

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

4232 Las Virgenes Road, Calabasas, CA 91302

March 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/83299052339>

To join by telephone, please dial (669) 900-6833 or (346) 248-7799 and enter Webinar ID: 832 9905 2339

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. In addition, members of the public can submit written comments electronically for consideration at 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 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 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.

PLEDGE OF ALLEGIANCE

1 CALL TO ORDER AND ROLL CALL

2 APPROVAL OF AGENDA AND APPROVAL OF FINDINGS OF RESOLUTION NO. 16 (AB 361)

3 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

4 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 February 7, 2022 (Pg. 5)**

Approve.

B **Statement of Revenues, Expenses and Changes in Net Position: January 2022 (Pg. 13)**

Receive and file the Statement of Revenues, Expenses and Changes in Net Position for the period ending January 31, 2022.

5 ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

- A State and Federal Legislative Update (Pg. 16)
- B Pure Water Project Las Virgenes-Triunfo: Update (Pg. 93)

6 **ACTION ITEMS**

A **Tapia Water Reclamation Facility: Flood Protection Update (Pg. 99)**

Authorize the issuance of a Request for Proposals for an updated, comprehensive analysis of the level of flood protection provided for the Tapia Water Reclamation Facility, including recommendations and estimates for required flood protection enhancements.

B **Pure Water Project Las Virgenes-Triunfo: Grant Application for U.S. Bureau of Reclamation WaterSMART Title XVI WIIN Act Funding (Pg. 124)**

Pass, approve and adopt proposed Resolution No. 17, authorizing the submittal of a grant funding application and execution of a grant funding agreement, if awarded, to the U.S. Bureau of Reclamation for the Pure Water Project Las Virgenes-Triunfo.

RESOLUTION NO. 17

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING THE ADMINISTERING AGENT/GENERAL MANAGER, OR DESIGNEE, TO APPLY FOR, RECEIVE FUNDS, ENTER INTO A COOPERATIVE AGREEMENT AND ADMINISTER A GRANT FOR THE WATERSMART: TITLE XVI WIIN ACT WATER RECLAMATION AND REUSE PROJECTS GRANT

(Reference is hereby made to Resolution No. 17 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

7 **BOARD COMMENTS**

8 **ADMINISTERING AGENT/GENERAL MANAGER REPORT**

9 **FUTURE AGENDA ITEMS**

10 **INFORMATION ITEMS**

A **Rancho Las Virgenes Composting Facility: Biofilter Maintenance for Zone Nos. 1 to 4 (Pg. 130)**

11 **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

12 **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.

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

5:00 PM

February 7, 2022

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 suspended certain requirements of the Ralph M. Brown Act to support social distancing guidelines associated with response to the coronavirus (COVID-19) outbreak. Susan Brown, Administrative Assistant, conducted the roll call.

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

Absent: None.

2. CHAIR/VICE CHAIR**A Annual Transition of JPA Chair and Vice Chair**

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

The JPA Board transitioned its officers with Las Virgenes Municipal Water District Board President Jay Lewitt as Chair and Triunfo Water & Sanitation District Chair Leon Shapiro as Vice Chair for calendar year 2022.

3. **APPROVAL OF AGENDA AND ADOPTION OF RESOLUTION NO. 16 (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. 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.)

Director Polan moved to approve Item 3A. Motion seconded by Director Tjulander. Motion carried unanimously by roll call vote.

4. **PUBLIC COMMENTS**

None.

5. **CONSENT CALENDAR**

A **Minutes: Regular Meeting of December 6, 2021: Approve**

B **Budget Planning Calendar for Fiscal Years 2022-23 and 2023-24.**

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**

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

Director Orkney moved to approve the Consent Calendar. Motion seconded by Director Wall. Motion carried unanimously by roll call vote.

