

**LAS VIRGENES - TRIUNFO  
JOINT POWERS AUTHORITY  
AGENDA**

**4232 Las Virgenes Road, Calabasas, CA 91302**

**February 7, 2022, 5:00 PM**

Public Participation for Meetings of Las Virgenes - Triunfo Joint Powers Authority in Response to COVID- 19

Pursuant to AB-361 (Government Code Section 54953(e)), the Las Virgenes - Triunfo Joint Powers Authority Board of Directors finds health concerns dictate offering the public and directors the opportunity to attend board meetings via teleconferencing.

**PUBLIC PARTICIPATION:** Pursuant to AB-361 and given the current health concerns, this meeting is being conducted via Zoom Webinar and all attendees are muted by default. To join via computer, please use the following Zoom Webinar ID:

Webinar ID:<https://us06web.zoom.us/j/89858364292>

To join by telephone, please dial (669) 900-6833 or (346) 248-7799 and enter Webinar ID: 898 5836 4292

For members of the public wishing to address the Board during Public Comment or during a specific agenda item, please press "Raise Hand" if you are joining via computer, or press \*9 if you are joining via phone.

Members of the public can also access and request to speak at meetings live on-line, with audio and limited video, at [www.LVMWD.com/JPALiveStream](http://www.LVMWD.com/JPALiveStream). In addition, members of the public can submit written comments electronically for consideration at [www.LVMWD.com/JPALiveStream](http://www.LVMWD.com/JPALiveStream). To ensure distribution to the members of the Las Virgenes - Triunfo Joint Powers Authority Board of Directors prior to consideration of the agenda, please submit comments 24 hours prior to the day of the meeting. Those comments, as well as any comments received after 5:00 P.M., will be distributed to the members of the Board of Directors and will be made part of the official public record of the meeting. Contact Josie Guzman, Executive Assistant/Clerk of the Board at (818) 251-2123 or [jguzman@lvmwd.com](mailto:jguzman@lvmwd.com) with any questions.

**ACCESSIBILITY:** If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, in order to observe and/or offer public comment may request such reasonable modification, accommodation, aid, or service by contacting the Executive Assistant/Clerk of the Board by telephone at (818) 251-2123 or via email to [jguzman@lvmwd.com](mailto:jguzman@lvmwd.com) no later than 8:00 AM on the day of the scheduled meeting.

Members of the public wishing to address the Las Virgenes-Triunfo Joint Powers Authority (JPA) Board of Directors are advised that a statement of Public Comment Protocols is available from the Clerk of the Board. Prior to speaking, each speaker is asked to review these protocols, complete a speakers' card, and hand it to the Clerk of the Board. Speakers will be recognized in the order the cards are received.

The Public Comments agenda item is presented to allow the public to address the Board on matters not on the agenda. The public may also present comments on matters on the agenda; speakers for agendized items will be recognized at the time the item is called up for discussion.

Materials prepared by the JPA in connection with the subject matter on the agenda are available for public inspection at 4232 Las Virgenes Road, Calabasas, CA 91302. Materials prepared by the JPA and distributed to the Board during this meeting are available for public inspection at the meeting or as soon thereafter as possible. Materials presented to the Board by the public will be maintained as part of the records of these proceedings and are available upon request to the Clerk of the Board.

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## **PLEDGE OF ALLEGIANCE**

### **1 CALL TO ORDER AND ROLL CALL**

### **2 CHAIR/VICE CHAIR**

#### **A Annual Transition of JPA Chair and Vice Chair (Pg. 5)**

Recognize Las Virgenes Municipal Water District Board President Jay Lewitt as Chair of the Las Virgenes-Triunfo Joint Powers Authority and Triunfo Water & Sanitation District Chair Leon E. Shapiro as Vice Chair of the Las Virgenes-Triunfo Joint Powers Authority for calendar year 2022.

### **3 APPROVAL OF AGENDA AND ADOPTION OF RESOLUTION NO. 16 (AB 361) REAUTHORIZING THE REVISED USE OF TELECONFERENCING (Pg. 6)**

#### **A Approval of Agenda and Reauthorization of Revised Use of Teleconferencing for Public Meetings**

Approve the agenda and pass, approve and adopt proposed Resolution No. 16, reauthorizing the revised use of teleconferencing for public meetings pursuant to the Brown Act provisions enacted by Assembly Bill 361.

#### **RESOLUTION NO. 16**

#### **A RESOLUTION OF THE GOVERNING BOARD OF THE LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY REAUTHORIZING THE REVISED USE OF TELECONFERENCING FOR PUBLIC MEETINGS**

(Reference is hereby made to Resolution No. 16 on file in the JPA's Resolution

Book and by this reference the same is incorporated herein.)

#### **4 PUBLIC COMMENTS**

Members of the public may now address the Board of Directors **ON MATTERS NOT APPEARING ON THE AGENDA**, but within the jurisdiction of the Board. No action shall be taken on any matter not appearing on the agenda unless authorized by Subdivision (b) of Government Code Section 54954.2

#### **5 CONSENT CALENDAR**

Matters listed under the Consent Calendar are considered to be routine, non-controversial and normally approved with one motion. If discussion is requested by a member of the Board on any Consent Calendar item, or if a member of the public wishes to comment on an item, that item will be removed from the Consent Calendar for separate action.

##### **A Minutes: Regular Meeting of December 6, 2021 (Pg. 12)**

Approve.

##### **B Budget Planning Calendar for Fiscal Years 2022-23 and 2023-24 (Pg. 22)**

Receive and file the Budget Planning Calendar for Fiscal Years 2022-23 and 2023-24.

##### **C Statement of Revenues, Expenses and Changes in Net Position: December 2021 (Pg. 24)**

Receive and file the Statement of Revenues, Expenses and Changes in Net Position for the period ending December 31, 2021.

#### **6 ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS**

##### **A State and Federal Legislative Update (Pg. 27)**

##### **B Pure Water Project Las Virgenes-Triunfo: Update (Pg. 97)**

#### **7 ACTION ITEMS**

##### **A Independent Auditing Services: Award (Pg. 103)**

Accept the proposal from RAMS, and authorize the Administering Agent/General Manager to execute a three-year professional services agreement, in the annual amount of \$3,850 for the first three years, with two one-year renewal options using a 3% annual escalator, to provide independent audit services.

##### **B Malibou Lake Siphon Rehabilitation Project: Award of Design (Pg. 135)**

Accept the proposal from HDR Consulting, Inc., and authorize the Administering Agent/General Manager to execute a professional services agreement, in the amount of \$239,400, to complete the preliminary engineering and final design for the Malibou Lake Siphon Rehabilitation Project.

##### **C Tapia Summer Season TMDL Compliance Project: Scope Change for Biological Monitoring (Pg. 152)**

Authorize the Administering Agent/General Manager to approve a scope change with Padre Associates, in the amount of \$46,750, for additional environmental monitoring required during construction of the Tapia Summer Season TMDL Compliance Project.

**D Tapia Water Reclamation Facility Chloride Time Schedule Order Extension: Development of Site-Specific Objective (Pg. 157)**

Accept the proposal from Larry Walker Associates, Inc., and authorize the Administering Agent/General Manager to execute a professional services agreement, in the amount of \$71,000, for development of the site-specific objective.

**8 BOARD COMMENTS**

**9 ADMINISTERING AGENT/GENERAL MANAGER REPORT**

**10 FUTURE AGENDA ITEMS**

**11 INFORMATION ITEMS**

**A State and Federal Redistricting: Final Maps (Pg. 166)**

**B U.S. Bureau of Reclamation WaterSMART Title XVI WIIN Act: Grant Opportunity (Pg. 173)**

**C Rancho Las Virgenes Composting Facility Woolsey Fire Repairs: Approval of Change Order No. 7 (Pg. 230)**

**12 PUBLIC COMMENTS**

Members of the public may now address the Board of Directors **ON MATTERS NOT APPEARING ON THE AGENDA**, but within the jurisdiction of the Board. No action shall be taken on any matter not appearing on the agenda unless authorized by Subdivision (b) of Government Code Section 54954.2

**13 ADJOURNMENT**

Pursuant to Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and applicable federal rules and regulations, 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 Executive Assistant/Clerk of the Board in advance of the meeting to ensure availability of the requested service or accommodation. Notices, agendas, and public documents related to the Board meetings can be made available in appropriate alternative format upon request.

February 7, 2022 JPA Board Meeting

TO: JPA Board of Directors

FROM: General Manager

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**Subject : Annual Transition of JPA Chair and Vice Chair**

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**SUMMARY:**

The Joint Powers Authority (JPA), Joint Exercise of Powers Agreement, Section 4, states "The Chairs of the two (2) parties' governing boards will alternate annually as Chair and Vice Chair, respectively, of the meetings." Based on this provision, the Chair of the JPA for calendar year 2022 shall be the Board President of Las Virgenes Municipal Water District, and the Vice Chair of the JPA shall be the Chair of Triunfo Water & Sanitation District. No action by the JPA Board is necessary other than the respective Chairs of the parties shall assume their roles on the JPA Board at this meeting.

**RECOMMENDATION(S):**

Recognize Las Virgenes Municipal Water District Board President Jay Lewitt as Chair of the Las Virgenes-Triunfo Joint Powers Authority and Triunfo Water & Sanitation District Chair Leon E. Shapiro as Vice Chair of the Las Virgenes-Triunfo Joint Powers Authority for calendar year 2022.

**FISCAL IMPACT:**

No

**ITEM BUDGETED:**

No

Prepared by: Josie Guzman, MMC, Executive Assistant/Clerk of the Board

February 7, 2022 JPA Board Meeting

TO: JPA Board of Directors

FROM: General Manager

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**Subject : Approval of Agenda and Reauthorization of Revised Use of Teleconferencing for Public Meetings**

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**SUMMARY:**

On September 16, 2021, Governor Gavin Newsom signed Assembly Bill (AB) 361 to temporarily exempt certain requirements of the Brown Act and change the requirements for public meetings held by teleconference under certain circumstances. Staff recommends that the Board adopt proposed Resolution No. 16 to reauthorize implementation of the provisions of AB 361 given the on-going health concerns associated with the COVID-19 pandemic. If approved, the Board is required to reconsider and renew the action every 30 days

**RECOMMENDATION(S):**

Approve the agenda and pass, approve and adopt proposed Resolution No. 16, reauthorizing the revised use of teleconferencing for public meetings pursuant to the Brown Act provisions enacted by Assembly Bill 361.

**RESOLUTION NO. 16**

**A RESOLUTION OF THE GOVERNING BOARD OF THE LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY REAUTHORIZING THE REVISED USE OF TELECONFERENCING FOR PUBLIC MEETINGS**

(Reference is hereby made to Resolution No. 16 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

**FISCAL IMPACT:**

No

**ITEM BUDGETED:**

No

**DISCUSSION:**

Background:

The Brown Act secures public access to the meetings of public commissions, boards, councils and agencies in the state. It also affirms that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

Under the Brown Act, all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any such meeting. The Brown Act, as it presently exists, provides the following requirements for use of teleconferencing in connection with a meeting of a legislative body:

- Teleconferencing, as authorized, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by roll call.
- If the legislative body elects to use teleconferencing, it must post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of the local agency.
- Each teleconferencing location shall be identified in the posted agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public.
- During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercised jurisdiction.
- The agenda shall provide an opportunity for members of the public to address the legislative body directly, as the Brown Act requires for in-person meetings, at each teleconference location.
- For purposes of these requirements, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

#### Executive Order N-29-20 and Assembly Bill 361:

In March 2020, Governor Gavin Newsom issued Executive Order N-29-20, which waived Brown Act requirements found in Government Code §54953(b)(3) for teleconference participation in public meetings. In particular, the Executive Order waived the following:

- The requirement that state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- The requirement that each teleconference location be accessible to the public;
- The requirement that members of the public may address the body at each teleconference location;
- The requirement that state and local bodies post agendas at all teleconference locations; and
- The requirement that, during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

Executive Order N-29-20 expired on October 1, 2021. In light of the expiration date, a recent bill, AB 361, was approved by the California Legislature and signed by the Governor to extend the provisions of Executive Order N-29-20, subject to certain conditions to be met by the local legislative body seeking to utilize the exemptions. AB 361 also imposes certain new

requirements as detailed below.

Analysis of Assembly Bill 361:

AB 361 exempts local legislative bodies from certain Brown Act requirements currently governing teleconferencing. These exemptions may be used only in one of the following circumstances:

- The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- The legislative body holds a meeting during a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.
- The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote pursuant to b) above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

The JPA is currently subject to a Health Officer Order issued by Los Angeles County Department of Public Health on August 23, 2021. The Order eliminated physical distancing requirements except during major outbreaks. Accordingly, to avail itself of the teleconferencing exemptions provided by AB 361, the JPA must determine that the state of emergency continues to present imminent risk to the health or safety of attendees at public meetings.

Further, AB 361 requires that the Board reconsider the state of emergency and renew its determination every 30 days after commencing use of its exemptions. However, if during the 30-day period, the Board wishes to meet in person, it may choose to do so despite adoption of the proposed Resolution. The intent of the Resolution is merely to allow the Board to avail itself of the AB 361 teleconferencing provisions.

Finally, in addition to allowing for the above exemptions, AB 361 adds the following requirements:

- The legislative body must give notice of the meeting and post agendas as otherwise required by the Brown Act.
- The legislative body must allow members of the public to access the meeting, and the agenda must provide an opportunity for members of the public to address the legislative body directly pursuant to Brown Act requirements. In each instance where notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body must also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda must identify and include an opportunity for all persons to attend via call-in option or an internet-based service option. The legislative body need not provide a physical location from which the public may attend or comment.
- The legislative body must conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.
- In the event of a disruption that prevents the public agency from broadcasting the meeting to members of the public using the call-in or internet-based service options, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in or internet-based service options,

the legislative body must take no further action on items appearing on the meeting agenda until public access to the meeting is restored. Actions taken on agenda items during a disruption preventing the broadcast of the meeting may be challenged as provided in the Brown Act.

- The legislative body may not require public comments to be submitted in advance of the meeting, and it must provide an opportunity for the public to address the legislative body and offer comment in real time.
- The legislative body may use an online third-party system for individuals to provide public comment that requires an individual to register with the system prior to providing comment.
- If a legislative body provides a timed public comment period, it may not close the comment period or the time to register to provide comment until the timed period has elapsed. If the legislative body does not provide a time-limited comment period, it must allow a reasonable time for the public to comment on each agenda item.

Prepared by: Josie Guzman, Executive Assistant/Clerk of the Board

**ATTACHMENTS:**

Resolution No. 16 - Reauthorizing Use of Teleconferencing

## **RESOLUTION NO. 16**

### **A RESOLUTION OF THE GOVERNING BOARD OF THE LAS VIRGENES – TRIUNFO JOINT POWERS AUTHORITY REAUTHORIZING THE REVISED USE OF TELECONFERENCING FOR PUBLIC MEETINGS**

**BE IT RESOLVED BY THE GOVERNING BOARD OF THE LAS VIRGENES – TRIUNFO  
JOINT POWERS AUTHORITY** as follows:

**WHEREAS**, the Governor of the State of California (“Governor”) proclaimed a State of Emergency to exist as a result of the threat of COVID-19. (Governor’s Proclamation of a State of Emergency (Mar. 4, 2020).)

**WHEREAS**, the Governor’s Exec. Order No. N-25-20 (Mar. 12, 2020); Governor’s Exec. Order No. N-29-20 (Mar. 17, 2020); and Governor’s Exec. Order No. N-08-21 (Jun. 11, 2021) provided that local legislative bodies may hold public meetings via teleconferencing and make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body and waived the Brown Act provisions found in Govt. Code section 54953(b)(3) which require the physical presence of the members, the clerk, or other personnel of the body, or the public, as a condition of participation in, or quorum for, a public meeting, including:

- a) The requirement that state and local bodies notice each teleconference location from which a member will be participating in a public meeting.
- b) The requirement that each teleconference location be accessible to the public.
- c) The requirement that members of the public may address the body at each teleconference location.
- d) The requirement that state and local bodies post agendas at all teleconference locations.
- e) The requirement that, during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

**WHEREAS**, the provisions of Governor’s Exec. Order No. N-25-20 (Mar. 12, 2020); Governor’s Exec. Order No. N-29-20 (Mar. 17, 2020); and Governor’s Exec. Order No. N-08-21 (Jun. 11, 2021) expired on September 30, 2021;

**WHEREAS**, the Center for Disease Control is currently contending with the Delta Variant of the COVID-19 virus and anticipates the development of potential other strains which may further impede public agency operations and prolong the need for social distancing requirements;

**AND WHEREAS**, recent legislation (A.B. 361) authorizes a local legislative body to use teleconferencing for a public meeting without complying with the Brown Act’s teleconferencing quorum, meeting notice, and agenda requirements set forth in Government Code section 54953(b)(3), in any of the following circumstances:

- a) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

- b) The legislative body holds a meeting during a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.
- c) The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote pursuant to b) above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Board of the Las Virgenes – Triunfo Joint Powers Authority as follows:

Section 1. Incorporation of Recitals. All of the foregoing Recitals are true and correct and the Board so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Resolution.

Section 2. Adoption of AB-361. The Board has determined by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Section 3. Continued Implementation of AB-361. If the state of emergency remains active, or state or local officials have imposed measures to promote social distancing, the Governing Board of the Las Virgenes – Triunfo Joint Powers Authority shall, in order to continue meeting subject to this exemption to the Brown Act, no later than 30 days after it commences using the exemption, and every 30 days thereafter, make the following findings by majority vote:

- a) The legislative body has reconsidered the circumstances of the state of emergency; *and*
- b) Either (1) the state of emergency continues to directly impact the ability of the members to meet safely in person; or (2) state or local officials continue to impose or recommend measures to promote social distancing.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
\_\_\_\_\_, Chair

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, Vice Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
W. Keith Lemieux, Agency Counsel

**LAS VIRGENES – TRIUNFO  
JOINT POWERS AUTHORITY  
MINUTES  
REGULAR MEETING**

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5:00 PM

December 6, 2021

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was led by Len Polan.

**1. CALL TO ORDER AND ROLL CALL**

The meeting was called to order at **5:00 p.m.** by Chair Tjulander via teleconference in the Board Room at Las Virgenes Municipal Water District headquarters at 4232 Las Virgenes Road, Calabasas, CA 91302. The meeting was conducted via teleconference pursuant to the provisions of Assembly Bill 361, which exempts certain requirements of the Ralph M. Brown Act to support social distancing guidelines associated with response to the coronavirus (COVID-19) outbreak. Josie Guzman, Clerk of the Board, conducted the roll call.

Present: Directors Caspary, Lewitt, Lo-Hill, Nye, Orkney (via teleconference), Polan, Shapiro, Tjulander, and Wall.

Absent: Renger

**2. APPROVAL OF AGENDA AND ADOPTION OF RESOLUTION NO. 14 (AB 361)****A Approval of Agenda and Reauthorization of Revised use of Teleconferencing for Public Meetings**

**Approve the Agenda and pass, approve, and adopt proposed Resolution No. 14, reauthorizing the revised use of teleconferencing for public meetings pursuant to the Brown Act provisions enacted by Assembly Bill 361**

**RESOLUTION NO. 14****A RESOLUTION OF THE GOVERNING BOARD OF THE LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY REAUTHORIZING THE REVISED USE OF TELECONFERENCING FOR PUBLIC MEETINGS**

(Reference is hereby made to Resolution No. 14 on file in the JPA's Resolution

Book and by this reference the same is incorporated herein.)

Director Polan moved to approve Item 2A. Motion seconded by Director Shapiro. Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Nye, Orkney, Polan, Shapiro, Tjulander, Wall  
NOES: None  
ABSTAIN: None  
ABSENT: Renger

**3. PUBLIC COMMENTS**

None.

Chair Tjulander reordered the agenda to receive the presentation for Item 5C, followed by Items 5A and 5B.

**5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS**

**C Annual Financial Statements and Independent Auditor's Report**

David Siris, representing The Pun Group, provided a PowerPoint presentation summarizing the JPA Financial Statements and Independent Auditors' Reports for the Fiscal Year Ending June 30, 2021. He stated that the audit included an unmodified opinion of the audit results and that no reported or communicated internal control related matters were identified in the audit. He responded to a question regarding decreased assets by stating that decreased assets were offset by a decrease in liabilities.

Chair Tjulander noted that Mr. Siris met with the Audit Committee prior to the Board meeting, and the Committee was pleased with the audit results.

Director Wall moved to receive and file Item 5C. Motion seconded by Director Caspary. Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Nye, Orkney, Polan, Shapiro, Tjulander, Wall  
NOES: None  
ABSTAIN: None  
ABSENT: Renger

**A State and Federal Legislative Update**

Ana Schwab, federal lobbyist for the JPA with Best Best & Krieger LLP (BBK), presented the federal legislative update, and provided a summary of H.R. 3684, the Bipartisan Infrastructure Plan, which was signed into law. She stated there would be a five-year window where funding from the infrastructure bill would be

put into place, and federal agencies would prepare for the 60-day comment period to implement new programming and/or new provisions. She also stated that Congress moved the appropriations deadline for Fiscal Year 2022 to February 18, 2022, and notices of funding opportunities would likely not be released until March or April.

Lowry Crook, federal lobbyist for the JPA with BBK, noted that the infrastructure bill added \$1 billion to the regular funding amounts for Title XVI over the next five years for water recycling projects. He also noted that \$550 million would be for existing programs to support water recycling over the next five years, and \$450 million to create a new large scale water recycling program to support water recycling projects over \$500 million in size.

Ms. Schwab noted that the infrastructure bill might have expanded the Buy America provisions, and stated that she would report back on the findings of these provisions that might impact JPA projects. She also noted that the House of Representatives passed the Build Back Better Act, and was waiting on a vote by the Senate. She stated that this bill would provide provisions for water and wastewater infrastructure. Mr. Crook added that the plan included a provision that would exclude water conservation rebates as taxable income, which would relieve the burden to water agencies in issuing IRS forms for the rebates.

Director Lewitt noted that he attended the Association of California Water Agencies (ACWA) Federal Affairs Committee meeting during the ACWA Fall Conference, and there was a discussion on whether it might be useful to meet with elected officials in person in Washington, D.C. Ms. Schwab responded that a number of members and their staff were not meeting in person, and most meetings were being conducted virtually. She noted that the JPA had successful virtual meetings in early 2021, and it was possible to have meaningful virtual meetings with elected officials and staff.

Ms. Schwab responded to a question regarding the \$450 million reserved for recycled water projects in excess of \$500 million in size by stating that the U.S. Bureau of Reclamation was in the process of putting together stakeholder meetings. She noted that several groups were advocating that those who receive this funding could not receive other Title XVI construction funds, which would provide agencies such as the JPA a more competitive position for the remaining Title XVI funds.

Ms. Schwab also responded to a question regarding the status of the funding roadmap by stating that federal agencies were beginning to develop the funding provisions. She explained that notices for funding opportunities would be released early next year for established programs, and BBK would keep the JPA and staff informed. She also responded to a question regarding whether the JPA could ask Congresswoman Julia Brownley to earmark and sponsor the Pure Water Project Las Virgenes-Triunfo (Pure Water Project) for special consideration by stating that

the Pure Water Project was not currently in a position to expend funds by the deadline for earmarks required this year; however, BBK would monitor for future opportunities and would work with the JPA and staff on best positioning it to apply and utilize the funds in the future by the designated deadlines. She also responded to a question regarding the status of the bill to change NPDES permit terms from five to ten years by stating that this bill was previously introduced by Representative John Garamendi as part of the SRF Reauthorization. She noted that the bill did not move forward; however, BBK would continue to monitor the bill.

Syrus Devers, state lobbyist for the JPA with Best Best & Krieger LLP (BBK), presented the state legislative update. He noted that all of the programs that were funded in the budget would require comment periods, public hearings, public workshops, and monitoring. He also noted that Las Virgenes Municipal Water District was proactive in applying for arrearages funding for delinquent water accounts, and it appeared there would also be adequate funding for delinquent sanitation accounts. He reported that the IRS provided guidance that funds distributed from arrearages funding would not be taxable income; therefore, agencies would not be required to issue a Form 1099 to ratepayers. He provided an update regarding indoor water use efficiency standards in accordance with AB 1434 (Friedman), and noted that these standards were set in legislation in 2018; however, the COVID-19 pandemic had occurred and many people would continue to work remotely from home. He stated that this could have a measurable impact on indoor water use, and this needed to be accounted for in the standards. He also stated that should the state legislature want to move this bill forward, it would need to move it in late January. He noted that the State Water Resources Control Board held two public informational hearings on indoor water use efficiency standards.

## **B Pure Water Project Las Virgenes-Triunfo: Update**

Eric Schlageter, Principal Engineer, presented the report. He noted that the recruitment for the Engineering Program Manager was completed, and Oliver Slosser was selected for this position. He reported that staff met with the City of Thousand Oaks to discuss the tentative brine line alignment. He noted that another potential water augmentation source was identified in the Northern Malibu Creek Watershed, and the County of Ventura was pursuing a feasibility study to divert dry and wet weather flows to the sewer system. He reported that staff would meet with the City of Thousand Oaks, Calleguas Municipal Water District (Calleguas), and Camrosa Water District (Camrosa) as part of the Regional Water Resource Planning Committee to discuss future opportunities for developing local water supply sources, such as groundwater supply at the wells and potentially excess effluent from the Hill Canyon Treatment Plant. He also reported that staff met with City of Agoura representatives to discuss requirements for potential utilization of the Agoura Road site. He stated that staff shared that the JPA understood the sensitive nature of the Agoura Road Corridor and the Ladyface view shed should the Agoura Road site be selected for the project location. He stated that staff was moving forward with all of the environmental studies with a goal of having the

environmental impact report adopted by late 2022. He responded to a question regarding the potential water augmentation source that was identified in the Northern Malibu Creek Watershed by stating that Medea Creek was likely the source. He also responded to a question regarding the excess effluent from Hill Canyon Treatment Plant by stating that there was a level of commitment to Camrosa and other downstream purveyors for these flows. He stated that there was a potential for the Pure Water Project to receive any excess water that is not already committed to downstream purveyors of that effluent. He noted that this could potentially benefit the City of Thousand Oaks by allowing them to avoid developing desalters or other advanced treatment facilities to develop water supply projects within the city. He also responded to a question regarding feedback from the City of Agoura Hills regarding the Agoura Road property by stating that a presentation would be provided to the City Council regarding the JPA's interest of the property and the commitment to ensure that the project would fit within that corridor.

Director Lewitt suggested scheduling a site visit of the Agoura Road property for the Agoura Hills City Council.

**4. CONSENT CALENDAR**

**A Minutes: Regular Meeting of November 1, 2021: Approve**

**B Financial Review: First Quarter of Fiscal Year 2021-22**

**Receive and file the financial review for the first quarter of Fiscal Year 2021-22.**

**C Tapia WRF Summer Season TMDL Compliance and Meter Replacement Project: Approval of Scope Change**

**Authorize the Administering Agent/General Manager to approve Scope Change No. 5 to Stantec Consulting Services, Inc., in the amount of \$19,373, for additional design services associated with the Tapia Water Reclamation Facility Summer Season Total Maximum Daily Load Compliance and Meter Replacement Project.**

Director Polan moved to approve the Consent Calendar. Motion seconded by Director Lewitt. Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Nye, Orkney, Polan, Shapiro Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Renger

**6. ACTION ITEMS**

**A Multi-Site Battery Energy Storage System Project: Award**

**Conduct a public hearing and upon its conclusion: (1) find that the work is exempt from the provisions of the California Environmental Quality Act; (2) pass, approve, and adopt proposed Resolution No. 15, authorizing and approving the execution of all necessary agreements in the forms approved by JPA Counsel; and (3) authorize the Administering Agent/General Manager to execute a scope change for TerraVerde Energy, LLC, in the amount of \$161,725, to provide construction and installation support services for the Multi-Site Battery Energy Storage System Project.**

**RESOLUTION NO. 15**

**A RESOLUTION OF THE GOVERNING BOARD OF THE LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY MAKING FINDINGS, AUTHORIZING AND APPROVING EXECUTION OF A SOLAR POWER PURCHASE AGREEMENT WITH BATTERY ENERGY STORAGE SERVICES, A BATTERY ENERGY STORAGE SYSTEM (BESS) SUPPLY AND INSTALLATION AGREEMENT, A BESS SERVICES AGREEMENT AND A PERFORMANCE DATA PROVIDER (PDP) SERVICES AGREEMENT WITH TESLA, INC.**

(Reference is hereby made to Resolution No. 15 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

Chair Tjulander opened the Public Hearing at 5:52 p.m.

John Zhao, Director of Facilities and Operations, presented the report. He noted that outreach was conducted to Native American Tribes as required by AB 52, Native Americans: California Environmental Quality Act, and no comments were received by the deadline; however, he received notification after the deadline on December 3rd from a Native American Tribe that they were interested in consulting with staff on this project. He stated that staff would bring back this item should there be any changes following the Native American Tribe's consultation.

There were no public comments.

Mr. Zhao responded to questions regarding ensuring that any potential flooding would be designed to flow downstream away from the solar sites and providing for the proper disposal of the batteries at the end of their life cycle. He also responded to a question regarding coordinating with the cogeneration system for additional cost savings.

Chair Tjulander closed the Public Hearing at 6:08 p.m.

Director Caspary moved to approve Item 6A. Motion seconded by Director Polan.

Director Caspary asked staff to review the Federal Emergency Management Agency (FEMA) flood elevation changes that might be mapped and adopted during the life of this project.

Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Nye, Orkney, Polan, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Renger

## **B Tapia Water Reclamation Facility HVAC System Replacement: Award**

**Accept the quotation from Gordian Group and authorize the Administering Agent/General Manager to issue a purchase order, in the amount of \$383,506.01, for replacement of the HVAC system at the Tapia Water Reclamation Facility.**

Jim Korkosz, Facilities Manager, presented the report.

Michael Celesta, representing Gordian Group, provided a PowerPoint presentation regarding procurement services through Sourcewell. He responded to questions regarding the competitive bid process based on construction procurement methods and the localized Construction Task Catalog.

Andy Lutkin, representing ACCO Engineered Services, responded to a question regarding the equipment to be furnished by stating that the equipment would be a Daikin variable refrigerant flow system, including an automation system that could be controlled remotely via computer.

Director Lo-Hill moved to approve Item 6B. Motion seconded by Director Polan. Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Nye, Orkney, Polan, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Renger

## **C Pump Replacement for Westlake Wells Nos. 1 and 2: Change Order**

**Authorize the Administering Agent/General Manager to approve a change order to General Pump Company, in the amount of \$62,347.88, for the replacement of pumps and appurtenant equipment for Westlake Wells Nos. 1 and 2.**

John Zhao, Director of Facilities and Operations, presented the report.

Director Polan moved to approve Item 6C. Motion seconded by Director Shapiro.

Mr. Zhao responded to questions regarding the wells by stating that the JPA constructed the wells to increase the supply of source water to the Tapia Water Reclamation Facility. He also responded to a question regarding the availability of non-corrosive pipes by stating that pipes would need to be coated to keep water from coming into contact with bare metal; however, corrosion could occur over time. He also responded to a question regarding whether the pump controllers could sense cavitation by stating that the pumps would be sized based on the water column elevation, and there would be no cavitation as long as the water column was maintained.

Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Nye, Orkney, Polan, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Renger

**D Tapia Tertiary Filter Media Replacement: Authorization of Purchase Order**

**Authorize the Administering Agent/General Manager to issue a purchase order to Karbonous, Inc., in the amount of \$92,914, for replacement of the media in Filter Nos. 7 and 8 at the Tapia Water Reclamation Facility.**

Administering Agent/General Manager David Pedersen presented the report.

Director Lewitt moved to approve Item 6D. Motion seconded by Director Polan. Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Nye, Orkney, Polan, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Renger

**7. BOARD COMMENTS**

Director Polan reported that he attended the Association of California Water Agencies (ACWA) Fall Conference, and noted that there was an effort to increase membership. He stated that ACWA could provide a stronger voice to cities compared to the League of California Cities, and suggested combining forces with the City of Thousand Oaks and Calleguas Municipal Water District to provide one message for water conservation and efficiency.

Director Orkney noted that ACWA changed the dues calculation for cities by excluding their Police and Fire Department budgets.

**8. ADMINISTERING AGENT/GENERAL MANAGER REPORT**

Administering Agent/General Manager David Pedersen reported that staff would be delivering compost to the Oak Park Community Garden.

**9. FUTURE AGENDA ITEMS**

None.

**10. PUBLIC COMMENTS**

None.

**11. ADJOURNMENT**

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:38 p.m.**

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Ray Tjulander, Chair

ATTEST:

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Jay Lewitt, Vice Chair

February 7, 2022 JPA Board Meeting

TO: JPA Board of Directors

FROM: Finance & Administration

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**Subject : Budget Planning Calendar for Fiscal Years 2022-23 and 2023-24**

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**SUMMARY:**

This item provides a schedule for key activities associated with the development and adoption of the Fiscal Years 2022-23 and 2023-24 Budget.

**RECOMMENDATION(S):**

Receive and file the Budget Planning Calendar for Fiscal Years 2022-23 and 2023-24.

**FISCAL IMPACT:**

No

**ITEM BUDGETED:**

No

**FINANCIAL IMPACT:**

There is no financial impact associated with this action.

**DISCUSSION:**

This will be the fourth two-year budget for the JPA. The attached schedule outlines the timeframe and process to review and adopt the budget for Fiscal Years 2022-23 and 2023-24.

Prepared by: Brian Richie, Finance Manager

**ATTACHMENTS:**

Budget Planning Calendar for Fiscal Years 2022-2023 and 2023-2024

**Joint Powers Authority**  
**FY 2022-23 & FY 2023-24 Budget Planning Calendar**

Date	Board Activity	Description
2/7/2022	JPA Board Meeting	Budget Process review - distribute Budget Planning Calendar
2/10/2022		JPA Budget submissions from TWSD due to Administering Agent
3/7/2022	JPA Board Meeting	Financial Status Report - Second Quarter
3/7/2022	JPA Board Meeting	IIP to JPA Board for review
4/4/2022	JPA Board Workshop	Budget Workshop
5/9/2022	JPA Board Meeting	JPA Preliminary Budget to Board
6/13/2022	JPA Board Meeting	Financial Status Report - 3rd Quarter
6/13/2022	JPA Board Meeting	JPA Budget Adoption

February 7, 2022 JPA Board Meeting

TO: JPA Board of Directors

FROM: Finance & Administration

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**Subject : Statement of Revenues, Expenses and Changes in Net Position:  
December 2021**

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**SUMMARY:**

To ensure effective utilization of the public's assets and money, a monthly Statement of Revenues, Expenses and Changes in Net Position (Statement) is provided to the Board for review. This report is a high-level overview that summarizes the JPA's financial status through the end of the referenced month and can be used as a supplement to the additional detailed analysis provided in the quarterly financial reports. The report is formatted to mirror the presentation in the JPA Annual Financial Statements and consists of an operating financial section, a non-operating financial section and the year-to-date changes in net position. The report is unaudited and preliminary due to the timing of its preparation versus month-end closing for the reporting month.

**RECOMMENDATION(S):**

Receive and file the Statement of Revenues, Expenses and Changes in Net Position for the period ending December 31, 2021.

**FISCAL IMPACT:**

No

**ITEM BUDGETED:**

No

**FINANCIAL IMPACT:**

There is no financial impact associated with this report.

**DISCUSSION:**

Within the report, the "Current Budget" column pertains to the current fiscal year budget that was adopted and/or amended by the Board. The "Actual Year-to-Date" columns presents the cumulative year-to-date revenues and expenses for both the current fiscal year and prior fiscal

year. Lastly, the “Variance with Prior Year” column calculates the net difference between the current fiscal year-to-date balance and the prior fiscal year-to-date balance.

**GOALS:**

Ensure Effective Utilization of the Public's Assets and Money

Prepared by: Brian Richie, Finance Manager

**ATTACHMENTS:**

Statement of Revenues, Expenses, and Changes in Net Position - December 2021

**LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY**  
**Statement of Revenues, Expenses, and Changes in Net Position**  
**For the Month ended December 31, 2021 (Preliminary) and 2020**  
(dollars in thousands)



	<b>Current Budget</b>	<i>Through 50% of fiscal year</i>		<b>Variance with Prior Year Positive (Negative)</b>
		<b>Actual Year-to-Date</b>		
	<u>2021/22</u>	<u>2021/22</u>	<u>2020/21</u>	<u>2021/22 to 2020/21</u>
<b>OPERATING REVENUES:</b>				
Wholesale recycled water sales	\$ 2,528	\$ 1,306	\$ 1,493	\$ (187)
Other income	80	64	28	36
<b>Total operating revenues</b>	<b>2,608</b>	<b>1,370</b>	<b>1,521</b>	<b>(151)</b>
<b>OPERATING EXPENSES:</b>				
Treatment Plant	4,542	1,957	2,474	(517)
Recycled water transmission and distribution	1,965	1,177	1,201	(24)
Compost Plant	2,737	1,284	1,449	(165)
Sewer	94	88	79	9
General and administrative	8,546	5,128	4,975	153
Other operating expenses	224	175	149	26
<b>Total operating expenses</b>	<b>18,108</b>	<b>9,809</b>	<b>10,327</b>	<b>(518)</b>
<b>OPERATING INCOME (LOSS) BEFORE BILLING TO PARTICIPANTS</b>	<b>(15,500)</b>	<b>(8,439)</b>	<b>(8,806)</b>	<b>367</b>
Billing to Participants	15,320	8,646	8,769	(123)
<b>OPERATING INCOME (LOSS)</b>	<b>(180)</b>	<b>207</b>	<b>(37)</b>	<b>244</b>
<b>NONOPERATING REVENUES (EXPENSES):</b>				
Interest income (expense)	20	(53)	(33)	(20)
Other revenues (expenses)	-	7	-	7
<b>Total nonoperating revenues (expenses)</b>	<b>20</b>	<b>(46)</b>	<b>(33)</b>	<b>(13)</b>
<b>NET INCOME (LOSS) BEFORE PARTICIPANTS' CAPITAL CONTRIBUTIONS</b>	<b>(160)</b>	<b>161</b>	<b>(70)</b>	<b>231</b>
Participants' Capital contributions	12,380	-	-	-
<b>CHANGES IN NET POSITION</b>	<b>12,220</b>	<b>161</b>	<b>(70)</b>	<b>231</b>
<b>NET POSITION:</b>				
Beginning of fiscal year	98,362	98,362	97,123	1,239
<b>Ending Net Position</b>	<b>\$ 110,582</b>	<b>\$ 98,523</b>	<b>\$ 97,053</b>	<b>\$ 1,470</b>



**BEST BEST & KRIEGER**   
ATTORNEYS AT LAW

To:	Las Virgenes-Triunfo JPA
From:	Syrus Devers, Best Best & Krieger
Date:	February 7th, 2022
Re:	State Legislative Report

The Bill Matrix has returned, albeit with only three items for the moment, with none on the opposed list. This is the in-between time of a two-year session where two-year bills had to pass out of the house of origin by January 31st, and new bill requests did not have to be received by Legislative Counsel until January 21st. The two-year bills that did not advance are now officially dead. New bill introductions are picking up speed but the deadline to “put a bill across the desk” is not until February 18th—an eternity in legislative time. Keep in mind that new bills cannot be heard or amended for 30 days after introduction.

The only two-year bill of note to survive was SB 230 (Portantino), which advanced to the Assembly after being held in Senate Appropriations last year. This is the bill to set up a science advisory panel to review constituents of emerging concern (CECs) in drinking water, with the hope of getting away from setting drinking water standards in legislation. (I.e., PFAS) The bill was held by Portantino, the chair of the committee, over the lack of a funding mechanism. After months of diligent work (*possible sarcasm*) the solution agreed to was that the costs of the bill would be paid for...when and if the Legislature feels like it.

The short list of two-year bills has an asterisk, however. AB 1434 (Friedman) on indoor water use efficiency standards did not advance, but only because the Assembly Member decided to introduce a new bill with the indoor use numbers recommended in the Department of Water Resources report that came out late last year. (No bill number at the time of this writing.) Technically, this would be a violation of Joint Rule 54(c) which prohibits a member from introducing the same bill twice. If an Assembly Member opposed to the bill would like some amusement, they simply have to raise an objection under the Joint Rules...which will likely cause a lot of head scratching because no one reads the rules anymore. But once someone found a copy of the rules and looked it up, they would find that the objection triggers a referral to the Assembly Rules Committee for a determination, which may trigger a Legislative Counsel opinion.

In other developments, ACWA will advocate for an additional \$100M for recycling over and above what the Governor proposed in his budget, which is \$400 million over 3 years on both recycling and groundwater cleanup.

# Bill Matrix

Prepared by Best Best & Krieger- Feb, 2022

## A. Priority Support/Oppose

Measure	Author	Topic	Current Text Version	Status	Brief Summary	Position	Priority
<a href="#">SB 45</a>	<a href="#">Portantino D</a>	Short-lived climate pollutants: organic waste reduction goals: local jurisdiction assistance.	Amended: 1/3/2022 <a href="#">html</a> <a href="#">pdf</a>	1/24/2022- Read third time. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	Current law requires the Department of Resources Recycling and Recovery, in consultation with the State Air Resources Board, to adopt regulations to achieve the organic waste reduction goals established by the state board for 2020 and 2025, as provided. Current law requires the department, no later than July 1, 2020, and in consultation with the state board, to analyze the progress that the waste sector, state government, and local governments have made in achieving these organic waste reduction goals. This bill would require the department, in consultation with the state board, to provide assistance to local jurisdictions, including, but not limited to, any funding appropriated by the Legislature in the annual Budget Act, for purposes of assisting local agencies to comply with these provisions, including any regulations adopted by the department.		A. Priority Support/Oppose
<a href="#">SB 230</a>	<a href="#">Portantino D</a>	State Water Resources Control Board: Constituents of Emerging Concern in Drinking Water Program.	Amended: 1/20/2022 <a href="#">html</a> <a href="#">pdf</a>	1/26/2022- Read third time. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	Would require the State Water Resources Control Board to establish, maintain, and direct a dedicated program called the Constituents of Emerging Concern in Drinking Water Program for 5 years to assess the state of information and recommend areas for further study on, among other things, the occurrence of constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The bill would require the state board to convene, by an		A. Priority Support/Oppose

					unspecified date, the Science Advisory Panel for 3 years to review and provide recommendations to the state board on CECs for further action, among other duties. The bill would require the state board to provide a final report to the Legislature by June 1, 2026, on the work conducted by the panel.		
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**B. Watch**

Measure	Author	Topic	Current Text Version	Status	Brief Summary	Position	Priority
<a href="#">SB 832</a>	<a href="#">Dodd D</a>	Water rights: measurement of diversion.	Introduced : 1/3/2022 <a href="#">html</a> <a href="#">pdf</a>	1/19/2022- Referred to Com. on N.R. & W.	Current law requires a person who diverts 10 acre-feet or more of water per year under a permit or license to install and maintain a device or employ a method capable of measuring the rate of direct diversion, rate of collection to storage, and rate of withdrawal or release from storage. Current law requires the measurements to be made using the best available technologies and best professional practices using a device or methods satisfactory to the State Water Resources Control Board, as specified in regulations adopted by the state board. Current law requires a permittee or licensee to maintain a record of all diversion monitoring, as provided, and to include those records with annual reports required to be submitted to the state board. Current law authorizes the state board to modify these requirements if the state board finds that strict compliance with these requirements is infeasible, is unreasonably expensive, would unreasonably affect public trust uses, or would result in the waste or unreasonable use of water, or that the need for monitoring and reporting is adequately addressed by other conditions of the permit or license. This bill would clarify existing law that a	Watch	B. Watch

					person diverting 10 acre-feet or more of water per year under a registration is subject to these water diversion measurement, recording, and reporting requirements.		
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**Total Measures: 3**

**Total Tracking Forms: 3**



**To:** Las Virgenes-Triunfo JPA Board of Directors and Staff  
**From:** John Freshman, Ana Schwab, and Lowry Crook  
**Date:** January 20, 2022  
**RE:** Federal Report

**Top Priorities for Congress: Appropriations and Build Back Better**

Congress has a new deadline of February 18<sup>th</sup> to pass fiscal year 2022 appropriations. It is not clear whether they will meet the deadline given disagreements amongst various Senators. If Congress is not able to pass the appropriations by the deadline, they will need to pass another short-term measure to allow for more time to negotiate the final package or pass a continuing resolution through the remainder of the FY22 fiscal year, on September 30, 2022.

House Appropriations Chair Rosa DeLauro (D-CT) said she still hopes to pass an omnibus 12-bill spending package by February 18. Chair DeLauro, Senate Appropriations Ranking Member Richard Shelby (R-AL), Senate Appropriations Chairman Patrick Leahy (D-VT), and House Appropriations Ranking Member Kay Granger (R-TX) have met and are continuing to negotiate top line numbers and key policy rider issues. However, separately, Ranking Member Shelby has stated he thinks reaching an agreement by mid-February will be difficult. It is possible for provisions in Build Back Better to be included in the regular appropriations bills, which can include additional funds for climate and environmental programs.

For water, wastewater, and infrastructure programs of interest, the funding levels are similar between the two chambers. As such, these programs are expected to be well funded at similar or higher levels than the fiscal year 2021 appropriations. Since these bills are less controversial, these bills may lead the “mini-bus” appropriation packages.

The Senate was unable to pass Build Back Better before the new year despite passage in the House and a push from the Biden Administration. Prior to the Senate voting on the package, Sen. Manchin (D-WV) stated he would not vote in support of the bill, halting any further movement on the bill.

During a press conference on January 19, President Biden said he is open to pushing forward with pieces of the package (for example, a climate-focused package). There is a belief among senior legislators that many provisions can be passed successfully through both chambers if the packages are more focused and smaller. Senior House Democrats began discussing the possibility of the House sending the Senate a new form of the spending package. At the moment, the situation is still fluid. The packages that may move forward would focus on climate change, environmental provisions, and clean energy.

Before the end of 2021, Speaker Nancy Pelosi kept her promise and narrowly passed the Build Back Better Act. Pelosi is now in a difficult position for any future negotiations on a revised BBB—she will need to convince her caucus to support the smaller packages and will need ardent



assurances that the bill or bills will indeed pass the Senate, unlike this previous time. For her members in risky seats for the midterm elections, they need to demonstrate success on previous campaign promises, many of which are included in BBB.

### **WOTUS**

The U.S. Environmental Protection Agency (EPA) and the Department of the Army published a proposed rule to revise the definition of “waters of the United States” (WOTUS). The proposed rule will revise WOTUS to reflect the pre-2015 regulatory regime and replace the Navigable Waters Protection Rule (NWPR).

Following a federal district court decision vacating the NWPR on August 30, 2021, the agencies halted implementation of the NWPR and began interpreting “waters of the United States” consistent with the pre-2015 regulatory regime. Currently, the EPA and the U.S. Army Corps of Engineers (Corps) are not implementing the NWPR.

The charts on the next pages detail the main differences between the 2015 Clean Water Rule (CWR), the 2020 Navigable Waters Protection Rule (NWPR), and the 2021 proposed rule to revise Waters of the United States (Revised WOTUS). Of note, waste treatment systems are an exclusion in the revised WOTUS.



**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

**WOTUS Jurisdictional Waters Comparison Chart**

Topic	2015 CWR	2020 NWPR	2021 Revised WOTUS
<b>Jurisdictional waters</b>	<ul style="list-style-type: none"> <li>• Navigable waters</li> <li>• Interstate waters</li> <li>• Territorial seas</li> <li>• Impoundments of WOTUS</li> <li>• Tributaries (with certain attributes)</li> <li>• WOTUS adjacent wetlands/waters</li> <li>• Certain other waters with a significant nexus</li> </ul>	<ul style="list-style-type: none"> <li>• Territorial seas</li> <li>• “Traditional” navigable waters (TNW)</li> <li>• Perennial and intermittent tributaries to those waters</li> <li>• Lakes, ponds and impoundments that contribute surface flow to traditional navigable waters</li> <li>• Wetlands adjacent to jurisdictional waters</li> </ul>	<ul style="list-style-type: none"> <li>• Traditional navigable waters</li> <li>• Interstate waters (including interstate wetlands)</li> <li>• Intrastate waters</li> <li>• Impoundments of WOTUS</li> <li>• Tributaries (with certain attributes)</li> <li>• WOTUS adjacent wetlands/waters</li> <li>• Territorial seas</li> <li>• Wetlands adjacent to certain waters</li> <li>• “Other waters” that meet either the relatively permanent standard or the significant nexus standard</li> </ul>



**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

**WOTUS Exclusions Comparison Chart**

Topic	2015 CWR	2020 NWPR	2021 Revised WOTUS
<p><b>WOTUS exclusion</b></p>	<ul style="list-style-type: none"> <li>• Waste treatment systems, including treatment ponds or lagoons</li> <li>• Wastewater recycling structures constructed in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling</li> <li>• Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land</li> <li>• Groundwater, including groundwater drained through subsurface drainage systems</li> <li>• Certain ditches</li> <li>• Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land</li> <li>• Prior converted cropland</li> <li>• Artificial features</li> </ul>	<ul style="list-style-type: none"> <li>• Waste treatment systems</li> <li>• Groundwater recharge, water reuse, and wastewater recycling structure constructed or excavated in upland or in non-jurisdictional waters</li> <li>• Stormwater control features excavated or constructed in upland to convey, treat, infiltrate, or store stormwater runoff</li> <li>• Diffuse stormwater runoff and directional sheet flow over upland</li> <li>• Groundwater, including groundwater drained through subsurface drainage systems</li> <li>• Stormwater control features constructed or excavated in upland or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff</li> <li>• All ditches excluded</li> <li>• Prior converted cropland</li> <li>• Artificial features</li> </ul>	<ul style="list-style-type: none"> <li>• Waste treatment systems, including treatment ponds or lagoons</li> <li>• Prior converted cropland</li> </ul>



### **86 FR 69372 Proposed Final Rule Notice: Revised Definition of “Waters of the United States”**

The Environmental Protection Agency (EPA) and the Department of the Army published for public comment a proposed rule defining the scope of waters protected under the Clean Water Act. The proposal is consistent with the Executive Order signed on January 20, 2021, on “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,” which directed the agencies to review the agencies' rule promulgated in 2020 defining “waters of the United States.” This proposed rule would meet the objective of the Clean Water Act and ensure critical protections for the nation's vital water resources, which support public health, environmental protection, agricultural activity, and economic growth across the United States. The public comment period is now open and will close on February 7, 2022.

