Principles</p>	Metropolitan supports the removal or reduction of PFAS in manufactured products to protect source water quality. The May 19 amendments reflect Metropolitan’s efforts to work with the sponsors to change the term “regulated PFAS” to “intentionally added PFAS.”

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			July 1, 2025, manufactures will be required to register the PFAS or product containing intentionally added PFAS on the reporting platform.		
Water quality	AB 2771 Friedman (D) Sponsors: Environmental Working Group, Breast Cancer Prevention Partners, The California Public Research Group (CALPIRG)	Amended 6/13/2022 Senate Third Reading	Cosmetic products: safety Prohibits a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains PFAS.	SUPPORT Based upon Board adopted 2022 Legislative Priorities and Principles	Metropolitan supports the removal or reduction of PFAS in manufactured products to protect source water quality. The recent amendments set January 1, 2025, when the prohibition would go into effect.
Water Quality	SB 1124 Archuleta (D) Sponsor: Author	Amended 6/23/2022 Assembly Appropriations Committee Hearing:	Public health goal: primary drinking water standard: manganese Requires, on or before July 1, 2023, the Office of Environmental Health Hazard Assessment (OEHHA) to prepare a public health goal for manganese. Requires the state board, after OEHHA publishes a	OPPOSE UNLESS AMENDED Based upon Board adopted 2022 Legislative Priorities and Principles	SB 1124, as introduced, sought to ensure safe and reliable water in the Central Basin. The bill was amended in the Senate to require the State Water Board develop a primary drinking water standard for manganese. There is currently a secondary drinking water standard for manganese of 0.05-mg/L to address aesthetics (discoloration) issues, not

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		August 3, 2022	public health goal for manganese, to adopt a primary drinking water standard.		<p>health concerns. Metropolitan supports efforts to ensure all communities have a safe and reliable water supply by setting drinking water standards through the normal regulatory process. The bill circumvents that process and could compromise a rigorous scientific process backed by data and stakeholder engagement.</p> <p>The recent amendments are clarifying and technical in nature.</p>
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