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

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 discussed funding opportunities for the Pure Water Project Las Virgenes-Triunfo (Pure Water Project). She noted that the U.S. Bureau of Reclamation (USBR) approved the Pure Water Project's Title XVI Feasibility Study, which would allow the JPA to apply for construction funds once the Notice of Funding Opportunity becomes available. She stated that staff would move forward with the Title XVI application, which would be due by March 15th, and BBK staff would work on obtaining letters of support from federal legislators to include with the grant application. She also stated that BBK staff would continue to seek other funding opportunities. She also reported that the President's State of the Union Address would be held on March 1st, and that she expected conversations regarding the federal budget and federal priorities in terms of budget allocations would be discussed, as well as the Build Back Better Act. She noted that the Build Back Better Act included substantial water and wastewater programming provisions that would be important to the JPA; however, the plan had been consistently stalled and would not likely pass the Senate in its entirety. She provided an update regarding the U.S. Environmental Protection Agency's (EPA) Per- and Polyfluoroalkyl Substances (PFAS) Strategic Roadmap, and noted that the EPA indicated that it would be releasing a Notice of Proposed Rulemaking to include perfluorooctanoic acid (PFOA) and PFAS under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) – the Superfund Law.

Lowry Crook, federal lobbyist for the JPA with BBK, noted that the concern regarding PFAS was the focus on the industry that created the chemicals and not on the potential unintended consequences for water agencies. He stated that water agencies could be pulled unnecessarily into cleanup actions and litigation.

A discussion ensued regarding scheduling meetings with the JPA's Washington D.C. delegation to discuss funding opportunities for the Pure Water Project, and inviting Congresswoman Julia Brownley and Congressman Brad Sherman and their staffs to tour the Pure Water Demonstration Facility.

Syrus Devers, state lobbyist for the JPA with Best Best & Krieger LLP (BBK), reported that the State Legislators had until February 18th to introduce new bills. He noted that the Association of California Water Agencies discussed budget priorities and would advocate for additional funding towards water recycling projects. He also noted that the California Department of Water Resources had begun its grant funding cycle; however, he believed that the focus of the grant funding would be on Sustainable Groundwater Management Act projects.

B Pure Water Project Las Virgenes-Triunfo: Update

Oliver Slosser, Engineering Program Manager, presented the report. He noted that

staff would submit an application for approximately \$7 million from U.S. Bureau of Reclamation Title XVI Grant Program. He responded to questions regarding meetings with the Fernandeano Tatavium Band of Mission Indians, the City of Agoura Hills, and the City of Thousand Oaks. He also responded to questions regarding project challenges, which could include environmental review and grant timing.

7. **ACTION ITEMS**

A Independent Auditing Services: Award

Accept the proposals 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 three percent annual escalator, to provide independent auditing services.

Brian Richie, Finance Manager, presented the report.

Director Polan moved to approve Item 7A. Motion seconded by Director Caspary. Motion carried unanimously by roll call vote.

B Malibou Lake Siphon Rehabilitation Project: Award of Design

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

Oliver Slosser, Engineering Program Manager, presented the report.

Director Shapiro moved to approve Item 7B. Motion seconded by Director Tjulander.

Mr. Slosser responded to questions regarding infiltration into the pipeline, which would be investigated by HDR Consulting, Inc.

Administering Agent/General Manager David Pedersen responded to a question regarding the source of the wastewater flows in the trunk sewer by stating that the flows were conveyed from the Westlake and Lake Sherwood areas of the Triunfo Water & Sanitation District.

A discussion ensued regarding the possibility of the Board declaring an emergency and approving a negative declaration to proceed with replacing the 24-inch pipeline with a new pipe and minimizing overall project costs. Administrative Agent/General Manager responded that the Board could consider declaring an emergency as a

future option when deciding on the best repair strategy. He stated that an advantage of declaring an emergency would be decreasing the amount of time required to bid the project; however, the Board might want to consider the potential for achieving competitive costs. Staff also discussed contingency planning to be prepared in the event that the sewer experiences a collapse.

A discussion ensued regarding budgeting for a larger pipeline assessment program and the current Sewer System Management Plan to inspect and evaluate the sewer system.

John Coffman, representing HDR Consulting, Inc., responded to a question regarding new technologies for replacing pipelines, and discussed the possibility of laying a pipe on the bottom of Malibou Lake after conducting a field survey.

Director Caspary asked that the existing easements be examined as part of this project.

Mr. Coffman responded to a question regarding monitoring leaks in the submerged trunk line in Malibou Lake by stating that the pipe would be welded and pressure-tested, and there would be no joints where the pipe could leak. Eric Schlageter, Principal Engineer, added that a high-line might be to be constructed along the section of the pipeline.