### **R22AS00115: Grant Opportunity - WaterSMART Title XVI WIIN Act Water Reclamation and Reuse Projects**

Award Ceiling: \$30,000,000 or \$20,000,000 – both with a 25% max  
Closing Date for Applications: March 15, 2022

Sponsors of eligible projects are invited to apply for up to 25% of the costs of planning, design, and construction scheduled for the next three years. For WIIN Act Title XVI projects and WIIN Act Desalination Construction projects, Reclamation has increased the total amount of funding for any one project to \$30 million (for projects utilizing Infrastructure Investment Act funds) or the maximum amount of funding for a Title XVI project authorized by Congress capped at \$20 million.

Eligible Projects: Planning, design, and construction of water reclamation and reuse facilities that are eligible for funding under section 4009(c) of the WIIN Act, P.L. 114-322. In order to be eligible for funding, the Project must have a completed Feasibility Study that has been reviewed by Reclamation and found to meet all of the requirements of Reclamation Manual Release WTR 11-01 by the date that this NOFO is posted. If a feasibility study has been reviewed by Reclamation and found to meet the requirements of WTR 11-01, but the review findings have not yet been transmitted to Congress, Reclamation will transmit those findings to Congress either before project selections are made or concurrently with project selections. Eligibility does not entitle a project to any future Federal funding or create a new project authorization.



**40 CFR Part 141: Revisions to the Unregulated Contaminant Monitoring Rule (UCMR 5) for Public Water Systems and Announcement of Public Meetings**

The U.S. Environmental Protection Agency (EPA) finalized a Safe Drinking Water Act (SDWA) rule that requires certain public water systems (PWSs) to collect national occurrence data for 29 per- and polyfluoroalkyl substances (PFAS) and lithium. Subject to the availability of appropriations, EPA will include all systems serving 3,300 or more people and a representative sample of 800 systems serving 25 to 3,299 people. If EPA does not receive the appropriations needed for monitoring all of these systems in a given year, EPA will reduce the number of systems serving 25 to 10,000 people that will be asked to perform monitoring. This final rule is a key action to ensure science-based decision-making and prioritize protection of disadvantaged communities in accordance with EPA's PFAS Strategic Roadmap. EPA is also announcing plans for public webinars to discuss implementation of the fifth Unregulated Contaminant Monitoring Rule (UCMR 5).

Monitoring Scope: All PWSs serving more than 10,000 people (i.e., large systems) will monitor; all PWSs serving 3,300 to 10,000 people, and 800 representative PWSs serving fewer than 3,300 will monitor, subject to availability of appropriations and sufficient laboratory capacity. PWSs will collect samples for 29 per- and polyfluoroalkyl substances (PFAS) and lithium, during a 12-month period from January 2023 through December 2025.

**LAS VIRGENES-TRIUNFO - HIGH PRIORITY LEGISLATION IN THE 117TH CONGRESS  
THROUGH JANUARY 20, 2022**

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#"><u>H.R.202</u></a> <a href="#"><u>SALT Fairness Act of 2021</u></a>	This bill repeals the temporary restrictions in taxable years 2018 through 2025 on the deductibility of state and local taxes.	Introduced by Rep. Mike Garcia (R-CA) – January 5, 2021	
<a href="#"><u>S.29</u></a> <a href="#"><u>Local Water Protection Act</u></a>	This bill reauthorizes through FY2025 programs within the Environmental Protection Agency that award grants to states for managing nonpoint source water pollution or protecting groundwater quality. Water pollution from nonpoint sources is caused by precipitation picking up pollution as it moves over or through the ground.	Introduced by Sen. Amy Klobuchar (D-MN) – January 22, 2021	
<a href="#"><u>S.Res.17</u></a> <a href="#"><u>A resolution expressing the sense of the Senate that clean water is a national priority and that the April 21, 2020, Navigable Waters Protection Rule should not be withdrawn or vacated.</u></a>	This bill reauthorizes through FY2025 programs within the Environmental Protection Agency that award grants to states for managing nonpoint source water pollution or protecting groundwater quality. Water pollution from nonpoint sources is caused by precipitation picking up pollution as it moves over or through the ground.	Introduced by Sen. Joni Ernst (R-IA) – January 27, 2021	
<a href="#"><u>H.R.616</u></a> <a href="#"><u>Emergency Water is a Human Right Act</u></a>	This bill creates a grant program, administered by the Department of Health and Human Services, to provide funds to states and Indian tribes to assist low-income households that pay a high proportion of household income for drinking water and wastewater services. Further, any entity receiving financial assistance under this grant program must ensure that no home energy service or public water system service is or remains disconnected or interrupted during the COVID-19 (i.e., coronavirus disease 2019) public health emergency.	Introduced by Rep. Rashida Tlaib (D-MI) – January 28, 2021	
<a href="#"><u>S.85</u></a> <a href="#"><u>SALT Deductibility Act</u></a>	This bill repeals the temporary restrictions in taxable years 2018 through 2025 on the deductibility of state and local taxes.  <i>Companion bill to H.R.613</i>	Introduced by Sen. Chuck Schumer (D-NY) – January 28, 2021	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#">H.R.613</a> <a href="#">SALT Deductibility Act</a>	<p>This bill repeals the temporary restrictions in taxable years 2018 through 2025 on the deductibility of state and local taxes.</p> <p><i>Companion bill to S.85</i></p>	<p>Introduced by Rep. Thomas Suozzi (R-NY) – January 28, 2021</p>	
<a href="#">S.101</a> <a href="#">Environmental Justice Mapping and Data Collection Act of 2021</a>	<p>This bill establishes an interagency Environmental Justice Mapping Committee that must create a tool to identify environmental justice communities. Environmental justice communities are communities with significant representation of communities of color, low-income communities, or tribal and indigenous communities that experience, or are at risk of experiencing, higher or more adverse human health or environmental effects, as compared to other communities.</p> <p>The Environmental Protection Agency (EPA) must establish an environmental justice data repository to maintain the data collected by the committee. The EPA must make the repository available to regional, state, local, and tribal governments.</p> <p><i>Companion bill to H.R.516</i></p>	<p>Introduced by Sen. Edward Markey (D-MA) – January 28, 2021</p>	
<a href="#">H.R.516</a> <a href="#">Environmental Justice Mapping and Data Collection Act of 2021</a>	<p>This bill establishes an interagency Environmental Justice Mapping Committee that must create a tool to identify environmental justice communities. Environmental justice communities are communities with significant representation of communities of color, low-income communities, or tribal and indigenous communities that experience, or are at risk of experiencing, higher or more adverse human health or environmental effects, as compared to other communities.</p> <p>The Environmental Protection Agency (EPA) must establish an environmental justice data repository to maintain the data collected by the committee. The EPA must make the repository available to regional, state, local, and tribal governments.</p> <p><i>Companion bill to S.101</i></p>	<p>Introduced by Rep. Cori Bush (D-MO) – January 28, 2021</p>	
<a href="#">H.R.535</a> <a href="#">Special District Provide Essential Services Act</a>	<p>The bill would require the state’s to direct at least five percent of future Coronavirus Relief Fund (CRF) allocations to special districts within their state.</p> <p><i>Companion bill to S.91</i></p>	<p>Introduced by Rep. John Garamendi (D-CA) – January 28, 2021</p>	<p><i>SUPPORT</i></p>

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>S.91</u></a>  <a href="#"><u>Special Districts Provide Essential Services Act</u></a></p>	<p>This bill makes special districts eligible for the Coronavirus Relief Fund and the Municipal Liquidity Facility program.</p> <p>Specifically, the bill makes special districts eligible for payments from amounts paid to states from any new appropriations to the fund. A special district must submit a request for payment to the state with information demonstrating that the special district has experienced or is likely to experience during the COVID-19 (i.e., coronavirus disease 2019) emergency</p> <ul style="list-style-type: none"> <li>• reduced revenue or operational funding derived from provided services, taxes, fees, or other sources of revenue;</li> <li>• reduced indirect funding from the federal government, the state, or a unit of general government below the state level; or</li> <li>• as a result of the COVID-19 emergency, increased expenditures necessary to continue operations.</li> </ul> <p>The Board of Governors of the Federal Reserve System shall include special districts as eligible issuers in the Municipal Liquidity Facility program, which was created in response to the COVID-19 emergency to buy municipal securities.</p> <p><i>Companion bill to H.R. 535</i></p>	<p>Introduced by Sen. Kyrsten Sinema (D-AZ) – January 28, 2021</p>	<p><i>SUPPORT</i></p>
<p><a href="#"><u>H.R.737</u></a>  <a href="#"><u>RENEW WIIN Act</u></a></p>	<p>This bill extends the authority of certain federal agencies to provide support for western water infrastructure and extends consultation requirements concerning projects in California.</p> <p>Specifically, the bill extends through 2031 the authority of the Bureau of Reclamation to provide support for federal or state-led water storage projects in certain western states. It also extends provisions specific to California, including drought relief and the operations of the Central Valley Project (a hydropower and water management project in California that is operated by Reclamation).</p> <p>Further, the bill extends through 2036 consultation requirements concerning biological assessments and the coordinated operations of the Central Valley Project and the State Water Project in California.</p>	<p>Introduced by Rep. David Valadao (R-CA) – February 2, 2021</p>	<p><i>SUPPORT</i></p>

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#"><u>H.R. 692</u></a> <a href="#"><u>Recognition of Local Interests in NEPA Decision Making</u></a>	<p>This bill sets forth requirements for determining the venue for judicial review of an agency action under the National Environmental Policy Act of 1969 (NEPA). Specifically, the bill requires a proceeding for judicial review of an agency's compliance with NEPA to be brought in the U.S. district court for a district in which the authorized activity is proposed to be carried out or the U.S. District Court for the District of Columbia.</p>	<p>Introduced by Rep. Liz Cheney (R-WY) – February 2, 2021</p>	
<a href="#"><u>H.R.848</u></a> <a href="#"><u>GREEN Act of 2021</u></a>	<p>This bill provides tax incentives for investment in renewable energy resources and energy efficiency programs.</p>	<p>Introduced by Rep. Mike Thompson (D-CA) – February 4, 2021</p>	
<a href="#"><u>H.Res.104</u></a> <a href="#"><u>Recognizing the duty of the Federal Government to implement an agenda to Transform, Heal, and Renew by Investing in a Vibrant Economy ("THRIVE")</u></a>	<p>This resolution expresses the sense of the House of Representatives that the federal government has a duty to develop a holistic agenda to respond to racial injustice, unemployment, the COVID-19 (i.e., coronavirus disease 2019) pandemic, and climate change.</p> <p>The resolution further outlines the goals of this agenda to build a society with greater racial, economic, and gender justice; dignified work; healthy communities; and a stable climate. Additionally, the resolution identifies efforts to support these goals.</p> <p><i>Companion bill to S.Res.43.</i></p>	<p>Introduced by Rep. Debbie Dingell (D-MI) – February 5, 2021</p>	
<a href="#"><u>S.Res.43</u></a> <a href="#"><u>A resolution recognizing the duty of the Federal Government to implement an agenda to Transform, Heal, and Renew by Investing in a Vibrant Economy ("THRIVE")</u></a>	<p>This resolution expresses the sense of the Senate that the federal government has a duty to develop a holistic agenda to respond to racial injustice, unemployment, the COVID-19 (i.e., coronavirus disease 2019) pandemic, and climate change.</p> <p>The resolution further outlines the goals of this agenda to build a society with greater racial, economic, and gender justice; dignified work; healthy communities; and a stable climate. Additionally, the resolution identifies efforts to support these goals.</p> <p><i>Companion bill to H.Res.104.</i></p>	<p>Introduced by Rep. Edward Markey (D-MA) – February 8, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#"><u>H.R.946</u></a> <a href="#"><u>SALT Act</u></a>	<p>This bill repeals the limitation on the deductibility of state and local taxes during 2018-2025. It also increases from \$250 to \$1,000 the tax deduction for certain expenses of elementary and secondary school teachers and allows a deduction from gross income (above-the-line) for certain training and uniform expenses of first responders (i.e., individuals who are law enforcement officers, firefighters, paramedics, or emergency medical technicians for at least 1,000 hours during a taxable year).</p> <p>The bill expands individual income tax brackets and increases the top income tax rate for individual taxpayers to 39.6%.</p>	<p>Introduced by Rep. Bill Pascrell (D-NJ) – February 8, 2021</p>	
<a href="#"><u>H.R.1015</u></a> <a href="#"><u>Water Recycling Investment and Improvement Act</u></a>	<p>This bill makes permanent, and otherwise revises, the Bureau of Reclamation's grant program for the funding of water recycling and reuse projects. Specifically, the bill removes priority under the program for projects in areas that, in the preceding four-year period, have been (1) identified as experiencing severe, extreme, or exceptional drought; or (2) designated as a disaster area by a state.</p> <p>Additionally, the bill increases through FY2025 the authorization of appropriations for the program and otherwise revises provisions related to program funding.</p>	<p>Introduced by Rep. Grace Napolitano (D-CA) – February 11, 2021</p>	<p><i>SUPPORT</i></p>
<a href="#"><u>H.R.988</u></a> <a href="#"><u>Recreational Lands Self-Defense Act of 2021</u></a>	<p>This bill requires the U.S. Army Corps of Engineers (USACE) to allow an individual to possess a firearm at a USACE water resources development project as long as the individual's possession of the firearm is in compliance with federal and state law.</p>	<p>Introduced by Rep. Bob Gibbs (R-OH) – February 11, 2021</p>	
<a href="#"><u>H.R.1066</u></a> <a href="#"><u>Wildfire Recovery Act</u></a>	<p>This bill makes changes with respect to the federal cost share for Fire Management Assistance Grants and provides that the federal share shall be not less than 75% of the eligible cost.</p> <p>Specifically, the bill directs the Federal Emergency Management Agency (FEMA) to conduct and complete a rulemaking to develop guidelines and a rule that establishes thresholds for cases in which the federal cost share for such grants may be increased. Such thresholds shall use a fire-specific metric to determine fire damage and recommend a federal share adjustment for fire damage that meets the established thresholds.</p>	<p>Introduced by Rep. Joe Neguse (D-CO) – February 15, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#">S.421</a> <a href="#">Western Tribal Water Infrastructure Act of 2021</a>	<p>This bill reauthorizes through FY2024, and expands, the Indian Reservation Drinking Water Program.</p> <p>Specifically, the bill directs the Environmental Protection Agency to connect, expand, or repair existing public water systems that are on Indian reservations or off-reservation sites that serve tribes in the Columbia River Basin or its adjacent coastal river basins. Currently, only projects that are on Indian reservations in the Upper Missouri River Basin or the Upper Rio Grande Basin are eligible for the program.</p>	<p>Introduced by Sen. Ron Wyden (D-OR) – February 24, 2021</p> <p>Placed on the Senate Legislative Calendar – April 28, 2021</p>	
<a href="#">H.R.1319</a> <a href="#">American Rescue Plan Act of 2021</a>	<p>This bill provides additional relief to address the continued impact of COVID-19 (i.e., coronavirus disease 2019) on the economy, public health, state and local governments, individuals, and businesses.</p>	<p>Introduced by Rep. John Yarmuth (D-KY) – February 24, 2021</p> <p>Became Public Law No: 117-2 – March 11, 2021</p>	<i>SUPPORT</i>
<a href="#">H.R.1352</a> <a href="#">Water Affordability, Transparency, Equity, and Reliability Act of 2021</a>	<p>This bill increases funding for water infrastructure, including funding for several programs related to controlling water pollution or protecting drinking water. Specifically, it establishes a Water Affordability, Transparency, Equity, and Reliability Trust Fund. The fund may be used for specified grant programs. The bill increases the corporate income tax rate to 24.5% to provide revenues for the fund.</p> <p>In addition, the bill revises requirements concerning the clean water state revolving fund (SRF) and the drinking water SRF. It also creates or reauthorizes several grant programs for water infrastructure.</p>	<p>Introduced by Rep. Brenda Lawrence (D-MI) – February 25, 2021</p>	
<a href="#">S.479</a> <a href="#">Lifting Our Communities through Advance Liquidity for Infrastructure (LOCAL Infrastructure) Act of 2021</a>	<p>This bill reinstates tax provisions relating to advance refunding bonds. An advance refunding bond is a tax-exempt bond issued by a state or municipality to refinance or consolidate existing bond obligations.</p>	<p>Introduced by Sen. Roger Wicker (R-MS) – February 25, 2021</p>	<i>SUPPORT</i>

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>H. R. 1438</u></a> <a href="#"><u>FLOODS Act</u></a></p>	<p>This bill addresses forecasting and the communication of flood, tornado, and hurricane events by the National Oceanic and Atmospheric Administration (NOAA).</p> <p>Among other provisions, the bill</p> <ul style="list-style-type: none"> <li>• requires NOAA to estimate and communicate the frequency of precipitation;</li> <li>• establishes an Interagency Coordinating Committee on Water Management to ensure that federal agencies that engage in water-related matters, including water storage and supplies, water quality and restoration activities, water infrastructure, transportation on rivers and inland waterways, and water forecasting, work together where such agencies have joint or overlapping responsibilities; and</li> <li>• directs NOAA to conduct an analysis of gaps in the availability of snow-related data to assess and predict floods and flood impacts.</li> </ul> <p><i>Companion bill to S.558.</i></p>	<p>Introduced by Rep. Mikie Sherrill (D-NJ) – February 26, 2021</p>	
<p><a href="#"><u>S.498</u></a> <a href="#"><u>A bill to amend title 54, United States Code, to limit the authority to reserve water rights in designating a national monument</u></a></p>	<p>This bill prohibits the President, in designating a national monument, from reserving any implied or expressed water rights associated with it.</p> <p>Water rights for an associated national monument may only be acquired in accordance with the laws of the state in which the water rights are to be located.</p>	<p>Introduced by Sen. Mike Lee (R-UT) – March 1, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#">S.558</a> <a href="#">FLOODS Act</a></p>	<p>This bill addresses forecasting and the communication of flood, tornado, and hurricane events by the National Oceanic and Atmospheric Administration (NOAA).</p> <p>Among other provisions, the bill</p> <ul style="list-style-type: none"> <li>• requires NOAA to estimate and communicate the frequency of precipitation;</li> <li>• establishes an Interagency Coordinating Committee on Water Management to ensure that federal agencies that engage in water-related matters, including water storage and supplies, water quality and restoration activities, water infrastructure, transportation on rivers and inland waterways, and water forecasting, work together where such agencies have joint or overlapping responsibilities; and directs NOAA to conduct an analysis of gaps in the availability of snow-related data to assess and predict floods and flood impacts.</li> </ul> <p><i>Companion bill to H.R.1438.</i></p>	<p>Introduced by Sen. Roger Wicker (R-MS) – March 3, 2021</p> <p>Passed the Senate; Received in the House - October 1, 2021</p>	
<p><a href="#">H.R.1563</a> <a href="#">To extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California</a></p>	<p>This bill extends the authority of certain federal agencies to provide support for western water infrastructure and extends consultation requirements concerning projects in California.</p> <p>Specifically, the bill extends through 2028 the authority of the Bureau of Reclamation to provide support for projects in certain western states related to federal or state-led water storage, water desalination, and water recycling and reuse. It also extends provisions specific to California, including drought relief and the operations of the Central Valley Project (a hydropower and water management project in California that is operated by Reclamation).</p> <p>Further, the bill extends through 2033 consultation requirements concerning biological assessments and the coordinated operations of the Central Valley Project and the State Water Project in California.</p>	<p>Introduced by Rep. Mike Garcia (R-CA) – March 3, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>H.R.1679</u></a>  <a href="#"><u>To prohibit the Secretary of the Interior and the Secretary of Agriculture from conditioning any permit, lease, or other use agreement on the transfer of any water right to the United States, and for other purposes</u></a></p>	<p>This bill prohibits the Departments of the Interior and Agriculture from</p> <ul style="list-style-type: none"> <li>• conditioning the issuance, renewal, amendment, or extension of any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement (permit) on the transfer of any water right to the United States or on any impairment of title granted or otherwise recognized under state law by federal or state action; or</li> <li>• requiring any water user (including a federally recognized Indian tribe) to apply for or acquire a water right in the name of the United States under state law as a condition of the issuance, renewal, amendment, or extension of such a permit.</li> </ul> <p>When developing any rule or similar federal action relating to the issuance, renewal, amendment, or extension of any permit, such departments (1) shall recognize the longstanding water use authority of the states and coordinate with the states to ensure that any federal action is consistent with applicable state water law, and (2) shall not adversely affect the authority of a state in permitting the beneficial use of water or adjudicating water rights.</p>	<p>Introduced by Rep. Lauren Boebert (R-CO) – March 9, 2021</p>	
<p><a href="#"><u>H.R.1804</u></a>  <a href="#"><u>Community Cleanup Act</u></a></p>	<p>This bill expands existing notice and publication requirements related to remedial action plans for Superfund sites (sites contaminated with hazardous substances).</p> <p>Specifically, the bill requires the notice and analysis of a proposed plan to be transmitted to the highest ranking official of the local government with jurisdiction over the facility subject to the plan. During the public comment period, written and oral comments may be submitted regarding the use of the facility at issue after the remedial action is taken.</p> <p>Notice of the final remedial action plan must be transmitted to the local government officials with jurisdiction over the facility at issue.</p> <p>Finally, the bill expands the minimum publication requirements for proposed and final plans to include (1) an announcement via a radio or television station in the broadcast area surrounding the facility at issue, (2) digital or social media publications, and (3) a posting to the website of the person proposing to adopt a plan for remediation.</p>	<p>Introduced by Rep. Earl Carter (R-GA) – March 11, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>H.R.1844</u></a> <a href="#"><u>STOP CSO Act of 2021</u></a></p>	<p>This bill revises the National Pollutant Discharge Elimination System permit program to require certain publicly owned water treatment facilities to monitor, report on, and notify the public of sewer overflows.</p> <p>For example, the facilities must notify the public within a specified number of hours after (1) sewer overflows that have the potential to affect human health, and (2) sewer overflows that may imminently and substantially endanger human health.</p>	<p>Introduced by Rep. Seth Moulton (D-MA) – March 11, 2021</p>	
<p><a href="#"><u>S.715</u></a> <a href="#"><u>NEPA Data Transparency and Accountability Act</u></a></p>	<p>This bill requires federal agencies to annually report on their environmental review activities under the National Environmental Policy Act of 1969 (NEPA).</p> <p>The agencies must also include the cost of their NEPA activities in the annual reports after the Council on Environmental Quality and the Office of Management and Budget have developed a methodology to assess the comprehensive costs of the NEPA process.</p>	<p>Introduced by Sen. Mike Lee (R-UT) – March 11, 2021</p>	
<p><a href="#"><u>S.716</u></a> <a href="#"><u>NEPA Legal Reform Act</u></a></p>	<p>This bill establishes requirements concerning the judicial review of cases about the environmental review process required under the National Environmental Policy Act of 1969 (NEPA).</p> <p>Specifically, the bill establishes standing requirements for NEPA claims, including a requirement that a plaintiff must personally suffer, or will likely personally suffer, a direct, tangible harm.</p> <p>In addition, the bill sets a statute of limitations for all claims related to NEPA.</p> <p>The bill also provides statutory authority for certain evidentiary standards concerning motions for temporary restraining orders, preliminary injunctions, and permanent injunctions.</p> <p>In addition, the bill limits fees that may be awarded to environmental attorneys.</p>	<p>Introduced by Sen. Mike Lee (R-UT) – March 11, 2021</p>	

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<p><a href="#"><u>S.717</u></a> <a href="#"><u>UNSHACKLE Act</u></a></p>	<p>This bill revises the environmental review process required under the National Environmental Policy Act of 1969 (NEPA), including by</p> <ul style="list-style-type: none"> <li>• establishing deadlines for federal agencies to complete reviews of the environmental effects of proposed major federal actions;</li> <li>• establishing penalties for agencies that do not comply with these deadlines;</li> <li>• limiting the number of assessment documents required for proposed major federal actions, requiring agencies to reuse certain research or documents, and allowing agencies to adopt environmental documents prepared by states or third parties;</li> <li>• requiring agencies to only consider alternatives to proposed actions that are technically and economically feasible;</li> <li>• prohibiting agencies from considering whether proposed actions or alternatives to those actions will have an effect on climate change; and</li> <li>• establishing requirements concerning the judicial review of NEPA cases..</li> </ul>	<p>Introduced by Sen. Mike Lee (R-UT) – March 11, 2021</p>	
<p><a href="#"><u>S.718</u></a> <a href="#"><u>NEPA Agency Process Accountability Act</u></a></p>	<p>This bill revises the environmental review process required under the National Environmental Policy Act of 1969 (NEPA), including by limiting the number of assessment documents required for proposed major federal actions, requiring agencies to reuse certain research or documents in the NEPA process, and allowing agencies to adopt environmental documents prepared by states or third parties as specified under the bill.</p> <p>In addition, the bill requires agencies to only consider alternatives to proposed major federal actions that are technically and economically feasible. Agencies must track and report on specified NEPA data, such as the comprehensive costs of the NEPA process.</p>	<p>Introduced by Sen. Mike Lee (R-UT) – March 11, 2021</p>	
<p><a href="#"><u>S.719</u></a> <a href="#"><u>NEPA State Assignment Expansion Act</u></a></p>	<p>This bill allows certain states to enter into agreements with federal agencies to assume federal responsibilities regarding the environmental review of proposed major federal actions under the National Environmental Policy Act of 1969.</p>	<p>Introduced by Sen. Mike Lee (R-UT) – March 11, 2021</p>	

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<a href="#">S.722</a> <a href="#">Wastewater Efficiency and Treatment Act of 2021</a>	<p>This bill requires the Department of Energy (DOE) to establish a Water and Energy Efficiency Program.</p> <p>Under the program, DOE must award grants to certain small public wastewater treatment facilities that serve disadvantaged communities or populations that do not exceed 10,000. The facilities must use the grants to conduct energy efficiency audits of the facilities and update equipment based on the audits.</p> <p>In addition, DOE must provide loan guarantees to eligible municipalities and Indian tribes for (1) projects that convert waste in the treatment process of wastewater treatment facilities into renewable fuels, biosolids, or other byproducts; and (2) projects that will assist in transitioning facilities towards the use of energy-efficient technologies. In carrying out the program, DOE must establish a small-scale extension services program to provide assistance to rural communities through grants, outreach, training, and technical assistance regarding energy-efficient technologies at wastewater treatment facilities in eligible municipalities and tribes.</p>	<p>Introduced by Sen. Jeff Merkley (D-OR) – March 11, 2021</p>	
<a href="#">H.R.1820</a> <a href="#">RETROACTIVE Policy Act</a>	<p>This bill limits the period during which the Environmental Protection Agency may prohibit the specification, or restrict the use, of an area as a disposal site for discharges of dredged or fill materials into waters of the United States.</p>	<p>Introduced by Rep. Bob Gibbs (R-OH) – March 11, 2021</p>	
<a href="#">H.R. 1821</a> <a href="#">RURAL Act</a>	<p>This bill modifies requirements governing the use of pesticides in or near navigable waters. Specifically, the bill prohibits the Environmental Protection Agency or states from requiring permits under the National Pollutant Discharge Elimination System for discharges of pesticides into navigable waters if the pesticides are (1) registered, (2) used for their intended purposes, and (3) used in compliance with their pesticide label requirements. The bill establishes exemptions from this prohibition.</p>	<p>Introduced by Rep. Bob Gibbs (R-OH) – March 11, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>H.R.1848</u></a>  <a href="#"><u>Leading Infrastructure for Tomorrow's America Act</u></a></p>	<p>This bill establishes several programs and incentives to modernize the nation's communications, drinking water, energy, transportation, health care, and other related infrastructure.</p> <p>In addition, it supports drinking water programs, including the drinking water state revolving fund program. Further, it provides grants to treat perfluoroalkyl or polyfluoroalkyl substances (commonly referred to as PFAS) in drinking water and to replace lead service lines.</p> <p>The bill establishes a variety of programs to support clean energy infrastructure and address climate change, including efforts to (1) modernize the electric grid and make it more resilient, efficient, and secure; (2) increase energy efficiency in buildings; and (3) support renewable energy infrastructure.</p> <p>Further, it provides incentives for vehicle infrastructure, such as incentives to develop infrastructure for electric vehicles and grants to reduce air pollution at ports by electrifying port infrastructure.</p> <p>Additionally, the bill establishes grants and programs for health care infrastructure, including by providing support for the Centers for Disease Control and Prevention, laboratories, and state, local, tribal, and territorial health departments.</p> <p>Finally, the bill reauthorizes grant programs to remediate brownfield sites (i.e., sites contaminated with hazardous substances) through FY2026.</p>	<p>Introduced by Rep. Frank Pallone (D-NJ) – March 11, 2021</p> <p>Committee on Energy and Commerce held a hearing – March 22, 2021</p>	
<p><a href="#"><u>H.R.1881</u></a>  <a href="#"><u>To amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes</u></a></p>	<p>This bill revises the National Pollutant Discharge Elimination System (NPDES) program. Under the program, the Environmental Protection Agency issues permits to discharge pollutants into waters of the United States.</p> <p>The bill extends the maximum term for NPDES permits issued to states or municipalities from 5 to 10 years.</p>	<p>Introduced by Rep. John Garamendi (D-CA) – March 12, 2021</p>	<p><i>SUPPORT</i></p>

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#"><u>H.R.1889</u></a> <a href="#"><u>Environmental Justice for Coronavirus Affected Communities Act</u></a>	<p>This bill reauthorizes through FY2022 (1) the Environmental Justice Small Grants Program; (2) the Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program, which provides financial assistance to address local environmental or public health issues; and (3) the Community Action for a Renewed Environment grant program, which assists communities address multiple sources of toxic pollutants.</p>	<p>Introduced by Rep. Raul Ruiz (D-CA) – March 12, 2021</p>	
<a href="#"><u>H.R.1915</u></a> <a href="#"><u>Water Quality Protection and Job Creation Act of 2021</u></a>	<p>This bill creates, reauthorizes, and revises several grant programs for infrastructure to treat water pollution, such as wastewater or stormwater.</p> <p>Specifically, the bill reauthorizes through FY2026 and revises the Clean Water State Revolving Fund program, which provides communities low-cost financing for water quality infrastructure projects. It also reauthorizes through FY2026 grants for</p> <ul style="list-style-type: none"> <li>• programs to control water pollution;</li> <li>• pilot projects related to watershed management of wastewater discharges (e.g., sewer overflows or stormwater discharges) during wet weather;</li> <li>• alternative water source projects, including projects to reclaim stormwater; or</li> <li>• measures to manage, reduce, treat or recapture stormwater, such as sewer overflows.</li> </ul> <p>In addition, the Environmental Protection Agency must award grants to owners of publicly owned treatment works (i.e., sewage treatment plants) for the treatment of contaminants of emerging concern, such as perfluoroalkyl or polyfluoroalkyl substances, commonly referred to as PFAS. These substances are man-made and may have adverse human health effects. A variety of products contain the compounds, such as nonstick cookware or weatherproof clothing.</p>	<p>Introduced by Rep. Peter DeFazio (D-OR) – March 16, 2021</p> <p>Passed via legislative vehicle H.R. 3684 – July 1, 2021</p>	
<a href="#"><u>S.804</u></a> <a href="#"><u>SALT Deduction Fairness Act</u></a>	<p>This bill increases the limitation on the deduction for state and local taxes to \$20,000 for individuals filing a joint tax return. The limitation applies to taxable years 2018 through 2025.</p>	<p>Introduced by Rep. Susan Collins (D-ME) – March 17, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#">H.R.2021</a>  <a href="#">Environmental Justice For All Act</a></p>	<p>This bill establishes several environmental justice requirements, advisory bodies, and programs to address the disproportionate adverse human health or environmental effects of federal laws or programs on communities of color, low-income communities, or tribal and indigenous communities. The bill prohibits disparate impacts on the basis of race, color, or national origin as discrimination. Aggrieved persons may seek legal remedy when faced with such discrimination.</p> <p>In addition, the bill directs agencies to follow certain requirements concerning environmental justice. For example, agencies must prepare community impact reports that assess the potential impacts of their actions on environmental justice communities under certain circumstances.</p> <p>Further, it creates a variety of advisory bodies and positions, such as the White House Environmental Justice Interagency Council. Among other things, the council must issue an environmental justice strategy.</p> <p>It also establishes requirements and programs concerning chemicals or toxic ingredients in certain products. For example, the bill (1) requires certain products (e.g., cosmetics) to include a list of ingredients or warnings; and (2) provides grants for research on designing safer alternatives to chemicals in certain consumer, cleaning, toy, or baby products that have an inherent toxicity or that are associated with chronic adverse health effects.</p> <p>Finally, it creates a variety of funding programs, such as a grant program to enhance access to park and recreational opportunities in an urban areas.</p> <p><i>Companion bill to S.872.</i></p>	<p>Introduced by Rep. Raul Grijalva (D-AZ) – March 18, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#">S.855</a>  <a href="#">Water Rights Protection Act of 2021</a></p>	<p>This bill prohibits the Departments of the Interior and Agriculture from</p> <ul style="list-style-type: none"> <li>• conditioning the issuance, renewal, amendment, or extension of any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement (permit) on the transfer of any water right to the United States or on any impairment of title granted or otherwise recognized under state law by federal or state action;</li> <li>• requiring any water user (including a federally recognized Indian tribe) to apply for or acquire a water right in the name of the United States under state law as a condition of the issuance, renewal, amendment, or extension of such a permit; or</li> <li>• conditioning or withholding the issuance, renewal, amendment, or extension of such a permit on limiting the date, time, quantity, location of diversion or pumping, or place of use of a state water right beyond any limitations under state water law, or on the modification of the terms and conditions of groundwater withdrawal, guidance and reporting procedures, or conservation and source protection measures established by a state.</li> </ul> <p>In developing any rule or similar federal action relating to the issuance, renewal, amendment, or extension of any permit, such departments (1) shall recognize the longstanding water use authority of the states and coordinate with the states to ensure that any federal action is consistent with applicable state water law, and (2) shall not adversely affect the authority of a state in permitting the beneficial use of water or adjudicating water rights.</p>	<p>Introduced by Sen. John Barrasso (R-WY) – March 18, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#">S.872</a>  <a href="#">Environmental Justice For All Act</a></p>	<p>This bill establishes several environmental justice requirements, advisory bodies, and programs to address the disproportionate adverse human health or environmental effects of federal laws or programs on communities of color, low-income communities, or tribal and indigenous communities. The bill prohibits disparate impacts on the basis of race, color, or national origin as discrimination. Aggrieved persons may seek legal remedy when faced with such discrimination.</p> <p>In addition, the bill directs agencies to follow certain requirements concerning environmental justice. For example, agencies must prepare community impact reports that assess the potential impacts of their actions on environmental justice communities under certain circumstances.</p> <p>Further, it creates a variety of advisory bodies and positions, such as the White House Environmental Justice Interagency Council. Among other things, the council must issue an environmental justice strategy.</p> <p>It also establishes requirements and programs concerning chemicals or toxic ingredients in certain products. For example, the bill (1) requires certain products (e.g., cosmetics) to include a list of ingredients or warnings; and (2) provides grants for research on designing safer alternatives to chemicals in certain consumer, cleaning, toy, or baby products that have an inherent toxicity or that are associated with chronic adverse health effects.</p> <p>Finally, it creates a variety of funding programs, such as a grant program to enhance access to park and recreational opportunities in an urban areas.</p> <p><i>Companion bill to H.R.2021.</i></p>	<p>Introduced by Sen. Tammy Duckworth (D-IL) – March 18, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>H.R.2095</u></a>  <a href="#"><u>To require the Secretary of the Army to conduct a study to determine the costs for the Corps of Engineers to ensure that certain project activities authorized under Nationwide Permit 14 comply with public safety conditions, and for other purposes.</u></a></p>	<p>This bill reauthorizes through FY2026 or establishes a variety of programs for water infrastructure. Specifically, it supports programs to provide safe drinking water or treat wastewater, such as sewer overflows or stormwater. For example, the bill reauthorizes and revises the clean water state revolving fund (SRF) and the drinking water SRF.</p>	<p>Introduced by Rep. Billy Long (R-MO) – March 22, 2021</p>	
<p><a href="#"><u>S.914</u></a>  <a href="#"><u>Drinking Water and Wastewater Infrastructure Act of 2021</u></a></p>	<p>This bill reauthorizes through FY2026 or establishes a variety of programs for water infrastructure. Specifically, it supports programs to provide safe drinking water or treat wastewater, such as sewer overflows or stormwater. For example, the bill reauthorizes and revises the clean water state revolving fund (SRF) and the drinking water SRF..</p>	<p>Introduced by Sen. Tammy Duckworth (D-IL) – March 24, 2021</p> <p>Passed in the Senate. Report filed by Sen. Tom Carper (D-DE) - May 10, 2021</p>	
<p><a href="#"><u>H.R.2008</u></a>  <a href="#"><u>Local Water Protection Act</u></a></p>	<p>This bill reauthorizes through FY2026 grants to states for (1) programs that manage and control nonpoint source pollution (e.g., runoff from a variety of sources) added to navigable waters, and (2) groundwater quality protection activities to advance state implementation of such programs.</p>	<p>Introduced by Rep. Angie Craig (D-MN) – March 24, 2021</p> <p>Passed House. Received in the Senate – June 16, 2021</p>	
<p><a href="#"><u>H.R.2173</u></a>  <a href="#"><u>Wastewater Workforce Investment Act</u></a></p>	<p>This bill allows states to reserve a portion of the sums allotted to them under the clean water state revolving fund to address the workforce development needs of publicly owned treatment works.</p>	<p>Introduced by Rep. Greg Stanton (D-AZ) – March 23, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#">S.939</a> <a href="#">IMAGINE Act</a></p>	<p>This bill encourages the use of innovative construction materials and techniques to accelerate the deployment, extend the service life, improve the performance, and reduce the cost of domestic transportation and water infrastructure projects.</p> <p>Among other things, the bill</p> <ul style="list-style-type: none"> <li>• establishes an Interagency Innovative Materials Standards Task Force to assess existing standards and test methods for the use of innovative materials in infrastructure, identify key barriers in the standards area that inhibit broader market adoption, and develop new methods and protocols to better evaluate innovative materials;</li> <li>• requires the Department of Transportation to enhance the development of innovative materials in the United States by providing awards to entities for establishing and operating new innovative material innovation hubs;</li> <li>• directs the Federal Highway Administration to provide grants to states' departments of transportation, tribal governments, public toll authorities, and units of local government for coastal or rural infrastructure bridge projects and value engineering projects to enhance the performance of bridges through the use of innovative materials; and</li> <li>• provides grants for the design and installation of water infrastructure projects.</li> </ul> <p><i>Companion bill to H.R.2197.</i></p>	<p>Introduced by Sen. Sheldon Whitehouse (D-RI) – March 24, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>S.953</u></a>  <a href="#"><u>Water for Conservation and Farming Act</u></a></p>	<p>This bill establishes a funding source for certain water resources development projects in western states. The bill also reauthorizes and expands existing water resources development programs, as well as establishes new programs.</p> <p>Specifically, the bill establishes the Bureau of Reclamation Infrastructure Fund to fund water-related programs, including water reclamation and reuse projects, dam safety projects, and the WaterSMART program (which provides assistance to eligible government entities to increase water supply). Each year from FY2031-FY2061, the Department of the Treasury must deposit \$300 million of revenues into this fund that would otherwise be deposited into the Reclamation Fund (which currently funds irrigation works in western states).</p> <p>The bill also expands the allowable uses for grants under the WaterSMART program.</p> <p>Next, the bill revises the Reclamation Climate Change and Water program (which assesses the impact of climate change on water supplies) by requiring Reclamation to develop a strategy to address sustaining native biodiversity during periods of drought.</p> <p>The bill also reauthorizes through FY2028 the Fisheries Restoration and Irrigation Mitigation program (which funds fish passage projects in certain areas that drain into the Pacific Ocean).</p> <p>Finally, the bill establishes new programs directed at western states to</p> <ul style="list-style-type: none"> <li>• provide assistance to agricultural producers to create and maintain waterbird and shorebird habitats,</li> <li>• award grants to eligible government entities and nonprofit conservation organizations for habitat restoration projects that improve watershed health, and</li> <li>• prepare plans to sustain the survival of critically important fisheries during periods of drought.</li> </ul>	<p>Introduced by Sen. Ron Wyden (D-OR) – March 24, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#">H.R.2197</a> <a href="#">IMAGINE Act</a>	<p>This bill encourages the use of innovative construction materials and techniques to accelerate the deployment, extend the service life, improve the performance, and reduce the cost of domestic transportation and water infrastructure projects.</p> <p>Among other things, the bill</p> <ul style="list-style-type: none"> <li>• establishes an Interagency Innovative Materials Standards Task Force to assess existing standards and test methods for the use of innovative materials in infrastructure, identify key barriers in the standards area that inhibit broader market adoption, and develop new methods and protocols to better evaluate innovative materials;</li> <li>• requires the Department of Transportation to enhance the development of innovative materials in the United States by providing awards to entities for establishing and operating new innovative material innovation hubs;</li> <li>• directs the Federal Highway Administration to provide grants to states' departments of transportation, tribal governments, public toll authorities, and units of local government for coastal or rural infrastructure bridge projects and value engineering projects to enhance the performance of bridges through the use of innovative materials; and</li> <li>• provides grants for the design and installation of water infrastructure projects.</li> </ul> <p><i>Companion bill to S.939.</i></p>	<p>Introduced by Rep. David Cicilline (D-RI) – March 26, 2021</p>	
<a href="#">H.R.2288</a> <a href="#">Investing in Our Communities Act</a>	<p>This bill reinstates the exclusion from gross income for interest on certain bonds issued to advance the refunding of a prior bond issue. The exclusion was repealed for bonds issued after 2017.</p>	<p>Introduced by Rep. Dutch Ruppersberger (D-MD) – March 29, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>H.R.2397</u></a>  <a href="#"><u>Protection from Cumulative Emissions and Underenforcement of Environmental Law Act of 2021</u></a></p>	<p>This bill directs the Environmental Protection Agency (EPA) to address the cumulative public health risks associated with multiple environmental stressors and recommend measures to reduce the number of violations of environmental law in certain environmental justice communities. Environmental justice communities are communities with significant representation of communities of color, low-income communities, or tribal and indigenous communities that experience, or are at risk of experiencing, higher or more adverse human health or environmental effects, as compared to other communities.</p> <p>In addition, the EPA must publish and implement a proposal for a protocol that assesses and addresses the cumulative public health risks associated with multiple environmental stressors, such as impacts associated with global climate change.</p> <p>Further, the EPA must identify at least 100 communities that (1) are environmental justice communities; and (2) have had more environmental law violations than the national average, as determined by the EPA. The EPA must then identify the causes of the violations, identify measures to reduce the number of violations, and implement such measures.</p>	<p>Introduced by  Diana DeGette (D-CO) – April 8, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>H.R.2434</u></a>  <a href="#"><u>Environmental Justice Act of 2021</u></a></p>	<p>This bill requires agencies to address and mitigate the disproportionate impact of environmental and human health hazards on communities of color, indigenous communities, and low-income communities resulting from agencies' programs and policies. The bill also requires agencies to address cumulative impacts of pollution in permitting decisions and expands the types of legal actions available to individuals regarding charges of federal discriminatory practices.</p> <p>Specifically, the bill provides statutory authority for a variety of existing programs, executive orders, federal guidance, and committees concerning environmental justice, including</p> <ul style="list-style-type: none"> <li>• Executive Order 12898;</li> <li>• a guidance issued in 1997 by the Council on Environmental Quality titled Environmental Justice Guidance Under the National Environmental Policy Act;</li> <li>• a guidance issued in 2016 by the Environmental Protection Agency titled EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights;</li> <li>• the National Environmental Justice Advisory Council;</li> <li>• the Environmental Justice Small Grants Program; and</li> <li>• the Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program.</li> <li>• In addition, the bill requires agencies renewing or issuing specified permits under the Clean Water Act or the Clean Air Act to consider the cumulative impacts of pollution.</li> </ul> <p>The bill also allows individuals to bring actions under the Civil Rights Act against entities that receive federal assistance and engage in discriminatory practices that have a disparate impact. Currently, individuals must request that federal agencies bring such actions on their behalf.</p>	<p>Introduced by Rep. Raul Ruiz (D-CA)  – April 8, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>H.R.2442</u></a>  <a href="#"><u>Climate Justice Grants Act</u></a></p>	<p>This bill requires the Environmental Protection Agency to establish a grant program to assist tribal governments, local governments, nonprofits, or community-based organizations in addressing issues relating to climate justice and carrying out activities that address climate justice concerns of environmental justice communities. Environmental justice communities refers to any population of color, community of color, indigenous community, or low-income community that experiences a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards.</p>	<p>Introduced by Rep. Nanette Diaz Barragan (D-CA) – April 12, 2021</p>	
<p><a href="#"><u>H.R.2467</u></a>  <a href="#"><u>PFAS Action Act of 2021</u></a></p>	<p>This bill establishes requirements and incentives to limit the use of perfluoroalkyl and polyfluoroalkyl substances, commonly referred to as PFAS, and remediate PFAS in the environment. PFAS are man-made and may have adverse human health effects. A variety of products contain PFAS, such as nonstick cookware or weatherproof clothing.</p> <p>The bill directs the Environmental Protection Agency (EPA) to designate the PFAS perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) as a hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, thereby requiring remediation of releases of those PFAS into the environment. Within five years, the EPA must determine whether the remaining PFAS should be designated as hazardous substances.</p> <p>The EPA must also determine whether PFAS should be designated as toxic pollutants under the Clean Water Act. If PFAS are designated as toxic, then the EPA must establish standards to limit discharges of PFAS from industrial sources into waters of the United States. In addition, the EPA must issue a national primary drinking water regulation for PFAS that, at a minimum, includes standards for PFOA and PFOS.</p> <p>Among other requirements, the EPA must also issue a final rule adding PFOA and PFOS to the list of hazardous air pollutants, test all PFAS for toxicity to human health, and regulate the disposal of materials containing PFAS.</p> <p>Finally, the bill provides incentives to address PFAS, such as grants to help community water systems treat water contaminated by PFAS.</p>	<p>Introduced by Rep. Debbie Dingell (D-MI) – April 13, 2021</p> <p>Passed by the House; received in the Senate – July 22, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>H.Res.318</u></a>  <a href="#"><u>Expressing the sense of the House of Representatives that clean water is a national priority and that the April 21, 2020, Navigable Waters Protection Rule should not be withdrawn or vacated.</u></a></p>	<p>This resolution expresses the sense of the House of Representatives that (1) clean water is a national priority, and (2) the 2020 final rule titled The Navigable Waters Protection Rule: Definition of "Waters of the United States" should not be withdrawn or vacated.</p>	<p>Introduced by Rep. Mariannette Miller-Meeks (R-IA) – April 14, 2021</p>	
<p><a href="#"><u>H.R.2468</u></a>  <a href="#"><u>Made in America Act of 2021</u></a></p>	<p>This bill requires that materials used in carrying out federal infrastructure aid programs are made in the United States. The term produced in the United States means, in the case of</p> <ul style="list-style-type: none"> <li>• iron or steel products, that all manufacturing processes for the iron or steel product, from the initial melting stage through the application of coatings, occurred in the United States;</li> <li>• manufactured products, that the product was manufactured in the United States and that the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 50% of the total cost of all components of the manufactured product; and</li> <li>• construction materials, that all manufacturing processes for the construction material occurred in the United States.</li> </ul> <p>The Department of Commerce must (1) issue uniform standards that define the term all manufacturing processes for purposes of this bill, and (2) take into consideration and seek to maximize the jobs benefited or created in the production of the construction material. The bill requires that all steel, iron, manufactured products, non-ferrous metals, plastic, concrete and aggregates, glass (including optical glass), lumber, and drywall used in these programs be produced in the United States. Includes within infrastructure addressed by this bill federal-aid highways, railroads, public transportation, civil aviation, drinking water, and stormwater.</p> <p><i>Companion bill to S.1094.</i></p>	<p>Introduced by Rep. John Garamendi (D-CA) – April 13, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#">S.1094</a>  <a href="#">Made in America Act of 2021</a></p>	<p>This bill requires that materials used in carrying out federal infrastructure aid programs are made in the United States.</p> <p>The term produced in the United States means, in the case of</p> <ul style="list-style-type: none"> <li>• iron or steel products, that all manufacturing processes for the iron or steel product, from the initial melting stage through the application of coatings, occurred in the United States;</li> <li>• manufactured products, that the product was manufactured in the United States and that the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 50% of the total cost of all components of the manufactured product; and</li> <li>• construction materials, that all manufacturing processes for the construction material occurred in the United States.</li> </ul> <p>The Department of Commerce must (1) issue uniform standards that define the term all manufacturing processes for purposes of this bill, and (2) take into consideration and seek to maximize the jobs benefited or created in the production of the construction material.</p> <p>The bill requires that all steel, iron, manufactured products, non-ferrous metals, plastic, concrete and aggregates, glass (including optical glass), lumber, and drywall used in these programs be produced in the United States.</p> <p>Includes within infrastructure addressed by this bill federal-aid highways, railroads, public transportation, civil aviation, drinking water, and stormwater.</p> <p><i>Companion bill to H.R.2468.</i></p>	<p>Introduced by Sen. Tammy Baldwin (D-WI) – April 13, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#"><u>S.1121</u></a> <a href="#"><u>PFAS Registry Act of 2021</u></a>	<p>This bill directs the Department of Veterans Affairs (VA) to establish a registry for current or past members of the Armed Forces who may have been exposed to per- and polyfluoroalkyl substances due to the environmental release of aqueous film-forming foam at a military installation or other Department of Defense (DOD) location. Additionally, the VA must consult with DOD and the Environmental Protection Agency to make recommendations for additional chemicals that should be included in the registry.</p>	<p>Introduced by Sen. Jeanne Shaheen (D-NH) – April 14, 2021</p>	
<a href="#"><u>H.R.2660</u></a> <a href="#"><u>WATER Act</u></a>	<p>This bill directs the Department of Veterans Affairs (VA) to establish a registry for current or past members of the Armed Forces who may have been exposed to per- and polyfluoroalkyl substances due to the environmental release of aqueous film-forming foam at a military installation or other Department of Defense (DOD) location. Additionally, the VA must consult with DOD and the Environmental Protection Agency to make recommendations for additional chemicals that should be included in the registry.</p>	<p>Introduced by Rep. Robert Latta (R-OH) – April 19, 2021</p>	
<a href="#"><u>H.Res.320</u></a> <a href="#"><u>Recognizing the critical importance of access to reliable, clean drinking water for Native Americans and Alaska Natives and confirming the responsibility of the Federal Government to ensure such water access.</u></a>	<p>This resolution expresses the sense of the House of Representatives that access to reliable and clean drinking water is critically important to the health and welfare of American Indians and Alaska Natives. Further, the resolution calls upon the federal government to provide water access to tribal members and communities.</p>	<p>Introduced by Rep. Joe Neguse (D-OH) – April 15, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>S.Res.166</u></a>  <a href="#"><u>A resolution recognizing the duty of the Federal Government to create a Green New Deal</u></a></p>	<p>This resolution calls for the creation of a Green New Deal with the goals of</p> <ul style="list-style-type: none"> <li>• achieving greenhouse gas and toxic emissions reductions needed to stay under 1.5 degrees Celsius of warming;</li> <li>• establishing millions of high-wage union jobs and ensuring economic security for all;</li> <li>• investing in infrastructure and industry;</li> <li>• securing clean air and water, climate and community resiliency, healthy food, access to nature, and a sustainable environment for all; and</li> <li>• promoting justice and equality.</li> </ul> <p>The resolution calls for accomplishment of these goals through a 10-year national mobilization effort. The resolution also enumerates the goals and projects of the mobilization effort, including</p> <ul style="list-style-type: none"> <li>• building smart power grids (i.e., power grids that enable customers to reduce their power use during peak demand periods);</li> <li>• upgrading all existing buildings and constructing new buildings to achieve maximum energy and water efficiency;</li> <li>• removing pollution and greenhouse gas emissions from the transportation and agricultural sectors;</li> <li>• cleaning up existing hazardous waste and abandoned sites;</li> <li>• ensuring businesspersons are free from unfair competition; and</li> <li>• providing higher education, high-quality health care, and affordable, safe, and adequate housing to all.</li> </ul> <p><i>Companion bill to H.Res.332.</i></p>	<p>Introduced by Sen. Ed Markey (D-MA) – April 20, 2021</p>	
<p><a href="#"><u>H.R.2673</u></a>  <a href="#"><u>CERCLA Liability Expansion and Accountability for Negligent and Unjust Pollution Act</u></a></p>	<p>This bill includes petroleum products under the definition of hazardous substances for purposes of Superfund, the program that directs and funds the cleanup of sites contaminated with hazardous substances. Additionally, the release of a petroleum product shall be considered as a release under Superfund if liability for such release is established by any other federal law.</p> <p>Per the bill, a petroleum product is petroleum or oil of any kind, in any form, or any fraction thereof, and includes fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.</p>	<p>Introduced by Earl Blumenauer (D-OR) – April 20, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>H.Res.332</u></a>  <a href="#"><u>Recognizing the duty of the Federal Government to create a Green New Deal</u></a></p>	<p>This resolution calls for the creation of a Green New Deal with the goals of</p> <ul style="list-style-type: none"> <li>• achieving greenhouse gas and toxic emissions reductions needed to stay under 1.5 degrees Celsius of warming;</li> <li>• establishing millions of high-wage union jobs and ensuring economic security for all;</li> <li>• investing in infrastructure and industry;</li> <li>• securing clean air and water, climate and community resiliency, healthy food, access to nature, and a sustainable environment for all; and</li> <li>• promoting justice and equality.</li> </ul> <p>The resolution calls for accomplishment of these goals through a 10-year national mobilization effort. The resolution also enumerates the goals and projects of the mobilization effort, including</p> <ul style="list-style-type: none"> <li>• building smart power grids (i.e., power grids that enable customers to reduce their power use during peak demand periods);</li> <li>• upgrading all existing buildings and constructing new buildings to achieve maximum energy and water efficiency;</li> <li>• removing pollution and greenhouse gas emissions from the transportation and agricultural sectors;</li> <li>• cleaning up existing hazardous waste and abandoned sites;</li> <li>• ensuring businesspersons are free from unfair competition; and</li> <li>• providing higher education, high-quality health care, and affordable, safe, and adequate housing to all.</li> </ul> <p><i>Companion bill to S.Res.166.</i></p>	<p>Introduced by Rep. Alexandria Ocasio-Cortez (D-NY) – April 21, 2021</p>	
<p><a href="#"><u>S.1239</u></a>  <a href="#"><u>A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for certain waste water management subsidies</u></a></p>	<p>This bill excludes from gross income, for income tax purposes, a taxpayer subsidy provided by a state or local government to a resident for the purchase or installation of any wastewater management measure intended solely for the taxpayer's principal residence</p>	<p>Introduced by Sen. Kirsten Gillibrand (D-NY) – April 20, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#">H.R.2674</a> <a href="#">Superfund Reinvestment Act</a>	<p>This bill authorizes the use of amounts in the Hazardous Substance Superfund for environmental cleanup costs under the Superfund program (which provides funding to clean up sites contaminated with hazardous substances).</p> <p>Receipts and disbursements of the Hazardous Substance Superfund must (1) not be counted for purposes of the President's budget, the congressional budget, the Balanced Budget and Emergency Deficit Control Act of 1985, or the Statutory Pay-As-You-Go Act of 2010; (2) be exempt from general budget limitations imposed by statute on expenditures and net lending (budget outlays); and (3) be available only for the allowable uses specified for the Superfund.</p> <p>This bill (1) reinstates and adjusts for inflation annually after 2021, the Hazardous Substance Superfund financing rate and the corporate environmental income tax threshold amount; and (2) extends the borrowing authority of the Superfund through 2029.</p>	<p>Introduced by Rep. Earl Blumenauer (D-OR) – April 21, 2021</p>	
<a href="#">H.R.2742</a> <a href="#">PFAS Registry Act of 2021</a>	<p>This bill directs the Department of Veterans Affairs (VA) to establish a registry for current or past members of the Armed Forces who may have been exposed to per- and polyfluoroalkyl substances due to the environmental release of aqueous film-forming foam at a military installation or other Department of Defense (DOD) location. Additionally, the VA must consult with DOD and the Environmental Protection Agency to make recommendations for additional chemicals that should be included in the registry.</p>	<p>Introduced by Rep. Chris Pappas (D-OH) – April 21, 2021</p>	
<a href="#">S.1334</a> <a href="#">PFAS Accountability Act of 2021</a>	<p>A bill to amend the Toxic Substance Control Act to codify a Federal cause of action and a type of remedy available for individuals significantly exposed to per- and polyfluoroalkyl substances, to encourage research and accountability for irresponsible discharge of those substances, and for other purposes.</p> <p><i>Companion legislation to H.R.2751.</i></p>	<p>Introduced by Sen. Kirsten Gillibrand (D-NY) – April 22, 2021</p>	
<a href="#">H.R.2751</a> <a href="#">PFAS Accountability Act of 2021</a>	<p>A bill to amend the Toxic Substance Control Act to codify a Federal cause of action and a type of remedy available for individuals significantly exposed to per- and polyfluoroalkyl substances, to encourage research and accountability for irresponsible discharge of those substances, and for other purposes.</p> <p><i>Companion legislation to S. 1334.</i></p>	<p>Introduced by Rep. Madeleine Dean (D-PA) – April 22, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#">S.1341</a> <a href="#">Water Resources Research Amendments Act</a>	<p>This bill reauthorizes through FY2025 the Water Resources Research Act Program and otherwise revises the program, including by increasing the federal share of grant funding under the program for water resources research and technology institutes.</p>	<p>Introduced by Sen. Ben Cardin (D-MD)  - April 22, 2021</p>	
<a href="#">S.1303</a> <a href="#">Build America, Buy America Act</a>	<p>This bill requires federal infrastructure programs to provide for the use of materials produced in the United States.</p> <p>Each federal agency must submit to the Office of Management and Budget and to Congress a report that identifies each federal financial assistance program for infrastructure administered by the agency and (1) identify domestic content procurement preferences applicable to the assistance, (2) assess the applicability of such requirements, (3) provide details on any applicable domestic content procurement preference requirement, and (4) include a description of the type of infrastructure projects that receive funding under the program.</p> <p>Each agency shall ensure that none of the funds made available for such a program may be used for a project unless all of the iron, steel, and manufactured products used in the project are produced in the United States, subject to waivers where inconsistent with the public interest, where not produced in sufficient quantities or satisfactory quality, or where such inclusion will increase the cost of the project by more than 25%.</p> <p><i>Companion bill to H.R.2810.</i></p>	<p>Introduced by Sen. Sherrod Brown (D-OH) – April 22, 2021</p> <p>Ordered to be reported – May 21, 2021</p>	
<a href="#">H.R.2781</a> <a href="#">Water Resources Research Amendments Act</a>	<p>This bill reauthorizes through FY2025 the Water Resources Research Act Program and otherwise revises the program, including by increasing the federal share of grant funding under the program for water resources research and technology institutes.</p> <p><i>Companion bill to S.1341.</i></p>	<p>Introduced by Rep Josh Harder (D-CA) – April 22, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p data-bbox="107 139 369 245"><a href="#">H.R.2810</a> <a href="#">Build America, Buy America Act</a></p>	<p data-bbox="453 139 1398 207">This bill requires federal infrastructure programs to provide for the use of materials produced in the United States.</p> <p data-bbox="453 248 1482 500">Each federal agency must submit to the Office of Management and Budget and to Congress a report that identifies each federal financial assistance program for infrastructure administered by the agency and (1) identify domestic content procurement preferences applicable to the assistance, (2) assess the applicability of such requirements, (3) provide details on any applicable domestic content procurement preference requirement, and (4) include a description of the type of infrastructure projects that receive funding under the program.</p> <p data-bbox="453 540 1476 756">Each agency shall ensure that none of the funds made available for such a program may be used for a project unless all of the iron, steel, and manufactured products used in the project are produced in the United States, subject to waivers where inconsistent with the public interest, where not produced in sufficient quantities or satisfactory quality, or where such inclusion will increase the cost of the project by more than 25%.</p> <p data-bbox="453 1455 785 1484"><i>Companion bill to S.1303</i></p>	<p data-bbox="1503 139 1755 245">Introduced by Rep. Tim Ryan (D-OH) – April 22, 2021</p> <p data-bbox="1503 285 1745 423">Committee on Natural Resources hearing – May 4, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#"><u>H.R.2895</u></a> <a href="#"><u>REPAIR Act</u></a>	<p>This bill addresses the financing of infrastructure projects through the establishment of the Infrastructure Financing Authority (IFA) and increases the national limitation on the amount of tax-exempt highway or surface freight transfer facility bonds.</p> <p>Specifically, the bill</p> <ul style="list-style-type: none"> <li>• directs the IFA to provide direct loans and loan guarantees to facilitate certain infrastructure projects that are economically viable, in the public interest, and of regional or national significance, including the construction, consolidation, alteration, or repair of airports and air traffic control systems, highway facilities, and transmission or distribution pipelines;</li> <li>• sets forth terms and limitations on direct loans and loan guarantees;</li> <li>• establishes a funding mechanism to make the IFA a self-sustaining entity, including through fees and risk premiums on loans and loan guarantees; and</li> <li>• increases from \$15 billion to \$16 billion the national limitation on the amount of tax-exempt highway or surface freight transfer facility bonds.</li> </ul>	<p>Introduced by Rep. Scott Peters (D-CA) – April 28, 2021</p>	
<a href="#"><u>H.R.2952</u></a> <a href="#"><u>WISE Act</u></a>	<p>This bill requires each state to use a certain percentage of funds it receives for capitalization of its clean water state revolving fund for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities.</p>	<p>Introduced by Rep. Nikema Williams (R-GA) – April 30, 2021</p>	
<a href="#"><u>H.R.2979</u></a> <a href="#"><u>To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to the final maturity date of certain loans, and for other purposes</u></a>	<p>This bill allows certain federal water infrastructure loans to have maturity dates of up to 55 years.</p> <p>For a secured loan for a water infrastructure project with a useful life of more than 35 years, the final maturity date of the loan shall be no later than the earlier of (1) 55 years after the project's substantial completion, or (2) the useful life of the project. Currently, the latest possible maturity date for this type of loan is 35 years from the project's substantial completion.</p>	<p>Introduced by Rep. John Garamendi (D-CA) – May 4, 2021</p>	
<a href="#"><u>H.R.3023</u></a> <a href="#"><u>Restoring WIFIA Eligibility Act</u></a>	<p>To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to budgetary treatment of certain amounts of financial assistance, and for other purposes.</p>	<p>Introduced by Rep. Jim Costa (D-CA) – May 10, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#"><u>H.R.3112</u></a> <a href="#"><u>Western Water Recycling and Drought Relief Act of 2021</u></a>	<p>This bill authorizes the Department of the Interior to participate in the design, planning, and construction of specified recycled water system facilities in California.</p>	<p>Introduced by Rep. Jerry McNerney (D-CA) – May 11, 2021</p>	
<a href="#"><u>H.R.3113</u></a> <a href="#"><u>MAPLand Act</u></a>	<p>This bill directs the Department of the Interior, the Forest Service, and the U.S. Army Corps of Engineers to jointly develop and adopt interagency standards to ensure compatibility and interoperability among federal databases for the collection and dissemination of outdoor recreation data related to federal lands.</p> <p>Interior, the Forest Service, and the Corps of Engineers must digitize and publish geographic information system mapping data that includes</p> <ul style="list-style-type: none"> <li>• federal interests, including easements and rights-of-way, in private land;</li> <li>• status information as to whether roads and trails are open or closed;</li> <li>• the dates on which roads and trails are seasonally opened and closed;</li> <li>• the types of vehicles that are allowed on each segment of roads and trails;</li> <li>• the boundaries of areas where hunting or recreational shooting is regulated or closed; and the boundaries of any portion of a body of water that is closed to entry, is closed to watercraft, or has horsepower limitations for watercrafts.</li> </ul>	<p>Introduced by Rep. Blake Moore (R-UT) – May 11, 2021</p> <p>Ordered to be Reported – July 17, 2021</p>	
<a href="#"><u>H.R.3218</u></a> <a href="#"><u>Wastewater Infrastructure Improvement Act of 2021</u></a>	<p>This bill sets forth requirements and establishes incentives to control water pollution.</p> <p>Specifically, the bill reauthorizes and revises several existing grant programs that address water pollution, including grants concerning implementing state water quality improvement programs, increasing the resilience of public wastewater utilities to man-made or natural disasters, recycling wastewater or stormwater, constructing sewer overflow and stormwater management projects, and supporting the clean water state revolving fund.</p> <p>In addition, the bill revises requirements concerning the National Pollutant Discharge Elimination System (NPDES) permit program of the Environmental Protection Agency (EPA).</p> <p>The bill allows the EPA to issue certain NPDES permits to states or municipalities for up to 10 years (currently, 5 years).</p>	<p>Introduced by Rep. David Rouzer (R-NC) – May 13, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#"><u>S.1605</u></a> <a href="#"><u>National Defense Authorization Act for Fiscal Year 2022</u></a>	<p>Provides authorizations for the Department of Defense for fiscal year 2022.</p>	<p>Introduced by Sen. Rick Scott (R-FL) – May 13, 2021</p> <p>Became Public Law No: 117-81– December 27, 2021</p>	
<a href="#"><u>H.R.3267</u></a> <a href="#"><u>Protect Drinking Water from PFAS Act of 2021</u></a>	<p>This bill requires the Environmental Protection Agency (EPA) to address the level of perfluoroalkyl and polyfluoroalkyl substances (PFAS) in drinking water. PFAS are man-made and may have adverse human health effects. A variety of products contain PFAS, such as nonstick cookware or weatherproof clothing.</p> <p>In addition, the EPA must publish a maximum contaminant level goal (MCLG) and promulgate a national primary drinking water regulation for PFAS.</p> <p>The MCLG and regulation must be protective of the health of subpopulations that may be at greater risk than the general population of adverse health effects from exposure to PFAS in drinking water.</p>	<p>Introduced by Rep. Brendan Boyle (D-PA) – May 17, 2021</p>	
<a href="#"><u>H.R.3282</u></a> <a href="#"><u>Drinking Water Funding for the Future Act of 2021</u></a>	<p>This bill reauthorizes through FY2026 several drinking water programs, such as programs concerning efforts to</p> <ul style="list-style-type: none"> <li>• assess risks to community water systems,</li> <li>• deploy innovative water technologies,</li> <li>• enforce compliance with standards under the Safe Drinking Water Act,</li> <li>• monitor unregulated drinking water contaminants,</li> <li>• assist water systems through the drinking water state revolving fund,</li> <li>• protect source waters,</li> <li>• test water quality in small and disadvantaged communities, and reduce lead in drinking water.</li> </ul>	<p>Introduced by Rep. David McKinley (R-WV) – May 17, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>H.R.3291</u></a>  <a href="#"><u>Assistance, Quality, and Affordability Act of 2021</u></a></p>	<p>This bill provides support for drinking water infrastructure and requires the Environmental Protection Agency (EPA) to address the safety and affordability of drinking water.</p> <p>The bill reauthorizes and establishes several programs for drinking water infrastructure. For example, it reauthorizes through FY2031 the drinking water state revolving fund.</p> <p>In addition, the bill revises requirements concerning the safety of drinking water, including by requiring the EPA to promulgate national primary drinking water regulations for perfluoroalkyl and polyfluoroalkyl substances (commonly known as PFAS), microcystin toxin, and 1,4-dioxane. PFAS are man-made and may have adverse human health effects. A variety of products contain the compounds, such as nonstick cookware or weatherproof clothing. Microcystin is a toxin that is produced by certain algae. The solvent known as 1,4-dioxane may also have adverse human health effects. It is used in variety of products, such as adhesives, sealants, and printing inks.</p> <p>The EPA must also implement a residential emergency relief program that assists customers of public water systems with paying drinking water bills. Under the program, the EPA must provide payments to public water systems to reimburse them for forgiving their customers' debts or fees for services provided since March 1, 2020. Public water systems that receive payments may not disconnect or interrupt their customer's service because of such debt or fees.</p>	<p>Introduced by Rep. Paul Tonko (D-NY) – May18, 2021</p> <p>Passed via legislative vehicle H.R. 3684 – July 1, 2021</p>	
<p><a href="#"><u>H.R.3293</u></a>  <a href="#"><u>Low-Income Water Customer Assistance Programs Act of 2021</u></a></p>	<p>This bill directs the Environmental Protection Agency (EPA) to establish grant programs to assist low-income households in maintaining access to drinking water and wastewater services. Specifically, the EPA must establish a program to assist such households with paying drinking water bills. States and community water systems may apply for grants.</p> <p>In addition, the EPA must establish a program to assist such households with paying wastewater utility bills. States may apply for grants for small community-serving wastewater facilities. Certain municipalities may apply for grants for (1) treatment works for municipal waste, or (2) municipal separate storm sewer systems.</p>	<p>Introduced by Rep. Lisa Blunt Rochester – (D-DE) – May 18, 2021</p> <p>Passed via legislative vehicle H.R. 3684 – July 1, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#"><u>H.R.3292</u></a> <a href="#"><u>Water Debt Relief Act of 2021</u></a>	<p>This bill requires the Environmental Protection Agency (EPA) to implement a residential emergency relief program. Under the program, the EPA must reimburse public water systems for providing forgiveness of the debts and fees of customers who incurred new debts on or after March 1, 2020.</p>	<p>Introduced by Rep. Debbie Dingell (D-MI) – May 18, 2021</p>	
<a href="#"><u>H.R.3339</u></a> <a href="#"><u>National Infrastructure Bank Act of 2021</u></a>	<p>This bill creates the National Infrastructure Bank to facilitate the long-term financing of infrastructure projects. Specifically, the bank must provide loans to public and private entities for financing, developing, or operating eligible infrastructure projects. An eligible project must have a public sponsor as well as local, regional, or national significance.</p> <p>The bill treats the bank as a government corporation exempt from tax and treats contributions to the bank as charitable contributions. The bill also provides for criteria and preferences for deciding whether to provide a loan, such as whether a project promotes job creation or provides environmental benefits. Projects that receive a loan must (1) pay all laborers and mechanics locally prevailing wages, and (2) use only certain U.S.-produced construction materials unless a waiver is secured from the bank.</p> <p>The bank shall issue stock and may also issue bonds and maintain a discount line of credit with the Federal Reserve System. The bank must apply for a national bank charter and, once chartered, accept deposits from individuals, corporations, and public entities and pay interest on those deposits. The bill imposes requirements related to the bank's operation, such as minimum reserve requirements and requirements for handling loan losses. In addition, the bank must facilitate the organization of at least seven regional economic accelerator planning groups to, among other activities, identify infrastructure needs and priorities.</p> <p>Within five years, the Government Accountability Office must report on the bank's activities.</p>	<p>Introduced by Rep. Danny Davis (D-IL) – May 19, 2021</p>	
<a href="#"><u>S.1761</u></a> <a href="#"><u>Water Quality Certification Improvement Act of 2021</u></a>	<p>This bill limits the authority of states with respect to water quality certifications. Specifically, the bill limits the authority of states to review federally permitted activities that may result in discharges into navigable waters.</p>	<p>Introduced by Sen. John Barrasso (R-WY) – May 20, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>H.R.3404</u></a>  <a href="#"><u>FUTURE Western Water Infrastructure and Drought Resiliency Act</u></a></p>	<p>This bill addresses water-related resources and infrastructure.</p> <p>Among other provisions, the bill reauthorizes through FY2026 the California Bay-Delta program, the Water Availability and Use Science Program, and a water desalination program; reauthorizes through FY2028 the Fisheries Restoration and Irrigation Mitigation program; creates various grants for water projects and expands the allowable uses of grants for water recycling and reuse projects; establishes a funding source for certain water resources development projects in western states; expands the tax exclusion for energy conservation subsidies provided by public utilities to include certain subsidies for water conservation or efficiency measures and stormwater management measures; establishes prizes for water technology applications; requires the U.S. Army Corps of Engineers to use specified funds for water control manual updates for forecast-informed water operations projects; and allows certain funding to be used for the remediation of land formerly used to cultivate marijuana.</p> <p>The Department of the Interior must, within 10 years, make certain streamgages operational. (Streamgages are fixed structures at streams, rivers, lakes, and reservoirs that measure water level and related streamflow.)</p> <p>The bill establishes programs related to ecosystem protection and restoration, including programs to (1) incentivize farmers to keep fields flooded during appropriate periods for waterbird habitat creation and maintenance, and (2) prepare drought plans to sustain critically important fisheries.</p>	<p>Introduced by Rep. Jared Huffman (D-CA) – May 20, 2021</p>	
<p><a href="#"><u>H.R.3422</u></a>  <a href="#"><u>Water Quality Certification Improvement Act of 2021</u></a></p>	<p>This bill limits the authority of states with respect to water quality certifications. Specifically, the bill limits the authority of states to review federally permitted activities that may result in discharges into navigable waters.</p>	<p>Introduced by Rep. David McKinley (R-WV) – May 20, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#">S.1726</a>  <a href="#">21st Century Buy American Act</a></p>	<p>This bill modifies domestic product preferences for federal acquisitions. The bill also allows the Department of Defense to make or guarantee loans to manufacturers under the Defense Production Act for specified uses, such as to increase the capacity to produce items that are vital to national security.</p> <p>The bill requires more than 60% of a product's cost to be from domestic components for the product to qualify as American for purposes of the Buy American Act.</p> <p>The bill narrows the circumstances under which the overseas use exception and the public interest exception to domestic content requirements may be made.</p> <p>The General Services Administration must maintain BuyAmerican.gov, which must include and make available to the public (1) information on all waivers and exceptions to domestic product preference laws requested, under consideration, or granted; and (2) publicly available contact information for the contracting agencies.</p> <p>No requested waiver of a domestic product preference law may be granted if (1) the request was not made available to the public, (2) the information available to the agency concerning the request was not made available to the public, or (3) no opportunity for public comment concerning the request was granted.</p> <p><i>Companion bill to H.R.3880.</i></p>	<p>Introduced by Sen. Chris Murphy (D-CT) – May 20, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#">H.R.3473</a>  <a href="#">Build Local, Hire Local Act</a></p>	<p>This bill imposes various requirements on certain federally assisted infrastructure projects. The bill also creates infrastructure-related grant programs and establishes the Buy America Bureau.</p> <p>Such federally assisted infrastructure projects must (1) employ a certain percentage of local workers to the maximum extent practicable; and (2) prioritize hiring certain individuals, such as veterans and those facing barriers to employment. A certain percentage of funds for these projects must be used for contracts with small businesses that have fewer than 10 employees.</p> <p>When applying for a contract, grant, or loan related to a project, the applying entity must disclose whether there are any rulings, such as a civil judgment, finding that the entity has violated certain federal labor and occupational safety laws in the last three years.</p> <p>In addition, the Department of Transportation must award grants to entities in disadvantaged and underserved communities for infrastructure projects that create connected, economically prosperous, and environmentally healthy communities. Further, the Department of Labor must provide grants to workforce development boards and industry partnerships for job training programs to train certain groups, such as individuals with barriers to employment, for jobs in targeted infrastructure industries.</p> <p>The bill also establishes the Buy America Bureau within the Department of Commerce to oversee project compliance with existing laws that require the use of U.S.-made materials in certain federally funded projects.</p> <p><i>Companion bill to S.1827.</i></p>	<p>Introduced by Rep. Karen Bass (D-CA) – May 25, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#">S.1827</a>  <a href="#">Build Local, Hire Local Act</a></p>	<p>This bill imposes various requirements on certain federally assisted infrastructure projects. The bill also creates infrastructure-related grant programs and establishes the Buy America Bureau.</p> <p>Such federally assisted infrastructure projects must (1) employ a certain percentage of local workers to the maximum extent practicable; and (2) prioritize hiring certain individuals, such as veterans and those facing barriers to employment. A certain percentage of funds for these projects must be used for contracts with small businesses that have fewer than 10 employees.</p> <p>When applying for a contract, grant, or loan related to a project, the applying entity must disclose whether there are any rulings, such as a civil judgment, finding that the entity has violated certain federal labor and occupational safety laws in the last three years.</p> <p>In addition, the Department of Transportation must award grants to entities in disadvantaged and underserved communities for infrastructure projects that create connected, economically prosperous, and environmentally healthy communities. Further, the Department of Labor must provide grants to workforce development boards and industry partnerships for job training programs to train certain groups, such as individuals with barriers to employment, for jobs in targeted infrastructure industries.</p> <p>The bill also establishes the Buy America Bureau within the Department of Commerce to oversee project compliance with existing laws that require the use of U.S.-made materials in certain federally funded projects.</p> <p><i>Companion bill to H.R.3473.</i></p>	<p>Introduced by Sen. Kirsten Gillibrand (D-NY) – May 25, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#">S.1907</a>  <a href="#">Clean Water Standards for PFAS Act of 2021</a></p>	<p>This bill directs the Environmental Protection Agency (EPA) to develop requirements and incentives to limit the discharge of perfluoroalkyl and polyfluoroalkyl substances (PFAS) into certain waters of the United States. PFAS are man-made and may have adverse human health effects. A variety of products contain the compounds, such as nonstick cookware or weatherproof clothing.</p> <p>Within two years, the EPA must publish water quality criteria for each measurable perfluoroalkyl substance, polyfluoroalkyl substance, and class of PFAS. The water quality criteria must determine how much of these substances can be present in water before it is likely to harm human health.</p> <p>Within four years, the EPA must publish a final rule that establishes, for each priority industry category specified in the bill, effluent limitations guidelines and standards for the discharge of each measurable perfluoroalkyl substance, polyfluoroalkyl substance, and class of PFAS. Under the Clean Water Act, effluent limitations restrict the quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources (e.g., a discernible source such as a pipe) into navigable waters, the ocean, or other specified waters.</p> <p>In addition, the EPA must award grants to owners and operators of publicly owned treatment works for implementing the effluent limitations guidelines and standards.</p> <p><i>Companion bill to H.R.3622.</i></p>	<p>Introduced by Sen. Kirsten Gillibrand (D-NY) – May 27, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#">S.1855</a> <a href="#">Wildfire Emergency Act of 2021</a></p>	<p>This bill provides for programs and activities in support of forest restoration, wildfire mitigation, and energy resilience.</p> <p>The Department of Agriculture (USDA) shall select landscape-scale forest restoration projects to implement on National Forest System land and on land adjoining National Forest System land. USDA shall establish a pilot program under which USDA may enter into conservation finance agreements with public or private persons to implement and monitor such projects.</p> <p>The Department of Energy shall establish a program to support critical infrastructure and microgrids, including by improving the energy resilience and power needs of critical facilities (e.g., hospitals) through the use of microgrids, renewable energy, energy efficiency, reduced electricity demand, and on-site storage.</p> <p>USDA and the Department of the Interior shall establish one or more centers in western states to train individuals in methods relevant to the mitigation of wildfire risk.</p> <p>USDA shall establish a competitive grant program to support workforce development in forestry and fire management.</p>	<p>Introduced by Sen. Dianne Feinstein (D-CA) – May 26, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>H.R.3622</u></a>  <a href="#"><u>Clean Water Standards for PFAS Act of 2021</u></a></p>	<p>This bill directs the Environmental Protection Agency (EPA) to develop requirements and incentives to limit the discharge of perfluoroalkyl and polyfluoroalkyl substances (PFAS) into certain waters of the United States. PFAS are man-made and may have adverse human health effects. A variety of products contain the compounds, such as nonstick cookware or weatherproof clothing.</p> <p>Within two years, the EPA must publish water quality criteria for each measurable perfluoroalkyl substance, polyfluoroalkyl substance, and class of PFAS. The water quality criteria must determine how much of these substances can be present in water before it is likely to harm human health.</p> <p>Within four years, the EPA must publish a final rule that establishes, for each priority industry category specified in the bill, effluent limitations guidelines and standards for the discharge of each measurable perfluoroalkyl substance, polyfluoroalkyl substance, and class of PFAS. Under the Clean Water Act, effluent limitations restrict the quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources (e.g., a discernible source such as a pipe) into navigable waters, the ocean, or other specified waters.</p> <p>In addition, the EPA must award grants to owners and operators of publicly owned treatment works for implementing the effluent limitations guidelines and standards.</p> <p><i>Companion bill to S.1907.</i></p>	<p>Introduced by Rep. Chris Pappas (D-NH) – May 28, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>H.R.3684</u></a> <a href="#"><u>INVEST in America Act</u></a></p>	<p>This bill addresses provisions related to federal-aid highway, transit, highway safety, motor carrier, research, hazardous materials, and rail programs of the Department of Transportation (DOT).</p> <p>Among other provisions, the bill</p> <ul style="list-style-type: none"> <li>• extends FY2021 enacted levels through FY2022 for federal-aid highway, transit, and safety programs;</li> <li>• reauthorizes for FY2023-FY2026 several surface transportation programs, including the federal-aid highway program, transit programs, highway safety, motor carrier safety, and rail programs;</li> <li>• addresses climate change, including strategies to reduce the climate change impacts of the surface transportation system and a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of federal resources;</li> <li>• revises Buy America procurement requirements for highways, mass transit, and rail;</li> <li>• establishes a rebuild rural bridges program to improve the safety and state of good repair of bridges in rural communities;</li> <li>• implements new safety requirements across all transportation modes; and</li> <li>• directs DOT to establish a pilot program to demonstrate a national motor vehicle per-mile user fee to restore and maintain the long-term solvency of the Highway Trust Fund and achieve and maintain a state of good repair in the surface transportation system.</li> </ul>	<p>Introduced by Rep. Peter DeFazio (D-OR) – June 4, 2021</p> <p>Became Public Law No. 117-58 – November 15, 2021</p>	
<p><a href="#"><u>H.R.3691</u></a> <a href="#"><u>Wastewater Infrastructure Modernization Act</u></a></p>	<p>This bill requires the Environmental Protection Agency to establish a program to award grants to municipalities for projects at publicly owned treatment works concerning (1) intelligent sewage or stormwater collection systems, or (2) innovative and alternative combined storm and sanitary sewer projects</p>	<p>Introduced by Rep. Carolyn Bourdeaux (D-GA) – June 4, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#">H.R.3701</a> <a href="#">PIPE Act</a>	<p>This bill directs the Environmental Protection Agency to establish (1) a wastewater infrastructure discretionary grant program, and (2) a drinking water infrastructure discretionary grant program. Under the programs, state, local, and tribal governments, public water utilities (e.g., systems used to treat wastewater or sewage), and certain water systems may apply for grants for infrastructure projects.</p>	<p>Introduced by Rep. Antonio Delgado (D-NY) – June 4, 2021</p>	
<a href="#">H.R.3722</a> <a href="#">21st Century Infrastructure Bank Act</a>	<p>To establish the 21st Century American Infrastructure Bank, and for other purposes.</p>	<p>Introduced by Rep. Sean Maloney (D-NY) – June 4, 2021</p>	
<a href="#">H.R.3751</a> <a href="#">Clean Water Infrastructure Resilience and Sustainability Act of 2021</a>	<p>This bill requires the Environmental Protection Agency to establish a grant program for increasing the resilience of publicly owned treatment works (e.g., systems used to treat wastewater or sewage) to natural hazards, such as extreme weather events. Under the program, the EPA must award grants to (1) a municipality; or (2) an intermunicipal, interstate, or state agency.</p>	<p>Introduced by Rep. Salud Carbajal (D-CA) – June 8, 2021</p>	
<a href="#">H.R.3814</a> <a href="#">UNSHACKLE Act</a>	<p>This bill revises the environmental review process required under the National Environmental Policy Act of 1969 (NEPA), including by</p> <ul style="list-style-type: none"> <li>• establishing deadlines for federal agencies to complete reviews of the environmental effects of proposed major federal actions;</li> <li>• establishing penalties for agencies that do not comply with these deadlines;</li> <li>• limiting the number of assessment documents required for proposed major federal actions, requiring agencies to reuse certain research or documents, and allowing agencies to adopt environmental documents prepared by states or third parties;</li> <li>• requiring agencies to only consider alternatives to proposed actions that are technically and economically feasible;</li> <li>• prohibiting agencies from considering whether proposed actions or alternatives to those actions will have an effect on climate change; and</li> <li>• establishing requirements concerning the judicial review of NEPA cases.</li> </ul>	<p>Introduced by Rep. Liz Cheney (R-WY) – June 11, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#"><u>H.R.4018</u></a> <a href="#"><u>NEED Water Act</u></a>	<p>This bill describes which bodies of water fall under federal jurisdiction for purposes of the Clean Water Act. Specifically, the bill redefines navigable waters and establishes a process for the U.S. Army Corps of Engineers to determine, upon request, whether certain waters are navigable waters.</p>	<p>Introduced by Rep. David Valadao (R-CA) – June 17, 2021</p>	
<a href="#"><u>S.2168</u></a> <a href="#"><u>Define WOTUS Act of 2021</u></a>	<p>This bill describes which bodies of water fall under federal jurisdiction for purposes of the Clean Water Act. Specifically, the bill redefines navigable waters and establishes a process for the U.S. Army Corps of Engineers to determine, upon request, whether certain waters are navigable waters.</p> <p><i>Companion bill to H.R.4570.</i></p>	<p>Introduced by Rep. Mike Braun (R-IN) – June 22, 2021</p>	
<a href="#"><u>H.R.4069</u></a> <a href="#"><u>Septic Upgrade Grant Act</u></a>	<p>To amend the Federal Water Pollution Control Act to provide for additional subsidization assistance to a municipality to carry out on-site wastewater treatment system projects, and for other purposes.</p>	<p>Introduced by Thomas Suozzi (D-NY) – June 22, 2021</p>	
<a href="#"><u>H.R.4099</u></a> <a href="#"><u>Large-Scale Water Recycling Project Investment Act</u></a>	<p>To direct the Secretary of the Interior to establish a grant program to provide grants on a competitive basis to eligible entities for large-scale water recycling and reuse projects, and for other purposes.</p>	<p>Introduced by Rep. Grace Napolitano (D-CA) – June 23, 2021</p> <p>House Natural Resources Subcommittee on Water, Oceans, and Wildlife hearing held – June 29, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>S.2286</u></a>  <a href="#"><u>Western Water, Jobs, and Infrastructure Act</u></a></p>	<p>This bill provides funding to carry out rural water projects, Indian water rights settlement agreements, and projects related to the Milk River Project in Montana.</p> <p>First, the bill establishes and provides funds through FY2026 for the Reclamation Rural Water Project Construction Fund, from which the Bureau of Reclamation must complete construction of authorized rural water projects.</p> <p>Next, the bill establishes and provides funds through October 1, 2025, for the Indian Water Rights Settlement Completion Fund, from which the Department of the Interior must implement any Indian water rights settlement agreements approved by Congress.</p> <p>In addition, the bill provides FY2022 funding for Reclamation to carry out projects to rehabilitate the Milk River Project, including projects to rehabilitate or replace infrastructure.</p>	<p>Introduced by Sen. Jon Tester (D-MT) – June 24, 2021</p>	
<p><a href="#"><u>H.R.4224</u></a>  <a href="#"><u>PFAS Transparency Act</u></a></p>	<p>The bill requires an industrial entity that introduces perfluoroalkyl or polyfluoroalkyl substances, commonly referred to as PFAS, into wastewater treatment systems to provide specified advance notices to such systems, including the identity and quantity of such PFAS.</p> <p>PFAS are man-made and may have adverse human health effects. A variety of products contain the compounds, such as nonstick cookware or weatherproof clothing.</p>	<p>Introduced by Rep. Antonio Delgado (D-NY) – June 29, 2021</p>	
<p><a href="#"><u>H.R.4284</u></a>  <a href="#"><u>Clean Drinking Water Equity Act</u></a></p>	<p>To amend the Safe Drinking Water Act with respect to assistance for disadvantaged communities, and for other purposes.</p>	<p>Introduced by Rep. Raul Ruiz (D-CA) – June 30, 2021</p>	
<p><a href="#"><u>H.R.4336</u></a>  <a href="#"><u>NEPA State Assignment Expansion Act</u></a></p>	<p>This bill allows certain states to enter into agreements with federal agencies to assume federal responsibilities regarding the environmental review of proposed major federal actions under the National Environmental Policy Act of 1969.</p>	<p>Introduced by Rep. David Schweikert (R-AZ) – July 1, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#"><u>H.R.4372</u></a> <a href="#"><u>Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022</u></a>	<p>Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2022, and for other purposes.</p>	<p>Introduced by Rep. Chellie Pingree (D-ME) – July 6, 2021</p> <p>Passed via legislative minibus H.R.4502 – August 3, 2021</p>	
<a href="#"><u>S.2334</u></a> <a href="#"><u>Large Scale Water Recycling Project and Drought Resiliency Investment Act</u></a>	<p>To direct the Secretary of the Interior to establish a grant program to provide grants on a competitive basis to eligible entities for large-scale water recycling and reuse projects, to amend the Omnibus Public Land Management Act of 2009 to make certain modifications to the Cooperative Watershed Management Program, to provide emergency drought funding, and for other purposes.</p> <p><i>Companion bill to H.R.4099.</i></p>	<p>Introduced by Sen. Catherine Cortez Masto (D-NV) – July 13, 2021</p>	
<a href="#"><u>H.R.4413</u></a> <a href="#"><u>National Infrastructure Development Bank Act of 2021</u></a>	<p>This bill establishes the National Infrastructure Development Bank as a government corporation to finance energy, environmental (e.g., drinking water or waste facilities), telecommunications, and transportation infrastructure projects. The bill establishes the National Infrastructure Development Bank Board, which must oversee the infrastructure projects. The board may make loans and loan guarantees to assist in financing infrastructure projects.</p> <p>Further, the board must establish an executive committee, a risk management committee, an audit committee, and a compliance office. To be eligible for financial assistance from the bank, an infrastructure project (1) must have a public benefit, as determined by the board; and (2) may not have a sole use or purpose that is private. An infrastructure project must use iron, steel, and manufactured products that are made in the United States.</p> <p>The bill also establishes accounting and reporting requirements. In particular, the Government Accountability Office must, within five years of this bill's enactment, submit a report to Congress evaluating the bank's activities.</p>	<p>Introduced by Rep. Rosa DeLauro (D-CT) – July 13, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#">S.2361</a> <a href="#">Green Retrofits Act</a>	To reauthorize the budget-neutral demonstration program for energy and water conservation at multifamily residential units, to establish a green retrofit program, and for other purposes.	Introduced by Sen. John Reed (D-RI) – July 15, 2021	
<a href="#">H.R.4502</a> <a href="#">Labor, Health and Human Services, Education, Agriculture, Rural Development, Energy and Water Development, Financial Services and General Government, Interior, Environment, Military Construction, Veterans Affairs, Transportation, and Housing and Urban Development Appropriations Act, 2022</a>	This bill provides FY2022 appropriations to the Departments of Labor, Health and Human Services, and Education; and related agencies.	Introduced by Rep. Rosa DeLauro (D-CT) – July 19, 2021  Passed the House; received in the Senate – August 3, 2021	
<a href="#">H.R.4549</a> <a href="#">Energy and Water Development and Related Agencies Appropriations Act, 2022</a>	Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2022, and for other purposes.	Introduced by Rep. Marcy Kaptur (D-OH) – July 20, 2021  Passed via legislative minibus H.R.4502 – August 3, 2021	
<a href="#">H.R.4570</a> <a href="#">Define WOTUS Act of 2021</a>	This bill describes which bodies of water fall under federal jurisdiction for purposes of the Clean Water Act. Specifically, the bill redefines navigable waters and establishes a process for the U.S. Army Corps of Engineers to determine, upon request, whether certain waters are navigable waters.  <i>Companion bill to S.2168</i>	Introduced by Rep. Mary Miller (R-IL) – July 20, 2021	
LEGISLATION	SUMMARY	STATUS	POSITION

<p><a href="#"><u>S.2404</u></a> <a href="#"><u>Western Wildfire Support Act of 2021</u></a></p>	<p>The bill requires the Department of Agriculture (USDA) and the Department of the Interior to establish spatial fire management plans before the end of FY2024.</p> <p>The bill establishes</p> <ul style="list-style-type: none"> <li>• accounts in the Treasury for addressing wildfires,</li> <li>• a program to train and certify citizens who wish to be able to volunteer to assist USDA or Interior during a wildland fire incident,</li> <li>• a program to award grants to eligible states or units of local government to acquire slip-on tank and pump units for a surge capacity of resources for fire suppression,</li> <li>• the Theodore Roosevelt Genius Prize for the management of wildfire-related invasive species, and</li> <li>• the Management of Wildfire-Related Invasive Species Technology Advisory Board.</li> </ul>	<p>Introduced by Sen. Catherine Cortez Masto (D-NV) – July 20, 2021</p> <p>Committee on Energy and Natural Resource hearing held – October 21, 2021</p>	
<p><a href="#"><u>S.2406</u></a> <a href="#"><u>Protect Drinking Water from PFAS Act of 2021</u></a></p>	<p>To amend the Safe Drinking Water Act to require the Administrator of the Environmental Protection Agency to set maximum contaminant levels for certain chemicals, and for other purposes.</p>	<p>Introduced by Sen. Kirsten Gillibrand (D-NY) – July 21, 2021</p>	
<p><a href="#"><u>H.R.4597</u></a> <a href="#"><u>Clean Water SRF Parity Act</u></a></p>	<p>To amend the Federal Water Pollution Control Act to make certain projects and activities eligible for financial assistance under a State water pollution control revolving fund, and for other purposes.</p>	<p>Introduced by Rep. John Garamendi (D-CA) – July 21, 2021</p>	
<p><a href="#"><u>H.R.4602</u></a> <a href="#"><u>WIPPES Act</u></a></p>	<p>To direct the Federal Trade Commission to issue regulations requiring certain products to have “Do Not Flush” labeling, and for other purposes.</p>	<p>Introduced by Rep. Alan Lowenthal (D-CA) – July 21, 2021</p>	
<p><b>LEGISLATION</b></p>	<p><b>SUMMARY</b></p>	<p><b>STATUS</b></p>	<p><b>POSITION</b></p>

<p><a href="#"><u>S.2430</u></a>  <a href="#"><u>Water Conservation Rebate Tax Parity Act</u></a></p>	<p>This bill expands the tax exclusion for energy conservation subsidies provided by public utilities to include certain subsidies for water conservation or efficiency measures and storm water management measures.</p> <p>The bill excludes from gross income subsidies provided (directly or indirectly) (1) by a public utility to a customer, or by a state or local government to a resident of such state or locality, for the purchase or installation of any water conservation or efficiency measure; and (2) by a storm water management provider to a customer, or by a state or local government to a resident of such state or locality, for the purchase or installation of any storm water management measure</p> <p><i>Companion bill to H.R.4647.</i></p>	<p>Introduced by Rep. Jared Huffman (D-CA) – July 22, 2021</p>	
<p><a href="#"><u>S.2454</u></a>  <a href="#"><u>Water Reuse and Resiliency Act of 2021</u></a></p>	<p>To amend the Federal Water Pollution Control Act to reauthorize the pilot program for alternative water source projects, and for other purposes.</p>	<p>Introduced by Sen. Alex Padilla (D-CA) – July 22, 2021</p>	
<p><a href="#"><u>H.R.4647</u></a>  <a href="#"><u>Water Conservation Rebate Tax Parity Act</u></a></p>	<p>This bill expands the tax exclusions for energy conservation subsidies to include subsidies provided (directly or indirectly) (1) by a public utility for the purchase or installation of any water conservation or efficiency measure; (2) by a storm water management provider for the purchase or installation of any storm water management measure; or (3) by a state or local government to a resident of such state or locality for the purchase or installation of any wastewater management measure, but only if such measure concerns the taxpayer's principal residence.</p>	<p>Introduced by Rep. Jared Huffman (D-CA) – July 22, 2021</p>	
<p><a href="#"><u>H.R.4712</u></a>  <a href="#"><u>Desalination Development Act</u></a></p>	<p>This bill reauthorizes through FY2024 a grant program for constructing desalination projects. The bill also revises the program, including by requiring the prioritization of projects that maximize energy efficiency and the use of renewable energy.</p>	<p>Introduced by Rep. Mike Levin (D-CA) – July 27, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#">H.R.4614</a> <a href="#">Resilient Federal Forests Act</a>	<p>To expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on Tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.</p>	<p>Introduced by Repl. Bruce Westerman (R-AR) – July 22, 2021</p>	
<a href="#">S.2567</a> <a href="#">Navigable Waters Protection Act of 2021</a>	<p>To enact the definition of “waters of the United States” into law, and for other purposes.</p>	<p>Introduced by Sen. Shelley Capito (R-WV) – July 29, 2021</p>	
<a href="#">S.2605</a> <a href="#">Energy and Water Development and Related Agencies Appropriations Act, 2022</a>	<p>This bill provides FY2022 appropriations for U.S. Army Corps of Engineers civil works projects, the Department of the Interior's Bureau of Reclamation, the Department of Energy (DOE), and independent agencies such as the Nuclear Regulatory Commission..</p>	<p>Introduced by Sen. Dianne Feinstein (D-CA) – August 4, 2021</p> <p>Passed the Appropriations Committee; Placed on the Senate calendar – August 4, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>S.2630</u></a>  <a href="#"><u>Environmental Justice Act of 2021</u></a></p>	<p>This bill requires agencies to address and mitigate the disproportionate impact of environmental and human health hazards on communities of color, indigenous communities, and low-income communities resulting from agencies' programs and policies. The bill also requires agencies to address cumulative impacts of pollution in permitting decisions and expands the types of legal actions available to individuals regarding charges of federal discriminatory practices.</p> <p>Specifically, the bill provides statutory authority for a variety of existing programs, executive orders, federal guidance, and committees concerning environmental justice, including</p> <ul style="list-style-type: none"> <li>• Executive Order 12898;</li> <li>• a guidance issued in 1997 by the Council on Environmental Quality titled Environmental Justice Guidance Under the National Environmental Policy Act;</li> <li>• a guidance issued in 2016 by the Environmental Protection Agency titled EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights;</li> <li>• the National Environmental Justice Advisory Council;</li> <li>• the Environmental Justice Small Grants Program; and</li> <li>• the Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program.</li> <li>• In addition, the bill requires agencies renewing or issuing specified permits under the Clean Water Act or the Clean Air Act to consider the cumulative impacts of pollution.</li> </ul> <p>The bill also allows individuals to bring actions under the Civil Rights Act against entities that receive federal assistance and engage in discriminatory practices that have a disparate impact. Currently, individuals must request that federal agencies bring such actions on their behalf.</p>	<p>Introduced by Sen. Cory Booker (D-NJ) – August 5, 2021</p>	
<p><a href="#"><u>H.R.4976</u></a>  <a href="#"><u>Ensuring PFAS Cleanup Meets or Exceeds Stringent Standards Act</u></a></p>	<p>To direct the Secretary of Defense to ensure that removal and remedial actions relating to PFAS contamination result in levels meeting or exceeding certain standards, and for other purposes.</p>	<p>Introduced by Rep. Elissa Slotkin (D-MI) – August 6, 2021</p>	

<p><b><u><a href="#">H.R.4979</a></u></b>  <u><a href="#">Maintaining Access to Essential Services Act of 2021</a></u></p>	<p>This bill establishes several loan programs to assist households with paying utility bills for drinking water, wastewater, stormwater management, energy (e.g., electricity, natural gas, or propane), and internet services during the COVID-19 public health emergency. Under the programs, the utilities may apply for loans that are equal to the amount of the payment shortfall from their customers during the emergency.</p>	<p>Introduced by Rep. Rashia Tlaib (D-MI) – August 6, 2021</p>	
<p><b><u><a href="#">S.2698</a></u></b>  <u><a href="#">Stop CATASTROPHES Act</a></u></p>	<p>To establish a categorical exclusion to improve or restore National Forest System land or public land or reduce the risk of wildfire, and for other purposes.</p>	<p>Introduced by Sen. Cynthia Lummis (R-WY) – August 10, 2021</p>	
<p><b><u><a href="#">S.Con.Res.14</a></u></b>  <u><a href="#">A concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2022 and setting forth the appropriate budgetary levels for fiscal years 2023 through 2031</a></u></p>	<p>This concurrent resolution establishes the congressional budget for the federal government for FY2022, sets forth budgetary levels for FY2023-FY2031, and provides reconciliation instructions for legislation that increases the deficit.</p> <p>The resolution recommends levels and amounts for FY2022-FY2031 for</p> <ul style="list-style-type: none"> <li>• federal revenues,</li> <li>• new budget authority,</li> <li>• budget outlays,</li> <li>• deficits,</li> <li>• public debt,</li> <li>• debt held by the public, and</li> <li>• the major functional categories of spending.</li> </ul>	<p>Introduced by Sen. Bernie Sanders (I-VT) – August 9, 2021</p> <p>Agreed to in the House – November 18, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><a href="#"><u>H.R.5305</u></a>  <a href="#"><u>Extending Government Funding and Delivering Emergency Assistance Act</u></a></p>	<p>This bill provides continuing FY2022 appropriations for federal agencies, provides supplemental appropriations, and extends several expiring programs and authorities.</p> <p>Specifically, the bill provides continuing FY2022 appropriations to federal agencies through the earlier of December 3, 2021, or the enactment of the applicable appropriations act.</p> <p>It is known as a continuing resolution (CR) and prevents a government shutdown that would otherwise occur if the FY2022 appropriations bills have not been enacted when FY2022 begins on October 1, 2021. The CR funds most programs and activities at the FY2021 levels with several exceptions that provide funding flexibility and additional appropriations for various programs.</p> <p>In addition, the bill provides supplemental appropriations to several federal agencies for activities related to natural disasters and the evacuees from Afghanistan.</p>	<p>Introduced by Rep. Rosa DeLauro (D-CT) – September 21, 2021</p> <p>Became Public Law No: 117-43 – September 30, 2021</p>	
<p><a href="#"><u>S. 2792</u></a>  <a href="#"><u>National Defense Authorization Act for Fiscal Year 2022</u></a></p>	<p>This bill authorizes Department of Defense (DOD) activities for FY2022 and addresses related issues.</p>	<p>Introduced by Sen. Jack Reed (D-RI) – September 22, 2021</p>	
<p><a href="#"><u>H.R.5438</u></a>  <a href="#"><u>Water Advanced Technologies for Efficient Resource Use Act of 2021</u></a></p>	<p>To provide incentives for the purchase of water-efficient products, and for other purposes.</p>	<p>Introduced by Rep. Matt Cartwright (D-PA) – September 30, 2021</p>	
<p><a href="#"><u>H.R.5376</u></a>  <a href="#"><u>Build Back Better Act</u></a></p>	<p>This bill provides funding, establishes programs, and otherwise modifies provisions relating to a broad array of areas, including education, labor, child care, health care, taxes, immigration, and the environment. (The bill is commonly referred to as the Build Back Better Act.)</p>	<p>Introduced by Rep. John Yarmuth (D-KY) – September 27, 2021</p> <p>Passed the House – November 19, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#">S.3031</a> <a href="#">Clean Water Allotment Modernization Act of 2021</a>	<p>To amend the Federal Water Pollution Control Act to modify certain allotments under that Act, and for other purposes.</p> <p><i>Companion bill to H.R.5653.</i></p>	<p>Introduced by Sen. Marco Rubio (R-FL) – October 20, 2021</p>	
<a href="#">S.3034</a> <a href="#">Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022</a>	<p>Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2022, and for other purposes.</p>	<p>Introduced by Sen. Jeff Merkley (D-OR) – October 20, 2021</p>	
<a href="#">H.R.5653</a> <a href="#">Clean Water Allotment Modernization Act of 2021</a>	<p>To amend the Federal Water Pollution Control Act to modify certain allotments under that Act, and for other purposes.</p> <p><i>Companion bill to S.3031.</i></p>	<p>Introduced by Rep. Michael Waltz (R-FL) – October 20, 2021</p>	
<a href="#">H.R.5716</a> <a href="#">Securing Access for the central Valley and Enhancing (SAVE) Water Resources Act</a>	<p>To promote water supply reliability and improved water management for rural communities, the State of California, and the Nation, and for other purposes.</p>	<p>Introduced by Rep. Josh Harder (D-CA) – October 25, 2021</p>	
<a href="#">S.3156</a> <a href="#">Federal Agency Climate PREP Act of 2021</a>	<p>To require Federal agencies to maintain plans for responding to, mitigating, and adapting to climate change, and for other purposes.</p>	<p>Introduced by Sen. Amy Klobuchar (D-MN) – November 3, 2021</p>	
<a href="#">S.3169</a> <a href="#">Keep Food Containers Safe from PFAS Act of 2021</a>	<p>To amend the Federal Food, Drug, and Cosmetic Act to prohibit the introduction or delivery for introduction into interstate commerce of food packaging containing intentionally added PFAS, and for other purposes.</p> <p><i>Companion bill to H.R.6026.</i></p>	<p>Introduced by Sen. Maggie Hassan (D-NH) – November 4, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#">H.R.5987</a> <a href="#">PFAS Definition Improvement Act</a>	To amend the Toxic Substances Control Act with respect to the PFAS data call, and for other purposes.	Introduced by Rep. Deborah Ross (D-NC) – November 16, 2021	
<b>H.R.6010</b> To ensure that contractor employees on Army Corps projects are paid prevailing wages as required by law, and for other purposes.	<i>Text is not yet available.</i>	Introduced by Rep. Christopher Smith (R-NJ) – November 17, 2021	
<a href="#">H.R.6026</a> <a href="#">Keep Food Containers Safe from PFAS Act of 2021</a>	To amend the Federal Food, Drug, and Cosmetic Act to prohibit the introduction or delivery for introduction into interstate commerce of food packaging containing intentionally added PFAS, and for other purposes.  <i>Companion bill to S.3129.</i>	Introduced by Rep. Debbie Dingell (D-MI) – November 18, 2021	
<a href="#">H.R.6058</a> <a href="#">PFAS Health Study Act of 2021</a>	To extend the authority of the Secretary of Defense to transfer funds for a certain study on per- and polyfluoroalkyl substance contamination in drinking water, and for other purposes.	Introduced by Rep. Madeleine Dean (D-PA) – November 19, 2021	
<a href="#">S.3277</a> <a href="#">Section 401 Certification Act</a>	To enact the Section 401 Certification Rule, and for other purposes.	Introduced by Sen. Shelley Moore Capito (R-WV) – November 30, 2021	
<a href="#">S.3282</a> <a href="#">Water Infrastructure Modernization Act of 2021</a>	To amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to authorize grants for smart water infrastructure technology, and for other purposes.  <i>Companion bill to H.R.6088.</i>	Introduced by Sen. Mark Kelly (D-AZ) – November 30, 2021	

LEGISLATION	SUMMARY	STATUS	POSITION
<a href="#">H.R.6088</a> <a href="#">Water Infrastructure Modernization Act</a>	<p>To amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to authorize grants for smart water infrastructure technology, and for other purposes.</p> <p><i>Companion bill to S.3282.</i></p>	<p>Introduced by Rep. Ruben Gallego (D-AZ) – November 30, 2021</p>	
<a href="#">H.R.6119</a> <a href="#">Further Extending Government Funding Act</a>	<p>This bill provides continuing FY2022 appropriations for federal agencies, provides supplemental appropriations, and extends several expiring authorities.</p> <p>Specifically, the bill provides continuing FY2022 appropriations to federal agencies through the earlier of February 18, 2022, or the enactment of the applicable appropriations act.</p> <p>It is known as a continuing resolution (CR) and prevents a government shutdown that would otherwise occur if the FY2022 appropriations bills have not been enacted when the existing CR expires on December 3, 2021.</p> <p>The CR funds most programs and activities at the FY2021 levels with several exceptions that provide funding flexibility and additional appropriations for various programs.</p>	<p>Introduced by Rep. Rosa DeLauro (D-CT) – December 2, 2021</p> <p>Became Public Law No: 117-70 – December 3, 2021</p>	
<a href="#">S.3371</a> <a href="#">Land and Water Conservation Fund Amendments Act of 2021</a>	<p>To amend title 54, United States Code, to authorize the Secretary of the Interior to make financial assistance to States under the Land and Water Conservation Fund available for water quality projects, and for other purposes.</p> <p><i>Companion bill to H.R.6229.</i></p>	<p>Introduced by Sen. Marco Rubio (R-FL) – December 9, 2021</p>	
<a href="#">H.R.6229</a> <a href="#">Land and Water Conservation Fund Water Amendments Act of 2021</a>	<p>To amend title 54, United States Code, to authorize the Secretary of the Interior to make financial assistance to States under the Land and Water Conservation Fund available for water quality projects, and for other purposes.</p> <p><i>Companion bill to S.3371.</i></p>	<p>Introduced by Rep. Brian Mast (R-FL) – December 9, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><b><u>S.J.Res.33</u></b>  <a href="#">A joint resolution joint resolution relating to increasing the debt limit</a></p>	<p>This joint resolution increases the public debt limit by \$2.5 trillion.</p>	<p>Introduced by Sen. Charles Schumer (D-NY) – December 154, 2021</p> <p>Became Public Law No: 117-73 – December 16, 2021</p>	

February 7, 2022 JPA Board Meeting

TO: JPA Board of Directors

FROM: General Manager

---

**Subject : Pure Water Project Las Virgenes-Triunfo: Update**

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**SUMMARY:**

On August 1, 2016, the JPA Board selected Scenario No. 4, use of Las Virgenes Reservoir for indirect potable reuse, as the preferred alternative for the Recycled Water Seasonal Storage Basis of Design Report. The selected alternative was subsequently renamed the *Pure Water Project Las Virgenes-Triunfo*. Staff was also directed to report back to the Board on the next steps for implementation of the project.

Staff released a request for proposals (RFP) for Owner's Advisor/Program Manager services for the Pure Water Project Las Virgenes-Triunfo on May 8, 2020. The selection of an Owner's Advisor/Program Manager to support the effort was an important next step to begin implementation of the Pure Water Program. Utilization of an Owner's Advisor/Program Manager is consistent with the approach taken by other public agencies pursuing potable reuse projects of similar scope and complexity. Among the critical elements of the proposed scope are completion of the preliminary design and environmental documentation in support of the Pure Water Program. The scope of work under the contract includes program management, preparation of preliminary design and/or alternative delivery bridging documents, preparation of all environmental studies and documentation for compliance with the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA), preparation of studies and documents necessary to secure all required regulatory permits, and support of efforts to secure grant funding or low-interest loans.

On September 8, 2020, the JPA Board accepted a proposal from Jacobs Engineering Group, Inc., and authorized the Administering Agent/General Manager to execute a professional services agreement for Owner's Advisor/Program Manager services for the Pure Water Project Las Virgenes-Triunfo. This report serves to provide a summary of the progress to-date on the work performed by Jacobs Engineering Group, Inc., including major monthly milestones, key program accomplishments, key considerations and a look-ahead of upcoming activities.

**FISCAL IMPACT:**

No

**ITEM BUDGETED:**

No

Prepared by: Eric Schlageter, Principal Engineer

**ATTACHMENTS:**

Monthly Update on Pure Water Project Las Virgenes-Triunfo

To: Las Virgenes-Triunfo JPA Board of Directors  
From: Jennifer Phillips, Jacobs  
Date: January 20, 2022  
Re: Pure Water Project JPA Board Monthly Update

## Pure Water Project Overview

The Pure Water Project (PWP) is an opportunity to proactively address three major challenges facing the Las Virgenes-Triunfo JPA:

- comply with more stringent regulatory requirements for discharging to Malibu Creek,
- balance seasonal variation of recycled water demand, and
- create a valuable resource to supplement the region's water supplies, enabled by California's cutting-edge reservoir water augmentation program.

By 2030, the innovative plan is to have an operational advanced water purification facility (AWPF) to treat tertiary effluent from the Tapia Water Reclamation Facility for indirect potable reuse, and convey the product water to the Las Virgenes Reservoir, where it will be blended with Metropolitan Water District (MWD) supply. The current phase (Phase 1) of the project provides the programmatic process to manage such a large, complicated project, focusing on the technical, regulatory, environmental, financial, and procurement strategies to provide a foundation with more cost and project delivery clarity. Each month the Project team will provide a status report to communicate major milestones, accomplishments for the previous month, planned work for the next month, and potential challenges.

## Monthly Major Milestones

- Met with Thousand Oaks to review preliminary concentrate conveyance alignment on December 1, 2021.
- Met with the City of Agoura Hills Community Development Director to review planning requirements for the Agoura Road site on December 6, 2021.
- Held Site and Building Programming Workshop with LVMWD staff on December 15, 2021 to discuss site conditions, review preliminary layouts, and define operations and maintenance functional needs and preferences for the new AWPF.
- Conducted land and biological surveys for the Agoura Road site, reservoir site and the conveyance alignment to the reservoir along Triunfo Canyon on January 13-14, 2022.
- Conducted additional baseline sampling and testing at Tapia WRF to evaluate disinfection byproduct mitigation opportunities for the AWPF feed on January 10-14, 2022.
- Held AB 52 Consultation Meeting with the Fernandeano Tataviam Band of Mission Indians on January 19, 2022.
- Held Procurement Roadmap Workshop with LVMWD staff on January 27, 2022 to outline the activities and timeline for the progressive design build procurement process.

## Key Program Accomplishments Last Month

Following is a summary of the key December 2021 and January 2022 program accomplishments. Many PWP team meetings occurred in December and January to plan, coordinate and implement the following activities:

### November Accomplishments:

#### **Programmatic:**

- Coordinated technical, financial, regulatory and environmental efforts.

#### **Technical:**

- Met with Thousand Oaks to review current concentrate line alignments through their city and gain insights on future planning efforts and opportunities for collaboration. Further refined the alignments for recycled water, purified water and concentrate conveyance and provided information to the environmental team to incorporate into the CEQA evaluation.
- Conducted building programming workshop with LVMWD staff to discuss the new AWPf layout, considering site constraints, staff preferences, architectural themes, operation and maintenance needs, and visitor accommodations.
- Conducted baseline and bench-scale testing at Tapia WRF to better define disinfection byproduct formation in the effluent and ultimate feed to the AWPf, which will facilitate regulatory compliance with the California Toxics Rule (CTR) for reservoir water augmentation.
- Updated testing plan to accommodate material availability for the reverse osmosis concentrate pipe run at the Demonstration Facility to understand scaling potential.
- Conducted survey mapping of the reservoir site and conducted biological survey of both the Agoura Road and trail to the reservoir site.
- Started building dynamic simulation models for both Tapia WRF and the new AWPf to assess equalization needs. Began preliminary model runs using Tapia WRF influent and effluent flows, as well as demand flows in the recycled water system.
- Initiated broader Conceptual Design team engagement to review Demonstration Testing results, process analyses, workshops with operations and maintenance staff, and progression of the design of the facilities to prepare the technical report this year.

#### **Regulatory/Environmental:**

- Continued the environmental evaluation and preparation of the administrative Programmatic Environmental Impact Report (PEIR) and coordinating the interdisciplinary team of resource specialists and environmental planners. Coordinated with technical and regulatory teams to understand project specifics regarding site constraints, anticipated construction methods, pipeline alignments and regulatory conditions.
- Sent letters and obtained feedback as part of the AB-52 process for California Native American tribes traditionally and culturally affiliated with the proposed project area. Conducted AB-52 consultation meeting with the Fernandeno Tataviam Band of Mission Indians on January 19.

- Updated pipeline separation memo for DDW consideration based on LVMWD staff recent lessons learned on pipeline projects.

#### Financial:

- Assessed cost allocations for the PWP among the various enterprise funds to support development of the 10-year Infrastructure Investment Plan (IIP).
- Performed evaluation of available water infrastructure funding opportunities for review with LVMWD staff to develop strategy around funding to pursue.

#### Public Outreach:

- Conducted regular calls to provide clarity on CEQA focused support efforts.
- Developed speaker training tools and resources to train LVMWD and TWSD staff.

### Main Considerations

- **Reservoir Operation** – assessing approaches to mitigate algal blooms to allow the reservoir to operate closer to anticipated flows.
- **Water Augmentation and Integration Plan** – finding and securing viable supplemental water sources, and establishing MOUs/Agreements with regional parties and partners over the life of the project.
- **Minimizing disinfection byproducts** – developing cost effective treatment strategies to mitigate formation and achieve regulatory compliance using the Demonstration Plant.
- **Conveyance Coordination** – initiating early discussions with cities and agencies in the alignment corridors to understand desire to work together to minimize schedule impacts. Looking to propose Memorandums of Understanding (MOUs), or other commitment-level approaches as conveyance alignment is finalized over the next year.
- **Concentrate Management** – establishing MOUs/Agreements with regional parties and partners for brine disposal to the Calleguas Regional Salinity Management Pipeline over the next year. Understand increased costs of other options.
- **Refining budgetary costs for the Pure Water Project** – addressing total costs to deliver the PWP as envisioned by the JPA in today's market, supply chain, regulatory requirements, escalation considerations, and optimized project delivery for conveyance alignments and treatment approaches.

### Look Ahead

The Project Team is preparing the technical evaluations of each site, conducting testing at Tapia WRF and the Demonstration facility to inform the design, evaluating the hydraulics of the existing recycled water system and need for equalization both at Tapia and at the new AWPf, developing the conveyance alignment study, taking next steps to progress the CEQA work, and proceeding with the strategies outlined in the Program Implementation Plan for February.

The Project Team is focused on the meetings and site visits for February:

- Speaker Training Sessions for LVMWD and TWSD staff and Board members.
- Facility Tours of operating AWPf's.
- Division of Drinking Water tour of the Demonstration Facility.

- Meetings to review updates on civil concepts, architectural concepts and laboratory requirements for the new AWPF.

February 7, 2022 JPA Board Meeting

TO: JPA Board of Directors

FROM: Finance & Administration

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**Subject : Independent Auditing Services: Award**

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**SUMMARY:**

Staff issued a Request for Proposals for qualified companies to provide independent audit services for Las Virgenes Municipal Water District (LVMWD) and the Las Virgenes-Triunfo Joint Powers Authority (JPA) on August 9, 2021. A total of seven qualified proposals were received. A review committee consisting of staff from both LVMWD and TWSD was formed to evaluate the seven proposals. The firms that submitted the five highest-rated proposals were invited for interviews with a staff review committee. The top three firms from the evaluation and staff interviews were invited to give presentations to the JPA's Audit Committee, consisting of Board Members Jay Lewitt, Lynda Lo-Hill, Ray Tjulander and Jane Nye. Following the presentations, the Audit Committee met to discuss the qualifications of the three highest-rated firms and recommended selection of RAMS as the most qualified firm.

**RECOMMENDATION(S):**

Accept the proposal from RAMS, and authorize the Administering Agent/General Manager to execute a three-year professional services agreement, in the annual amount of \$3,850 for the first three years, with two one-year renewal options using a 3% annual escalator, to provide independent audit services.

**FISCAL IMPACT:**

Yes

**ITEM BUDGETED:**

Yes

**FINANCIAL IMPACT:**

The cost of audit work is allocated 50% to LVMWD and 50% to Triunfo Water and Sanitation District in accordance with Section 13 of the JPA Agreement. Sufficient funds are included in the adopted Fiscal Year 2021-22 JPA Budget for independent audit services. Funds for additional year audit services will be included in the proposed future fiscal year budgets.

## **DISCUSSION:**

The Request for Proposal (RFP) to provide independent audit services to LVMWD and the JPA was posted on the District's website on August 9, 2021. The scope of work was prepared in conformance with Government Finance Officers Association (GFOA) Best Practices Guidelines. The California State Controller's Office requires, per Government Code Section 12410.6.(b) that agencies change the lead audit partner for a firm providing independent audit services after five years. As a result, it is anticipated that the recommended firm will provide audit services for the JPA for a minimum of three and a maximum of five years, subject to meeting the Board's performance expectations.

The RFP was sent to known firms providing audit services and advertised on the California Society of Municipal Finance Officers (CSMFO) website. The responses were initially reviewed and ranked by a staff review committee consisting of the LVMWD's Director of Finance and Administration and Finance Manager, as well as Triunfo Water & Sanitation District's Finance Director. The five highest-ranked firms were invited for interviews. Following the staff interviews, the three highest-rated firms were referred to the JPA's Audit Committee. The Audit Committee recommends that the Board accept the proposal from RAMS.

RAMS, LLP, was founded in 1948 and is one of the oldest and most trusted CPA firms in Southern California. RAMS presented a comprehensive approach to audit services, demonstrated through their knowledge of current and upcoming Government Accounting Standards Board (GASB) requirements, and proposed a team with a track record of successfully performing government agency audits. Additionally, the firm offers annual client seminars that assist staff in keeping current on the latest changes affecting government accounting and auditing.

Attached for reference is a copy of the proposal and fee schedule submitted by RAMS.

Prepared by: Brian Richie, Finance Manager

## **ATTACHMENTS:**

RAMS Proposal

RAMS Fee Schedule



ROGERS, ANDERSON, MALODY & SCOTT, LLP  
CERTIFIED PUBLIC ACCOUNTANTS, SINCE 1948

SEPTEMBER 8, 2021

# LAS VIRGENES MUNICIPAL WATER DISTRICT

TECHNICAL PROPOSAL  
PROFESSIONAL AUDITING SERVICES  
FOR THE FISCAL YEARS ENDING JUNE 30, 2022, 2023 AND 2024  
(WITH THE OPTION OF TWO ADDITIONAL FISCAL YEARS)

CONTACT PERSONS:  
SCOTT W. MANNO, CPA, CGMA  
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BRAD WELEBIR, CPA, CGMA, MBA  
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PREPARED BY  
ROGERS ANDERSON MALODY & SCOTT, LLP  
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San Bernardino, CA 92408

LICENSE #2596  
FEIN 95-2662063

**LAS VIRGENES MUNICIPAL WATER DISTRICT**  
**PROPOSAL FOR PROFESSIONAL AUDITING SERVICES**

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**Attachment A: Government clients served**



ROGERS, ANDERSON, MALODY & SCOTT, LLP  
CERTIFIED PUBLIC ACCOUNTANTS, SINCE 1948

September 8, 2021

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909 889 5361 F  
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Las Virgenes Municipal Water District  
4232 Las Virgenes Road  
Calabasas, CA 91302

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#### MEMBERS

American Institute of  
Certified Public Accountants

*PCPS The AICPA Alliance  
for CPA Firms*

*Governmental Audit  
Quality Center*

*Employee Benefit Plan  
Audit Quality Center*

California Society of  
Certified Public Accountants



Dear Evaluation Committee:

I am pleased to respond, on behalf of Rogers, Anderson, Malody & Scott, LLP, (RAMS) to your request for a proposal regarding professional auditing services. As a recognized industry leader and innovator, our goal for the past 73 years has been to provide honest, objective and high-quality results to all our clients, including governmental organizations such as yours. Our success in these efforts is witnessed by the continued organic growth of our firm and our list of long-term clients, some we have served for over 20 years.

At RAMS, we are committed to achieving the highest quality audit possible. We understand the complexity of performing governmental audits and that is why we have a *dedicated team of auditors* that possess the specialized knowledge and experience to help ensure our audits are planned and executed in a way that maximizes audit efficiency and effectiveness and provides you the highest quality services.

We are aware that the Las Virgenes Municipal Water District (the District) will be reviewing other proposals during this process, but we believe that RAMS would be an exceptional choice for the audit for the following reasons. Our firm:

- Utilizes *Teammate Analytics*, a suite of more than 200 Computer Aided Audit Tools (CAATs). This software empowers our audit teams with the ability to perform powerful, meaningful data analysis which builds upon our other robust, substantive audit procedures. This value-added service also helps to identify specific transactions or amounts which may be indicative of fraud.
- Performs an intelligent, risk-based audit (using our CAAT) which enables us to focus on key audit areas allowing us to become more efficient resulting in a higher quality audit at a reasonable fee.
- Currently provides auditing services to over 70 governmental agencies and not-for-profit organizations, including over 30 special districts and 25 cities, most of which have enterprise activities.
- Developed a comprehensive remote working environment for our audits. All our staff currently have the tools for working remotely in an effective and efficient manner allowing us to still provide a quality audit. Our ultimate goal is to continue to meet your needs, but in a safe environment.
- Has an established reputation in the governmental and not-for-profit accounting and auditing community for providing excellent, timely service with high quality reporting to our clients.
- Is committed to helping you meet all reporting/auditing deadlines, resolving any issues encountered during your audit (e.g., accounting or auditing, new pronouncements, etc.), and providing you with quality audit services.

- Understands the audit process can be a stressful experience for you and your staff; we understand that you will have other commitments and your regular workloads during the audit. We make every effort to ensure the audit process, from the interim fieldwork to the preparation of any required financial reports, will be as trouble-free as possible for you and your staff. We accomplish this by comprehensively planning the audit and utilizing our staff and audit technologies in the most efficient and effective manner while keeping disruptions and miscommunications to a minimum.
- Has audit team members that are personable and easy to work with, yet still focused on the audit. Through open and responsive communication with all parties involved in the audit process, we work to have the most efficient audit possible by minimizing operational distractions of your staff, while maximizing quality service.
- Has an extensive internal quality control review process to ensure your financial reports meet the highest standards. In addition to the preparation of financial reports by the engagement team and reviewed by the engagement manager, *each report is also examined by 2 partners and at least 1 professional proofreader.*
- Has assisted many of our clients with the preparation of their Comprehensive Annual Financial Reports, and all our clients that have submitted their reports for the Government Finance Officers Association (GFOA) or California Society of Municipal Finance Officers (CSMFO) awards have received the awards. Our participation as a GFOA reviewer also indirectly benefits our clients in the quality review process.
- Believes that our fee estimate provides a fair and reasonable investment, commensurate with level of service provided and the experience of the audit team members. While we may not be the lowest bidder, that is not our objective. We focus on delivering the best value and price our prospective engagements accordingly.
- Is a local Southern California firm. All our employees live, work, and shop in the region, allowing our local cities to benefit from our sales and property taxes.

As you will see from our proposal, it was prepared in a clear, concise and simple manner in accordance with the request for proposal. We feel our firm, staff and reputation as a leader in governmental auditing exceeds the need for the excess information you may see in other proposals.

Rogers, Anderson, Malody & Scott, LLP is properly licensed to practice in California, including all the assigned professional staff to the engagement. Mr. Welebir, Partner, and Mr. Manno, Partner, are authorized to represent the firm, are empowered to submit the bid and authorized to sign a contract with the District. We understand the work to be done as listed in the section of this proposal titled *Services to be provided*. In addition, we will be committed to meeting any agreed upon time frames. This proposal is a firm and irrevocable offer for ninety (90) days.

We can be reached at: 735 E. Carnegie Drive, Suite 100, San Bernardino, CA 92408, (909) 889-0871, bwelebir@ramscpa.net or smanno@ramscpa.net.

Thank you for the opportunity to present our proposal to the District. We will be committed to exceeding your expectations of an auditor and believe this proposal provides you with information about our firm, the service team members and our customized audit approach. We look forward to having a long and mutually beneficial relationship with the District. Please feel free to contact us if you have any questions regarding this proposal.

Respectfully yours,

**ROGERS, ANDERSON, MALODY & SCOTT, LLP**




---

Scott W. Manno, CPA, CGMA  
Partner

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Independence

Rogers, Anderson, Malody & Scott, LLP is independent of the District and any component units, as defined by general standard number two of the generally accepted auditing standards, and by the second general standard for government auditing in the U.S. Government Accountability Office's *Government Auditing Standards*.

We have not had any professional relationships with the District within the past five (5) years.

### License to practice

Rogers, Anderson, Malody & Scott, LLP is licensed to practice in the State of California. Our key professional staff, which includes the partners, managers, and supervisors, are all certified public accountants licensed to practice in the State of California and follow all applicable Board of Accountancy standards.

### Firm qualifications and experience

#### *About our firm*

We are a local firm founded in 1948 and located at 735 E. Carnegie Drive, Suite 100, San Bernardino, California. We provide a full range of services as expected of a full-service accounting firm. We are one of the oldest, most trusted and respected CPA firms in Southern California, with over 73 years of public practice experience, specializing in governmental agency and not-for-profit organization auditing, accounting, and management advisory services. Over *sixteen thousand hours per year* are devoted to this area of our practice, which includes cities, redevelopment successor agencies, water districts, other special districts, not-for-profit corporations, and joint power authorities. We do not use our government accounting and auditing practice as "fill work" for the firm, it is one of our primary focuses thus allowing us to provide quality services to local governments.



Over *sixteen thousand hours per year* are devoted to this area of our practice, which includes cities, redevelopment successor agencies, water districts, other special districts, not-for-profit corporations, and joint power authorities. We do not use our government accounting and auditing practice as "fill work" for the firm, it is one of our primary focuses thus allowing us to provide quality services to local governments.

We understand your desire engage auditors that have a thorough understanding of the ever-changing complex accounting and compliance issues confronting governments today. Our firm has an extensive history of governmental accounting and auditing. During that time, we have gained valuable experience, acquired an in-depth knowledge of, and obtained the technical expertise needed to perform high quality governmental audits. This expertise has enabled us to provide exceptional, high-quality service and to provide solutions at fees we feel represent our value to our clients. In addition, we use our participation in various industry associations to continuously update our knowledge with respect to issues relating to governmental accounting, auditing, and operations. Any insight we gain is immediately passed on to our clients if we feel they will benefit from it.

Our firm has a total staff of thirty-two people, which includes sixteen certified public accountants. The staff consists of six partners, three managers, eight supervisors/senior accountants, nine staff accountants, and four support staff. The audit staff consists of eighteen members who devote over 80% of their time to municipal engagements. The engagement team assigned to the District's engagement will consist of the following full-time staff: one audit partner, one audit manager, one audit supervisor/senior, and two to three staff auditors. All personnel are located at our San Bernardino office.

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Firm qualifications and experience (continued)

#### Range of services

Our firm provides various other services in addition to auditing services to governmental entities, including:

- Internal control agreed upon procedures
- Finance director and accounting support services
- Study and evaluation of financial condition and fiscal policies
- Transient Occupancy Tax agreed upon procedures
- Franchise (refuse, cable) agreed upon procedures
- Accounting policies and procedures
- Cash management studies
- Financing and public bond offering assistance
- Franchise agreement assistance (ambulance, cable, television, refuse, etc.)

In addition, the firm provides accounting, auditing, attest, and consulting services to for profit and not-for-profit entities. We also provide tax preparation and tax consulting services to individuals, corporations, and partnerships. **We provide our municipal audit clients tax consultation at no extra charge.**

#### Governmental Audit Quality Center

As a member of the American Institute of CPAs *Governmental Audit Quality Center* (Center), we are committed to adhering to the highest quality standards by voluntarily agreeing to the Center membership requirements, which include designating a partner responsible for the quality of our governmental audit practice, establishing quality control programs, performing annual internal inspection procedures, and making our peer review report findings publicly available. At RAMS, our goal is to continue to enhance our quality initiatives within our governmental audit practice to deliver the highest quality audit services possible.

In addition, the *Governmental Audit Quality Center* provides access to comprehensive resources that will assist us in further enhancing the quality of your audit. The Center membership provides us with timely information on a variety of technical, legislative, and regulatory subjects that we can in turn apply to your audit to help ensure compliance with the appropriate standards and changes in regulations which we pass on to our clients.

#### Single audit experience

Most of our municipal clients, and some of our other governmental and not-for-profit clients, have been subject to an audit in accordance with *Uniform Guidance*. We recently performed single audits for the following entities:

- |                                      |                          |
|--------------------------------------|--------------------------|
| Elsinore Valley Muni. Water District | City of San Bernardino   |
| City of El Cajon                     | City of La Mesa          |
| City of San Marcos                   | City of West Covina      |
| City of Poway                        | City of Twentynine Palms |
| City of Fillmore                     | City of Woodlake         |
| City of Exeter                       | City of Rosemead         |
| City of La Verne                     | City of Hawthorne        |

Our specialized Single Audits Team is led by Managers and Supervisors with Intermediate and Advance Single Audits Certifications issued by the AICPA guaranteeing a successful and thorough engagement.

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Firm qualifications and experience (continued)

#### *ACFR preparation*

We have extensive experience in the preparation of Annual Comprehensive Financial Reports (ACFR). For the fiscal years ended June 30, 2018 and 2019, our staff prepared over 20 ACFR's, with each entity receiving the Certificate of Achievement for Excellence in Financial Reporting from the GFOA. For the fiscal year ended June 30, 2020, again, our staff prepared over 20 ACFR's for our clients for submittal to the GFOA. In addition, we have helped many cities and special districts develop their first year's report for submittal. Two of our audit partners and one of our managers are technical reviewers for the GFOA ACFR award program. **In addition, we review all the ACFR's for compliance with the GFOA certificate program checklist, as well as addressing any prior year comments, if applicable, to insure they have been addressed.**

#### *Engagement quality control*

We have an extensive internal quality control review process to ensure your audit meets the highest standards. In addition to the preparation of financial reports by a senior member of the engagement team, each report is reviewed by the engagement manager/supervisor and then is examined by the engagement partner. Subsequently, a technical review is then performed by the engagement Quality Control partner along with being proofread by at least one professional staff. In addition, all audit workpapers are reviewed by the in-charge auditor and the partner in-charge of the engagement.

#### *Equal Opportunity Employer*

Our firm is an equal opportunity employer and is committed to providing employment opportunities to all qualified persons regardless of race, color, sex, religion, national origin or handicap. Our staff represents a wide range of cultures and ethnic backgrounds. We provide opportunities for advancement for all staff based on ability, skill and desire to advance.

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Firm qualifications and experience (continued)

#### External quality control review

As a member of the AICPA Private Companies Practice Section, our firm has participated in the "Peer Review" program since 1993 and has been examined every three years since that date by an outside, independent firm of certified public accountants. Participation in this program ensures that our engagements, firm policies, and audit procedures meet the standards of the AICPA, the Yellow Book, and the California State Board of Accountancy. Throughout our participation in this program, *the firm has only received pass ratings from the peer reviewers.*

During each review, an independent firm reviews our policies and procedures and then inspects a representative sample of engagement workpapers and reports, including governmental entities and engagements subject to the *Uniform Guidance*. For the year ended November 30, 2020, our firm received a rating of *pass* which indicates our auditing practice is suitably designed and complied with to provide reasonable assurance of performing and reporting in conformity with applicable standards. The results provide confirmation that the custom audit approach and procedures we use are technically sound and in compliance with applicable standards.

#### Disciplinary action

The firm **has never** had any disciplinary action taken or pending against it with state regulatory bodies or professional organizations, nor has it ever had any pending or settled litigation, civil or criminal investigations. In addition, we are not aware of any federal or state desk reviews or field reviews of its audits during the last three years.

**Our firm does not have a record of substandard work.**

In addition to the external quality control review, our firm performs in-house monitoring procedures, which mirror the outside peer review procedures, over our audit and attest engagements annually.

### Grant Bennett Associates

A PROFESSIONAL CORPORATION

#### Report on the Firm's System of Quality Control

June 4, 2021

To the Partners of Rogers, Anderson, Malody & Scott, LLP, and the Peer Review Committee of the California Society of CPAs

We have reviewed the system of quality control for the accounting and auditing practice of Rogers, Anderson, Malody & Scott, LLP (the firm) in effect for the year ended November 30, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary). The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

#### Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

#### Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

#### Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including a compliance audit under the Single Audit Act, and an audit of an employee benefit plan.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

#### Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Rogers, Anderson, Malody & Scott, LLP in effect for the year ended November 30, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Rogers, Anderson, Malody & Scott, LLP has received a peer review rating of *pass*.



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# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Partner, supervisory, and staff qualifications and experience

The quality of service you receive is dependent on the capabilities of the individuals assigned to the engagement, and the manner in which those personnel resources are organized to efficiently focus their abilities on providing you with the requested audit services. These professionals are highly trained and knowledgeable and have a thorough understanding of the environment in which governmental and not-for-profit entities operate. This experience is a critical component in providing the District with an effective and efficient audit.

Our engagement team will provide significant experience coupled with an extensive, practical understanding of governmental accounting and auditing along with a broad business perspective. Each member will have access to a wide range of technical resources and knowledge bases which will enable them to provide the District with practical observations and effective solutions.

#### *Partner and supervisory staff involvement*

All partners and supervisory staff are working professionals and are actively and continually involved in all aspects of their engagements. We believe that partner and supervisory staff involvement in all areas of the audit is a key aspect of the overall audit process. This involvement includes being on-site for interim and year-end fieldwork, thus facilitating a proper, efficient, and effective audit, with minimal disruption of your staff. In addition, the time spent on-site by the partners and supervisory staff ensures they gain an understanding of the entire District's accounting processes and procedures. This understanding will enable them to evaluate and develop opportunities for efficiency, as well as offer practical and functional advice for improving your accounting processes and procedures.

All professionals on this engagement have worked on audits similar in nature to the District's, therefore, the District will not have to train our engagement team.

#### *Staff continuity*

Continuity of audit staff is a principal concern with our firm. To retain our staff, we offer extremely competitive wages, opportunities for advancement, generous medical packages, a retirement plan, bonus opportunities, as well as educational benefits. Even with the benefits we provide, we realize we may lose staff at any given time. Knowing this, we plan to provide staff continuity from year to year, which is in the best interest of the District and our firm. Continuity ensures an orderly, efficient, and less disruptive audit experience. Since we cannot guarantee staff will remain with us, principal supervisory and management staff, including engagement partners, managers, other supervisory staff, and specialists, may be changed if those personnel leave the firm or are promoted. **However, the District reserves the right to accept or reject replacements.**

We believe that due to the significant involvement of the partners on all our engagements, any staff transition would have a minimal effect on the audit efficiency and effectiveness of subsequent years.

#### *Continuing professional education*

Our team of auditor specialists stays current in this highly technical practice area by adhering to, and typically exceeding, the continuing professional education requirements of *Government Auditing Standards* as well as the State Board of Accountancy guidelines. All professionals at our firm participate in continuing professional education (CPE) programs, which are sponsored by various organizations including the Government Finance Officers Association, the American Institute of Certified Public Accountants, the California State Society of Certified Public Accountants, the California Society of Municipal Finance Officers and the Association of Government Accountants. Participation in these programs helps us to ensure that our clients are serviced with the best trained and most proficient government auditors and accountants available. In addition, we periodically provide in-house training taught by our partners and senior level staff using published resources. All staff are required to attend fraud and ethics training. It is our goal to provide our professional staff continuing education which exceeds the minimum standard of 80 hours over two years.

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Partner, supervisory, and staff qualifications and experience (continued)

In accordance with our firm's Quality Control document and *Government Auditing Standards (GAS)*, all staff members who work on audits subject to GAS are required to complete CPE in accordance with GAS standards which require 24 hours directly related to governmental accounting and auditing.

In addition to the required CPE, we also use the following to increase our technical knowledge: view the Governmental Audit Quality Center Annual Webcast Update and other relevant seminars and review monthly publications from the AICPA, the GFOA, and various other resources. We also attend conferences and seminars sponsored by the GFOA, California Society of Municipal Finance Officers, California State Society of Certified Public Accountants and the California Special Districts Association.

### *Assigned personnel*

It is our goal to provide you with capable, competent, and personable individuals who offer an extensive background, not only in governmental accounting and auditing, but also in general business practices. By doing so, it allows us to offer practical solutions, as well as provide technical support. This enables you to stay at the forefront of governmental accounting and provides you with the support you need in dealing with the complex issues confronting entities such as yours.

In addition, our engagement team has the managerial and supervisory experience to provide the District with a comprehensive audit of the highest quality, while still focusing on personal service. The resumes of the key engagement personnel assigned to the audit are presented below. The following individuals will be assigned to the engagement for the entire contract period (see staff *Continuity section* of this proposal):

#### *Scott W. Manno, CPA, CGMA - Partner, Engagement Partner*

Scott is a municipal audit partner with the firm and will be the engagement partner. He is licensed to practice as a certified public accountant in the State of California. He has been in public accounting for over 25 years specializing in serving local governments such as yours. As the engagement partner, he will be responsible for overall engagement quality, as well as ensuring that the engagement is performed in the most effective and efficient manner. Scott will directly oversee all engagement staff while assisting in planning and performing the engagement, as well as reviewing all work-papers prepared during the engagement, in addition to all required reports. Scott is a working partner and will be actively and continually involved in all aspects of the engagement.

#### *Terry Shea, CPA - Partner, Concurring Partner*

Terry is also a municipal audit partner with the firm. He is licensed to practice as a certified public accountant in the State of California. Terry has over 40 years of public accounting experience and has provided accounting, auditing, and consulting services for municipalities, special districts, water agencies, and various not-for-profit organizations. As the concurring partner, Terry will work directly with Scott in planning and performing the engagement. In addition, he will provide technical consultation for the engagement team.

#### *Brad A. Welebir, CPA, CGMA, MBA - Partner, Quality Control Reviewer*

Brad will be the Quality Control Reviewer. He is licensed to practice as a certified public accountant in the State of California. He has over 17 years of practical, governmental accounting and auditing experience. Brad will be responsible for the final quality control review of all released opinions and related reports.

# *LAS VIRGENES MUNICIPAL WATER DISTRICT*

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### **Partner, supervisory and staff qualifications and experience (continued)**

*Brianna Schultz, CPA, CGMA - Engagement Manager*

Brianna is a manager with the firm and is licensed to practice as a certified public accountant in the State of California. Brianna has over eleven years of experience in providing accounting and auditing services for municipalities, special districts, and various nonprofit organizations. As the engagement manager, she will work directly with the audit in-charge and partner, while supervising the engagement team during all phases of the engagement. In conjunction with the audit in-charge, she will also oversee the preparation of any required reports.

*Veronica Hernandez, CPA - Audit Supervisor*

Veronica is a supervisor with the firm. She is licensed to practice as a certified public accountant in the State of California. Veronica has over 5 years' experience in providing accounting and auditing services for municipalities, special districts and various not-for-profit organizations. As an audit supervisor, Veronica will work closely with the engagement partner and manager and be responsible for planning the audit, supervising the staff assigned to the engagement, and performing reviews of all work-papers prepared for the engagement. In addition, she will also be responsible for the preparation of any required reports.

*Staff level accountants*

All staff accountants employed by us and working on governmental audits are qualified to perform such audits. Prior to "audit season", our staff are subject to a rigorous training regimen in which we go over all aspects of our audit process and audit programs ensuring staff members have a solid foundation prior to starting fieldwork. Each staff member is encouraged to take on increased responsibility for engagements previously worked on. This enables our staff to grow on each engagement and allows them to continue to gain the skills and knowledge required to perform the audits.

In summary, we want to emphasize the credentials of the above professionals who will be directly responsible for the quality of service that you will receive. Additionally, our audit team has another attribute that is very important, even though it is intangible -- the professionals assigned to the audits have previously worked together as a multi-disciplined team, thus ensuring a smooth, efficient, and effective audit. We are committed to allocating the necessary resources to ensure that we provide continuity of personnel throughout the term of our relationship with the District.

Full engagement team resumes are provided as follows.

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Partner, supervisory, and staff qualifications and experience (continued)

#### Engagement team resumes



**Scott W. Manno, CPA, CGMA**  
**Engagement Partner**

#### Professional experience

Mr. Manno began his career with Thomas, Bigbie and Smith in 1995 after serving in the United States Army. He spent six years with the firm primarily working on audits of municipalities, special districts and redevelopment agencies as well as various not-for-profit organizations. He joined Rogers, Anderson, Malody & Scott, LLP in July 2001. Currently, Mr. Manno serves as a technical reviewer for the GFOA CAFR Award program. Since 2010, Mr. Manno has been serving as a technical volunteer on the California Special Districts Association Audit Committee and is also on the Association's fiscal committee providing accounting and fiscal program guidance. Also, Mr. Manno has done presentations on fraud.

In addition, he is part of the California State Society of Certified Public Accountants Governmental Accounting and Auditing Committee which meets periodically to discuss current events, pronouncements, etc.

#### Education/licenses

Bachelor of Science degree from California State University, San Bernardino  
Certified Public Accountant - State of California  
Chartered Global Management Accountant - American Institute of Certified Public Accountants

#### Related professional experience

Partial listing of relevant governmental agencies served (\*includes enterprise fund accounting):

Western Municipal Water District	East Valley Water District	Crestline Village Water District	Pine Cove Water District
Beaumont Cherry Valley Water District	Upper San Gabriel Muni. Water District	Big Bear Area Regional Wastewater Agency	Triunfo Water and Sanitation District
West Basin Water District	Helix Water District	Mojave Water Agency	Idyllwild Water District
Chino Basin Desalter Authority	Running Springs Water District	Ventura Regional Sanitary District	Rubidoux Community Services District

Mr. Manno has completed over 200 hours of continuing professional education courses over the past three years of which the following select courses are relevant to this engagement:

- ◆ Association of Certified Fraud Examiners, *Fraud Related Internal Controls*
- ◆ American Institute of Certified Public Accountants, *Governmental Accounting and Auditing Update*
- ◆ San Diego County Treasurer, *Fraud Prevention and Ethics Symposium*

#### Professional affiliations

Mr. Manno is a member of the following organizations:

- ◆ American Institute of Certified Public Accountants (AICPA)
- ◆ California Society of Certified Public Accountants (CalCPA)
- ◆ Association of Government Accountants (AGA)
- ◆ Association of Certified Fraud Examiners (ACFE)
- ◆ Government Finance Officers Association (GFOA)
- ◆ California Special Districts Association (CSDA)
- ◆ California Society of Municipal Finance Officers (CSMFO)

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Partner, supervisory, and staff qualifications and experience (continued)



**Terry P. Shea, CPA**  
**Concurring Partner**

#### *Professional experience*

Mr. Shea began his career with Thomas, Byrne and Smith in 1981. He spent five years with the firm primarily working on audits of municipalities, special districts, redevelopment and other governmental agencies. He joined Rogers, Anderson, Malody & Scott, LLP in 1987 where he has completed governmental audits including municipalities and provided financial consulting services for various cities.

#### *Education/licenses*

Bachelor of Arts degree from California State University, Fullerton  
Certified Public Accountant - State of California

#### *Related professional experience*

Partial listing of relevant governmental agencies served (\*includes enterprise fund accounting):

Twentynine Palms Water District	East Valley Water District	Crestline Village Water District	Pine Cove Water District
Beaumont Cherry Valley Water District	Upper San Gabriel Muni. Water District	Big Bear Area Regional Wastewater Agency	Triunfo Water and Sanitation District
West Valley Water District	Helix Water District	Vista Irrigation District	Idyllwild Water District
Crestline-Lake Arrowhead Water Agency	Running Springs Water District	Ventura Regional Sanitary District	Rubidoux Community Services District

Mr. Shea served as the Interim Finance Director for the City of Perris from July 1998 to October 2001. He currently serves as the Contract Finance Director for one Riverside County city and one Los Angeles County city.

#### *Continuing professional education*

Mr. Shea has completed over 120 hours of continuing professional education courses in the past three years, of which, the following select courses are relevant to this engagement:

- ◆ American Institute of Certified Public Accountants, *Foundations in Governmental Accounting*
- ◆ American Institute of Certified Public Accountants, *Governmental and Not-for-Profit Conference*
- ◆ California Society of CPAs Education Foundation, *Governmental Auditing Skills*
- ◆ Thomson Reuters, *Audits of State and Local Governments*

#### *Professional affiliations*

Mr. Shea is a member of the following professional organizations:

- ◆ American Institute of Certified Public Accountants (AICPA)
- ◆ California Society of Certified Public Accountants (CalCPA)
- ◆ Government Finance Officers Association (GFOA)
- ◆ California Society of Municipal Finance Officers (CSMFO)

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Partner, supervisory, and staff qualifications and experience (continued)



**Brad A. Welebir, CPA, CGMA, MBA**  
**Quality Control Partner**

#### *Professional experience*

Mr. Welebir joined Rogers, Anderson, Malody & Scott, LLP in 2004. He primarily provides audits and advisory services to governmental agencies, small to mid-sized businesses, and not-for-profit organizations. Mr. Welebir serves as a technical reviewer for the GFOA CAFR Award program. He also serves as the CalCPA Inland Empire chapter chair of the governmental accounting and auditing committee and as the representative for the chapter at the state committee.

#### *Education/licenses*

Master of Business Administration - Accounting Emphasis from California State University, Fullerton  
Bachelor of Arts in Business Administration from La Sierra University  
Certified Public Accountant - State of California  
Chartered Global Management Accountant - American Institute of Certified Public Accountants

#### *Related professional experience*

Partial listing of relevant governmental agencies served (\*includes enterprise fund accounting):

Riverside County Parks and Open Space District	Helendale Community Services District	Crestline Village Water District	Running Springs Water District
Beaumont Cherry Valley Water District	Upper San Gabriel Muni. Water District	Big Bear Area Regional Wastewater Agency	Rubidoux Community Services District
Crestline-Lake Arrowhead Water Agency	San Bernardino Valley Municipal Water District	West Valley Water District	Idyllwild Water District
			Mojave Water Agency

#### *Continuing professional education*

Mr. Welebir has completed over 120 hours of continuing professional education courses in the past three years of which the following select courses are relevant to this engagement:

- ◆ California Society of CPAs Education Foundation, *Governmental Accounting and Auditing Update*
- ◆ American Institute of Certified Public Accountants, *OMB A-133 Single Audit Update*
- ◆ California Society of Municipal Finance Officers, *Annual Conference Sessions*
- ◆ Government Finance Officers Association, *GAAP Update*
- ◆ CCH, *Yellow Book Update*

#### *Professional affiliations*

Mr. Welebir is a member of the following professional organizations:

- ◆ American Institute of Certified Public Accountants (AICPA)
- ◆ California Society of Certified Public Accountants (CalCPA)
- ◆ Government Finance Officers Association (GFOA)
- ◆ California Society of Municipal Finance Officers (CSMFO)
- ◆ California Special Districts Association (CSDA)

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Partner, supervisory, and staff qualifications and experience (continued)



**Brianna Schultz, CPA, CGMA**  
**Audit Manager**

#### *Professional Experience*

Ms. Schultz began her career with Rogers, Anderson, Malody & Scott, LLP in July 2014, and had over three years' experience with another public accounting firm serving the same industry. During her time with the firm, she has worked primarily on audits of municipalities, special districts and redevelopment agencies, as well as various non-profit organizations.

#### *Education*

Bachelor of Science degree from California State University, San Bernardino  
Certified Public Accountant – State of California  
Chartered Global Management Accountant – American Institute of Certified Public Accountants

#### *Related Professional Experience*

Partial listing of relevant governmental agencies served (\*includes enterprise fund accounting):

Beaumont-Cherry Valley Water District	Elsinore Valley Municipal Water District	Rubidoux Community Services District	Costa Mesa Sanitary District
Meeks and Delay Water Company	Sativa Los Angeles County Water District	Rossmoor Community Services District	Rosamond Community Services District
Mojave Water Agency	Vallecitos Water District	Valley Water Company	City of West Covina*
City of La Mesa*	Pine Cove Water District	City of El Cajon*	City of Hawthorne*

Ms. Schultz obtained the AICPA's *Advanced Single Audit Certificate* in 2019 and the *Intermediate Single Audit Certificate* in 2017. She served as the contract Interim Accounting Manager for the City of Glendora in 2016 and the Senior Accountant for the City of Rancho Cucamonga in 2015. Additionally, she is a reviewer for the GFOA CAFR Program.

#### *Continuing Professional Education*

Ms. Schultz has completed over 100 hours of continuing professional education courses over the past two years of which the following select courses are relevant to this engagement:

- ◆ Wolters Kluwer CPE Link, *OMB Supplement Addendum and the Latest COVID-19 Single Audit Implications*
- ◆ American Institute of Certified Public Accountants, *Impact of COVID-19 on Financial Reporting and Single Audit*
- ◆ Wolters Kluwer CPE Link, *2020 GAAP, GAAS & SSARS Update*
- ◆ California Society of Municipal Finance Officers, *Lease Accounting*

#### *Professional Affiliations*

Ms. Schultz is a member of the following organizations:

- ◆ American Institute of Certified Public Accountants (AICPA)
- ◆ California Society of Certified Public Accountants (CalCPA)
- ◆ Government Finance Officers Association (GFOA)
- ◆ California Society of Municipal Finance Officers (CSMFO)

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Partner, supervisory, and staff qualifications and experience (continued)



**Veronica Hernandez, CPA**  
**Audit Supervisor**

#### *Professional Experience*

Ms. Hernandez is an Audit Supervisor with the firm. She has over 5 years' experience in providing accounting and auditing services for municipalities, special districts and various nonprofit organizations.

#### *Education*

Bachelor of Science degree from California State University, San Bernardino  
Certified Public Accountant – State of California

#### *Related professional experience*

Partial listing of relevant governmental agencies served (\*includes enterprise fund accounting):

Beaumont-Cherry Valley Water District	Big Bear Area Regional Wastewater Agency	Elsinore Valley Municipal Water District	Rubidoux Community Services District
Sativa Los Angeles County Water District	United Water Conservation District	Capistrano Bay Comm. Services District	Valley Water Company
City of Hawthorne*	City of Fillmore*	City of Beaumont*	City of Poway*
City of San Marcos*	City of Moreno Valley*	City of Redondo Beach*	City of Fillmore*

#### *Continuing Professional Education*

Ms. Hernandez has completed over 100 hours of continuing professional education courses over the past two years of which the following select courses are relevant to this engagement:

- ◆ California Society of Municipal Finance Officers, *Lease Accounting*
- ◆ California Society of Municipal Finance Officers, *Fiduciary Activities*
- ◆ California Society of Municipal Finance Officers, *Blue Book has been updated*
- ◆ California Society of Municipal Finance Officers, *Lease Accounting of tomorrow*
- ◆ California Society of Municipal Finance Officers, *GASB Update*
- ◆ American Institute of Certified Public Accountants, *Governmental Accounting and Auditing Update*

#### *Professional affiliations*

Ms. Hernandez is a member of the following professional organizations:

- ◆ American Institute of Certified Public Accountants (AICPA)
- ◆ California Society of Certified Public Accountants (CaICPA)
- ◆ California Society of Municipal Finance Officers (CSMFO)

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Similar engagements with other governmental entities

**Entity:** *Elsinore Valley Municipal Water District*  
**Scope of work:** Financial Audit/ACFR\*  
**Date:** Year ending June 30, 2015 - present  
**Engagement partner:** Mr. Scott Manno  
**Total hours:** 350 hours  
**Contact person:** Mr. Robert Hartwig, Asst General Manager Admin Services, (951) 674-3146, rhartwig@evmwd.net  
**Address:** 31315 Chaney Street, Lake Elsinore, CA 92530

**Entity:** *Crestline-Lake Arrowhead Water Agency*  
**Scope of work:** Financial Audit  
**Date:** Years ending June 30, 1996 - present  
**Engagement partner:** Mr. Terry Shea  
**Total hours:** 350  
**Contact person:** Ms. Roxanne Holmes, General Manager, (909) 338-1779, clawa@verizon.net  
**Address:** 24116 Crest Forest Drive, Crestline, CA 92325

**Entity:** *Ventura Regional Sanitation District*  
**Scope of work:** Financial Audit/ACFR\*  
**Date:** Years ending June 30, 2007 - 2019  
**Engagement partner:** Mr. Scott Manno  
**Total hours:** 275  
**Contact person:** Ms. Tina Rivera, Director of Finance & Admin, (805) 658-4646, Tinarivera@vrzd.com  
**Address:** 1001 Partridge Drive, Suite 150, Ventura, CA 93003

**Entity:** *San Bernardino Valley Municipal Water District*  
**Scope of work:** Financial Audit  
**Date:** Years ending June 30, 2004 - present  
**Engagement partner:** Mr. Terry Shea  
**Total hours:** 225  
**Contact person:** Mrs. Cindy Saks, Finance Manager, (909) 387-9224, cindys@sbumwd.com  
**Address:** 380 East Vanderbilt Way, San Bernardino, CA 92408

**Entity:** *Crestline Village Water District*  
**Scope of work:** Financial Audit  
**Date:** Years ending June 30, 1996 - present  
**Engagement partner:** Mr. Scott Manno/Mr. Brad Welebir  
**Total hours:** 200  
**Contact person:** Mrs. Larrie Ann Davis, Office Manager (909) 338-1727, ladavis@cwwater.com  
**Address:** 777 Cottonwood Drive, Crestline, CA 92325

\* = received GFOA/CSMFO award.

See Attachment A for a listing of current and recent government clients served.

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Proposed audit approach

#### *Services to be provided*

The District desires the auditor to express an opinion(s) on the fair presentation of the financial statements for the following: the District and the JPA of Las Virgenes Municipal Water District and Triunfo Sanitation District in accordance with generally accepted accounting principles.

In addition, we shall:

- Prepare the financial statements, if requested.
- Apply certain limited procedures related to Management's Discussion and Analysis and Required Supplementary Information and provide an "in-relation-to" report on the combining and individual fund financial statements and supporting schedules, if applicable.
- Provide opinions as to the compliance with the *Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards* (OMB Uniform Guidance). RAMS is to provide an "in-relation-to" report on the Schedule of Expenditures of Federal Awards based on the auditing procedures applied during the audit of the financial statements.
- Test compliance with Article XIII B pertaining to the District's appropriation limit and prepare an Agreed-Upon Procedures report to the governing board regarding compliance.

Our audit(s) will be in accordance with:

- Generally Accepted Auditing Standards as promulgated by the American Institute of Certified Public Accountants, including requirements found in the new AICPA audit guide *Audits of State and Local Governments*.
- *Government Auditing Standards* issued by the Comptroller of the United States of America.
- Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (OMB Uniform Guidance).
- *Minimum Audit Requirements and Reporting Guidelines for Special Districts* as prescribed by the State Controllers Office.
- Any other applicable standards for other items outlined in the Scope of Work to be performed and/or reports to be issued.

Reports to be issued:

- A report on the fair presentation of the financial statements in conformity with GAAP.
- A report on internal control over financial reporting and on compliance and other matters based on an audit of financial statements performed in accordance with *Government Auditing Standards* (material weaknesses or significant deficiencies).
- A report in compliance with requirements applicable to each major federal program and internal control over compliance in accordance with the *Uniform Guidance*.
- Prepare Management Letter that includes significant and less significant (i.e., reportable and non-reportable) recommendations for improvements to internal control.
- We will issue reports to those charged with governance (SAS 114 letters) as required by auditing standards.

RAMS will also perform the following:

- Make an immediate, written notification of all irregularities and illegal acts or indication of illegal acts of which we become aware to the following: District Manager and District Attorney.

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Proposed audit approach (continued)

#### *Engagement approach*

Our engagement approach for your audit will be developed, in part, by using established goals which will enable measurement of the audits progress by the engagement partner and lead auditor. This involves frequent communication between the partner and the engagement team to ensure that all audit objectives are achieved in accordance with our goals and that any issues which may arise are communicated and dealt with on a timely basis. In addition, our in-depth knowledge and expertise in governmental accounting and auditing has allowed us to identify key audit and accounting risks in the government environment. More importantly, the approach provides for a complete reassessment of the control environment in each year's audit and thus enables us to respond to any needed risk assessment changes.

Our engagement approach has been developed and refined over many years. The foundation of our approach revolves around the following fundamentals:

- **Knowledge and experience.** We have been auditing governmental entities like the District, both large and small, for over 73 years. This experience has allowed us to gain in-depth knowledge of the governmental environment which in turn allows us to perform a more efficient and effective audit. It also enables us to perform detailed risk assessment procedures allowing us to identify significant audit risk areas within the District and its control environment.
- **Intelligent design:** As discussed later in our proposal, all our audits are designed to be intelligent using our powerful audit software tools (Engagement and *Teammate Analytics*). This allows us to analyze large amounts of data in seconds increasing both the efficiency and, more importantly, the effectiveness of all our audit engagements.
- **Oversight.** Professional judgment is not developed overnight. Our partners, managers and supervisors have been deeply involved in governmental audits on a continuous basis for most of their professional careers. By having direct partner and manager oversight, we can design audit strategies that result in effective and efficient audits.
- **Timeliness.** Deadlines are not just “dates” to us, they are professional commitments. All required deadlines will be met.
- **Open communication.** Open lines of communication with all parties (the engagement team members and District Management and staff) throughout the audit process helps to eliminate “surprises.” Proper planning and proper use of experienced engagement personnel tend to provide for an effective and efficient audit process. Consequently, inefficiencies, disruptions, and lack of understanding are kept to a minimum.
- **Availability.** All engagement team members are available throughout the year for any questions or additional consultation. District staff will have direct access to the partner, manager, and other supervisory staff at all times during the engagement, as well as after.
- **Cost effectiveness.** Our customized audit approach and procedures and our experienced auditors help to reduce your overall audit costs while still providing an effective audit and high-quality reports.

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Proposed audit approach (continued)

As indicated in the previous section of the proposal, the overall objective of the engagement with the District is to conduct an audit of the financial statements in accordance with required auditing standards and the expression of an opinion(s) on those financial statements. Beyond that initial objective, we believe that our engagement approach provides certain other value-added characteristics, at no additional cost, that will benefit the District over the long-term:

- All our audits are designed to be performed in an efficient and effective way to minimize disruption to the office operations.
- We offer practical observations and recommendations relating to internal control issues, implementation of accounting standards and the policies and procedures regarding both.
- We identify opportunities for operating efficiencies which can be used to decrease operating costs of the District.

### *Audit approach and proposed audit segmentation*

The following is a summary of the audit team's audit approach for the engagement. The audit will be divided into the following segments:

#### Segment 1 - Interim testing - planning, pre-audit administration, and internal control testing

During this phase of the audit, our principal objectives will be to gather information about the District and its environment, including its internal control over financial reporting.

To achieve the desired objectives of this phase of the audit, we will:

- Meet with the District's staff to determine convenient dates in which we can begin our audit and to discuss the assistance to be provided by the District's staff.
- Hold brainstorming sessions with engagement team members to discuss the susceptibility of the District's financial statements to material misstatement and fraud.
- Review and evaluate the District's accounting and reporting processes by reviewing the prior year's audit workpapers, any District-prepared documents such as budgets, in-house financial reports, policies and procedures manuals, minutes of governance meetings, etc., and by using various analytical procedures. Analytical procedures will enhance our understanding of the District and will help us identify areas that may need further assessment and additional testing.
- Review and retain copies of any pertinent local, state and federal statutes, regulations, or charters that apply to the District.
- Evaluate the design of controls that are relevant to the audit by obtaining a thorough understanding of the District's internal controls over financial reporting and compliance by documenting key internal control components, utilizing questionnaires, walkthroughs, inquiring of the District's personnel, and observing and reviewing key supporting documentation (a more thorough explanation of this process is discussed later in the technical proposal).
- Test controls, if control risk is to be assessed below maximum, by selecting a sample of transactions within the audit area being tested and reviewing supporting documentation to determine whether the relevant controls are in place and functioning properly.
- Document and review with management, any findings noted during the testing of internal controls and provide a preliminary management letter that will include our recommendations for improving any weaknesses in operations. The letter will also include suggestions for improving the efficiency of the District's operations.

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Proposed audit approach (continued)

- Utilize our powerful audit data analytic software allowing us to analyze large amounts of data in seconds and focusing on areas/transactions that are red flagged.

In addition, we will perform the following procedures related to IT General Controls that “touch” financial data:

- *Security access (including physical) controls:* evaluate the general system security settings and password parameters; evaluate the process for adding, deleting, and changing security access; evaluate the access capabilities of various types of users; evaluate access controls to networks and financial applications; evaluate access controls related to data files; and evaluate physical access to networks, servers, etc.
- *Computer operations:* Evaluate backup and recovery processes and review processes of identifying and handling operational problems.
- *System development and system changes:* Evaluate processes related to system development and system changes (if applicable).
- *Application testing:* We will determine if the testing of application controls is deemed necessary based on our professional judgment in the planning stages of the engagement.

This phase of the engagement for the audit will be performed by the audit senior and two/three staff accountants with direct supervision by the audit manager and partner.

### Segment 2 - Year-end testing - substantive testing

During this phase of the audit, our principal objectives will be to assess the risk of material misstatement at the financial statement level and specific assertions, design overall responses to assessed risks and further audit procedures, perform substantive tests, and complete the audit and evaluate audit findings, if applicable.

To achieve the desired objectives of this phase of the audit, we will:

- Identify significant risks and develop a detailed audit plan using the results in Segment 1.
- Design substantive tests of account balances designed and modified specifically for the District’s operations and assessed level of risk. Substantive procedures will consist of testing material balance sheet accounts, material revenue and expenditure/expense accounts along with various analytical procedures as deemed necessary. In addition, various accounts may be confirmed with outside parties (cash, investments, etc.).
- Determine whether our testing supports the assessed level of risk initially assigned at the financial statement level and at the assertion level.

If any proposed audit adjustments are noted during this phase, we will discuss and explain them, in detail, with the appropriate level of management prior to posting.

This phase of the engagement for the audit will be performed by the senior accountant and two/three staff accountants with direct supervision by the audit manager and partner.

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Proposed audit approach (continued)

#### Segment 3 - Reporting - report preparation/audit conclusion (workpaper review)

During this phase of the audit, our principal objectives will be to evaluate whether the financial statements, taken as a whole, are free from material misstatement and form an opinion(s) and issue our report.

To achieve the desired objectives of this phase of the audit, we will:

- Determine whether, based on our substantive testing and other procedures, the financial statements, taken as a whole, are free of material misstatement. This will provide the basis for our opinion(s).
- Review all audit workpapers to ensure that the audit was performed in accordance with the required standards (GAAS, GAGAS, etc.) and prepare drafts of all required reports by the agreed-upon dates.
- Conduct an independent review of the financial statement draft by the engagement’s quality control partner and issue all reports by the agreed-upon dates.

This phase of the engagement will be performed by the audit senior and one staff accountant with direct supervision by the audit manager and partner. In addition, the engagement’s quality control partner will perform a detailed quality control review of the financial statements.

The above procedures are a general list of procedures to be performed. After our initial review of the District and our detailed risk assessment, we will customize the engagement and gear it towards the needs of the District and the audit itself. In doing so, we will determine which procedures to perform relative to our risk assessment. All our audits are customized to each entity, helping to ensure a complete, effective, and efficient audit. The foundation of the above approach is based on open communication coupled with a strong knowledge of the District’s operations and detailed planning at the initial stages of the audit.

Our firm is dedicated to performing a timely audit engagement. Prior to the start of the audit, we will meet with District staff and decide on adequate timeframes, agreed upon by both the District and us, for the performance of the audit and the release of the financial statements. *We will dedicate the necessary resources to meet any agreed upon time frames.*

*Level of staff and approximate number of hours assigned to each segment:*

Segment	Partner	Supervisor	Senior	Staff	Total
Segment 1	8	8	23	49	88
Segment 2	14	14	42	79	149
Segment 3	9	9	28	12	58
<b>Totals</b>	<b>31</b>	<b>31</b>	<b>93</b>	<b>140</b>	<b>295</b>

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Proposed audit approach (continued)

#### *Intelligent audit technology*

Our audits are designed to be intelligent using our powerful audit software tools (Engagement and Teammate Analytics). In addition, all audit team members are linked to each other using wireless connections which enables them to share information at an almost real-time speed. Below are some of the benefits of our audit technologies:

- ***We utilize Teammate Analytics, a suite of more than 200 dynamic Computer Aided Audit Tools (CAATs). This allows us to analyze large amounts of data in seconds. Using data received directly from the District, we can perform the following: search for duplicate checks, detect transactions occurring on holidays/weekends or during unusual hours, perform Benford's Law analysis, and identify instances when a vendor has issued multiple invoices with sequential references along with many other tests. The software empowers our audit teams with the ability to perform powerful, meaningful data analysis which will build upon our other value-added services.***
- We can create our own analytical schedules allowing for easy analysis of current balances to prior year balance, current vs budget balance, thus reducing significant District staff time.
- Once your trial balances and financial statements are entered into our software, we can observe your financial statements in the field allowing us to notice any variances and address them immediately.
- We link the financial statement schedules directly to our audit software trial balances, and as a result, we can provide the District with fund financial statements almost immediately after importing the trial balances.
- We can provide the District with our audited trial balances which show the coding of the financial statement schedules for ease of review for District staff. These reports show each account coded to a specific financial statement line item/function as well as journal entries posted during the audit.
- We have the capability to perform effective and efficient audits remotely as well.

#### *Analytical procedures*

In order to properly utilize analytical procedures, industry background and knowledge are needed. With our firm's long history and qualified staff, we believe we have the necessary knowledge and experience to effectively apply analytical procedures. We will utilize analytical review procedures throughout our audit of the District.

- During the *interim* phase of our audit, we will compare current and prior year unadjusted balances to determine which areas may need additional analysis; we will also compare current year actual amounts to the District's annual budget (both original and adopted).
- During the *final* phase of our audit, we will perform procedures like those mentioned above, as well as compare certain financial ratios for current and prior years. We will also conduct certain "reasonableness" tests. Any significant variances are investigated further through inquiry and other substantive testing as deemed necessary until resolved to our satisfaction.
- Finally, after we have completed our fieldwork, we will compare current and prior year audited balances, keeping in mind expected relationships obtained from our knowledge of the District, similar entities and the general economic environment. In addition, we may choose to use various other analytical techniques such as trend analysis, etc.

***Unlike other audit firms, we use analytical procedures to supplement our substantive testing, not supplant them.***

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Proposed audit approach (continued)

#### *Understanding of internal control over financial reporting*

Our approach to obtaining an understanding of the District's internal control over financial reporting will be performed in accordance with professional standards as promulgated by the American Institute of Certified Public Accountants -- our understanding will include the *Control Environment, Risk Assessment, Control Activities, Information and Communication, and Monitoring*. We will use customized procedures which we have developed internally to evaluate your internal control systems. By combining our customized procedures and our detailed knowledge of the District and its environment, we will be able to provide constructive feedback in areas we feel need improvement. In addition to our customized procedures, we will also perform the following:

**Control Environment.** Through inquiry of the District's personnel, prompted by questionnaires, personal knowledge, and review of the minutes of the governing body meetings, we will obtain an understanding of management's and the governing body's attitudes, awareness, and actions concerning the control environment, focusing on the substance of the controls rather than their form.

**Risk Assessment.** Through inquiry of the District's personnel and the use of questionnaires, we will obtain sufficient knowledge of the District's risk assessment process to understand how management considers risks relevant to financial reporting objectives and decides upon actions to address those risks. This will include understanding how management identifies risks, estimates the significance of these risks, assesses the likelihood of their occurrence, and relates them to financial reporting.

**Control Activities.** Certain control procedures will be documented during our analysis of the control environment and the accounting system. However, many specific control procedures will still need to be documented that will focus primarily on the District's major transaction cycles. As mentioned above, we will test the District's control procedures on which we intend to rely on for safeguarding assets from unauthorized use or disposition and detecting/preventing unauthorized transactions. Any flow charts, organizational charts and any other manuals, programs, and financial and management information systems will be analyzed during this process.

**Information and Communication.** Through inquiry of the District's personnel, we will identify the major types of transactions engaged in by the District. We will become familiar with the treatment of those transactions, including how the transactions are initiated, the related accounting records, and the manner of processing the transactions. Finally, we will obtain an understanding of the District's financial reporting process used to prepare financial reports, including the approaches used in making accounting estimates and disclosures.

**Monitoring.** Through inquiry of the District's personnel and the use of questionnaires, we will obtain sufficient knowledge of the major types of activities the District uses to monitor internal control over financial reporting. We will also determine how those activities are used to initiate corrective actions.

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Proposed audit approach (continued)

#### *Approach in determining applicable laws and regulations*

We understand the importance of laws and regulations in planning an audit of a local governmental entity and design all our audits to ensure we test transactions for compliance. As part of our audit process, our audit team will obtain an understanding of the laws and regulations that will have a direct and material effect on the District's financial statements. In determining which laws and regulations are applicable to the District's financial statement audit, we will consult the following sources:

- AICPA Audit and Accounting Guide, *Audits of State and Local Governments*
- California Government Code (investments, GANN limit requirements, etc.)
- Applicable State of California laws
- U.S. Government Accountability Office's *Government Auditing Standards* (The Yellow Book), latest revision
- Applicable contracts/grants of the District
- *Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards* (OMB Uniform Guidance)

After consulting the applicable sources, we will design our audit to provide reasonable assurance of detecting material instances of noncompliance while continuing to refer to the applicable compliance guideline to ensure changes in compliance are not missed.

#### *Effect of COVID-19 on our audits*

The COVID-19 pandemic led to most of our audits being performed remotely in 2020 and a hybrid in 2021. We were highly flexible with our clients and were able to perform almost all our audits remotely unless the clients requested a limited staff presence on-site. No matter how the pandemic continues to develop in California, we are prepared and able to continue serving our clients remotely, and even on-site with the appropriate precautions.

#### *Auditing in a remote environment*

The availability and use of technology has had a significant impact on the accounting and auditing profession, allowing us to provide professional services across longer distances and more timely than ever before. We have continued to evolve our ability to serve our clients remotely throughout the COVID-19 pandemic and have experienced new efficiencies for both auditor and auditee. We anticipate continuing to perform substantially all our audit work remotely and will work with the District to maximize the remote efficiencies using technology. If the District would like members of the audit team on-site, we will work with District management on determining an acceptable staffing level.

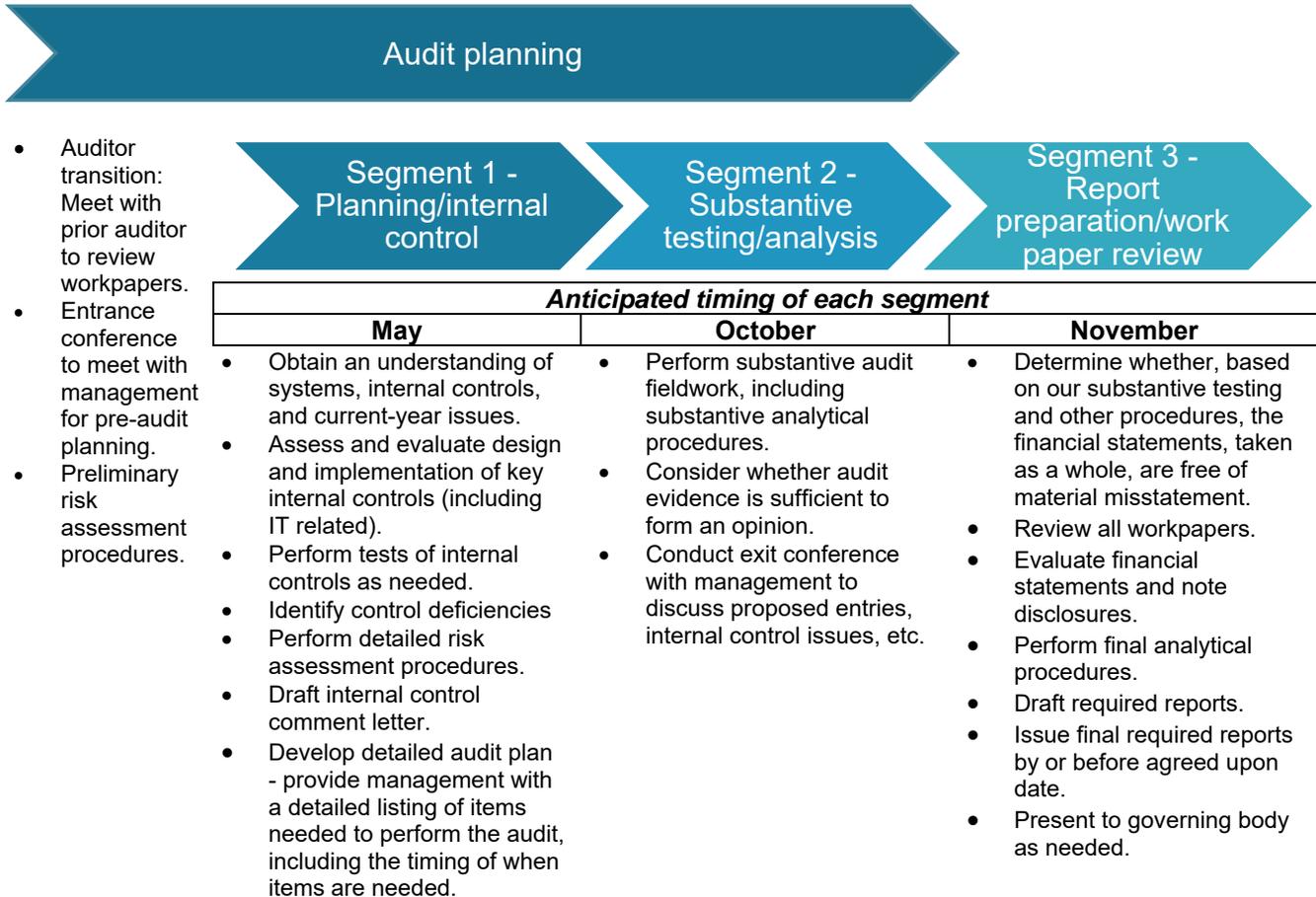
We maintain regular and routine contact with our clients throughout the audit planning, fieldwork, and conclusion phases of the audit with the use of email, phone calls, secure portals, video conferencing, project tracking schedules, and any other means necessary to ensure the timely completion of the audit by any agreed-upon deadlines. Our audit team is very responsive to our clients and we encourage our clients to connect with us throughout the year for any matters that may affect the audit or of a general accounting nature. We have found this to be mutually beneficial for both our clients and the annual audit work.

# LAS VIRGENES MUNICIPAL WATER DISTRICT

## PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

### Proposed audit approach (continued)

#### Proposed audit timing



#### Covid-19 considerations

In addition, we will consider the following items related to the pandemic:

- Any changes in internal control procedures due to District staff working remotely, staff reductions, including related IT changes.
- Valuation issues related to investments as well as accounts receivable balances.
- Pandemic related grant funding (FEMA grants and CARES act funding received directly from the Federal government and amounts passed through from the State and/or counties).
- The effects of reduced revenues, staffing, etc. on budget vs. actual comparisons.

## GOVERNMENT CLIENTS SERVED

<u>Government Client</u>	<u>Years Served</u>	<u>GFOA Awards</u>
Crestline Village Water District	04/30/96 to 04/30/21	
Crestline-Lake Arrowhead Water	06/30/98 to 06/30/21	
San Bernardino Valley Muni Water District	06/30/04 to 06/30/21	
Elsinore Valley Municipal Water District	06/30/15 to 06/30/21	Yes
Pine Cove Water District	06/30/10 to 06/30/21	
Idyllwild Water District	06/30/11 to 06/30/21	
Big Bear Area Regional Wastewater	06/30/12 to 06/30/21	Yes
Mojave Water Agency	06/30/19 to 06/30/21	
Beaumont Cherry Valley Water District	12/31/17 to 12/31/20	Yes
Rosamond Community Services District	06/30/15 to 06/30/21	
Rossmoor Community Services District	06/30/05 to 06/30/21	
Rim of the World Park & Rec. District	06/30/06 to 06/30/21	
Heartlands Communications Fac Auth	06/30/07 to 06/30/21	
Heartlands Fire Training Authority	06/30/07 to 06/30/21	
Consolidated Fire Agencies	06/30/14 to 06/30/21	
Successor Agency to the County of SB	06/30/14 to 06/30/21	
Riverside County Habitat Con. Agency	06/30/15 to 06/30/21	
Mission Springs Water District	06/30/20 to 06/30/21	
Santa Ana Watershed Association	12/31/09 to 12/31/20	
Capistrano Bay Community Services District	06/30/13 to 06/30/21	
Ventura County Public Fin Authority	06/30/12 to 06/30/21	
San Bernardino Water Conservation	06/30/16 to 06/30/21	
Nipomo Community Services District	06/30/16 to 06/30/21	Yes
SBIAA	06/30/17 to 06/30/21	
WRCOG	06/30/17 to 06/30/21	
San Diego Workforce Partnership	06/30/16 to 06/30/21	
Rubidoux Community Services District	06/30/16 to 06/30/21	
Triunfo Sanitation District	06/30/20 to 06/30/21	
Conejo Recreation and Park District	06/30/19 to 06/30/21	
Upper San Gabriel Valley MWD	06/30/19 to 06/30/21	Yes
March Joint Powers Authority	06/30/19 to 06/30/21	
Chino Basin Desalter Authority	06/30/19 to 06/30/21	Yes
Mountains Recreation and Conservation	06/30/19 to 06/30/21	
Palos Verdes Peninsula Transit Authority	06/30/19 to 06/30/21	
Yucca Valley Airport District	06/30/19 to 06/30/20	
West Basin Municipal Water District	06/30/20 to 06/30/21	Yes
City of Canyon Lake	Accounting support	
City of Rolling Hills	Accounting support	
Running Springs Water District	Accounting support	
Phelan Pinon Hills Community Services District	Accounting support	

GOVERNMENT CLIENTS SERVED

<u>Government Client</u>	<u>Years Served</u>	<u>CSMFO/ GFOA</u>	<u>Successor</u>	<u>Housing</u>
		<u>Awards</u>	<u>Agency</u>	<u>Authority</u>
City of El Cajon	06/30/07 to 06/30/21	Yes	Yes	Yes
City of Exeter	06/30/17 to 06/30/21			
City of Woodlake	06/30/17 to 06/30/21			
Town of Yucca Valley	06/30/08 to 06/30/21	Yes	Yes	Yes
City of La Verne	06/30/11 to 06/30/21	Yes	Yes	Yes
City of San Jacinto	06/30/11 to 06/30/21		Yes	Yes
City of Twentynine Palms	06/30/11 to 06/30/21	Yes	Yes	Yes
City of La Mesa	06/30/11 to 06/30/21		Yes	Yes
City of Menifee	06/30/14 to 06/30/21	Yes		
City of San Marcos	06/30/14 to 06/30/21	Yes	Yes	Yes
City of Loma Linda	06/30/13 to 06/30/21	Yes	Yes	Yes
City of Sierra Madre	06/30/12 to 06/30/21	Yes	Yes	Yes
City of Hawthorne	06/30/16 to 06/30/21	Yes	Yes	Yes
City of West Covina	06/30/16 to 06/30/20	Yes	Yes	Yes
City of Aliso Viejo	06/30/16 to 06/30/21	Yes	No	No
City of Claremont	06/30/16 to 06/30/21	Yes	Yes	Yes
City of Thousand Oaks	06/30/18 to 06/30/21	Yes	Yes	Yes
City of South Pasadena	06/30/18 to 06/30/20		Yes	Yes
City of Rolling Hills Estates	06/30/19 to 06/30/21	Yes		
City of Calabasas	06/30/20 to 06/30/20			
City of San Bernardino	06/30/20 to 06/30/20			
City of Ojai	06/30/20 to 06/30/20			
City of Beaumont	06/30/20 to 06/30/20			
City of Moreno Valley	06/30/20 to 06/30/20			
City of Lawndale	06/20/20 to 06/30/20			
Town of Windsor	06/30/19			

# Las Virgenes Municipal Water District

## PART I

### All Inclusive Dollar Bid

#### SCHEDULE OF PROFESSIONAL FEES AND EXPENSES FOR THE AUDIT OF 2021/22 FINANCIAL STATEMENTS

### Rogers, Anderson, Malody & Scott, LLP

Certified Public Accountants

#### Certification:

The person signing the proposal is entitled to represent the firm, empowered to submit the bid, and authorized to sign a contract with the Las Virgenes Municipal Water District.

The total all-inclusive maximum price for the fiscal year 2021/22, for the services described in the Request for Proposal Section II, is as follows:

<u>Service</u>	<u>Amount</u>
Las Virgenes Municipal Water District Annual Comprehensive Financial Report	\$ 38,800
Joint Powers Authority audit	4,080
Single Audit, <i>if applicable</i> *	6,510
<b>Out-of-Pocket</b>	
Meals, lodging, transportation, etc.	-
Other	-
Adjustments - discounts:	
Las Virgenes Municipal Water District Comprehensive Annual Financial Report	(3,350)
Joint Powers Authority audit	(230)
Single Audit, <i>if applicable</i> *	(550)
Total all-inclusive maximum price for the 2021/22 audit	<u>\$ 45,260</u>

\* first major program, each additional major program \$3,850.

For the subsequent two fiscal years, our fees will remain as stated above.

We thank you for the opportunity to submit this proposal for the District.



Scott W. Manno, CPA, CGMA

Partner

# *Las Virgenes Municipal Water District*

## PART II

### SCHEDULE OF PROFESSIONAL FEES FOR ADDITIONAL SERVICES

#### **Rogers, Anderson, Malody & Scott, LLP**

Certified Public Accountants

<b>Staff level</b>	<b>Standard hourly rates</b>	<b>Quoted hourly rates</b>
Partner	\$ 325	\$ 300
Manager	215	200
Supervisor	165	155
Senior Accountant	150	140
Staff Accountant	125	110
Clerical	60	45

February 7, 2022 JPA Board Meeting

TO: JPA Board of Directors

FROM: Engineering and External Affairs

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**Subject : Malibou Lake Siphon Rehabilitation Project: Award of Design**

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**SUMMARY:**

During routine inspection and cleaning of the JPA's trunk sewer collection system, damage was observed in the siphon that conveys flow across Medea Creek at the inlet to Malibou Lake. The siphon was constructed in 1967 and consists of three steel pipes, ranging in size from 10 to 24 inches. While JPA staff confirmed that flow is still being conveyed through two of the pipelines that comprise the siphon, it is imperative that the overall siphon be repaired or replaced quickly to avoid any further damage or the possibility of a spill.

The scope of work to rehabilitate the siphon consists of utility research; surveying; geotechnical investigation; environmental planning and permitting; and preparation of final plans, specifications and estimates. Staff recommends acceptance of a proposal by HDR Consulting, in the amount of \$239,400, to complete the preliminary engineering and final design for the Malibou Lake Siphon Rehabilitation Project.

**RECOMMENDATION(S):**

Accept the proposal from HDR Consulting, Inc., and authorize the Administering Agent/General Manager to execute a professional services agreement, in the amount of \$239,400, to complete the preliminary engineering and final design for the Malibou Lake Siphon Rehabilitation Project.

**FISCAL IMPACT:**

Yes

**ITEM BUDGETED:**

Yes

**FINANCIAL IMPACT:**

The cost of this work is \$239,400, which is allocated 70.6% to LVMWD and 29.4% to Triunfo Water and Sanitation District. Sufficient funds for the work is available in the adopted Fiscal Year 2021-22 JPA Budget.

## **DISCUSSION:**

During routine inspection and cleaning of the JPA's trunk sewer collection system, damage was observed in the siphon conveying flow across Medea Creek at the inlet to Malibou Lake. JPA staff worked to identify the extent of the damage to the siphon; however, it was apparent that the damage was significant enough to require outside assistance to develop a rehabilitation strategy and bring the siphon back to full working condition.

The siphon structure was constructed around 1967 and consists of three steel pipes, 10-inch, 14-inch, and 24-inch in diameter. Record drawings indicate that the pipes were encased in concrete on three sides but were laid on bare ground, perhaps without proper bedding material. From manhole-to-manhole, the siphon is 134 feet long and is 19 feet below grade at its lowest point. Video observations from the inlet manhole indicate that the 24-inch pipeline is largely plugged, and recent attempts by the JPA staff to clean and inspect the pipelines were unsuccessful. Furthermore, there is inflow from the lake into the siphon at the inlet that prevents dewatering of the pipelines, and it appears there is buckling in the 24-inch pipeline.

While JPA staff confirmed that flow is still being conveyed through the smaller pipelines that comprise the siphon, it is imperative that the larger 24-inch pipeline be addressed quickly to avoid any further damage or the possibility of a spill. Given the significant risk of further damages or pipeline failure, and given the environmental sensitivity of the area, staff contacted HDR Consulting to develop a scope of work for assessment of the damages and to develop a design for repair, rehabilitation or replacement of the siphon. The HDR team provides leaders in the field of pipeline condition assessment, rehabilitation and alternative trenchless technologies such as cured-in-place pipe, slip-lining and pipe bursting. Their team has successfully performed sewer condition assessment and repair work for the JPA over the past 30 years, and they are very familiar with the JPA's system. Since the nature and scope of the project is largely unknown until it is evaluated further, it is important to have a team with expertise and knowledge to develop the best and most effective solution for the JPA.

Based on staff's request, HDR submitted a proposal in November 2021 that considered a myriad of possible rehabilitation and replacement options and would provide the JPA with a preliminary design for the project. Upon further discussion with staff, HDR refined the scope of work to reflect a reduced cost and develop a full design for bidding and construction purposes.

Staff recommends that the Board accept the proposal by HDR. Based on a review of the proposal, staff believes it is thorough and that the cost, schedule and scope provide great value to the JPA. Given the time sensitivity of the work, staff does not recommend seeking additional proposals as it would increase the risk of further failure prior to completing the rehabilitation or replacement. Staff concluded that the cost of the work described in HDR's proposal falls within the typical range of the design effort based on the anticipated construction cost for this type of repair or replacement project. Lastly, the HDR team's expertise in this particular field is well known, and staff is confident in HDR's ability to deliver a cost-effective design to address the problem.

Prepared by: Oliver Slosser, P.E., Engineering Program Manager

## **ATTACHMENTS:**





December 14, 2021

Mr. Oliver Slosser, PE  
LAS VIRGENES MUNICIPAL WATER DISTRICT  
4232 Las Virgenes Road  
Calabasas, CA 91302

**Subject: Malibou Lake Siphon Repair Revised Proposal for Design Services**

Dear Oliver,

HDR appreciates the opportunity to provide a revised proposal for final design services for the Malibou Lake Sewer replacement project. Based on our site visit, discussions with sub consultants, and our discussion for our initial proposal, we are providing a revised proposal to provide final design services for one selected design alternative, including assistance with CEQA. The following scope of services will take the project up to bidding but will not include bid phase services.

### Scope of Services

**Introduction.** The siphon crossing of Malibou Lake (at the Medea Creek Inlet) requires repair, rehabilitation, or replacement. The Las Virgenes Municipal Water District (District) is no longer able to clean and inspect the siphon pipes, due to damage to the pipes, and related water inflow. Significant risks exist that the siphon pipes may collapse or become blocked, resulting in wastewater spillage. The largest of the siphon pipes is apparently plugged and no longer working. Additionally, substantial infiltration is occurring and should be remedied.

**Background.** The siphon structure was constructed around 1967 and consists of three steel pipes, 10-inch, 14-inch, and 24-inch in diameter. Record drawings indicate the pipes are encased in concrete on three sides, but were laid on bare ground, perhaps without good bedding material. From manhole-to-manhole, the siphon is 134 feet long. At its deepest, the invert is 19 feet below grade.

Video observations from the inlet manhole indicate the 24-inch pipeline is largely plugged, and recent attempts by the District to clean and inspect the pipelines were unsuccessful. Near the siphon inlet, substantial inflow prevents dewatering of the pipelines, and a limited video inspection determined the 24-inch pipeline is buckling inward. Additional damage is suspected elsewhere along the pipelines, which cannot currently be inspected.

As part of our proposal, HDR has assembled a team to complete the work we believe is required. The following team members are included in this proposal:

- Encompass Consulting Group will provide land survey and mapping

[hdrinc.com](http://hdrinc.com)

200 E Santa Clara St, Suite 220, Ventura, CA 93001-2795  
(805) 765-0803



- Hamner Jewell will provide preliminary right of way research services
- Padre Environmental will perform environmental and permitting support
- Oakridge Geosciences will provide a geotechnical engineering report

**Project Phasing.** Based on discussions following our previous proposal, it is assumed the project will go directly to final design. No alternative screening to evaluate alternatives is provided, however a one-page final write up discussing reasons for not selecting a horizontal directional drilling or micro tunneling approach for the replacement siphon will be provided. Subsequent submittals of this writeup are not anticipated within the project budget.

The selected alternative to be designed will include laying a siphon on the bottom of Lake Malibou and will consider placement of an air jumper across the existing LA County Bridge. At this time it is not known if an air jumper is feasible or not, but HDR will investigate as-built plans provided by the District of the bridge and prepare a conceptual layout in blue beam design for the District to coordinate present and directly with the County of LA. It is anticipated that the District will manage this effort without any assistance from HDR other than preparation of the concept. If it is determined that the conceptual layout of an air jumper is feasible (and fully supported by the County of LA), then an amendment to provide structural design services for attaching the air jumper to the bridge will then be provided. The District will document meeting minutes with LA County and provide comments to HDR indicating acceptance of this approach or comments advising of revisions to this approach. For purposes of this proposal, we've assumed there is a feasible path and the County will accept this without modifications.

Trenchless construction alternatives such as HDD, micro tunneling or a conventional auger jack and bore will not be considered in the scope of services other than the one-page writeup stated above. If the assumed concept (lay pipe on bottom of lake) does not work hydraulically and other alternatives must be considered, then a revision to the proposed scope of services to include the above trenchless alternatives will be provided. For purposes of budgeting, we've included 34 hours of hydraulic modeling and assumed the District will provide peak dry and wet weather flows before commencing work, in addition to a calibrated hydraulic model that includes the existing siphon, up and downstream, existing pipelines. There will be no technical memorandum summarizing the hydraulic modeling efforts.

The approach of laying the pipe on bottom of lake will include a design level survey for the lake on bottom approach only and assumes the bottom of lake is flat enough for placement of a pipe on lake bottom (with ballast) without having to consider dredging alternatives. Construction means and methods would involve using a Port a Dam type of cofferdam system designed and stamped by the Contractor's Professional Engineer, specifications will be included by HDR. HDR will provide 34 hours of hydraulic design services using as-built plans and an agreed upon layout by HDR and the District.



For the environmental permitting, based on the siphon replacement alternative to be analyzed, we feel an Initial Study/Mitigated Negative Declaration (IS/MND) is the appropriate CEQA document.

A proposal for bid and construction-phase engineering services will be provided once the scope of construction is better defined.

## Task Descriptions

HDR Engineering, Inc. (HDR) will perform the following:

### 101. Phase 1. Research and Investigation Phase Project Management & Quality Control

Project Management is a continuous task throughout the project duration which includes the final design phase, but not bidding or construction. Project administration includes formal monthly reporting summarizing project budget and schedule, informal weekly project updates, and staff scheduling. Each deliverable will be independently reviewed by a Senior Engineer and checked off prior to submittal to the District.

**Assumptions:** Work will commence in January 2022. Final design and permitting will be completed by March 1, 2023. Permitting services will be led and managed by the District.

**Deliverable:** Overall client communications, Progress Reports, Project Management and Quality Control

### 102. Virtual Kickoff Meeting.

HDR will meet with District staff to discuss project goals, schedule, information requirements, and team responsibilities. This meeting will be conducted using Webex. HDR will submit an agenda 24 hours prior to the kickoff meeting and distribute meeting minutes within 48 hours of the kickoff meeting.

**Deliverable:** Agenda and meeting minutes

### 103. Data Review.

Before commencing work, the District will provide the items below. HDR will receive, review, and analyze the following information to be provided by the District.

- a. Record drawings
- b. Wastewater Master Plan (Design flows to be provided by the District)
- c. Other records or estimates of wastewater flow at or near the siphon
- d. Specifications, geotechnical reports, and other records from original construction
- e. GIS shape files for the siphon area, including:
  - i. Assessor property boundaries and names of owners
  - ii. Water, wastewater, and recycled water pipelines
  - iii. Aerial photography
  - iv. Lidar (or other) topography

**Assumptions:** District to provide all available records before HDR commences work.



- 104. Existing Utility Research and Base Mapping.** HDR will prepare utility notification letters and research existing utilities within the limits of the proposed pipeline alignment, these will include utilities such as SCE, Gas, Telephone, Cable TV, Communication or any other utilities that may affect or constrain the proposed project or design concepts. The utility maps will be documented in a utility log that includes information such as original contact date, subsequent contact date and other information pertinent to tracking this task. The utilities will be mapped out in Autocad Civil 3D to present the design base map, mapping of utilities will follow receipt of field surveying (Task 5).

**Assumptions:** Utility agencies will respond within a period of four weeks with utility maps of record. Depending on the schedule of the project, HDR may request that the letter be sent out on District letterhead to get a prompt response in addition to reducing fees for the utility maps. District will assist HDR in this effort should utility entities be non-responsive during this phase of the work.

**Deliverable:** Utility log documenting contact and response times for utilities of record within the limits of the alternatives studied

- 105. Land Surveying.** HDR will engage the services of Encompass Consulting Group (ECG) to survey the area near the siphon, including dipping of upstream and downstream manholes, and collection of lake bottom elevations. Mapping by ECG will be used for development and analysis for design of the pipeline on the lake bottom. ECG will use GIS shape files provided by District and County Assessor mapping the development of its map. The survey will locate pavement, curbs, drives, walks, building footprints, fences, walls, planters, and visible surface utilities, together with topographic features such as tops, toes, flow lines, grade breaks, etc. within the project limits. Pavement and surface materials will also be identified. Trees larger than 4" in diameter will be located and shown on the map. As a part of the field survey, the field crew will locate and dip up to seven (7) sewer manholes that will be identified by the client. The client will provide traffic control services if required and will unlock manholes before the task commences. Additionally, perform survey to gather lake bottom elevations along one alignment. The lakebed data gathered will be obtained via small boat and simple depth measurements with weighted line; no sonar is proposed.

The limits of the survey will include the bank adjacent to each side of bridge and on each side of lake for an approximate 50-100' wide area on each side of bridge including the limits of sewer alignment. The bridge will be shown, but only in planimetric detail and location of caisson horizontal location. A detailed survey of the bridge is not included.

**Assumptions:** District will prearrange access for survey work on private properties and Malibou Lake. It is assumed no additional efforts other than those for completing the work will be required.



**Deliverable:** AutoCAD drawing files via email, FTP or DVD as appropriate and a PDF signed and sealed digitally by a California Licensed Lands Surveyor. Hardcopies available upon request.

**106. Environmental Screening Analysis.** HDR will engage the services of Padre Associates, who will participate in the workshop and site review, and will provide a letter report describing environmental permit and CEQA factors to be considered in evaluating the design alternative included herein. Padre Associates will also perform the following Preliminary Tasks to be performed for the design alternative included herein. Thirty-Four (34) hours have been budgeted to support this task.

- Preliminary Biological Assessment Padre Associates will conduct a site visit of the areas potentially affected by the proposed siphon crossing design to identify biological constraints which may include sensitive riparian vegetation, oak trees, wetlands and special-status species (such as western pond turtle).
- Cultural Resources Record Search Padre Associates will order an archaeological records search from the South-Central Coastal Information Center (SCCIC) of the California Historical Resources Inventory System. The records search will collect data regarding previous studies and recorded resources within areas potentially affected by the proposed siphon crossing design with a 0.25-mile search radius. Additional background research will include examination of historic maps and aerial photographs. Prepare a Cultural Resources Memo summarizing the results of the archaeological records search and provide conclusions and recommendations regarding archaeological resources within the project footprint.

**Deliverable:** Biological and Cultural Record search results

**107. Provide Property Profiles.** Hamner Jewell will provide the following information prior to commencement of 90% drawings: Pull property profiles for private landowners along pipeline alignment and temporary bypass plan alignment.

**Deliverable:** The profiles will be submitted to the District via email. No review of the property profiles will be provided.

**Assumptions:** Title report preparation of securing title reports or easements are not required. 30 hours has been budgeted for Hamner Jewell to perform this task.

### **Phase 2. CEQA Documentation and Environmental Permitting**

During this phase of work, documentation in accordance with the California Environmental Quality Act (CEQA) will be prepared. The scope of work and fee are based on the assumption that a mitigated negative declaration will be provided.



**201. CEQA Compliance.** Based on the siphon replacement alternative to be analyzed, we feel an Initial Study/Mitigated Negative Declaration (IS/MND) is the appropriate CEQA document.

Project Description. Padre Associates will prepare a draft project description based on information provided by HDR. The draft project description will be submitted to the District for review and approval. Upon receipt of comments, the project description will be finalized. The final project description will serve as the basis of all impact analysis. Substantial changes to the project following approval of the project description may require modifications to the IS/MND scope and budget.

Internal Draft IS/MND. An Internal Draft IS/MND will be prepared and submitted to the District for review and comment. Our scope includes a biological survey, cultural resources record search and noise measurements to identify existing conditions. Padre Associates will assist the District with tribal noticing required under the Public Resources Code.

Draft IS/MND. Upon receipt of District comments on the Internal Draft IS/MND, we will make changes and publish the Public Draft IS/MND. The fee estimate assumes up to 10 hardcopies and 30 electronic copies (pdf files on CD) of the Public Draft IS/MND will be required. District staff will be responsible for uploading the Public Draft IS/MND to the State Clearinghouse website. If requested by District staff, Padre Associates will be responsible for noticing and distribution of the IS/MND. However, the District will be responsible for providing a list of adjacent property owners and newspaper publication of the public notice.

Incorporate Public Comments. At the close of the public comment period, and following any public hearing, Padre Associates staff will coordinate with District staff to prepare draft responses to all comment letters received during the comment period.

Final IS/MND. Upon approval of the responses to comments, Padre Associates will incorporate any needed text revisions to the Public Draft IS/MND and prepare the Final IS/MND. The fee estimate provides for delivery of up to five hardcopies of the Final IS/MND. If requested, Padre Associates will attend the District's IS/MND approval hearing before their Board of Directors.

Meetings. We have assumed the Padre Associates project manager will attend up to three one hour team meetings, including one site visit incorporated into one of the three meetings.

**Deliverable:** MND for the selected alternative

**202. Permitting.** Since the selected alternative involves work within Malibou Lake, regulatory permits will be required from the California Department of Fish and Wildlife (CDFW, Corps of Engineers (Corps) and Regional Water Quality Control Board (RWQCB).



CDFW Lake and Streambed Alteration Agreement. Padre Associates will complete a notification package for review by the District based on the IS/MND project description updated as needed. A biological impact assessment and mitigation plan will be prepared in support of the notification. Note that off-site mitigation is likely to be required, which could include habitat enhancement and/or invasive plant removal. CDFW may require a hydrology/hydraulic study for exposed pipes, encasements, pipe supports, bank protection other permanent features that could affect stream flows. This study would be prepared by others.

All notification materials will be uploaded to the CDFW permit system (EPIMS) in coordination with District staff. Padre Associates will respond to information requests and update notification materials as needed until the notification is found complete. We will negotiate permit conditions once the draft Lake and Streambed Alteration Agreement is received to ensure the permit conditions are reasonable and feasible.

Corps Nationwide Permit. We have assumed siphon replacement would meet the conditions to be authorized under Corps Nationwide Permits 33 (temporary construction access and dewatering) and 58 (utility lines). However, the banks and lakebed must be restored to pre-project contours. Padre Associates will prepare an Aquatic Resources Delineation Report and Pre-Construction Notification for review by the District. A biological assessment focusing on listed species is not anticipated to be required and would be prepared as an optional task if needed. We will work with Corps and District staff as needed to facilitate Nationwide Permit verification.

RWQCB Water Quality Certification. We will prepare a draft Water Quality Certification application for review by the District, including an alternatives analysis and compensatory mitigation plan (based on the mitigation plan prepared for CDFW). Padre Associates will facilitate the required pre-filing Zoom meeting with RWQCB and District staff. We will coordinate (emails, conference calls, site meetings) as needed with District and RWQCB staff to facilitate issuance of the Water Quality Certification, including response to information requests.

**Assumptions:** District will pay permit fees

**Deliverable:** CDFW Lake and Streambed Alteration Agreement, Corps Nationwide Permit and RWQCB Certification.

**Services Not Included:** Reimbursable expenses, such as newspaper publication fees, CEQA filing fees, permit application and permit pressing fee would be the responsibility of the District.

- 203. Engineering Support.** HDR will assist with the CEQA documentation and permitting efforts, providing technical information and technical support exhibits. Forty-five (45) hours of engineering support have been provided.



**Phase 3. Final Design and Encroachment Permitting**

During this phase of work, drawings and specifications will be prepared for public bidding, and encroachment permits will be secured by the District for construction activities in public rights of way, including permits with the County of LA and any coordination with the local H.O.A. Two submittals will be provided, a 90% and a final signed plan set. The first deliverable will be a 90% set of plans, specifications, and Class III Opinion of Probable Construction Cost for replacement of the siphon for the design concept of pipe replacement on lakebed. The District will prepare and coordinate front end documents, including the bid form. Technical Specifications will be provided to the District for inclusion into the frontend documents. The pipeline installation will be placed on lakebed. The proposed cofferdam system utilized will be a Port a Dam System. It is assumed the existing lake bottom topography will support such installation. If not, the scope of work may need to be modified to consider other shoring methods. Conceptual drawings will be provided along with a Port a Dam specification. Final Port a Dam Cofferdam Drawings will be signed by the Contractor’s Engineer. It is assumed the existing sewer siphon barrels will be abandoned in place.

- 301. 90% Plans, Specifications, and Opinion of Cost.** HDR will prepare construction plans and specifications utilizing HDR’s master specification system. It is anticipated that 17 drawings will be required as identified in the table below

The plans and specifications will comprise required engineering/design disciplines (civil). The plans and specifications will be submitted for District and other project stakeholders review and comment at the 90% design completion levels. The Opinion of Probable Cost (OPCC) will be a Class III OPCC.

Sewer Bypass specifications will be provided. However, the detailed bypass design will be stamped by the Contractors’ Licensed Professional Engineer. HDR will produce a bypass concept plan that will include the required flows to be bypassed during construction.

<b>Final Design Drawings</b>
<b>Title Sheet</b>
<b>Legends, Symbols and Abbreviations</b>
<b>Horizontal Control</b>
<b>Construction Staging and Laydown</b>
<b>Demo Sheet</b>
<b>Plan and Profile (40 scale)</b>
<b>Lake and Pipeline Cross Sections</b>
<b>Siphon Box Details (west side)</b>
<b>Siphon Box Details (east side)</b>
<b>Sewer Bypass Concept Plan 1</b>



<b>Sewer Bypass Concept Plan 2</b>
<b>Port a Dam Detail Sheet 1</b>
<b>Port a Dam Detail Sheet 2</b>
<b>Conceptual Dewatering Plan Layout</b>
<b>Pipeline Details 1</b>
<b>Pipeline Details 2</b>
<b>Pipeline Details 3</b>

**Assumptions:** Attendance at County of Los Angeles, District Board meetings or any meetings at the County are not required. District will provide written comments within three weeks of the submittal. LA County permit comments will be received prior to commencing work on the final design deliverable.

**Deliverable:** Plans, specifications, and estimate for the 90% design deliverable

**302. Final Signed Plans (Issued for bidding), Specifications, and Opinion of Cost.**

HDR will incorporate comments from the 90% design review and advance construction contract documents to the final design level. The contract documents will be prepared as one stand-alone bid package consisting of plans and specifications for the construction of the Project. The Opinion of Probable Cost (OPCC) will be a Class II OPCC.

**Assumptions:** Attendance at County of Los Angeles, District Board meetings or any meetings (virtual or in person) with the County are not required. District will provide written comments within three weeks of the submittal. Preparation of a SWPPP, LUP or Erosion Control Plans will be by the Contractor (if required). Dewatering and traffic control permits are by others.

**Deliverables:** Provide one (1) electronic copy (searchable pdf) of the final plans and specifications for District review. Provide written responses to District 90% review comments and incorporate into the contract documents as appropriate.

**303. Geotechnical Exploration and Report**

Task 1 - Field Exploration, Laboratory Testing, and Geotechnical Report

Review readily available published geologic and geotechnical data from online sources and data provided to help characterize the soil and bedrock materials onsite. Based on preliminary review of published geologic mapping, the project alignment is underlain by bedrock of the Conejo Volcanics and alluvial sediments. The purpose of the field exploration is to evaluate the soil and bedrock materials at the tie-in points.



**Drill Holes.** Propose to advance two drill holes at locations accessible to the drill rig, one on each side of the crossing alignment. The drill holes are anticipated to be advanced to about 20 feet on the eastern side (predominately bedrock) and about 20 feet on the western side (mapped as alluvial sediments overlying bedrock materials). The drill holes will be advanced using hollowstem auger techniques in soil materials and will be converted to HQ rock coring in bedrock materials. The tie-in locations are not known, it is assumed the western drill hole will be performed in Lake Vista Drive and the eastern drill hole will be performed in East Lake Shore Drive. Both drill holes will require an encroachment permit from the County of Los Angeles. Alternatively, if the drill holes are performed on private property, it is assumed that the District will provide access onto private property and written permission from the existing landowners for the drill holes. It is assumed no effort pre coordinating drilling on private land is required.

Driven and bulk samples will be collected at selected intervals within the soil materials for evaluation and testing. The rock cores will be collected in cardboard core boxes. Field geologist will log the recovered soil samples in general accordance with ASTM D2488 for visual soil classification and the rock materials in general accordance with US Bureau of Reclamation guidelines. The drill holes will be backfilled with bentonite grout and the drill fluid and cuttings will be containerized in 55-gallon drums and left onsite for subsequent disposal. Oakridge Geosciences (OGI) will arrange for the earth materials in the drums to be tested by a certified laboratory and characterized for disposal purposes. It is assumed the soil materials are non-hazardous and can be hauled offsite and disposed of at an authorized facility by a certified soil handling firm. Costs for disposal of hazardous materials at a Class III landfill are not included. It is assumed water will be made available to the drilling contractor for the coring process by the District.

#### Task 2 - Laboratory Testing

Laboratory tests will be performed on selected samples recovered in the field exploration. Actual tests will be based on the results of the field program however, it is anticipated the geotechnical laboratory testing program could consist of moisture/density evaluations, classification tests (grainsize, fines content, and plasticity), expansion index, consolidation, shear strength (soil and rock), and soil chemistry (pH, sulfate, chloride, and resistivity).

#### Task 3 - Geotechnical Evaluation and Reporting

After completion of the field exploration, evaluate the findings and incorporate them into the geotechnical design report for the Malibou Lake Siphon Repair project. The report will include the exploration logs, laboratory test results, and geotechnical design criteria for the pipeline relocation project.

Evaluate the subsurface geotechnical data obtained for this study and prepare a geotechnical report for the proposed pipeline alignment that will include the following:



- Summary of work performed;
- Logs of the explorations and an exploration map;
- Interpreted subsurface soil and rock classification at the drill hole locations;
- Laboratory test results;
- Temporary support/shoring considerations, and temporary slope considerations; and
- Corrosion considerations.

Submit one electronic draft copy (pdf) of the geotechnical report via email for review and comment. A pdf of the final report can be submitted within 10 days of receiving District comments.

**Deliverables:** Geotechnical Engineering Report suitable for design

- 304. Virtual One Hour Review Meetings.** HDR will meet with District staff to discuss the 90% plans, specifications, and opinion of probable cost. This meeting is limited to one hour.

**Assumptions:** Meeting will be virtual

**Deliverables:** Meeting minutes in email format

## Assumptions

1. Agreement. Work will be performed on a time-and-materials basis, in accordance with the terms and conditions of a mutually acceptable agreement. The estimated fee, as shown in the Fee Estimate, will not be exceeded, unless authorized in writing by the District. The District will provide the requested items as shown in Task 103, before commencing work.
2. Schedule. Work will be performed in accordance with the following milestones:
  - CEQA documentation and all regulatory permits will be secured within 12 months of initiation of the permit process. SWPPP (or LUP) will be provided by the Contractor.
  - Plans and Specifications will be completed concurrent with permitting.
  - District will respond to submittals within two to four weeks
3. Opinions of Probable Construction Cost. Cost estimates will be based on similar recent projects and other cost data and represent the opinion of HDR. Because HDR has no control over market conditions and perceptions of bidders, actual costs may be significantly different.
4. Dewatering Permits. If required would be provided by the Contractor
5. Blasting services. Are not anticipated and have not been included



6. Cofferdam Plans: Will be provided as part of HDR's deliverable. Plans will be signed and stamped by the Contractor's Design Engineer.
7. Public Outreach services: To be provided by District
8. Environmental Services are limited to an IS/MND
9. Traffic Control Plan and Encroachment Permit Services are by others
10. Lake Malibou Homeowners Association: Meetings or correspondence with the H.O.A. are not anticipated.
11. Front End Documents: Will be prepared and coordinated by the District
12. The following permits are not anticipated or included herein. The permitting process will commence after the 90% submittal is produced. Amendments resulting out of the permitting process that changes the design may require an amendment:
  - County Land Use Permits
  - Section 10 permits with the USACOE
  - LA County Flood Control permits
13. Trenchless Design Services are not included
14. Legal Descriptions and right of way acquisition services are excluded
15. Geotechnical Engineering Report Assumptions:
  - The proposed scope of services does not include any environmental assessments or evaluations for the presence or absence of mold and/or hazardous/toxic materials in the soil, surface water, groundwater, or atmosphere.
  - Encroachment permit obtained for County of Los Angeles for drilling in Lake Vista Drive and East Shore Drive.
  - The District will provide rights-of-entry onto private property to perform exploration at no cost to OGI if the explorations are performed on private property.
  - OGI will not be responsible for damage to underground utilities that are not marked or are improperly marked.
  - Water will be available to the drilling subcontractor for the rock coring process at no cost to OGI or the subcontractor.
  - The drummed cuttings and drill fluid will be left onsite for subsequent testing and disposal as described herein.
  - Prevailing Wage applies.
  - Construction and bid support services are not included in the design phase scope of work



Sincerely,  
HDR ENGINEERING, INC.

A handwritten signature in blue ink that reads "Anna Lantin".

Anna Lantin, PE  
*Vice President*

A handwritten signature in blue ink that reads "John Coffman".

John Coffman, PE, CCM  
*Project Manager*

Enclosure: Fee Estimate

**Las Virgenes Municipal Water District  
Malibou Lake Siphon Replacement  
Estimated Level of Effort and Fee**



NO.	TASK DESCRIPTION	LEVEL OF EFFORT (HOURS)										FEE (DOLLARS)					
		Senior Cost Estimator	Project Manager	Quality Manager	Project Engineer	Hydraulic Modeler	Engineer in Training	BIM Manager	BIM Technician	Accountant	Project Coordinator	Total Labor	Labor	Subs	Direct Costs	Total	TOTAL
	<i>Client Billing Rates</i>	\$300	\$300	\$320	\$175	\$200	\$130	\$190	\$120	\$140	\$115	\$171		Calc	Calc	Calc	-2
<b>1</b>	<b>Phase 1. Preliminary Design Study</b>																
101	Project Management and Quality Control		28	20						16	16	80	18,880	0	189	19,069	
102	Virtual Kickoff Meeting		2		4			2				8	1,560	0	0	1,560	
103	Data Review		4		12	2		6	1			25	4,670	0	47	4,717	
104	Existing Utility Reserch & base Mapping		2		6			20	1	24		53	7,320	0	1,000	8,320	
105	Land Surveying		2		4							6	1,300	11,550	13	12,863	
106	Environmental Screening Analysis		1		2			2		4		9	1,390	0	14	1,404	
107	Provide Property Profiles		1		2							3	650	5,460	7	6,117	
	<b>Subtotal 1   Phase 1. Preliminary Design Study</b>	<b>0</b>	<b>40</b>	<b>20</b>	<b>30</b>	<b>2</b>	<b>30</b>	<b>2</b>	<b>28</b>	<b>16</b>	<b>16</b>	<b>184</b>	<b>35,770</b>	<b>17,010</b>	<b>1,270</b>	<b>54,050</b>	<b>54,100</b>
<b>2</b>	<b>Phase 2. CEQA Documentation and Environmental Permitting</b>																
201	CEQA Documentation		4		16			4				24	4,520	25,589	45	30,154	
202	Permitting		4		6			4				14	2,770	32,957	28	35,755	
203	Engineering Support		16		9			20				45	8,975	0	90	9,065	
	<b>total 2   Phase 2. CEQA Documentation and Environmental Permitting</b>	<b>0</b>	<b>24</b>	<b>0</b>	<b>31</b>	<b>0</b>	<b>28</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>83</b>	<b>16,265</b>	<b>58,546</b>	<b>163</b>	<b>74,974</b>	<b>75,000</b>
<b>3</b>	<b>Phase 3. Final Design and Encroachment Permitting</b>																
301	90% Plans, Specifications, and Opinion of Cost	6	8		32	32		48	4	100		230	35,200	0	352	35,552	
302	Final Signed Plans, Specifications, and Opinion of Cost	6	8		28			28	4	86		160	23,820	0	238	24,058	
303	Geotechnical Exploration and Report		6		8			4				18	3,720	44,494	37	48,251	
304	Virtual One Hour Review Meetings (1)		4		4			4				12	2,420	0	24	2,444	
	<b>Subtotal 3   Phase 3. Final Design and Encroachment Permitting</b>	<b>12</b>	<b>26</b>	<b>0</b>	<b>72</b>	<b>32</b>	<b>84</b>	<b>8</b>	<b>186</b>	<b>0</b>	<b>0</b>	<b>420</b>	<b>65,160</b>	<b>44,494</b>	<b>651</b>	<b>110,305</b>	<b>110,300</b>
	<b>TOTAL, hours</b>	<b>12</b>	<b>90</b>	<b>20</b>	<b>133</b>	<b>34</b>	<b>142</b>	<b>10</b>	<b>214</b>	<b>16</b>	<b>16</b>	<b>687</b>	<b>117,195</b>	<b>120,050</b>	<b>2,084</b>	<b>239,329</b>	<b>239,400</b>
	<b>TOTAL, dollars</b>																

February 7, 2022 JPA Board Meeting

TO: JPA Board of Directors

FROM: Engineering and External Affairs

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**Subject : Tapia Summer Season TMDL Compliance Project: Scope Change for Biological Monitoring**

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**SUMMARY:**

On September 21, 2021, the Administering Agent/General Manager administratively approved a professional services agreement with Padre Associates (Padre), in the amount of \$28,380, for biological and cultural resource mitigation measures associated with the Tapia Summer Season TMDL Compliance Project.

Based on their approved scope of work, Padre conducted work required by the California Environmental Quality Act (CEQA) Mitigated Negative Declaration as outlined in the Mitigation Monitoring and Reporting Program for the project. The work included pre-construction surveys, biological surveys, tree surveys and worker education programs. Padre also facilitated an exemption from oak tree permit requirements through direct correspondence with Los Angeles County Department of Regional Planning, Local Implementation Program representatives and submitted necessary reports directly to the California Department of Fish and Wildlife (CDFW).

There are two items additional items of work that were not identified in the original scope, which are now recommended for inclusion: full-time monitoring of the most sensitive habitat during construction as required under the Coastal Development Permit Exemption and field survey of the Least Bell's Vireo species as required by the CDFW Streambed Alteration Agreement. Padre prepared the attached scope change request, in the amount of \$46,750, to address these two items. The proposed scope change exceeds 10% of the original contract amount and, therefore, requires Board approval.

**RECOMMENDATION(S):**

Authorize the Administering Agent/General Manager to approve a scope change with Padre Associates, in the amount of \$46,750, for additional environmental monitoring required during construction of the Tapia Summer Season TMDL Compliance Project.

**FISCAL IMPACT:**

Yes

**ITEM BUDGETED:**

Yes

**FINANCIAL IMPACT:**

The cost of the additional work is \$46,750, which is allocated 70.6% to LVMWD and 29.4% to Triunfo Water & Sanitation District. Sufficient funds for the work are available in the adopted Fiscal Year 2020-21 JPA Budget. No additional appropriation is required.

**DISCUSSION:**

The Tapia Summer Season TMDL Compliance Project followed the CEQA environmental review process, which identified potentially significant impacts to biological and cultural resources, along with noise impacts. A Mitigated Negative Declaration (MND) was prepared and adopted by the JPA Board on March 4, 2019. The MND included a Mitigation Monitoring and Reporting Program (MMRP) for implementation during construction.

In July 2021, JPA staff solicited quotes from qualified environmental consulting firms to implement the MMRP. All proposals submitted included the following tasks as outlined in the MMRP:

- BIO-2 (Worker Environmental Education Program; to include a review of BIO-1)
- BIO-3 (Pre-Construction Surveys and Biological Monitoring)
- BIO-4 (Nesting Bird Surveys)
- BIO-5 (Protected Tree Measures)
- CUL-1 (Worker Education Awareness Program)
- 96 hours for biological monitoring during bird nesting season (as needed basis)

The hours originally budgeted for biological monitoring were based on an assumption of half-day site visits with construction occurring within the public right-of-way. The scope did not envision construction taking place outside of the public right-of-way.

The JPA received five quotes as summarized below.

<u>Environmental Consulting Firms</u>	<u>Fee Proposal</u>
Padre Associates	\$28,380
Envicom Corporation	\$32,080
NV5	\$46,281
Rincon Consultants, Inc.	\$53,504
Stantec Consulting	\$75,260

On September 21, 2021, the Administering Agent/General Manager administratively approved and executed a professional services agreement with Padre Associates (Padre), in the amount of \$28,380, for biological and cultural resource mitigation measures.

Additional regulatory permits required for the project included a Coastal Development Permit (CDP) exemption through the Los Angeles County Department of Regional Planning, Local Implementation Program (LIP) and a CDFW Streambed Alteration Agreement (SAA). Padre assisted the JPA in navigating through the requirements of each regulatory permit, facilitated an exemption from the LIP oak tree permit requirements and narrowed down the monitoring

requirements to meet all conditions set forth in the MMRP and permits. As a result, full-time monitoring requirements were identified for the most sensitive habitat areas, as well as specific monitoring protocols for the Least Bell's Vireo, an endangered bird species. Additional monitoring requirements for Least Bell's Vireo take effect on April 10, 2022, if needed.

The additional monitoring was not included in the original request for quotes. Padre prepared a scope change request, in the amount of \$46,750, which would bring the total contract amount to a not to exceed amount of \$75,130. Efforts are being made by the contractor to complete work as quickly as possible in the most environmentally sensitive areas. The proposal is based on the contractor's schedule for construction within areas requiring full-time monitoring.

Environmental monitoring is required by several regulatory agencies. Padre has already completed some of the monitoring work to-date, and their team has familiarity with the permits, jobsite and contractor. Staff determined that the fee proposal to complete the work is competitive and would allow the JPA to satisfy its environmental monitoring requirements in the most expeditious manner. Therefore, staff recommendations retaining Padre to perform the as needed full-time biological monitoring.

Prepared by: Veronica Hurtado, Assistant Engineer

**ATTACHMENTS:**

Padre Scope Change Request

January 20, 2022  
Project no. 2102-3751

Las Virgenes Municipal Water District  
4232 Las Virgenes Road  
Calabasas, California 91302

**Attention: Ms. Veronica Hurtado**

**Subject: Request to Amend Padre's Summer Flow Augmentation Project Contract**

Dear Veronica:

Based on several telephone conversations and an email dated January 19, 2022, the District has determined the subject project will require approximately 50 days of full-time biological monitoring. The purpose of this letter is to request an amendment to our contract dated September 21, 2021. We also recommend including a contingency in case work extends past April 10 and least Bell's vireo surveys are required.

**Biological Monitoring.** Based on an average nine-hour monitoring day (including travel time from Ventura), full-time biological monitoring will require 450 hours to complete. Our current contract is based on 40 hours of biological monitoring. Therefore, we request the contract amount be increased by \$42,630, which includes 410 additional monitoring hours at \$95/hour and 46 additional truck days at \$80/day.

**Least Bell's Vireo Surveys.** In the event work extends past April 10, the Streambed Alteration Agreement requires protocol least Bell's vireo surveys to be conducted. The protocol requires eight surveys to be conducted at least 10 days apart between April 10 and July 31. Based on an average survey period of four hours (including travel time from Ventura) and eight hours to prepare a survey report, this task will require 40 hours to complete. Therefore, we request the contract amount be increased by \$4,120 for this task, which includes 40 total hours at \$95/hour and four truck days (eight half-days) at \$80/day.

**Summary.** Based on including both tasks described above, the requested contract budget modification is an increase of \$46,750.

Should you have any questions regarding this request, please contact me at [mingamells@padreinc.com](mailto:mingamells@padreinc.com) or 805/644-2220 ext. 413 at your earliest convenience.

Sincerely,

**Padre Associates, Inc.**

A handwritten signature in black ink that reads "Matt Ingamells". The signature is written in a cursive style with a large, looping initial "M".

Matt Ingamells  
Project Manager/Senior Biologist

February 7, 2022 JPA Board Meeting

TO: JPA Board of Directors

FROM: Facilities & Operations

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**Subject : Tapia Water Reclamation Facility Chloride Time Schedule Order  
Extension: Development of Site-Specific Objective**

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**SUMMARY:**

On November 6, 2017, the JPA Board accepted a proposal from Larry Walker Associates, Inc. (LWA), to perform the Tapia Water Reclamation Facility Chloride Study. The study was required by a Time Schedule Order (TSO) in the 2017 Tapia NPDES Permit. The purpose of the study was to evaluate and address levels of chloride discharged from Tapia to the Los Angeles River. The Los Angeles River discharge concentration limit for chlorides will be reduced from 190 to 150 mg/L, effective August 1, 2022, unless the regulatory limit is amended by the Los Angeles Regional Water Quality Control Board (RWQCB).

The Recommendation Report developed by LWA supported the development of a site-specific objective (SSO) of 190 mg/L for Los Angeles River discharges because it is protective of beneficial uses and provides the most straightforward approach with respect to the strategies evaluated. The report was submitted to the RWQCB to begin the process of establishing an SSO on November 5, 2019. RWQCB staff requested a meeting with JPA staff on December 2, 2021, to discuss the status of the TSO. At the meeting, the RWQCB staff agreed that an SSO could be developed as the compliance solution but stated that they did not have available resources to complete the SSO before the regulatory deadline of July 31, 2022. The RWQCB asked that the JPA request that the TSO deadline be extended to December 31, 2023, to provide additional time to process a chloride SSO.

The RWQCB also requested that the JPA submit a report containing a more in-depth antidegradation analysis, economic analysis, updated water supply chloride baseline concentrations and a loading factor to support the development of an SSO. LWA provided the attached proposal, in the amount of \$71,000, to complete the additional work and provide support for development of the SSO. Staff recommends that the Board accept the proposal for the additional work.

**RECOMMENDATION(S):**

Accept the proposal from Larry Walker Associates, Inc., and authorize the Administering Agent/General Manager to execute a professional services agreement, in the amount of \$71,000, for development of the site-specific objective.

**FISCAL IMPACT:**

Yes

**ITEM BUDGETED:**

Yes

**FINANCIAL IMPACT:**

The cost of the work is \$71,000, which is allocated 70.6% to LVMWD and 29.4% to Triunfo Water and Sanitation District. Sufficient funds are available for the work in the adopted Fiscal Year 2021-22 JPA Budget.

**DISCUSSION:**

In 1999, Tapia began periodically discharging its treated effluent to the Los Angeles River to comply with a prohibition on discharges to Malibu Creek from April 15th to November 15th each year. Discharges to the Los Angeles River were originally permitted under NPDES Order No. 99-066, which prescribed a chloride limit of 190 mg/L rather than the 150 mg/L Basin Plan Water Quality Objective. The rationale for the higher chloride limit was RWQCB Resolution No. 97-02 that revised the chloride limit from 150 mg/L to 190 mg/L for various surface waters, including certain reaches of the Los Angeles River, due to the impacts of drought on chloride levels in potable source waters. The 190 mg/L chloride limit for discharge has been maintained in all subsequent permits for Tapia based on the same rationale.

During the renewal of Tapia's NPDES permit in 2017, RWQCB staff discovered that the long-standing application of Resolution No. 97-02 was in error because it only covered the portions of the Los Angeles River downstream of the Sepulveda Flood Control Basin and Tapia's discharge occurs upstream. The reason that the 1997 Resolution did not include the portions of the Los Angeles River upstream of Sepulveda Flood Control Basin is because there were no discharges upstream of the Tillman Water Reclamation Plant, which is adjacent the Sepulveda Flood Control Basin, at that time. Tapia's permitted-discharges to the upstream reach of the Los Angeles River did not begin until two years later, in 1999.

Tapia's discharge to the Los Angeles River is vital to the success of the Pure Water Project Las Virgenes-Triunfo. The new NPDES permit has stipulations that allow for discharge to Malibu Creek during heavy rain events when daily flows exceed 11 MGD. The rationale for the 11 MGD trigger point was that 6 MGD could be sent to the advanced water treatment facility and 5 MGD could be pumped to the Los Angeles River. If the option to discharge to the Los Angeles River is not available, then the capacity to dispose of excess effluent during heavy rain events is reduced to 6 MGD. Additionally, discharge to the Los Angeles River may also be necessary to dispose of small amounts of effluent when there is not enough water available to start up and maintain operation of the advanced water treatment plant.

During the draft permit comment period, JPA staff requested that the RWQCB issue a Time Schedule Order (TSO), which would culminate in a proposed Basin Plan Amendment. At the June 1, 2017 permit hearing, the RWQCB issued a TSO, which requires a study containing six sub-reports. These reports include: an investigation into chloride sources, an evaluation of the impact of chloride levels and source control, an identification of options to address compliance including regulatory remedies, a recommendation, implementation, and

confirmation of compliance. Larry Walker Associates, Inc. were retained to complete the first four of these sub-reports.

The Recommendation Report, which was the fourth and final report included in LWA's scope of work, supported the development of a site-specific objective (SSO) of 190 mg/L for Los Angeles River discharges because it is protective of beneficial uses and provides the most straightforward approach with respect to the strategies evaluated. The report was submitted to the RWQCB to begin the process of establishing an SSO on November 5, 2019.

RWQCB staff requested a meeting on December 2, 2021, to discuss the status of the TSO. They agreed that an SSO could be developed as the compliance solution but stated that they did not have available resources to complete the SSO before the regulatory deadline of July 31, 2022. The RWQCB asked that the JPA request that the 2017 TSO be extended with interim limits for chloride from July 31, 2022 to December 31, 2023, to provide time to process the SSO, including working with U.S. EPA.

The RWQCB also requested that the JPA submit a report containing a more in-depth antidegradation analysis, economic analysis, updated water supply chloride baseline concentrations and a loading factor to support the development of an SSO. LWA provided a proposal, in the amount of \$71,000, to complete the additional work and provide support for development of the SSO. Staff recommends that the Board accept the proposal for the additional work.

Prepared by: Brett Dingman, Water Reclamation Manager

**ATTACHMENTS:**

Larry Walker Associates Proposal



January 4, 2022

Mr. Brett Dingman  
Water Reclamation Manager/Engineer  
Las Virgenes Municipal Water District  
4232 Las Virgenes Road  
Calabasas, CA 91302

**SUBJECT: SCOPE OF WORK FOR CHLORIDE SITE SPECIFIC OBJECTIVE DEVELOPMENT**

Dear Brett:

LWA has been working with the Las Virgenes Municipal Water District (LVMWD) to meet the requirements of Time Schedule Order R4-2017-0125(TSO) to evaluate strategies for complying with its chloride effluent limitation. As described in the Recommendations Report submitted to the Regional Board in November 2019, it was determined that a regulatory strategy of revising the chloride water quality objective in the Basin Plan to 190 mg/L is the best path to compliance. LVMWD staff met with Regional Board staff on December 2, 2021 and Regional Board staff asked LVMWD to submit a TSO extension request to allow Regional Board staff time to complete Basin Plan Amendment Process required to revise the chloride objective. In addition, Regional Board staff requested additional information and updates with respect to the following analyses included in the Recommendations Report:

- 13241 analysis
- Antidegradation Analysis
- Water supply chloride baseline concentration and loading factor

LWA is in the process of preparing the TSO extension request and will include a schedule and outline for completing the requested analyses. The work effort associated with the additional

analyses listed above will be conducted according to the tasks described under the Scope of Work presented below. An estimated budget and schedule are also provided.

## **SCOPE OF WORK**

LWA will assist LVMWD in revising and updating the Chloride Site Specific Objective analysis according to the following tasks.

### ***Task 1. 13241 Analysis***

Under this task, LWA will review the 13241 analysis conducted for the Recommendations Report and request additional information and data from LVMWD to prepare the updates requested by the Regional Board to include the following information:

- Discussion of how the proposed SSO is protective all beneficial uses
- The effect of groundwater recharge on the Sepulveda basin analysis of Tapia discharge will be included as applicable in the analysis of past, present, and probable future beneficial uses of water.
- The mean annual rainfall will be updated for the section on environmental characteristics of the hydrogeological unit under consideration
- The section on water quality conditions will be updated to:
  - Include impact of the District's Pure Water project & resulting chloride removal.
  - Use 5-7 years of data (existing report used 6-months of data).
  - Look at impact of different source waters on water quality conditions (State Project water versus Colorado River water source).
  - Assessment of whether source contributions have changed over the past 5-7 years.
- Under economic considerations, LWA will evaluate current operations and maintenance costs versus UV disinfection costs and the need to carry residual disinfectants for the recycled water.
- Under the section on the need to develop and use recycled water, LWA will include a discussion regarding future development of the recycled water program compared to reducing the effort to develop more users to allow greater availability of water for the Pure Water project.

### ***Task 2. Antidegradation Analysis***

LWA will review the antidegradation analysis included in the Recommendations Reports and request additional information needed from LVMWD staff to evaluate the impact of the following:

- Effect of dry weather diversion of stormwater to the Tapia WRF
- Loading factors associate with the San Fernando Valley SNMP
- Long term benefits of the Pure Water Project's removal of salt from the Malibu Creek watershed

- Calculate baseline assimilative capacity and confirm discharge will not take up more than 10% of the capacity of the San Fernando Basin

The budget for this task assumes that analyses of each of these elements have been conducted under separate work efforts and that LWA will review and incorporate the findings from existing studies.

### ***Task 3. Water Supply Analysis***

The baseline concentration and loading factor are included in the approach to determining the proposed Site Specific Objective for chloride of 190 mg/L. LWA will review water supply and effluent chloride data and update the baseline concentration and loading factor using readily available data from the past 5-7 years .

### ***Task 4. Prepare Technical Report***

Based on the analyses conducted in Tasks 1-3, the information provided in the Recommendations Report will be revised to address the Regional Board's requests and a Technical Report will be prepared providing the needed documentation to facilitate Regional Board approval of a Site Specific Chloride Objective and Basin Plan Amendment. A draft Technical Report will be provided to LVMWD staff for review and a final Technical Report will be prepared incorporating LVMWD comments. After submittal of the Report to the Regional Board, LWA will work with LVMWD to address Regional Board comments and prepare a revised report for submittal to the Regional Board.

### ***Task 5. Meet with Regional Board Staff***

LWA will participate in up to two on-line meetings with Regional Board staff to 1) review the requested updates and obtain any needed clarification needed to revise the SSO justification needed for the Basin Plan Amendment process and 2) to review any comments the Regional Board may have on the revised SSO justification. LWA will coordinate with LVMWD staff prior to each meeting to ensure that the appropriate topics are covered and that meeting materials are prepared. In addition, LWA will provide up to 52 hours of additional support, if requested by the Regional Board to support the Basin Plan Amendment Process.

### ***Task 5. Project Management***

LWA will provide on-going project management, including regular communication with the LVMWD regarding the project schedule, budgets, expenditures and other issues related to the administration of the contract. In addition, LWA will coordinate and participate in meetings and conference calls as necessary.

## **BUDGET AND SCHEDULE**

The above tasks will be conducted for a cost not to exceed \$71,000 on a time and materials basis according to our standard billing rates, which are attached. An estimated cost breakdown by task is shown below.

Las Virgenes Municipal Water District Cost Estimate										
Chloride Site Specific Objective Development										
Task	Description	LWA Labor Hours and Rates (1)					Total Hours	Total Labor Costs	Other Direct Costs	Total Costs
		Principal	Project Manager/ Associate	Project Engineer IIA	Project Engineer IA	Contract Coordinator				
		\$333	\$279	\$215	\$180	\$133				
1	13241 Analysis	4	12	28	40		84	\$17,900		\$17,900
2	Antidegradation Analysis	4	8	24	28		64	\$13,764		\$13,764
3	Water Supply Analysis	2	4	4	16		26	\$5,522		\$5,522
4	Prepare Technical Report	4	12	32	16		64	\$14,440		\$14,440
5	Meet with Regional Board staff (2)	4	24	40			68	\$16,628		\$16,628
6	Project Management		6			6	12	\$2,472		\$2,472
	<b>TOTAL PROJECT COSTS</b>	<b>18</b>	<b>66</b>	<b>128</b>	<b>100</b>	<b>6</b>	<b>318</b>	<b>\$70,726</b>		<b>\$70,726</b>

(1) LWA hourly rates in effect from July 1, 2021 to June 30, 2022. Rates are adjusted annually on July 1.  
(2) Task 5 includes up to 52 hours of support for developing the SSO document, as requested by the Regional Board

Betsy Elzufon will be the Project Manager and Ashli Desai will be the Principal for this project. It is estimated that the Technical Report can be completed within 6 months of receiving a Notice to Proceed. A more detailed schedule will be developed in coordination with LVMWD staff as part of the development of the TSO extension request.

Again, we thank you for the opportunity to provide this proposal for services and look forward to the opportunity to continue to work with you on this important project. Please contact me if you have any questions or need additional information.

Sincerely,

Betsy Elzufon

Associate



# LARRY WALKER ASSOCIATES RATE SCHEDULE

EFFECTIVE JULY 1, 2021 – JUNE 30, 2022

PERSONNEL	TITLE	RATE \$/Hour	REIMBURSABLE COSTS
<b>Project Staff:</b>			<b>Travel:</b>
Melanie Andreatchi	Administrative Assistant	\$ 96	Local mileage
Nicole Collins	Administrative Assistant	\$ 96	Transportation
Kim Turner	Administrative Assistant	\$ 96	Auto rental
Tina VanCarpels	Contract Coordinator	\$133	Fares
John Walker	AR/AP Manager	\$133	Room
Hayleigh Sawdaye	Graphic Designer	\$123	Subsistence <sup>(1)</sup>
Kathryn Walker	Senior Graphic Designer	\$160	
Chloe Celniker	Project Scientist I-C	\$128	Breakfast
Sophie McFadin	Project Engineer I-C	\$128	Lunch
Adriana Stovall	Project Scientist I-C	\$128	Dinner
Zaida Cholico	Project Scientist I-B	\$155	Incidentals
Nubia Donikian	Project Engineer I-B	\$155	
Hilary Pierce	Project Scientist I-B	\$155	<b>Report Reproduction and Copying:</b>
Katrina Arredondo	Project Scientist I-A	\$180	Per color copy, in-house
Jenny Bayley	Project Engineer I-A	\$180	The rate for each meal as follows: <sup>(1)</sup>
Sebastian Bognar	Project Scientist I-A	\$180	Actual expense
Kelsey McNeill	Project Engineer I-A	\$180	Per black and white copy, in-house
Ryan Parks	Project Scientist I-A	\$180	Per binding, in-house
Jamie Yin	Project Scientist I-A	\$180	
Olin Applegate	Project Scientist II-B	\$192	<b>Special Postage and Express Mail:</b>
Ryan Fulton	Project Scientist II-B	\$192	Actual expense
Jeff Walker	Engineer	\$192	
Alina Constantinescu	Project Engineer II-A	\$215	<b>Other Direct Costs:</b>
Airy Krich-Brinton	Project Engineer II-A	\$215	Actual Expense
Adriel Leon	Project Scientist II-A	\$215	<b>Daily Equipment Rental Rates:</b>
Danielle Moss	Project Engineer II-A	\$215	Single parameter meters & equipment
Steve Maricle	Project Engineer II-A	\$215	Digital flow meter
Mike Marson	Project Scientist II-A	\$215	Multi-parameter field meters & sondes
Rich Pauloo	Project Scientist II-A	\$215	Dye/tracer mapping or residence time
Elizabeth Yin	Project Scientist II-A	\$215	Multi-parameter continuous remote sensing
<b>Senior Staff:</b>			<b>Subcontractors:</b>
Bryant Alvarado	Senior Engineer	\$249	Actual Expense plus 10% fee
Diana Engle	Senior Scientist	\$249	
Jamie Habben	Senior Scientist	\$249	
Gorman Lau	Senior Engineer	\$249	
Amir Mani	Senior Engineer	\$249	
Mitch Mysliwicz	Senior Engineer	\$249	
Amy Storm	Senior Scientist	\$249	
Hope M. Taylor	Senior Engineer	\$249	
Rachel Warren	Senior Engineer	\$249	
<b>Associate:</b>			<i>Note: <sup>(1)</sup> Charged when overnight lodging is required.</i>
Denise Conners	Associate Engineer	\$279	
Betsy Elzufon	Associate Engineer	\$279	
Laura Foglia	Associate Engineer	\$279	
Paul Hartman	Associate Scientist	\$279	
Sandy Mathews	Associate Scientist	\$279	
Mike Troughon	Associate Scientist	\$279	
<b>Principal:</b>			
Karen Ashby	Vice President	\$304	
Chris Minton	Vice President	\$304	
Brian Laurenson	Executive Vice President	\$317	
Tom Grovhoug	Senior Executive	\$333	
Ashli Cooper Desai	President	\$333	

**INFORMATION ONLY**

February 7, 2022 JPA Board Meeting

TO: JPA Board of Directors

FROM: General Manager

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**Subject : State and Federal Redistricting: Final Maps**

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**SUMMARY:**

The U.S. Constitution requires a federal census every 10 years to maintain an updated count of the country's population. Following the completion of the census, California uses the data to redraw the boundaries of Congressional, State Senate, State Assembly and State Board of Equalization districts to account for population shifts. Historically, legislators have drawn maps that allowed them to choose their constituents rather than enabling constituents to choose their representatives. However, the Citizens Redistricting Commission was created in 2008 with the passage of Proposition 11, the Voters FIRST Act, to redraw the boundaries for state and federal districts.

On December 26, 2021, the 2020 California Redistricting Commission published its final report and certified updated maps for state and federal districts. Attached for reference are copies of both the new and existing maps for the JPA's service area. The new boundaries become effective with the next general election cycle.

**FISCAL IMPACT:**

No

**ITEM BUDGETED:**

No

Prepared by: David W. Pedersen, Administering Agent/General Manager

**ATTACHMENTS:**

State Assembly District Boundaries - New and Existing  
State Senate District Boundaries - New and Existing  
U.S. Congressional District Boundaries - New and Existing

**Legend**

— LVMWD Boundary

▭ Triunfo Water & Sanitation District

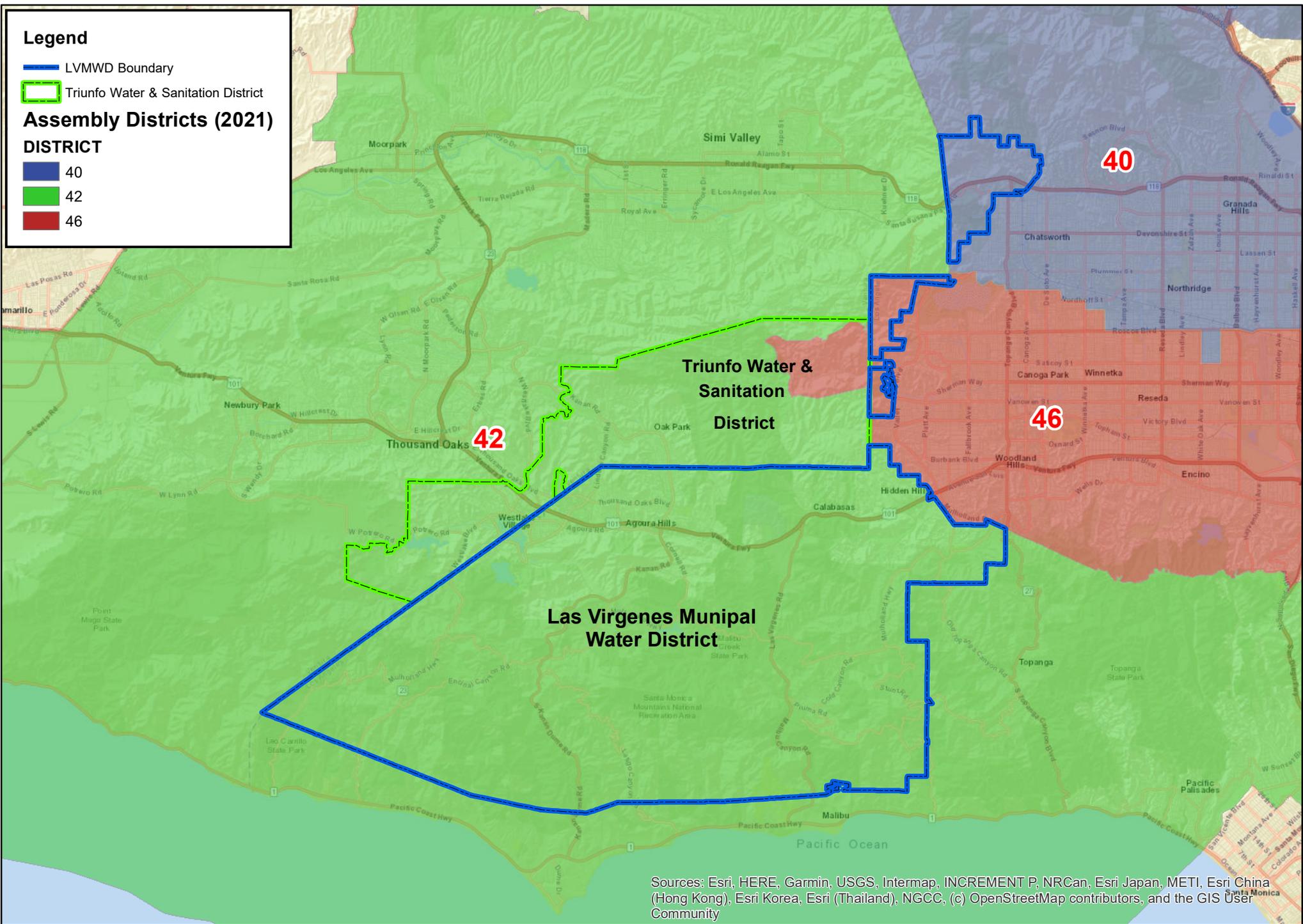
**Assembly Districts (2021)**

**DISTRICT**

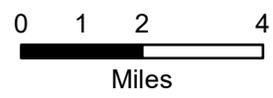
40

42

46



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



**Assembly Districts New**



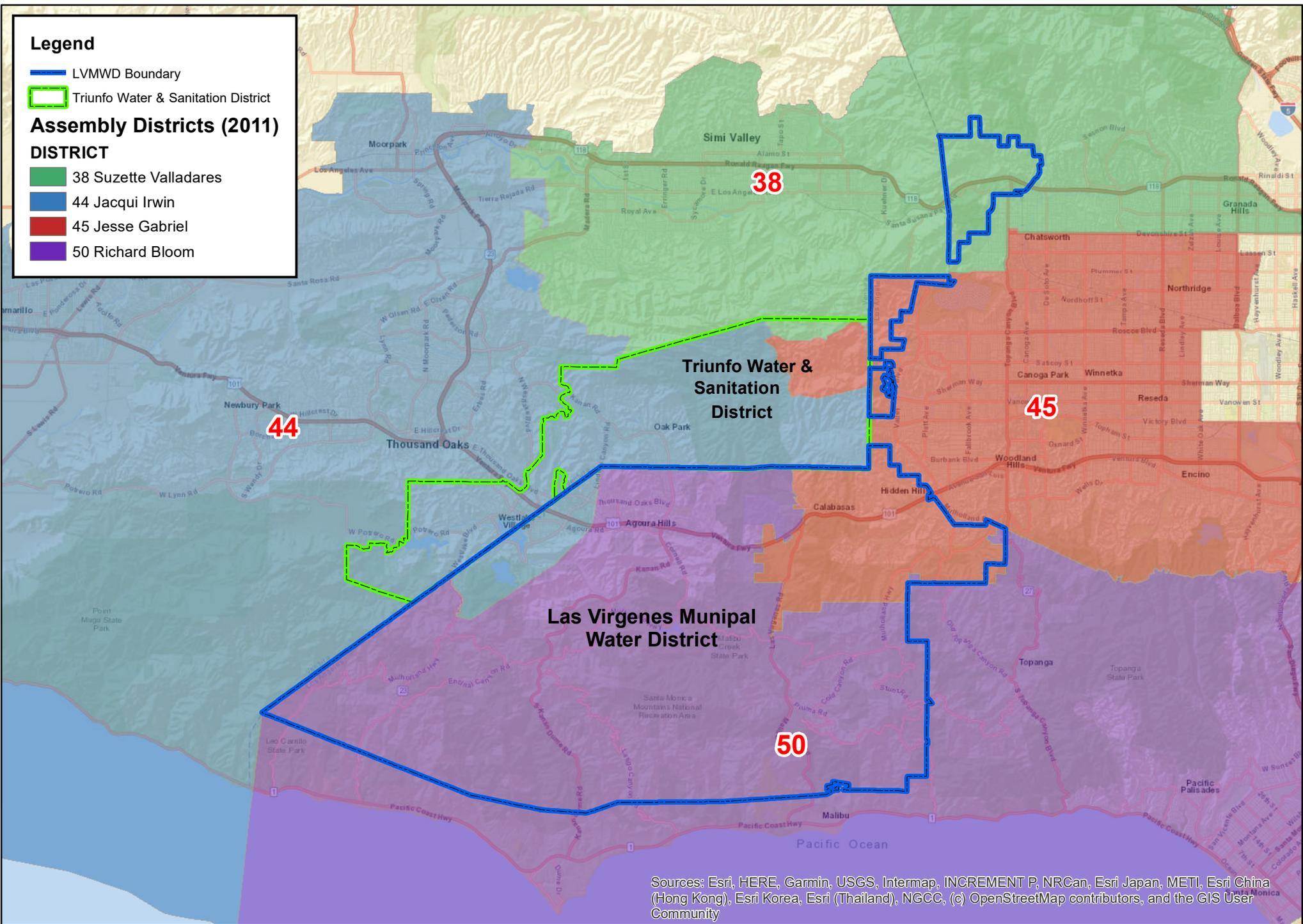
**Legend**

— LVMWD Boundary

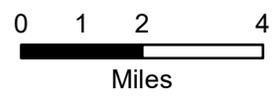
▭ Triunfo Water & Sanitation District

**Assembly Districts (2011)  
DISTRICT**

- ▭ 38 Suzette Valladares
- ▭ 44 Jacqui Irwin
- ▭ 45 Jesse Gabriel
- ▭ 50 Richard Bloom



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



**Assembly Districts Existing**

**Legend**

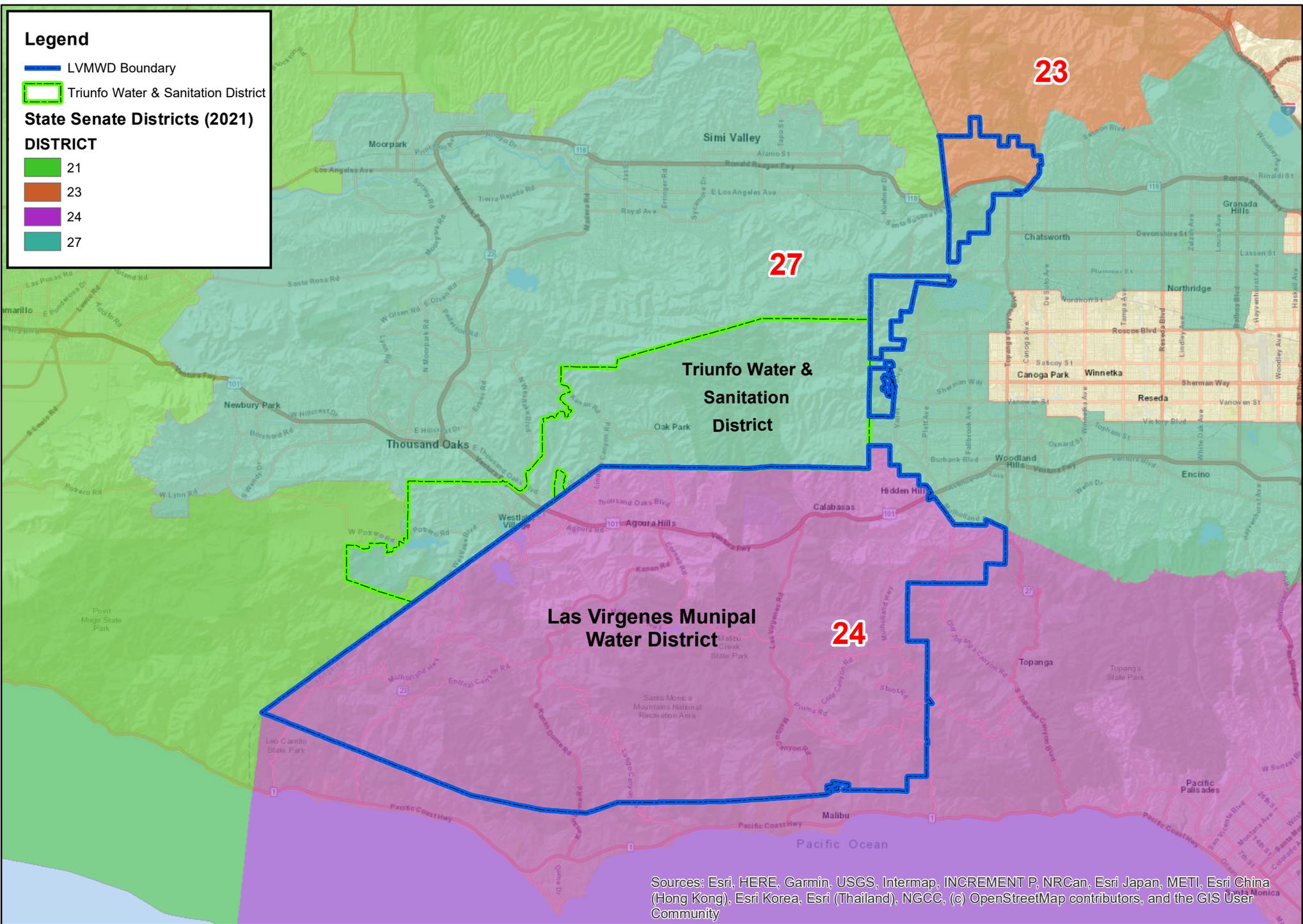
— LVMWD Boundary

▭ Triunfo Water & Sanitation District

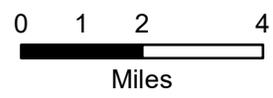
**State Senate Districts (2021)**

**DISTRICT**

- 21
- 23
- 24
- 27

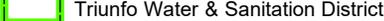


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



**State Senate Districts New**

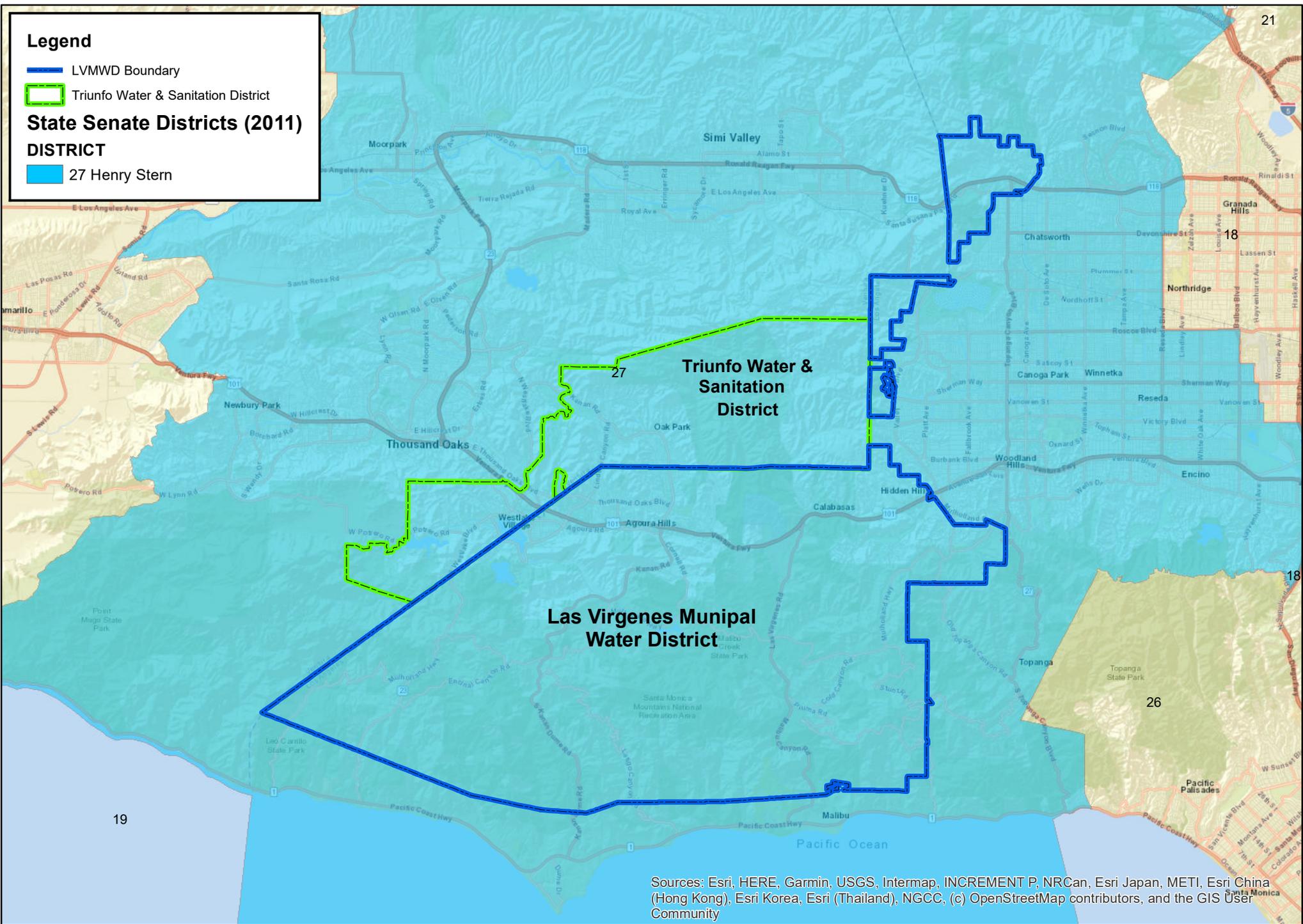
**Legend**

-  LVMWD Boundary
-  Triunfo Water & Sanitation District

**State Senate Districts (2011)**

**DISTRICT**

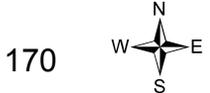
-  27 Henry Stern



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



**State Senate District Existing**



**Legend**

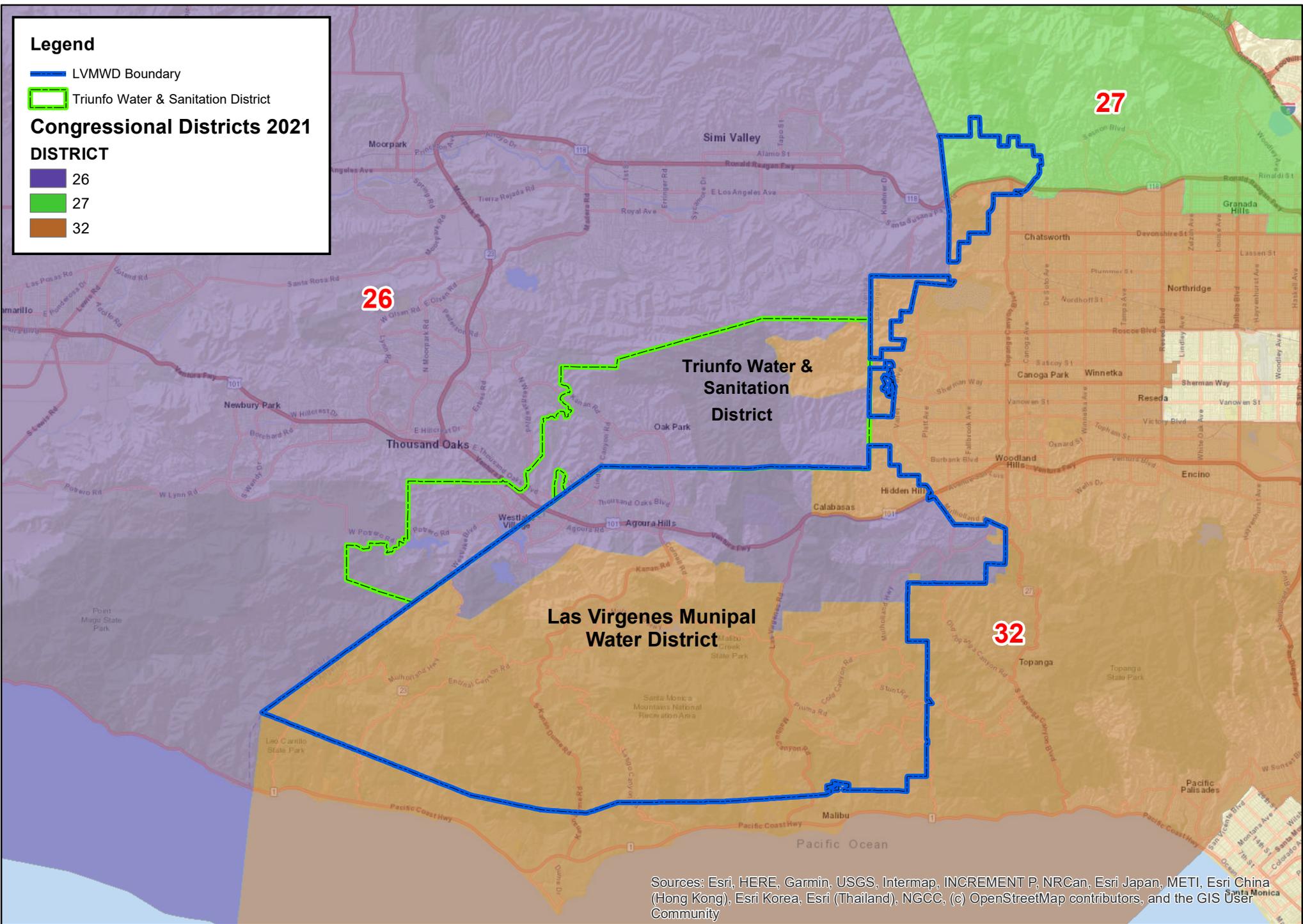
 LVMWD Boundary

 Triunfo Water & Sanitation District

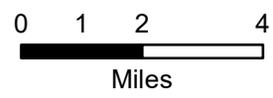
**Congressional Districts 2021**

**DISTRICT**

-  26
-  27
-  32



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



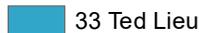
**Congressional Districts New**

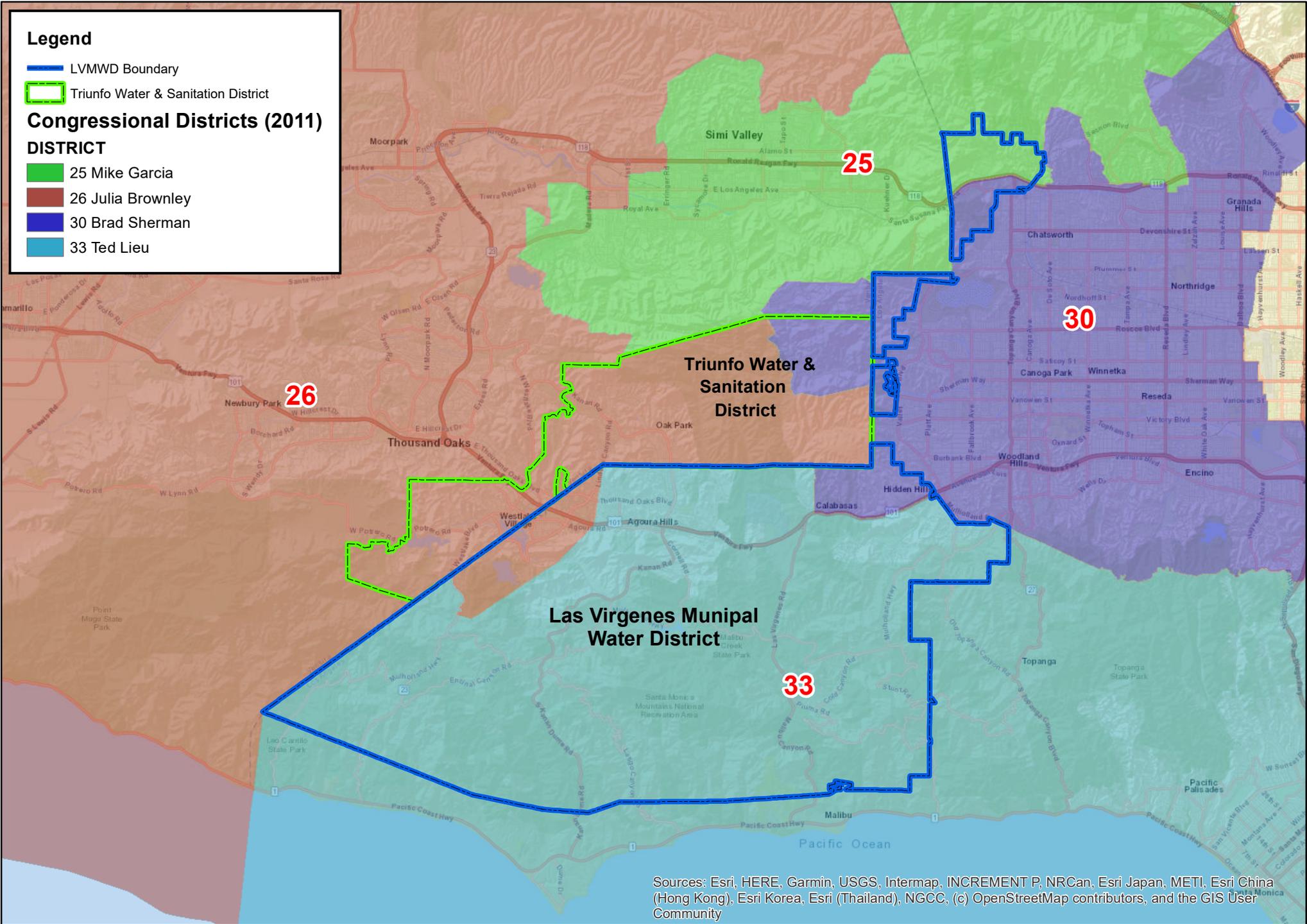
**Legend**

-  LVMWD Boundary
-  Triunfo Water & Sanitation District

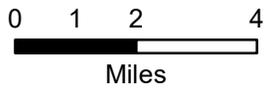
**Congressional Districts (2011)**

**DISTRICT**

-  25 Mike Garcia
-  26 Julia Brownley
-  30 Brad Sherman
-  33 Ted Lieu



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



**Congressional Districts Existing**

**INFORMATION ONLY**

February 7, 2022 JPA Board Meeting

TO: JPA Board of Directors

FROM: General Manager

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**Subject : U.S. Bureau of Reclamation WaterSMART Title XVI WIIN Act: Grant Opportunity**

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**SUMMARY:**

On January 14, 2022, the U.S. Bureau of Reclamation (USBR) issued the attached Notice of Funding Opportunity (NOFA) for its WaterSMART: Title XVI WIIN Act Water Reclamation and Reuse Projects Program. The grant program will fund up to 25 percent of the total cost of planning, design and/or construction for eligible project costs, up to a maximum of \$30 million per project. Eligible project costs must be expended or planned for expenditure by September 30, 2025. Project costs for work already completed after the date of USBR's feasibility study review are also eligible. Applications are due by March 15, 2022.

The Pure Water Project Las Virgenes-Triunfo is eligible for the NOFA because the USBR approved a feasibility study for the project and submitted it to Congress on September 23, 2019. Staff and the Jacobs Team evaluated the NOFA and propose that the JPA submit an application.

**FISCAL IMPACT:**

No

**ITEM BUDGETED:**

No

Prepared by: David W. Pedersen, Administering Agent/General Manager

**ATTACHMENTS:**

Notice of Funding Opportunity for U.S. Bureau of Reclamation WaterSMART Title XVI WIIN Act



— BUREAU OF —  
RECLAMATION

Notice of Funding Opportunity No. R22AS00115

# WaterSMART: Title XVI WIIN Act Water Reclamation and Reuse Projects



## **Mission Statements**

The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated Island Communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

## Synopsis

<b>Federal Agency Name:</b>	Department of the Interior, Bureau of Reclamation, Water Resources and Planning Office
<b>Funding Opportunity Title:</b>	WaterSMART: Title XVI WIIN Act Water Reclamation and Reuse Projects
<b>Announcement Type:</b>	Notice of Funding Opportunity (NOFO)
<b>Funding Opportunity Number:</b>	R22AS00115
<b>Catalog of Federal Domestic Assistance (CFDA) Number:</b>	15.504
<b>Dates:</b> (See NOFO Sec. D.4)	Application due date: March 15, 2022 4:00 p.m. Mountain Daylight Time (MDT)
<b>Eligible Applicants:</b> (See NOFO Sec. C.1)	Sponsors of water recycling projects (Project) that have submitted a Feasibility Study for Reclamation review by the date this NOFO is posted and found to meet all of the requirements of Reclamation Manual Release WTR 11-01 no later than April 30, 2022.
<b>Recipient Cost Share:</b> (See NOFO Sec. C.2)	75 percent or more of total Project costs.
<b>Federal Funding Amount:</b> (See NOFO Sec. B.1)	Up to 25 percent of the total cost of planning, design, and/or construction that has either already been completed or will be conducted before September 30, 2025, up to a maximum of \$30 million per project.
<b>Estimated Number of Agreements to be Awarded:</b> (See NOFO Sec. B.1)	Approximately 10 to 30 awards, depending on the amount requested by each applicant and the amount of funding available.

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# Application Checklist

The following table contains a summary of the information that you are required to submit with your application.

√	What to submit	Required content	Form or format	When to submit
	Mandatory Federal Forms: Application for Federal Assistance Budget Information Assurances Disclosure of Lobbying Activities	See Sec. D.2.2.1	SF-424, SF-424C, SF-424D, and SF-LLL forms may be obtained at <a href="http://www.grants.gov/web/grants/forms/sf-424-family.html">www.grants.gov/web/grants/forms/sf-424-family.html</a>	*
	Title page	See Sec. D.2.2.2	Page 11	*
	Table of contents	See Sec. D.2.2.3	Page 11	*
	Technical proposal: Executive summary Project description Evaluation criteria	See Sec. D.2.2.4 See Sec. D.2.2.4 See Sec. E.1	Page 11 Page 11 Page 25	* * * *
	Environmental and cultural resources compliance	See Sec. D.2.2.5	Page 12	*
	Required permits or approvals	See Sec. D.2.2.6	Page 13	*
	Other Federal Funding	See Sec. D.2.2.7	Page 13	
	Project Budget Funding Plan and Letters of Commitment Budget Proposal Budget Narrative	See Sec. D.2.2.8 See Sec. D.2.2.8 See Sec. D.2.2.8	Page 13 Page 15 Page 16	*   
	Letters of Support	See Sec. D.2.2.9	Page 19	*
	Official Resolution	See Sec. D.2.2.10	Page 20	**
	Unique Entity Identifier and System for Award Management	See Sec. D.3	Page 21	***

\* Submit materials with your application.

\*\* Document should be submitted with your application; however, please refer to the applicable section of the NOFO for extended submission date.

\*\*\* Should be completed prior to the application deadline; however, please refer to the applicable section of the NOFO for extended completion date.

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# Acronyms and Abbreviations

AOR	Authorized Organizational Representative
ARC	Application Review Committee
ASAP	Automated Standard Application for Payments
BIL	Bipartisan Infrastructure Law
CE	Categorical Exclusion
CEC	Categorical Exclusion Checklist
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CWA	Clean Water Act
D&B	Dun & Bradstreet
Department	U.S. Department of the Interior
DUNS	Data Universal Number System
EA/FONSI	Environmental Assessment/Finding of No Significant Impact
EIS	Environmental Impact Statement
E.O.	Executive Order
ESA	Endangered Species Act
FAIR	Financial Assistance Interior Regulation
FAPIIS	Federal Award Performance Integrity Information System
FOIA	Freedom of Information Act
FY	fiscal year
MDT	Mountain Daylight Time
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
OM&R	operations, maintenance, and replacement
P.L.	Public Law
Project	A Project eligible under Section 4009(c) of the WIIN Act
Reclamation	Bureau of Reclamation
ROD	Record of Decision
SAM	System of Award Management
Title XVI	Title XVI Water Reclamation and Reuse Program
U.S.C.	United States Code
USACE	United States Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
WaterSMART	Sustain and Manage America's Resources for Tomorrow
WIIN	Water Infrastructure Improvements for the Nation

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## Section A. Program Description

### A.1. Authority

This NOFO is issued under the authority of Title XVI of Public Law (P.L.) 102-575, as amended (43 United States Code [U.S.C.] 390h), including amendments in Title II, Subtitle J of the Water Infrastructure Improvements for the Nation (WIIN) Act.

### A.2. Background, Purpose, and Program Requirements

The U.S. Department of the Interior's (Department) WaterSMART (Sustain and Manage America's Resources for Tomorrow) Program provides a framework for Federal leadership and assistance to stretch and secure water supplies for future generations in support of the Department's priorities. Through WaterSMART, the Bureau of Reclamation (Reclamation) leverages Federal and non-Federal funding to support stakeholder efforts to stretch scarce water supplies and avoid conflicts over water.

Through the Title XVI Water Reclamation and Reuse Program (Title XVI), authorized by P.L. 102-575 in 1992, Reclamation provides financial and technical assistance to local water agencies for the planning, design, and construction of water reclamation and reuse projects. Water recycling is a tool in stretching the limited water supplies in the Western United States. Title XVI projects develop and supplement urban and irrigation water supplies through water reuse—thereby improving efficiency, providing flexibility during water shortages, and diversifying the water supply. These projects provide growing communities with new sources of clean water which increases water management flexibility and makes our water supply more reliable. The Title XVI Program also provides support for priorities identified in Presidential Executive Order (E.O.) 14008: *Tackling the Climate Crisis at Home and Abroad* and aligned with other priorities, such as those identified in E.O. 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. Title XVI water projects are an important part of the WaterSMART Program. For further information on the WaterSMART Program, see <https://www.usbr.gov/watersmart/>. Objective of this NOFO

The objective of this Notice of Funding Opportunity (NOFO) is to invite sponsors of projects eligible under Section 4009(c) of the WIIN Act (Project) to request cost-shared funding for planning, design, and/or construction of those Projects. A NOFO for congressionally authorized Title XVI projects is being released separately.

## Section A: Funding Opportunity Description

### A.3. Other Funding Opportunities

**WaterSMART: Title XVI Congressionally Authorized Water Reclamation and Reuse Projects**—Through this NOFO, funding is available for planning, design, and construction of congressionally authorized Title XVI Projects.

**WaterSMART: Desalination Construction Projects Under the WIIN Act**—Through this NOFO, funding is available for planning, design, and construction of desalination projects eligible under Section 4009(a) of the WIIN Act.

**Desalination and Water Purification Research and Development: Laboratory and Pilot Scale Projects**—Through this NOFO, funding is available for laboratory and pilot scale research studies to determine the viability of a novel process, new materials, or process modifications in conjunction with individuals, institutions of higher education, commercial or industrial organizations, private entities, public entities (including state and local), and Indian tribal governments.

**Desalination and Water Purification Research and Development: Pitch to Pilot**—Through this NOFO, funding is available to develop innovative and disruptive new technologies or processes at the pilot scale with the goal to augment water supplies and address costs, energy usage, and environmental impacts of water treatment technologies.

## Section B. Federal Award Information

### B.1. Total Funding

This NOFO will be used to allocate available fiscal year (FY) 2022 enacted appropriations for Title XVI projects authorized under section 4009(c) of the WIIN Act and funding available under the Bipartisan Infrastructure Law (BIL), P.L. 117-58 in FY 2022. Applications submitted under this NOFO also may be considered if additional funding becomes available in FY 2022 or thereafter. Applicants that are identified for BIL funding will need to meet additional requirements, including Buy American and Wage Rate Requirements (Davis-Bacon Act). This NOFO may be amended during the application period to provide additional details about these requirements. Reclamation will work with selected recipients to address these requirements. See *Section F.2.5. Additional Bipartisan Infrastructure Law Requirements* for more information.

### B.2. Expected Award Amount

*Maximum Award:* \$30,000,000

*Minimum Award:* \$0

The Federal share (i.e., Reclamation's share in addition to any other sources of Federal funding), of any Title XVI Project, including any funding provided as a result of this NOFO, shall not exceed 25 percent of the total Project cost, up to a maximum of \$30 million per project.

Eligible applicants are invited to request funding for planning, design, and/or construction of Projects. Although the evaluation criteria listed in this NOFO will be applied to the Project as a whole, funding requests submitted under this NOFO must be based on the expenditures already incurred or planned to be incurred by September 30, 2025.

This may include work either:

- planned through September 30, 2025; or
- completed work that was conducted after the date of Reclamation's feasibility study review findings for the Project.

All costs incurred by Reclamation related to the development and administration of any award under this NOFO are considered part of the total Project costs, and the recipient will be required to provide cost share for these costs. All Reclamation administrative costs will also be included in the Federal cost share for the Project.

## Section B: Award Information

### B.3. Anticipated Announcement and Federal Award Date

*Anticipated Award Date: 09/30/2022*

Reclamation expects to contact potential award recipients and unsuccessful applicants in the spring of 2022 (or later if necessary), subject to the timing of final FY 2022 appropriations.

*Anticipated Project Completion Date: 09/30/2025*

### B.4. Number of Awards

Approximately 10 to 30 awards, depending on the amount requested by each applicant and the amount of funding available.

### B.5. Type of Award

Awards will be made through a grant or cooperative agreement as applicable to the selected Project. If a cooperative agreement is awarded, the recipient should expect Reclamation to have substantial involvement in the Project. Substantial involvement by Reclamation may include:

- Collaboration and participation with the recipient in the management of the Project and close oversight of the recipient's activities to ensure that the program objectives are being achieved. *Note: The development and administration of an award under this NOFO is not considered substantial involvement.*
- Review, input, and approval at key interim stages of the Project.

At the request of the recipient, Reclamation can provide technical assistance after award of an agreement. If you would like to receive Reclamation technical assistance, you must account for these costs in your budget. To discuss available assistance and these costs, contact the program coordinator identified in *Section G. Agency Contacts*.

## Section C. Eligibility Information

### C.1. Eligible Applicants

Sponsors of projects eligible for funding under section 4009(c) of the WIIN Act, P.L. 114-322. Eligible entities under Section 4009(c) include sponsors of Projects that have submitted a Title XVI feasibility study to Reclamation for review by the date that this NOFO is posted. Eligibility does not entitle an applicant to any future Federal funding or create a new project authorization.

### C.2. Cost Sharing or Matching

Applicants must be capable of cost sharing 75 percent or more of the total Project costs. The total Project cost is defined as the total allowable costs incurred under a Federal award and all required cost share and voluntary committed cost share contributions, including third-party contributions.

Cost share may be made through cash, costs contributed by the applicant, or third-party in-kind contributions. Third-party in-kind contributions is the value of non-cash contributions of property or services that benefit the federally assisted project and are contributed by non-Federal third parties, without charge. Cost-share funding from sources outside the applicant's organization (e.g., loans or state grants) should be secured and available to the applicant prior to award. Please see *Sections D.2.2.8. Project Budget* and *D.2.2.10. Official Resolution* for more information regarding the documentation required to verify commitments to meet cost-sharing requirements.

Other sources of Federal funding may not be counted towards the required cost share. The exception to this requirement is where the Federal statute authorizing a program specifically provides that Federal funds made available for such programs can be applied to matching or cost sharing requirements of other Federal programs, such as awards to tribal organizations under P.L. 93-638, as amended. If it is determined that the Federal funding cannot be applied towards the non-Federal cost share, the work associated with the funding may be removed from the proposed project or the Federal funding will be counted toward the 25 percent Federal cost share for the project. Please identify any other Federal funding received for the Project.

#### C.2.1. Cost-Share Regulations

All cost-share contributions must meet the applicable administrative and cost principles criteria established in 2 Code of Federal Regulations (CFR) Part 200, available at the Electronic Code of Federal Regulations at [www.ecfr.gov](http://www.ecfr.gov).

## Section C: Eligibility Information

### C.2.2. Third-Party Contributions

Third-party contributions may be in the form of equipment, supplies, and other expendable property, as well as the value of services directly benefiting and specifically identifiable to the proposed Project. The cost or value of third-party in-kind contributions that have been or will be relied on to satisfy a cost-sharing or matching requirement for another Federal financial assistance agreement, a Federal procurement contract, or any other award of Federal funds may not be relied on to satisfy the cost-share requirement for an award under this NOFO. Applicants should refer to 2 CFR §200.434 *Contributions and donations* for regulations regarding the valuation of third-party in-kind contributions.

### C.3. Other

Reclamation conducts a review of the [SAM.gov Exclusions database](#) for all applicant entities and their key project personnel prior to award. Reclamation cannot award funds to entities or their key project personnel identified in the [SAM.gov Exclusions database](#) as ineligible, prohibited/restricted or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, as their ineligibility condition applies to this Federal program.

### C.4. Eligible Project Types

#### C.4.1. Eligible Projects

Planning, design, and construction of water reclamation and reuse facilities that are eligible for funding under Section 4009(c) of the WIIN Act, P.L. 114-322 are eligible Projects. In order to be eligible for funding, the Project must have a completed feasibility study that has been submitted to Reclamation for review by the date that this NOFO is posted, and for which the study is found to meet all of the requirements of Reclamation's Directives and Standards [WTR 11-01, Title XVI Water Reclamation and Reuse Program and Desalination Construction Program Feasibility Study Review Process](#) by April 30, 2022. If a feasibility study has been reviewed by Reclamation and found to meet the requirements of WTR 11-01, but the review findings have not yet been transmitted to Congress, Reclamation will transmit those findings to Congress either before project selections are made or concurrently with project selections. Eligibility does not entitle a project to any future Federal funding or create a new project authorization.

#### C.4.2. Ineligible Projects

Projects not eligible for funding under this NOFO include, but are not limited to:

- Water recycling projects that do not have a Reclamation reviewed feasibility study.
- Water recycling projects that have a Reclamation reviewed feasibility study that Reclamation determined did not meet the requirements of WTR 11-01.
- Water reclamation projects that are solely ocean or brackish water desalination.
- Projects that have a project specific congressional authorization.
- Projects that have already received funding under the WaterSMART Drought Response Program.

## Section C: Eligibility Information

- Operations, maintenance, and replacement (OM&R) activities. OM&R is described as system improvements that replace or repair existing infrastructure or function without providing increased efficiency or effectiveness of water distribution over the expected life of the improvement. Examples of ineligible OM&R projects include:
  - Replacing malfunctioning components of an existing facility with the same components.
  - Improving an existing facility to operate as originally designed.
  - Performing an activity on a recurring basis, even if that period is extended (e.g., a 10-year interval).
  - Sealing expansion joints of concrete lining because the original sealer or the water stops have failed.
  - Replacing broken meters with new meters of the same type.
  - Replacing leaky pipes with new pipes of the same type.

Applicants that have questions regarding OM&R are encouraged to contact the program coordinator listed in *Section G. Agency Contacts*, prior to the application deadline for further information.

### **C.4.3. Length of Projects**

Applicants can only request funding for work that is already completed (going back to the pre-award cost deadlines identified in *Sections B.2. Expected Award Amount* and *D.6. Funding Restrictions: Pre-Award Costs* of this NOFO) or work that is planned through September 30, 2025.

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## Section D. Application and Submission Information

### D.1. Address to Request Application Package

This document contains all information, forms, and electronic addresses required to obtain the information required for submission of an application.

If you are unable to access this information electronically, you can request paper copies of any of the documents referenced in this NOFO by emailing the Notice of Funding Opportunity Team staff at [sha-dro-fafoa@usbr.gov](mailto:sha-dro-fafoa@usbr.gov).

### D.2. Content and Form of Application Submission

All applications must conform to the requirements set forth below.

#### D.2.1. Application Format and Length

The total application package shall be no more than **75** consecutively numbered pages. If an application exceeds **75** pages, only the first **75** pages will be evaluated. The font shall be at least 12 points in size and easily readable. Page size shall be 8½ by 11 inches with standard 1-inch margins, including charts, maps, and drawings. Oversized pages will not be accepted. The SF-424 forms, SF-LLL, letters of Project support, and official resolutions will not be considered in the total page count.

*Note: Do not include feasibility studies or other planning documents with your application.*

Applications will be prescreened for compliance to the above page number limitation. Excess pages will be removed and not considered in the evaluation of the proposed Project.

#### D.2.2. Application Content

The application must include the following elements to be considered complete:

- Mandatory Federal Forms
  - SF-424 Application for Federal Assistance
  - SF-424C Budget Information—Construction Programs
  - SF-424D Assurances—Construction Programs
  - SF-LLL Disclosure of Lobbying Activities (if applicable)

## Section D: Application and Submission Information

SF-424, SF-424C, SF-424D, and SF-LLL forms may be obtained at [www.grants.gov/web/grants/forms/sf-424-family.html](http://www.grants.gov/web/grants/forms/sf-424-family.html).

- Title page
- Table of contents
- Technical proposal and evaluation criteria
  - Executive summary
  - Technical project description
  - Evaluation criteria
- Project budget
  - Funding plan and letters of commitment
  - Budget proposal
  - Budget narrative
- Environmental and cultural resources compliance
- Required permits or approvals
- Letters of Project support (will not count toward the page limitation)
- Official resolution (will not count toward the page limitation)

### ***D.2.2.1. Mandatory Federal Forms***

The application must include the following standard Federal forms.

#### **SF-424 Application for Federal Assistance**

A fully completed SF-424 Application for Federal Assistance, signed by a person legally authorized to commit the applicant to performance of the Project must be submitted with the application. Failure to submit a properly signed SF-424 may result in the elimination of the application from further consideration.

#### **SF-424 Budget Information**

A fully completed SF-424C Budget Information—Construction Programs must be submitted with the application.

#### **SF-424 Assurances**

An SF-424D Assurances—Construction Programs, signed by a person legally authorized to commit the applicant to performance of the Project shall be included. Failure to submit a properly signed SF-424D may result in the elimination of the application from further consideration.

## Section D: Application and Submission Information

### SF-LLL

A fully completed and signed SF-LLL Disclosure of Lobbying Activities is required if the applicant has made or agreed to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action.

#### **D.2.2.2. Title Page**

Provide a brief, informative, and descriptive title for the proposed work that indicates the nature of the Project. Include the applicant's name and address and the project manager's name and address, email address, and telephone number.

#### **D.2.2.3. Table of Contents**

List all major sections of the proposal in the table of contents.

#### **D.2.2.4. Technical Proposal and Evaluation Criteria**

The technical proposal and evaluation criteria includes:

- (1) Executive summary
- (2) Technical Project description
- (3) Evaluation criteria

### **Executive Summary**

The executive summary should include:

- The date, applicant name, city, county, and state.
- A one paragraph summary of the work for which funding is being requested, including how funds will be used to accomplish specific Project activities.

### **Technical Project Description**

The technical project description should describe the Project in its entirety. This description shall have sufficient detail to permit a comprehensive evaluation of the proposal.

### **Evaluation Criteria**

(See *Section E.1. Technical Proposal: Evaluation Criteria* for additional details, including a detailed description of each criterion and subcriterion and points associated with each.)

The evaluation criteria portion of your application should thoroughly address each criterion and subcriterion in the order presented to assist in the complete and accurate evaluation of your proposal. The evaluation criteria should be applied to the entire Project.

*It is suggested that applicants copy and paste the evaluation criteria and subcriteria in Section E.1. Technical Proposal: Evaluation Criteria into their applications to ensure that all necessary information is adequately addressed.*

## Section D: Application and Submission Information

### **D.2.2.5. Environmental and Cultural Resources Compliance**

To allow Reclamation to assess the probable environmental and cultural resources impacts and costs associated with each application, all applicants must respond to the following list of questions focusing on the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and Endangered Species Act (ESA) requirements. Please answer the following questions to the best of your knowledge. If any question is not applicable to the Project, please explain why. The application should include the answers to:

- Will the proposed Project impact the surrounding environment (e.g., soil [dust], air, water [quality and quantity], animal habitat)? Please briefly describe all earth-disturbing work and any work that will affect the air, water, or animal habitat in the Project area. Please also explain the impacts of such work on the surrounding environment and any steps that could be taken to minimize the impacts.
- Are you aware of any species listed or proposed to be listed as a Federal threatened or endangered species, or designated critical habitat in the Project area? If so, would they be affected by any activities associated with the proposed Project?
- Are there wetlands or other surface waters inside the Project boundaries that potentially fall under Clean Water Act (CWA) jurisdiction as “Waters of the United States”? If so, please describe and estimate any impacts the proposed Project may have.
- When was the water delivery system constructed?
- Will the proposed Project result in any modification of or effects to, individual features of an irrigation system (e.g., headgates, canals, or flumes)? If so, state when those features were constructed and describe the nature and timing of any extensive alterations or modifications to those features completed previously.
- Are any buildings, structures, or features in the irrigation district listed or eligible for listing on the National Register of Historic Places? A cultural resources specialist at your local Reclamation office or the State Historic Preservation Office can assist in answering this question.
- Are there any known archeological sites in the proposed Project area?
- Will the proposed Project have a disproportionately high and adverse effect on low income or minority populations?
- Will the proposed Project limit access to and ceremonial use of Indian sacred sites or result in other impacts on tribal lands?
- Will the proposed Project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area?

*Note: If mitigation is required to lessen environmental impacts, the applicant may, at Reclamation’s discretion, be required to report on progress and completion of these commitments. Reclamation will coordinate with the applicant to establish reporting requirements and intervals accordingly.*

## Section D: Application and Submission Information

*Under no circumstances may an applicant begin any ground-disturbing activities (including grading, clearing, and other preliminary activities) on a Project before environmental compliance is complete and Reclamation explicitly authorizes work to proceed. This pertains to all components of the proposed Project, including those that are part of the applicant's non-Federal cost share. Reclamation will provide a successful applicant with information once environmental compliance is complete. An applicant that proceeds before environmental compliance is complete may risk forfeiting Reclamation funding under this NOFO.*

### **D.2.2.6. Required Permits or Approvals**

Applicants must state in the application whether any permits or approvals are required and explain the plan for obtaining such permits or approvals.

Note that improvements to Federal facilities that are implemented through any Project awarded funding through this NOFO must comply with additional requirements. The Federal government will continue to hold title to the Federal facility and any improvement that is integral to the existing operations of that facility. Reclamation may also require additional reviews and approvals prior to award to ensure that any necessary easements, land use authorizations, or special permits can be approved consistent with the requirements of 43 CFR §429, and that the development will not impact or impair project operations or efficiency.

### **D.2.2.7. Other Federal Funding**

Identify any Federal funding, other than Title XVI funding, received for the Project. Include the amount of Federal funds, the amount of non-Federal cost share provided or required, and a description of the and the work that was or will be funded under the other Federal award(s).

### **D.2.2.8. Project Budget**

The Project budget includes:

- (1) Funding plan and letters of commitment
- (2) Budget proposal
- (3) Budget narrative

The project budget may include costs for planning, design, and/or construction of the Project incurred after the date of Reclamation's feasibility study review findings for the Project or planned to be incurred by September 30, 2025.

*Please note that the costs for preparing and applying in response to this NOFO, including the development of data necessary to support the proposal, are not eligible Project costs under this NOFO and must not be included in the Project budget.*

### **Funding Plan and Letters of Commitment**

Describe how the non-Federal share of Project costs will be provided. Reclamation will use this information in making a determination of financial capability.

## Section D: Application and Submission Information

Project funding provided by a source other than the applicant shall be supported with letters of commitment from these additional sources. Letters of commitment shall identify the following elements:

- The amount of funding commitment
- The date the funds will be available to the applicant
- Any time constraints on the availability of funds
- Any other contingencies associated with the funding commitment

Commitment letters from third-party funding sources should be submitted with your application. If commitment letters are not available at the time of the application submission, please provide a timeline for submission of all commitment letters. Cost-share funding from sources outside the applicant's organization (e.g., loans or state grants), should be secured and available to the applicant prior to award.

Reclamation will not make funds available for an award under this NOFO until the recipient has secured non-Federal cost-share funding. Reclamation will execute a financial assistance agreement once non-Federal funding has been secured or Reclamation determines that there is sufficient evidence and likelihood that non-Federal funds will be available to the applicant subsequent to executing the agreement.

***Note: Applicants are not required to have non-Federal cost-share funding secured for the entire Project at the time of award. Applicants must demonstrate sufficient evidence that non-Federal cost share for the initial Federal obligation will be available at the time of award and must describe a plan and schedule for securing the remaining non-Federal cost-share funding for the Project.***

Please identify the sources of the non-Federal cost-share contributions for the Project, including:

- Any monetary contributions by the applicant towards the cost-share requirement and source of funds (e.g., reserve account, tax revenue, and/or assessments).
- Any costs that will be contributed by the applicant.
- Any third-party contributions (i.e., goods and services provided by a third party).
- Any cash requested or received from other non-Federal entities.
- Any pending funding requests (i.e., grants or loans) that have not yet been approved and explain how the project will be affected if such funding is denied.

In addition, please identify whether the budget proposal includes any project costs that have been or may be incurred prior to award. For each cost, describe:

- The project expenditure and amount
- The date of cost incurrence
- How the expenditure benefits the Project

Please include the following chart (Table 1) to summarize all funding sources. Denote in-kind contributions with an asterisk (\*).

**Section D: Application and Submission Information**

Table 1. Summary of Non-Federal Funding Sources

<b>Funding Sources</b>	<b>Amount</b>
Non Federal Entities	
1.	
2.	
3.	
Non-Federal Subtotal	
<b>Requested Reclamation Funding</b>	

**Budget Proposal**

The total project cost is the sum of all allowable items of costs, including all required cost sharing and voluntary committed cost sharing (including third-party contributions) that are necessary to complete the Project. The budget proposal should include detailed information on the categories listed below and must clearly identify *all* Project costs, including those that will be contributed as a non-Federal cost share by the applicant (required and voluntary), third-party in-kind contributions, and those that will be covered using the funding requested from Reclamation, and any requested pre-award costs. Unit costs must be provided for all budget items, including the cost of services or other work to be provided by consultants and contractors. Applicants are strongly encouraged to review the procurement standards for Federal awards found at 2 CFR §200.317 through §200.327 before developing their budget proposal.

It is also strongly advised that applicants use the budget proposal format shown in Table 2 or a similar format that provides this information. If selected for award, successful applicants must submit detailed supporting documentation for all budgeted costs.

Table 2. Sample Budget Proposal Format

<b>Budget Item Description</b>	<b>Computation</b>		<b>Quantity Type</b>	<b>Total Cost</b>
	<b>\$/Unit</b>	<b>Quantity</b>		
<b>Salaries and Wages</b>				
Employee 1				\$
Employee 2				\$
Employee 3				\$
<b>Fringe Benefits</b>				
Full-Time Employees				\$
Part-Time Employees				\$
<b>Travel</b>				
Trip 1				\$
Trip 2				\$
<b>Equipment</b>				
Item A				\$
Item B				\$
Item C				\$

## Section D: Application and Submission Information

Table 2. Sample Budget Proposal Format

<b>Supplies and Materials</b>				
Item A				\$
Item B				\$
<b>Contractual/Construction</b>				
Contractor A				\$
Contractor B				\$
<b>Third-party Contributions</b>				
Contributor A				\$
Contributor B				\$
<b>Other</b>				
Other				\$
<b>Total Direct Costs</b>				\$
<b>Indirect Costs</b>				
Type of Rate	percentage	\$base		\$
<b>Total Estimated Project Costs</b>				\$

### Budget Narrative

Submission of a budget narrative is mandatory. An award will not be made to any applicant who fails to fully disclose this information. The budget narrative provides a discussion of, or explanation for, items included in the budget proposal. The types of information to describe in the narrative include, but are not limited to, those listed in the following subsections. Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in 2 CFR §200, available at the Electronic Code of Federal Regulations ([www.ecfr.gov](http://www.ecfr.gov)).

#### *Salaries and Wages*

Indicate the program manager and other key personnel by name and title. The project manager must be an employee or board member of the applicant. Other personnel should be indicated by title alone. For all positions, indicate salaries and wages, estimated hours or percent of time, and rate of compensation. The labor rates must identify the direct labor rate separate from the fringe rate or fringe cost for each position. All labor estimates must be allocated to specific tasks as outlined in the applicant's technical project description. Labor rates and proposed hours shall be displayed for each task.

The budget proposal and narrative should include estimated hours for compliance with reporting requirements, including final Project and evaluation. Please see *Section F.3 Reporting Requirements and Distribution* for information on types and frequency of reports required.

Generally, salaries of administrative and/or clerical personnel will be included as a portion of the stated indirect costs. If these salaries can be adequately documented as direct costs, they should be included in this section; however, a justification should be included in the budget narrative.

## Section D: Application and Submission Information

### *Fringe Benefits*

Identify the rates/amounts, what costs are included in this category, and the basis of the rate computations. Federally approved rate agreements are acceptable for compliance with this item.

### *Travel*

Identify the purpose of each anticipated trip, destination, number of persons traveling, length of stay, and all travel costs including airfare (basis for rate used), per diem, lodging, and miscellaneous travel expenses. For local travel, include mileage and rate of compensation. *Note: Travel costs incurred by contractors should not be included in this section, but these costs can be included in the contract cost estimate.*

### *Equipment*

If equipment will be purchased, itemize all equipment valued at or greater than \$5,000. For each item, identify why it is needed for the completion of the work proposed for funding and how the equipment was priced. *Note: If the value is less than \$5,000, the item should be included under materials and supplies.*

If equipment is being rented, specify the number of hours and the hourly rate. Local rental rates are only accepted for equipment actually being rented or leased.

If the applicant intends to use their own equipment for the purposes of the Project, the proposed usage rates should fall within the equipment usage rates outlined by the United States Army Corps of Engineers (USACE) within their *Construction Equipment Ownership and Operating Expense Schedule* (EP 1110-1-8) at <https://www.usace.army.mil/Cost-Engineering/EP1110-1-8/>. *Note: If the equipment will be purchased and installed under a construction contract, the equipment should be included in the construction contract cost estimate.*

### *Supplies*

Itemize supplies by major category, unit price, quantity, and purpose, such as whether the items are needed for office use, research, or construction. Identify how these costs were estimated (i.e., quotes, past experience, engineering estimates, or other methodology). *Note: If the materials/ supplies will be furnished and installed under a construction contract, the equipment should be included in the construction contract cost estimate.*

### *Contractual*

Identify all work that will be accomplished by subrecipients, consultants, or contractors, including a breakdown of all tasks to be completed, and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task. For each proposed contract, identify the procurement method that will be used to select the consultant or contractor and the basis for selection. Please note that all contracts with an anticipated value of \$10,000 or more must use a competitive procurement method. Only contracts for architectural/engineering services can be awarded using a qualifications-based procurement method. If a qualifications-based procurement method is used, profit must be negotiated as a separate element of the contract price. See 2 CFR §200.317 through §200.327 for additional information regarding procurements, including required contract content.

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### *Third-Party In-Kind Contributions*

Identify all work that will be accomplished by third-party contributors, including a breakdown of all tasks to be completed, and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task. Third-party in-kind contributions, including contracts, must comply with all applicable administrative and cost principles criteria, established in 2 CFR § 200, and all other requirements of this NOFO.

### *Environmental and Regulatory Compliance Costs*

Prior to awarding financial assistance, Reclamation must first ensure compliance with Federal environmental and cultural resources laws and other regulations (“environmental compliance”). Every project funded under this program will have environmental compliance costs associated with activities undertaken by Reclamation and the recipient.

To estimate environmental compliance costs, please contact compliance staff at your local Reclamation Office for additional details regarding the type and costs of compliance that may be required for your Project. *Note: Support for your compliance costs estimate will be considered during review of your application.* See *Section G. Agency Contacts* of this NOFO for a list of Reclamation staff by region to contact regarding compliance costs and requirements.

Environmental compliance costs are considered Project costs and must be included as a line item in the Project budget and will be cost shared accordingly. The amount of the line item should be based on the actual expected environmental compliance costs for the Project, including Reclamation’s cost to review environmental compliance documentation. Environmental compliance costs will vary based on project type, location, and potential impacts to the environment and cultural resources.

How environmental compliance activities will be performed (e.g., by Reclamation, the applicant, or a consultant) and how the environmental compliance funds will be spent, will be determined pursuant to subsequent agreement between Reclamation and the applicant. The amount of funding required for Reclamation to conduct any environmental compliance activities, including Reclamation’s cost to review environmental compliance documentation, will be withheld from the Federal award amount and placed in an environmental compliance account to cover such costs. If any portion of the funds budgeted for environmental compliance is not required for compliance activities, such funds may be reallocated to the Project, if appropriate.

Costs associated with environmental and regulatory compliance must be included in the budget. Compliance costs include costs associated with any required documentation of environmental compliance, analyses, permits, or approvals. Applicable Federal environmental laws could include NEPA, ESA, NHPA, CWA, and other regulations depending on the project. Such costs may include, but are not limited to:

- The cost incurred by Reclamation to determine the level of environmental compliance required for the Project
- The cost incurred by Reclamation, the recipient, or a consultant to prepare any necessary environmental compliance documents or reports
- The cost incurred by Reclamation to review any environmental compliance documents prepared by a consultant

## Section D: Application and Submission Information

- The cost incurred by the recipient in acquiring any required approvals or permits, or in implementing any required mitigation measures

### *Other Expenses*

Any other expenses not included in the above categories shall be listed in this category, along with a description of the item and why it is necessary. No profit or fee will be allowed.

### *Indirect Costs*

Indirect costs that will be incurred during the development or construction of a Project, which will not otherwise be recovered, may be included as part of the applicant's Project budget. Show the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable cost principles for the recipient's organization. It is not acceptable to simply incorporate indirect rates within other direct cost line items.

If the applicant has never received a Federal negotiated indirect cost rate, the budget may include a *de minimis* rate of up to 10 percent of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR §200.

If the applicant does not have a federally approved indirect cost rate agreement and is proposing a rate greater than the *de minimis* 10 percent rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on "Preparing and Submitting Indirect Cost Proposals" is available from the Department's Interior Business Center, and Indirect Cost Services, at [www.doi.gov/ibc/services/finance/indirect-cost-services](http://www.doi.gov/ibc/services/finance/indirect-cost-services). If the proposed project is selected for award, the recipient will be required to submit an indirect cost rate proposal with their cognizant agency within 3 months of award.

### *Total Costs*

Indicate the total amount of Project costs, including the Federal and non-Federal cost share amounts.

#### **D.2.2.9. Letters of Support**

Please include letters from interested stakeholders supporting the Project. To ensure your proposal is accurately reviewed, please attach all letters of support/partnership letters as an appendix. (*Note: This will not count against the application page limit.*) **Letters of support received after the application deadline for this NOFO will not be considered in the evaluation of the proposal.**

#### **D.2.2.10. Official Resolution**

Include an official resolution adopted by the applicant's board of directors or governing body, or, for state government entities, a signed statement from an official authorized to commit the applicant to the financial and legal obligations associated with receipt of a financial assistance award under this NOFO, verifying:

- The identity of the official with legal authority to enter into an agreement
- The board of directors, governing body, or appropriate official who has reviewed and supports the application submitted

## Section D: Application and Submission Information

- The capability of the applicant to provide the amount of funding and/or in-kind contributions specified in the funding plan
- That the applicant will work with Reclamation to meet established deadlines for entering into a grant or cooperative agreement

**An official resolution meeting the requirements set forth above is mandatory.** If the applicant is unable to submit the official resolution by the application deadline because of the timing of board meetings or other justifiable reasons, the official resolution may be submitted to [sha-dro-fafoa@usbr.gov](mailto:sha-dro-fafoa@usbr.gov) up to 60 days after the application deadline.

### **D.2.2.11. Conflict of Interest Disclosure**

Per the [Financial Assistance Interior Regulation \(FAIR\), 2 CFR §1402.112](#), applicants must state in their application if any actual or potential conflict of interest exists at the time of submission.

#### *(a) Applicability.*

(1) This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.

(2) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR 200.318 apply.

#### *(b) Notification.*

(1) Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the Department awarding agency or pass-through entity in accordance with 2 CFR 200.112.

(2) Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

*(c) Restrictions on lobbying.* Non-Federal entities are strictly prohibited from using funds under a grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR part 18 and 31 U.S.C. 1352.

*(d) Review procedures.* The Financial Assistance Officer will examine each conflict of interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement, and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

*(e) Enforcement.* Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies for noncompliance, including suspension or debarment (see also 2 CFR part 180).

#### **D.2.2.12. Single Audit Reporting Statement**

All U.S. states, local governments, federally recognized Indian tribal governments, and non-profit organizations expending \$750,000 in U.S. dollars or more in Federal award funds in the applicant's fiscal year must submit a Single Audit report for that year through the [Federal Audit Clearinghouse's Internet Data Entry System](#). U.S. state, local government, federally recognized Indian tribal government, and non-profit applicants must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If your organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the Employer Identification Number (EIN) associated with that report and state if it is available through the [Federal Audit Clearinghouse](#) website.

#### **D.2.2.13. Certification Regarding Lobbying**

Applicants requesting more than \$100,000 in Federal funding must certify to the statements in [43 CFR Part 18, Appendix A-Certification Regarding Lobbying](#). If this application requests more than \$100,000 in Federal funds, the Authorized Official's signature on the appropriate SF-424, Application for Federal Assistance form also represents the entity's certification of the statements in 43 CFR Part 18, Appendix A.

### **D.3. Unique Entity Identifier and System for Award Management**

#### **D.3.1. Identifier and System for Award Management Registration in SAM.gov**

This requirement does not apply to individuals applying for funds as individual (i.e., unrelated to any business or nonprofit organization you may own or operate) or any entity with an exception approved by the funding bureau or office in accordance with bureau or office policy. All other applicants are required to obtain a Data Universal Numbering System (DUNS) number from Dun & Bradstreet (D&B) and then register in [SAM.gov](#) prior to submitting a Federal award application. Federal award recipients must continue to maintain an active SAM.gov registration with current information through the life of their Federal award(s). We may not make a Federal award to an applicant that has not completed the [SAM.gov](#) registration. If an applicant selected for funding has not completed their [SAM.gov](#) registration by the time the program is ready to make an award, the program may determine that the applicant is not qualified to receive an award. The program can use that determination as a basis for making an award to another applicant. **There is no cost to register with Dun & Bradstreet or SAM.gov.** There are third-party vendors who will charge a fee in exchange for registering entities with Dun & Bradstreet and [SAM.gov](#); **please be aware you can register and request help for free.**

#### **D.3.2. Obtain a DUNS Number**

Request a DUNS Number through the Dun & Bradstreet website. For technical difficulties, send an email to the [D&B System of Award Management \(SAM\) Help Desk](#). Please ensure that you are able to receive emails from [SAMHelp@dnb.com](mailto:SAMHelp@dnb.com). The Grants.gov "[Obtain a DUNS Number](#)" webpage also provides detailed instructions. Once assigned a DUNS number, your organization must maintain up-to-date information with Dun & Bradstreet. Applicants must enter their DUNS number in the "Organizational DUNS" field on the SF-424, Application for Federal Assistance form.

## Section D: Application and Submission Information

### D.3.3. Register with the System for Award Management (SAM)

Register on the [SAM.gov](https://www.sam.gov) website. “Help” tab on the website contains User Guides and other information to assist you with registration. The [Grants.gov Register with SAM page](#) also provides detailed instructions. You can also contact the supporting Federal Service Desk for help registering in SAM. Once registered in SAM, entities must renew and revalidate their SAM registration at least once every 12 months from the date previously registered. Entities are strongly encouraged to revalidate their registration as often as needed to ensure their information is up to date and reflects changes that may have been to the entity’s DUNS or IRS information.

## D.4. Submission Date and Time

**Applications must be submitted (not postmarked by) no later than:**

March 15, 2022, 4:00 p.m. Mountain Daylight Time (MDT)

Proposals received after the application deadline will not be considered unless it can be determined that the delay was caused by Reclamation mishandling or technical issues with the Grants.gov application system. Please note that difficulties related to an applicant’s [Grants.gov](#) profile (e.g., incorrect organizational representative), uploading documents to [Grants.gov](#), or an applicant’s SAM registration are not considered technical issues with the [Grants.gov](#) system.

*Please note that any application submitted for funding under this NOFO may be subjected to a Freedom of Information Act (FOIA) request (5 U.S.C. §552, as amended by P.L. No. 110-175), and as a result, may be made publicly available. Following awards of funding, Reclamation will post all successful applications on the Reclamation website after conducting any redactions determined necessary by Reclamation, in consultation with the recipient.*

### D.4.1. Application Delivery Instructions

Applications may be submitted electronically through Grants.gov ([www.grants.gov](http://www.grants.gov)) or hard copies may be submitted to either one of the following addresses. Under no circumstances will applications received through any other method (such as email or fax) be considered eligible for award.

By mail or USPS overnight services:

Bureau of Reclamation  
Financial Assistance Operations Section, Attn: NOFO Team  
P.O. Box 25007, MS 84-27133  
Denver, CO 80225

All other express delivery services and courier services:

Bureau of Reclamation Mail Services, Attn: NOFO Team (MS 84-27133)  
Denver Federal Center, Bldg. 67, Rm. 152  
6th Avenue and Kipling Street  
Denver, CO 80225

#### **D.4.2. Instructions for Submission of Project Application**

Each applicant shall submit an application in accordance with the instructions contained in this section.

##### ***D.4.2.1. Applications Submitted by Mail, Express Delivery, or Courier Services***

Please follow these instructions to submit your application by mail, express delivery, or courier services.

- Applicants shall submit one copy of all application documents for hardcopy submissions. Only use a binder clip for documents submitted—do not use staples or other binding.
- Hard copy applications may be submitted by mail, express delivery, or courier services to the addresses identified in this NOFO.
- Materials arriving separately will not be included in the application package and may result in the application being rejected or not funded. This does not apply to funding commitment letters or official resolutions. Letters of support received after the application deadline for this NOFO will not be considered in the evaluation of the proposal.
- Faxed and emailed copies of application documents will not be accepted.
- Do not include a cover letter or company literature/brochure with the application. All pertinent information must be included in the application package.

##### ***D.4.2.2. Applications Submitted Electronically***

If the applicant chooses to submit an electronic application, it must be submitted through Grants.gov ([www.grants.gov](http://www.grants.gov)). Applications submitted through GrantSolutions will **not** be accepted. Reclamation encourages applicants to submit their applications for funding electronically through the URL: [www.grants.gov/applicants/apply-for-grants.html](http://www.grants.gov/applicants/apply-for-grants.html). Applicant resource documents and a full set of instructions for registering with Grants.gov and completing and submitting applications online are available at: [www.grants.gov/applicants/apply-for-grants.html](http://www.grants.gov/applicants/apply-for-grants.html).

- Please note that submission of an application electronically requires prior registration through Grants.gov, which may take 7 to 21 days. Please see registration instructions at [www.grants.gov/applicants/apply-for-grants.html](http://www.grants.gov/applicants/apply-for-grants.html). **In addition, please note that the Grants.gov system only accepts applications submitted by individuals that are registered in SAM as both a user and an Authorized Organizational Representative (AOR).**
- Applicants have experienced significant delays when attempting to submit applications through Grants.gov. If you plan to submit your application through [Grants.gov](http://www.grants.gov), you are encouraged to submit your application several days prior to the application deadline. **If you are a properly registered [Grants.gov](http://www.grants.gov) applicant and encounter problems with the [Grants.gov](http://www.grants.gov) application submission process, you must contact the Grants.gov Help Desk to obtain a case number. This case number will provide evidence of your attempt to submit an application prior to the submission deadline.**

## Section D: Application and Submission Information

*Regardless of the delivery method used, you must ensure that your proposal arrives by the date and time deadline stated in this NOFO. Applications received after this date and time due to weather or express delivery/courier performance will not be considered for award. Late applications will not be considered unless it is determined that the delay was caused by Reclamation mishandling or by a problem with the [Grants.gov](https://www.grants.gov) application system.* Please note that difficulties related to an applicant's [Grants.gov](https://www.grants.gov) profile (e.g., incorrect AOR), uploading documents to [Grants.gov](https://www.grants.gov), or an applicant's SAM registration are not considered technical issues with the [Grants.gov](https://www.grants.gov) system.

### **D.4.2.3. Acknowledgement of Application Receipt**

If an application is submitted by mail, express delivery, or courier, Reclamation will notify you in writing that your application was received. If an application is submitted through [Grants.gov](https://www.grants.gov), you will receive an email acknowledging receipt of the application from [Grants.gov](https://www.grants.gov). In addition, Reclamation will notify you via email that your application was successfully downloaded from [Grants.gov](https://www.grants.gov).

## **D.5. Intergovernmental Review**

This NOFO is not subject to Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs."

## **D.6. Funding Restrictions: Pre-award Costs**

Project costs incurred prior to the date of award may be submitted for consideration as an allowable reimbursable expense or as a non-Federal cost share as long as they were incurred after the date of Reclamation's feasibility study review findings.

Reclamation will review the proposed pre-award costs to determine if they are allowable in accordance with the applicable cost principles. To be considered allowable, any pre-award costs proposed for consideration under the new awards must comply with all applicable requirements under this NOFO.

## **D.7. Automated Standard Application for Payments Registration**

All applicants must also be registered with and willing to process all payments through the Department of Treasury Automated Standard Application for Payments (ASAP) system. All recipients with active financial assistance agreements with Reclamation must be enrolled in ASAP under the appropriate Agency Location Code(s) and the Data Universal Number System (DUNS) Number prior to the award of funds. If a recipient has multiple DUNS numbers they must separately enroll within ASAP for each unique DUNS Number and/or Agency.

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Note: If your entity is currently enrolled in the ASAP system with an agency other than Reclamation, you must enroll specifically with Reclamation in order to process payments.

## Section E. Application Review Information

### E.1. Technical Proposal: Evaluation Criteria

The evaluation criteria portion should be addressed in the technical proposal section of the application. Applications should thoroughly address each criterion and any subcriterion in the order presented below. **Applications will be evaluated against the evaluation criteria listed below.**

Note: It is suggested that applicants copy and paste the below criteria and subcriteria into their applications to ensure that all necessary information is adequately addressed.

**The evaluation criteria should be applied to the Project as a whole, not just the Project activities that will be completed over the next 2 years.**

The evaluation criteria total 100 points as shown in Table 3.

Table 3. Evaluation Criteria Points

Criterion	Points
Evaluation Criterion 1—Water Supply	35
Evaluation Criterion 2—Environment and Water Quality	18
Evaluation Criterion 3—Economic Benefits	25
Evaluation Criterion 4—Reclamation's Obligations and Benefits to Rural or Economically Disadvantaged Communities	12
Evaluation Criterion 5—Watershed Perspective	10

#### E.1.1. Evaluation Criterion 1—Water Supply (35 points)

##### **E.1.1.1. Subcriterion No. 1a—Stretching Water Supplies (18 points)**

Points will be awarded based on the extent to which the Project is expected to secure and stretch reliable water supplies. Consideration will be given to the amount of water expected to be made available by the Project; the extent to which the Project will reduce demands on existing water supplies and/or facilities and/or reduce, postpone, or eliminate the development of new water supplies; and the performance measures that will be used to measure the benefits of the Project to otherwise reduce water diversions.

1. How many acre-feet of water are expected to be made available each year upon completion of the Project? What percentage of the present and/or future annual demand in the project sponsor's service area will the Project's reclaimed water provide upon Project completion? The percentage should be based on the total service area demand, not just recycled water demand. Use the total capacity of the entire Project upon completion, not just the water that will be produced by the activities that will be completed over the next 2 years.
2. Will the Project reduce, postpone, or eliminate the development of new or expanded non-recycled water supplies? Explain.

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3. Will the Project alleviate pressure on existing water supplies and/or facilities? If so, please describe the existing water supplies, identify the supplies and/or facilities that will be impacted and explain how they will be impacted by the Project, including quantifications where applicable.
4. What performance measures will be used to quantify actual benefits upon completion of the Project?

### **E.1.1.2. Subcriterion No. 1b—Contributions to Water Supply Sustainability (17 points)**

Points will be awarded for Projects that contribute to a more reliable water supply.

1. Will the Project make water available to address a specific concern? Consider the number of acre-feet of water and/or the percentage of overall water supply to be made available by the Project. Explain the specific concern and its severity. Also explain the role of the Project in addressing that concern and the extent to which the Project will address it. Specific concerns may include, but are not limited to:
  - Water supply shortages
  - Water supply reliability
  - Groundwater depletion
  - Water quality issues
  - Natural disasters that may impact water supply infrastructure
  - Heightened competition for water supplies
  - Availability of alternative supplies
  - Increasing cost of water supplies
2. Will the project address climate change? E.O. 14008: *Tackling the Climate Crisis at Home and Abroad* focuses on increasing resilience to climate change and supporting climate resilient development. E.O. 14008 emphasizes the need to prioritize and take robust actions to reduce climate pollution; increase resilience to the impacts of climate change; protect public health; and conserve our lands, waters, oceans, and biodiversity. Please describe how the project will address climate change.
3. Will the project help create additional flexibility to address drought? Will water made available by this Project continue to be available during periods of drought? To what extent is the water made available by this Project more drought resistant than alternative water supply options? Explain.
4. Has the area served by the Project been identified by the United States Drought Monitor as experiencing severe, extreme, or exceptional drought at any time in the last 4 years?
5. Has the area served by the Project been designated as a drought disaster area by the State in the last 4 years?

**E.1.2. Evaluation Criterion 2—Environment and Water Quality (18 points)**

Points will be awarded based on the extent to which the Project will improve surface, groundwater, or effluent discharge quality; will restore or enhance habitat for non-listed species; will address problems caused by invasive species; or will provide water or habitat for federally listed threatened or endangered species. Indirect benefits of the project will also be considered under this criterion.

1. Will the Project improve the quality of surface water or groundwater? If so, how?
2. Will the Project improve effluent quality beyond levels necessary to meet State or Federal discharge requirements?
3. Will the Project improve flow conditions in a natural stream channel? If so, how?
4. Will the Project restore or enhance habitat for non-listed species? If so, how?
5. Will the Project provide water or habitat for federally listed threatened or endangered species? If so, how?

**E.1.3. Evaluation Criterion 3—Economic Benefits (25 points)**

**E.1.3.1. Subcriterion No. 3a—Cost Effectiveness (15 points)**

Points will be awarded based on the cost per acre-foot of water expected to be delivered upon completion of the Project and how the cost of the Project compares to a non-reclaimed water alternative. Please use costs related to the entire Project, not just the cost of work over the next 2 years or the phase that is currently being constructed. Costs should be provided for the entire Project described in the Reclamation approved feasibility study.

1. Reclamation will calculate the cost per acre-foot of water produced by the Project using information provided by Project sponsors. For a description of how this calculation is done, please see the Title XVI Frequently Asked Questions webpage at <https://www.usbr.gov/watersmart/title/faq.html>.

Please provide the following information for this calculation:

- (a) The total estimated construction costs, by year, for the Project (include all previous and planned work) as shown in Table 4.

Table 4. Estimated Construction Costs by Year

	Year	Cost
1.		
2.		
3.		
4.		
5.		

	Year	Cost
6.		
7.		
8.		
9.		
10.		

**Section E. Application Review Information**

- (b) The total estimated or actual costs to plan and design the Project. Note: This should not include the cost to complete a feasibility study that meets the requirements of Reclamation’s Directives and Standards WTR 11-01, *Title XVI Water Reclamation and Reuse Program Feasibility Study Review Process*, at [www.usbr.gov/recman/wtr/wtr11-01.pdf](http://www.usbr.gov/recman/wtr/wtr11-01.pdf).
- (c) The average annual operation and maintenance costs for the life of the Project. Please do not include periodic replacement costs in the operation and maintenance costs. Periodic replacement costs should be provided separately in response to (f) below. Note: this is an annual cost—not total cost.
- (d) The year the Project will begin to deliver reclaimed water.
- (e) The Projected life (in years) that the Project is expected to last. Note: this should be measured from the time the Project starts delivering water.
- (f) All estimated replacement costs by year as shown in Table 5. If there are multiple replacement costs in one (1) year, or at the same interval, please total them and put them on one line with the year or interval.

Table 5. Replacement Costs by Year

1.		
2.		
3.		
4.		
5.		
6.		
7.		

- (g) The maximum volume of water (in acre-feet) that will be produced annually upon completion of the Project. This volume of water must correspond to the costs provided above. If costs are only provided for a portion or phase of the project, then only the water produced by that same portion or phase of the project will be considered under this criterion.
2. Reclamation will calculate the cost per acre-foot for the Title XVI Project using the information requested in question No. 1 and compare it to the non-reclaimed water alternative, and any other water supply options that the applicant identifies to evaluate the cost effectiveness of the Project. Please provide the following information for this comparison:
- (a) A description of the conditions that exist in the area and projections of the future with, and without, the Project.
  - (b) Provide the cost per acre-foot of other water supply alternatives that could be implemented by the non-Federal Project sponsor in lieu of the Project. This must include, but is not limited to, one non-reclaimed water alternative that would satisfy the same demand as the Project. Other water supply alternatives beyond one non-reclaimed water alternative are not required, but may be provided where available to demonstrate the cost effectiveness of the Project.

## Section E. Application Review Information

- (c) If available, provide the cost per acre-foot of one water supply project with similar characteristics to the Project. This information does not have to be provided if it is not available. It is intended to provide another possible comparison to demonstrate the cost effectiveness of the Project.
- (d) Discussion of the degree to which the Project is cost-effective. Where applicable, include a discussion of why the Project may be cost effective even if the overall Project cost appears to be high.

### **E.1.3.2. Subcriterion No. 3b—Economic Analysis and Project Benefits (10 points)**

Points will be awarded based on the analysis of the Project's benefits relative to the Project's costs. Please use costs related to the entire Project—not just the cost of work over the next 2 years.

1. Summarize the economic analysis performed for the Project including information on the Project's estimated benefits and costs. Describe the methodologies used for the analysis that has been conducted. Points will be awarded based on a comparison of the benefits and costs of the Project. The information provided should include:
  - (a) Quantified and monetized Project costs, including capital costs and operations and maintenance costs.
  - (b) Quantified and monetized Project benefits. This includes benefits that can be quantified and expressed as a monetized benefit per acre-foot. These may include, but are not limited to, benefits related to water supply quantity and water supply reliability, recreational benefits, ecosystem benefits, water quality, energy efficiency, and environmental compliance and permitting. Benefits may also include the avoided costs of no action (i.e., the costs that would be incurred if the Project were not implemented), and the willingness of users or customers to pay for a benefit or to avoid a negative outcome (e.g., the willingness of households to pay for a water supply system that would reduce groundwater overdraft). If quantified and/or monetized information for these benefits is not available, they may be addressed in response to question two below.
  - (c) A comparison of the Project's quantified and monetized benefits and costs.

*\*Please note that information must be included in the proposal to be considered. Scores will not be based on information provided in the Project's feasibility study if the information is not included in the proposal.*

2. Some Project benefits may be difficult to quantify and/or monetize. Describe any economic benefits of the Project that are difficult to quantify and/or monetize. Provide a qualitative discussion of the economic impact of these benefits. Points will be awarded based on the potential economic impact of the Project-related benefits. Some examples of benefits may include, but are not limited to, acres of land or stream miles that may be benefitted or not harmed, benefits to habitat or species, flood risk mitigation, local impacts on residents and/or businesses, job creation, and regional impacts. This may also include benefits listed in question one, if they have not been monetized (e.g., water reliability, water quality, and recreation).

## Section E. Application Review Information

### **E.1.4. Evaluation Criterion 4—Reclamation’s Obligations and Benefits to Rural or Economically Disadvantaged Communities (12 points)**

#### **E.1.4.1. Subcriterion No. 4a—Legal and Contractual Water Supply Obligations (4 Points)**

Points will be awarded for Projects that help to meet Reclamation’s legal and contractual obligations.

Explain how the Project relates to Reclamation’s mission and/or serves a Federal interest. Does the Project help fulfill any of Reclamation’s legal or contractual obligations such as providing water for Indian Tribes, water right settlements, river restoration, minimum flows, legal court orders, or other obligations? If so, explain.

*Note: a Project may help Reclamation fulfill its obligations even if the project sponsor is not a Reclamation contractor, and indirect benefits to Reclamation will also be considered under this criterion.*

The President’s memorandum, “Tribal Consultation and Strengthening Nation-to Nation Relationships,” asserts the importance of honoring the Federal government’s commitments to Tribal Nations. If the project will provide water for a Tribe, identify whether the project will increase water supply sustainability for an Indian Tribe, directly support tribal resilience to climate change or drought impacts, or provide other tribal benefits such as improved public health and safety through water quality improvements or economic growth opportunities.

#### **E.1.4.2. Subcriterion No. 4b—Benefits to Rural or Economically Disadvantaged Communities (8 Points)**

Points will be awarded based on the extent to which the Project serves rural communities or economically disadvantaged communities in rural or urban areas.

1. Does the Project serve a rural community, or are there any rural communities within the Project sponsor’s service area? If so, provide supporting information. A rural community is defined as a community with fewer than 50,000 people. This may include rural areas that are part of a larger urban area.
2. E.O. 14008 and E.O. 13985 affirm the advancement of environmental justice and equity for all through the development and funding of programs to invest in disadvantaged or underserved communities.

Does the Project serve an economically disadvantaged community, or are there any economically disadvantaged communities within the Project sponsor’s service area? If so, provide supporting information. This may include neighborhoods or census tracts within a larger service area that are economically disadvantaged. A community may be considered disadvantaged based on a combination of variables that may include:

- Low income, high and/or persistent poverty
- High unemployment and underemployment
- Racial and ethnic residential segregation, particularly where the segregation stems from discrimination by government entities
- Linguistic isolation
- High housing cost burden and substandard housing

- Distressed neighborhoods
- High transportation cost burden and/or low transportation access
- Disproportionate environmental stressor burden and high cumulative impacts
- Limited water and sanitation access and affordability
- Disproportionate impacts from climate change
- High energy cost burden and low energy access
- Jobs lost through energy transition
- Access to healthcare

### **E.1.5. Evaluation Criterion 5—Watershed Perspective (10 Points)**

Points will be awarded based on the extent to which the Project promotes or applies a watershed perspective by implementing an integrated resources management approach, implementing a regional planning effort, forming collaborative partnerships with other entities, or conducting public outreach.

A watershed perspective generally means an approach to planning directed at meeting the needs of geographically dispersed localities across a region or a watershed that will take advantage of economies of scale and foster opportunities for partnerships. This approach also takes into account the interconnectedness of water and land resources, encourages the active participation of all interested groups, and uses the full spectrum of technical disciplines in activities and decision making. Does the Project:

1. Implement a regional or state water plan or an integrated resource management plan? Explain.
2. Help meet the water supply needs of a large geographic area, region, or watershed? Explain.
3. Promote collaborative partnerships to address water-related issues? Explain.
4. Include public outreach and opportunities for the public to learn about the project? Explain.

## **E.2. Review and Selection Process**

The Federal government reserves the right to reject any and all applications that do not meet the requirements or objectives of this NOFO. Awards will be made for Projects most advantageous to the Federal government. Award selection may be made to maintain balance among the eligible projects listed in this NOFO. The evaluation process will be comprised of the steps described in the following subsections.

### **E.2.1. Initial Screening**

All application packages will be screened to ensure that:

- The applicant meets the eligibility requirements stated in this NOFO.
- The applicant meets the unique entity identifier and SAM registration requirements stated in this NOFO (this may be completed up to 30 days after the application deadline).

## Section E. Application Review Information

- The application meets the content requirements of the NOFO package, including submission of a technical proposal, including responses to the evaluation criteria, a funding plan, budget proposal, and budget narrative.
- The application contains a properly executed SF-424 Application for Federal Assistance, form SF-424C Budget Information—Construction Programs, and form SF-424D Assurances—Construction Programs.
- The application includes an official resolution, adopted by the applicant’s board of directors, governing body, or appropriate authorized official (this may be submitted up to 60 days after the application deadline).
- The application and funding plan meets or exceeds the minimum non-Federal cost share requirements identified in this NOFO.

Reclamation reserves the right to remove an application from funding consideration if it does not pass all of the Initial Screening criteria listed above. An applicant that has submitted an application that is determined to be ineligible for funding will be notified along with other applicants, or sooner, if possible.

### E.2.2. Application Review Committee Evaluation

Evaluation criteria will comprise the total evaluation weight as stated in the *Section E. Application Review Information*. Applications will be scored against the evaluation criteria by an Application Review Committee (ARC), made up of experts in relevant disciplines selected from across Reclamation. The ARC will also review the application to ensure that the proposed Project meets the description of eligible Projects, meets the feasibility study requirement and meets the objective of this NOFO.

Prior to and during ARC review, Reclamation may contact applicants to request clarifications to the information provided, if necessary.

### E.2.3. Red-Flag Review

Following the results of the ARC review, Reclamation offices will review the top-ranking applications and will identify any reasons why a proposed Project would not be feasible or otherwise advisable, including environmental or cultural resources compliance issues, permitting issues, legal issues, or financial position. Positive or negative past performance by the applicant and any partners in previous working relationships with Reclamation may be considered, including whether the applicant is making significant progress toward completing outstanding financial assistance agreements and whether the applicant is in compliance with all reporting requirements associated with previously funded projects.

In addition, during this review, Reclamation will address any specific concerns or questions raised by members of the ARC, conduct a preliminary budget review, and evaluate the applicant’s ability to meet cost share as required.

#### **E.2.4. Managerial Review**

Reclamation management will prioritize Projects to ensure the total amount of all awards does not exceed available funding levels. Management will also ensure that all Projects meet the scope, priorities, requirements, and objectives of this NOFO. Management may also prioritize Projects to ensure that multiple project types are represented. After completing the Managerial Review, Reclamation may notify applicants whose proposals have been selected for award consideration.

#### **E.2.5. Pre-Award Clearances and Approvals**

The following pre-award clearances and approvals must be obtained before an award of funding is made. If the results of all pre-award reviews and clearances are satisfactory, an award of funding will be made once the agreement is finalized (approximately 1 to 3 months from the date of initial selection). If the results of pre-award reviews and clearances are unsatisfactory, consideration of funding for the Project may be withdrawn.

##### ***E.2.5.1. Environmental and Cultural Review***

If the work planned to be completed prior to September 30, 2025, includes construction activities, Reclamation will forward the proposal to the appropriate Reclamation Regional or Area Office for completion of environmental and cultural compliance. However, in most cases, planning and design does not involve ground-disturbing activities and may proceed prior to completion of the environmental and cultural review. The financial assistance agreement will describe how compliance will be carried out and how the costs will be paid. Ground-disturbing activities may not occur until this second level of environmental analysis is completed.

***Note: Any construction costs incurred prior to the completion of environmental and cultural compliance are not eligible for reimbursement and cannot be used to meet the non-Federal cost-share requirement.***

##### ***E.2.5.2. Budget Analysis and Business Evaluation***

A Reclamation Grants Officer will also conduct a detailed budget analysis and complete a business evaluation and responsibility determination. During this evaluation, the Grants Officer will consider several factors that are important, but not quantified, such as:

- Allowability, allocability, and reasonableness of proposed costs.
- Financial strength and stability of the applicant.
- Past performance, including satisfactory compliance with all terms and conditions of previous awards, such as environmental compliance issues, reporting requirements, proper procurement of supplies and services, and audit compliance.
- Adequacy of personnel practices, procurement procedures, and accounting policies and procedures, as established by applicable Office of Management and Budget circulars.

## **Section E. Application Review Information**

### **E.3. Federal Award Performance Integrity Information System**

Prior to making an award with a Federal total estimated amount greater than \$150,000, Reclamation is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently Federal Award Performance Integrity Information System [FAPIIS]) (see 41 U.S.C. §2313). Applicants, at their option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. Reclamation will consider any comments by applicants, in addition to the other information in FAPIIS, in making a judgment about the applicants' integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR §200.205 Federal awarding agency review of risk posed by applicants.

# Section F. Federal Award Administration Information

## F.1. Federal Award Notices

Successful applicants will receive a notice of selection signed by a Reclamation Grants Officer by email. This notice is not an authorization to begin performance.

## F.2. Administrative and National Policy Requirements

See the [“DOI Standard Terms and Conditions”](#) for the administrative and national policy requirements applicable to Department awards.

### F.2.1. Environmental and Cultural Resources Compliance

All Projects being considered for award funding will require compliance with the NEPA before any ground-disturbing activity may begin. Compliance with all applicable Federal, state, and local environmental, cultural, and paleontological resource protection laws and regulations is also required. These may include, but are not limited to, the CWA, ESA, NHPA; consultation with potentially affected tribes; and consultation with the State Historic Preservation Office. Note: Reclamation will be the lead Federal agency for NEPA compliance and will be responsible for evaluating technical information and ensuring that natural resources, cultural, and socioeconomic concerns are appropriately addressed. As the lead agency, Reclamation is solely responsible for determining the appropriate level of NEPA compliance. Further, Reclamation is responsible to ensure that findings under NEPA, and consultations, as appropriate, will support Reclamation’s decision on whether to fund a project. **Environmental and cultural resources compliance costs are considered Project costs and should be included in the Project budget.**

*Under no circumstances may an applicant begin any ground-disturbing activities (e.g., grading, clearing, and other preliminary activities) on a Project before environmental and cultural resources compliance is complete and Reclamation explicitly authorizes work to proceed. This pertains to all components of the proposed Project, including those that are part of the applicant’s non-Federal cost share. Reclamation will provide a successful applicant with information once such compliance is complete. An applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this NOFO.*

### F.2.2. Approvals and Permits

Recipients shall adhere to Federal, state, territorial, tribal, and local laws, regulations, and codes, as applicable, and shall obtain all required approvals and permits. Recipients shall also coordinate and obtain approvals from site owners and operators.

## Section F. Federal Award Administration Information

### F.2.3. Reclamation Administrative Costs

All costs incurred by Reclamation related to the development and administration of any award under this NOFO are considered part of the total costs of the Project, and the recipient will be required to provide non-Federal cost share for Reclamation's administrative costs. These costs include, but are not limited to, salary, overhead, travel, and other costs directly or indirectly related to the award, as determined by Reclamation. Following the completion of each quarter of the fiscal year, Reclamation will provide the recipient with a statement of Reclamation's costs for the previous quarter. The recipient may request explanations or a review of the costs included in the statement; however, Reclamation's determination as to the validity of the costs will be final. The recipient's required non-Federal cost share for Reclamation's costs will be deducted from payments processed by Reclamation for any award issued under this NOFO.

### F.2.4. Real Property, 2 CFR §200.311

Real property, equipment, and intangible property that are acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved (2 CFR §200.316 *Property trust relationship*). Title to real property acquired or improved under a Federal award will vest upon acquisition in the non-Federal entity. Except as otherwise provided by Federal statutes or by the Federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the non-Federal entity must not dispose of or encumber its title or other interests. When real property is no longer needed for the originally authorized purpose, the non-Federal entity must obtain disposition instructions from the Federal awarding agency or pass-through entity. As required by 2 CFR §200.329 *Reporting on real property*, recipients will be required to submit reports on the status of real property acquired or improved under a financial assistance agreement issued under this NOFO.

### F.2.5. Additional Bipartisan Infrastructure Law Requirements

**Wage Rate Requirements (Davis-Bacon Act)**—Section 41101 of the Bipartisan Infrastructure Law requires that all laborers and mechanics employed by contractors or subcontractor in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available under the Bipartisan Infrastructure Law (P.L. 117-58) shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code (commonly referred to as the Davis-Bacon Act).

**Application of Buy America Preference**—Section 70914 of the Bipartisan Infrastructure Law requires that, unless a waiver is approved, funding made available for Federal financial assistance programs for infrastructure under the Law may only be obligated to projects where all of the iron, steel, and manufactured goods used in the project are produced in the United States.

## F.3. Reporting Requirements and Distribution

If the applicant is awarded an agreement as a result of this NOFO, the applicant will be required to submit the following reports during the term of the agreement.

### F.3.1. Financial Reports

Form SF-425—Federal Financial Report must be submitted on at least a semi-annual basis and with the final performance report.

### F.3.2. Interim Performance Reports

The specific terms and conditions pertaining to the reporting requirements will be included in the financial assistance agreement.

Interim performance reports submitted on at least a semi-annual basis, that include the following information:

- A comparison of actual accomplishments to the milestones established by the financial assistance agreement for the period.
- The reasons why established milestones were not met, if applicable.
- The status of milestones from the previous reporting period that were not met, if applicable.
- Whether the Project is on schedule and within the original cost estimate.
- Any additional pertinent information or issues related to the status of the Project.
- Photographs documenting the Project are also appreciated. *Note: Reclamation may print photos with appropriate credit to the applicant.*

### F.3.3. Final Performance Report

Recipients will be required to submit a final performance report encompassing the entire period of performance. The final performance report must include, but is not limited to, the following information:

- A brief description of the components of the Project and the work completed, including each element of the scope of work and the work completed at each stage of the Project.
- The goals and objectives of the Project and whether each of these was met, the reasons why goals and objectives were not met (if appropriate), and any problems, delays encountered in completing the Project, and whether or not the Project was completed within cost.
- Future tracking of Project benefits.
- A description of how the Project demonstrates collaboration, stakeholder involvement or the formation of partnerships, if applicable.
- Any other pertinent issues involving the Project.

Please note that final reports are public documents and may be made available on Reclamation's website.

### F.4. Disclosures

#### F.4.1. Conflict of Interest

Recipients must notify the program immediately in writing of any conflict of interest that arise during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the program in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award. Recipients may not have a former Federal employee as a key project official, or in any other substantial role related to their award, whose participation put them out of compliance with the legal authorities addressing post-Government employment restrictions. See the [U.S. Office of Government Ethics website](#) for more information on these restrictions. Reclamation will examine each conflict of interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, Reclamation will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies Reclamation may result in any of the remedies described in 2 CFR 200.338 Remedies for Noncompliance, including termination of the award.

#### F.4.2. Other Mandatory Disclosures

The Non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the terms and conditions outlined in 2 CFR 200, Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.338 Remedies for Noncompliance, including suspension or debarment.

### F.5. Data Availability

#### F.5.1. Applicability

The Department is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.

#### F.5.2. Use of Data

The regulations at 2 CFR §200.315 apply to data produced under a Federal award, including the provision that the Federal government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

**F.5.3. Availability of Data**

The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third- party evaluation and reproduction of:

- the scientific data relied upon;
- the analysis relied upon; and
- the methodology, including models, used to gather and analyze data.

**F.6. Releasing Applications**

Following awards of funding, Reclamation may post all successful applications on the Reclamation website after conducting any redactions determined necessary by Reclamation, in consultation with the recipient.

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## Section G. Agency Contacts

There will be no pre-application conference. Organizations or individuals interested in submitting applications in response to this NOFO may direct questions to the Reclamation personnel identified below.

### G.1. Reclamation Financial Assistance Contact

Questions regarding application and submission information and award administration may be submitted to [sha-dro-fafoa@usbr.gov](mailto:sha-dro-fafoa@usbr.gov).

### G.2. Reclamation Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the attention of Ms. Amanda Erath, Program Analyst, as follows:

By mail: Bureau of Reclamation  
Water Resources and Planning Office  
Attn: Ms. Amanda Erath  
P.O. Box 25007, MS 86-69200  
Denver, CO 80225

By e-mail: [aerath@usbr.gov](mailto:aerath@usbr.gov)

By phone: 303-445-2766

### G.3. Application System Technical Support

Name: Grants.gov Customer Support  
Telephone: 1-800-518-4726  
Email: [Support@grants.gov](mailto:Support@grants.gov)

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## Section H. Other Information

The following is a brief overview of NEPA, NHPA, and ESA. This information is only relevant to proposals where the funding request includes ground disturbing activities. While these statutes are not the only environmental laws that may apply to the Project, they are the Federal laws that most frequently do apply. Compliance with all applicable environmental laws will be initiated by Reclamation concurrently, immediately following the initial recommendation to award a financial assistance agreement under this NOFO. The descriptions below are intended to provide you with information about the environmental compliance issues that may apply to your Project and to help you budget appropriately for the associated compliance costs.

### H.1. National Environmental Policy Act

NEPA requires Federal agencies such as Reclamation to evaluate, during the decision-making process, the potential environmental effects of a proposed action and any reasonable mitigation measures. Before Reclamation can provide funding for ground disturbing activities under this NOFO, Reclamation must comply with NEPA. Compliance with NEPA can be accomplished in several ways, depending upon the degree and significance of environmental impacts associated with the proposal:

Some projects may fit within a recognized **Categorical Exclusion (CE)** to NEPA (i.e., one of the established categories of activities that generally do not have significant impacts on the environment). If a project fits within a CE, no further NEPA compliance measures are necessary. Use of a CE can involve simple identification of an applicable **Department CE** or documentation of a **Reclamation CE** using a **Categorical Exclusion Checklist (CEC)**. If a CE is being considered, Reclamation will determine the applicability of the CE and whether extraordinary circumstances (i.e., reasons that the CE cannot be applied) exist. That process can take anywhere from 1 day to about 30 days, depending upon the specific situation.

If the Project does not fit within a CE, compliance with NEPA might require preparation of an **Environmental Assessment/Finding of No Significant Impact (EA/FONSI)**. Generally, where no CE applies but there are not believed to be any significant impacts associated with the proposed action, an EA will be required. The EA is used to determine whether any potentially significant effects exist (which would trigger the further step of an **Environmental Impact Statement (EIS)**, below). If no potentially significant effects are identified, the EA process ends with the preparation of a FONSI. The EA/FONSI process is more detailed than the CE/CEC process and can take weeks or even months to complete. Consultation with other agencies and public notification are part of the EA process.

## Section H. Other Information

The most detailed form of NEPA compliance, where a proposed Project has potentially significant environmental effects, is completion of an **EIS** and **Record of Decision (ROD)**. An EIS requires months or years to complete, and the process includes considerable public involvement, including mandatory public reviews of draft documents. It is not anticipated that Projects proposed under this program will require completion of an EIS.

During the NEPA process, potential impacts of a Project are evaluated in context and in terms of intensity (e.g., will the proposed action affect the only native prairie in the county? Will the proposed action reduce water supplied to a wetland by 1 percent? or 95 percent?). The best source of information concerning the potentially significant issues in a Project area is the local Reclamation staff that has experience in evaluating effects in context and by intensity.

Reclamation has the sole discretion to determine what level of environmental NEPA compliance is required. If another Federal agency is involved, Reclamation will coordinate to determine the appropriate level of compliance. You are encouraged to contact your regional or area Reclamation office. See <https://www.usbr.gov/watersmart/title/contacts.html> with questions regarding NEPA compliance issues. You may also contact the Program Coordinator for further information (see *Section G. Agency Contacts*).

## H.2. National Historic Preservation Act

To comply with Section 106 of the NHPA, Reclamation must consider whether a proposed Project has the **potential to cause effects to historic properties**, before we can complete an award under this NOFO. Historic properties are cultural resources (historic or prehistoric districts, sites, buildings, structures, or objects) that qualify for inclusion in the National Register of Historic Places. In some cases, water delivery infrastructure that is over 50 years old can be considered a historic property that is subject to review.

If a proposal is selected for initial award, the recipient will work with Reclamation to complete the Section 106 process. Compliance can be accomplished in several ways, depending on how complex the issues are, including:

- If Reclamation determines that the proposed Project does not have the potential to cause effects to historic properties, then Reclamation will document its findings and the Section 106 process will be concluded. This can take anywhere from a couple of days to 1 month.
- If Reclamation determines that the proposed Project could have effects on historic properties, a multi-step process, involving consultation with the State Historic Preservation Officer and other entities, will follow. Depending on the nature of the Project and impacts to cultural resources, consultation can be complex and time consuming. The process includes:
  - Determining whether additional information is necessary
  - Evaluating the significance of identified cultural resources
  - Assessing the effect of the Project on historic properties

- Determining whether the Project would have an adverse effect and evaluation of alternatives or modifications to avoid, minimize, or mitigate the effects

A Memorandum of Agreement is then used to record and implement any necessary measures. At a minimum, completion of the multi-step Section 106 process takes about 2 months.

- Among the types of historic properties that might be affected by projects proposed under this NOFO are **historic irrigation systems** and **archaeological sites**. An irrigation system or a component of an irrigation system (e.g., a canal or headgate) is more likely to qualify as historic if it is more than 50 years old, if it is the oldest (or an early) system/component in the surrounding area, and if the system/component has not been significantly altered or modernized. In general, proposed projects that involve ground disturbance, or the alteration of existing older structures, are more likely to have the potential to affect cultural resources. However, the level of cultural resources compliance required, and the associated cost, depends on a case-by-case review of the circumstances presented by each proposal.

You should contact your State Historic Preservation Office and your local Reclamation office's cultural resources specialist to determine what, if any, cultural resources surveys have been conducted in the Project area. See <https://www.usbr.gov/cultural/crmstaff.html> for a list of Reclamation cultural resource specialists. If an applicant has previously received Federal financial assistance it is possible that a cultural resources survey has already been completed.

### H.3. Endangered Species Act

Pursuant to Section 7 of the ESA, each Federal agency is required to consult with the U.S. Fish and Wildlife Service (USFWS) or the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service to ensure any action it authorizes, funds, or carries out is not likely to **jeopardize the continued existence of any endangered or threatened species or destroy or adversely modify any designated critical habitat**.

Before Reclamation can approve funding for the implementation of a proposed Project, it is required to comply with Section 7 of the ESA. The steps necessary for ESA compliance vary, depending on the presence of endangered or threatened species and the effects of the proposed Project. A rough overview of the possible course of ESA compliance is:

- If Reclamation can determine that there are no endangered or threatened species or designated critical habitat in the Project area, then the ESA review is complete and no further compliance measures are required. This process can take anywhere from 1 day to 1 month.
- If Reclamation determines that endangered or threatened species may be affected by the Project, then a **Biological Assessment** must be prepared by Reclamation. The Biological Assessment is used to help determine whether a proposed action may affect a listed species or its designated critical habitat. The Biological Assessment may result in a determination that a proposed action **is not likely to adversely affect** any endangered or threatened species.

## Section H. Other Information

If the USFWS/NOAA Fisheries concurs in writing, then no further consultation is required and the ESA compliance is complete. Depending on the scope and complexity of the proposed action, preparation of a Biological Assessment can range from days to weeks or even months. The USFWS/NOAA Fisheries generally respond to requests for concurrence within 30 days.

- If it is determined that the Project **is likely to adversely affect listed species**, further consultation (**formal consultation**) with USFWS or NOAA Fisheries Service is required to comply with the ESA. The process includes the creation of a **Biological Opinion** by the USFWS/NOAA Fisheries Service, including a determination of whether the Project would **jeopardize** listed species and, if so, whether any **reasonable and prudent** alternatives to the proposed Project are necessary to avoid jeopardy. Nondiscretionary **reasonable and prudent measures** and **terms and conditions** to minimize the impact of incidental take may also be included. Under the timeframes established in the ESA regulations, the Biological Opinion is issued within 135 days from the date that formal consultation was initiated, unless an extension of time is agreed upon.

The time, cost, and extent of the work necessary to comply with the ESA depends upon whether endangered or threatened species are present in the Project area and, if so, whether the Project might have effects on those species significant enough to require formal consultation.

ESA compliance is often conducted parallel to the NEPA compliance process and, as in the case of a CEC, documented simultaneously. The best source of information concerning the compliance with the ESA in a particular Project area is the local Reclamation environmental staff that can be helpful in determining the presence of listed species and possible effects that would require consultation with the USFWS or NOAA Fisheries. Contact your regional or area Reclamation office with questions regarding ESA [compliance](#) issues.

**INFORMATION ONLY**

February 7, 2022 JPA Board Meeting

TO: JPA Board of Directors

FROM: Engineering and External Affairs

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**Subject : Rancho Las Virgenes Composting Facility Woolsey Fire Repairs: Approval of Change Order No. 7**

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The Las Virgenes-Triunfo Joint Powers Authority (JPA) approved funding for this matter in the JPA Budget. On December 21, 2021, the LVMWD Board, acting as Administering Agent of the JPA, authorized the Administering Agent/General Manager to approve Change Order No. 7 to Pacific Hydrotech Corporation, in the amount of \$43,915.87, for additional electrical and HVAC repairs for the Rancho Las Virgenes Composting Facility Woolsey Fire Repairs Project.

**SUMMARY:**

On November 12, 2018, the LVMWD Board declared a state of emergency due to the Woolsey Fire, which devastated portions of western Los Angeles and eastern Ventura counties. The fire impacted most of the JPA's service area and damaged key facilities including the Rancho Las Virgenes Composting Facility. On May 5, 2020, the LVMWD Board, acting as Administering Agent of the JPA, approved a change order to Pacific Hydrotech Corporation, in the amount of \$1,542,900, to complete repairs to the Rancho Las Virgenes Composting Facility. On December 21, 2021, the LVMWD Board, acting as Administering Agent of the JPA, approved Change Order No. 7, in the amount of amount of \$43,915.87, for additional repair work that was identified during construction and not included in the original scope of work. The additional work is expected to be reimbursed by the JPA's insurance provider.

**FISCAL IMPACT:**

Yes

**ITEM BUDGETED:**

Yes

**FINANCIAL IMPACT:**

The cost of the additional work is \$43,915.87, which is expected to be reimbursed by the JPA's insurance provider. Sufficient funds for the work are included in the adopted Fiscal Year

2021-22 JPA Budget. No additional appropriation is required.

**DISCUSSION:**

On November 12, 2018, the LVMWD Board declared a state of emergency for the Woolsey Fire, which devastated portions of western Los Angeles and eastern Ventura counties. The fire impacted most of the JPA's service area and damaged key facilities including the Rancho Las Virgenes Composting Facility (Rancho).

Staff has worked with the JPA's insurance carrier to secure reimbursement for the cost of repairs to Rancho. To expedite the completion of the repairs and restore the operation of Rancho, staff determined that the best strategy was to issue change orders to the companies that already held construction contracts for similar work at Rancho: Pacific Hydrotech Corporation and GSE Construction, Inc. The two contractors were provided the same scope of work for bidding purposes, which included repair of the biofilter as well as structural and mechanical repairs to Rancho's Amendment Building, to ensure the JPA received competitive pricing for the work to be performed.

JPA legal counsel advised staff to ensure that the work for any proposed change order was related to the original scope of work described in the respective construction contracts. Both contractors were working on repairs and modifications to the composting processes. The scope of work being performed by GSE Construction was for the Digester No. 2 Rehabilitation Project and most closely related to the biofilter repairs. Pacific Hydrotech's contract included the Amendment Bin and Conveyance System Modifications Project, which was most closely related to the required structural and mechanical repairs within the Amendment Building.

Summary of Change Orders:

The Rancho Las Virgenes Composting Facility Woolsey Fire Repairs Project was initiated as Change Order No. 2 to Pacific Hydrotech's construction contract for the Rancho Amendment Bin and Conveyance Modifications. Change Order No. 2 was approved by the LVMWD Board on May 5, 2020, in the amount of \$1,542,900. There have been four subsequent change orders that were approved.

Below is a summary of the change orders associated with the Rancho Las Virgenes Composting Facility Woolsey Fire Repairs Project, beginning with Change Order No. 3.

Change Order Number	Change Order Amount	Comments
3	(\$-3,669.52)	Increase of installation 444 square feet of metal stud framing and lath installation. Scope increase of coating for exterior of the hopper located instead the Amendment Building. Credit back for unused structural framing.
4	\$10,439.70	Conduit and electrical wires for exterior lighting fixtures burnt during the fire, that were not part of the original scope of work.

5	\$33,046.29	Inclusion of gutters, downspouts, wall packs and lights located in the truck dump hopper pit that were damaged during the fire.
6	(\$-14,711.33)	Installation of new 2,400 square feet of standing seam metal roof. Credit back to district for gable truss and reduction in paint square footage.
7	\$43,915.87	Installation of HVAC flexible connectors burnt from the fire, but not part of the original scope of work. Installation of instrumentation for the truck dump hopper that were burnt as part of the Woolsey Fire, but not part of the original scope of work.
Total Sum of Change Orders	\$69,021.01 or less than 5% of the contract amount for the associated work.	

Additional damages associated with proposed Change Order No. 7 are documented and will be submitted to the JPA's insurance carrier for reimbursement. The total sum of change orders for the Rancho Las Virgenes Woolsey Fire Repairs Project is \$69,021.01, or less than 5% of the contract amount for the associated work. The LVMWD Code establishes that a single change order equal to or greater than five percent of the original contract amount must be approved by the Board. Further, if cumulative change orders exceed 10% of the original contract amount, the Board must also approve all subsequent change orders. Starting with Change Order No. 2, the cumulative amount of the change orders exceeded 10% of the original contract amount. As a result, the LVMWD Board, as acting Administering Agent for the JPA, approved Change Order No. 7 on December 21, 2021.

Prepared by: Mercedes Acevedo, Assistant Engineer, E.I.T.