A discussion ensued regarding keeping the possibility of the Board declaring an emergency as an option, and following-up with the City of Los Angeles regarding detecting leaks in submerged pipelines along the coast.

Administering Agent/General Manager David noted an error in the financial impact section of the staff report, and stated that the project costs would be allocated between Las Virgenes Municipal Water District and Triunfo Water & Sanitation District for sewer system capital work based on each agency's reserve capacity rights in the trunk sewer in accordance with the JPA agreement.

Motion carried unanimously by roll call vote.

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

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.

Veronica Hurtado, Associate Engineer, presented the report.

Director Caspary moved to approve Item 7C. Motion seconded by Director Wall.

Motion carried unanimously by roll call vote.

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

Accept the proposal from Larry Walker Associates, Inc., 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.

Brett Dingman, Water Reclamation Manager, presented the report.

Director Orkney moved to approve Item 7D. Motion seconded by Director Polan.

A discussion ensued regarding chloride limits for discharges to the Los Angeles River as permitted under the NPDES permit.

Motion carried unanimously by roll call vote.

8. BOARD COMMENTS

Chair Lewitt referenced an article in the *Los Angeles Times* regarding the treated water from the Los Angeles River being too valuable to be discharged to the ocean.

Director Lo-Hill noted that the City of Calabasas's weekly newsletter included an article regarding the State Water Resources Control Board adopting wasteful water use regulations and the need to continue to conserve water.

9. ADMINISTERING AGENT/GENERAL MANAGER REPORT

Administering Agent/General Manager David Pedersen reported that the flow in Malibu Creek measured 15.3 cubic feet per second, and staff was discharging to the creek due to low recycled water demands. He noted that the five-year term for the current NPDES permit would end on July 31, 2022, and a permit renewal application and notice of intent was filed on January 31, 2022. He stated that staff was requesting several changes in the permit in anticipation of the Pure Water Project Las Virgenes-Triunfo. He also reported that an odor complaint was received related to the Rancho Las Virgenes Composting Facility. He noted that the biofilter was impacted from the heavy rains in December, and staff was evaluating odor control measures. He also reported that the County of Los Angeles was planning on replacing the bridge at Malibu Canyon Road over Malibu Creek. He noted that the County would conduct a hydraulic analysis of the creek to ensure that the bridge would be placed at the proper elevation. He also noted that a preliminary copy of the report indicated that the hydraulic profile of the creek was higher than historically modeled. He stated that the County was planning on placing the bridge two feet higher than the existing bridge, and there was a profile at a

number of cross sections in the creek along the Tapia Water Reclamation Facility (Tapia) that exceeded the floodwall height. He stated that staff would meet with Los Angeles County Public Works staff, and would bring back a report at the next JPA Board meeting regarding potential flood improvements that might be needed to protect Tapia. He also reminded the Board to submit their annual Form 700 Statement of Economic Interests by March 1st.

10. FUTURE AGENDA ITEMS

None.

11. INFORMATION ITEMS

A State and Federal Redistricting: Final Maps

B U.S. Bureau of Reclamation WaterSMART Title XVI WIIN Act Grant Opportunity

C Rancho Las Virgenes Composting Facility Woolsey Fire Repairs: Approval of Change Order No. 7

12. PUBLIC COMMENTS

None.

13. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:25 p.m.**

Jay Lewitt, Chair

ATTEST:

Leon E. Shapiro, Vice Chair

March 7, 2022 JPA Board Meeting

TO: JPA Board of Directors

FROM: Finance & Administration

Subject : Statement of Revenues, Expenses and Changes in Net Position: January 2022

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 January 31, 2022.

FISCAL IMPACT:

No

ITEM BUDGETED:

No

FINANCIAL IMPACT:

There is no financial impact associated with this report.

DISCUSSION:

JPA operating revenues year-to-date through January 31, 2022 of Fiscal Year 2021-22 were \$1.5 million, which were 9.5% below the prior year's revenues of \$1.6 million and trending in line with the \$2.6 million budget for the fiscal year. The decrease in revenues for the JPA as

compared to the prior year was primarily due to lower recycled water sales. Las Virgenes Municipal Water (District) began to impose wasteful water use penalties for recycled water in January 2021 in an effort to drive conservation and more efficient water use by customers. There has been a subsequent decrease in the District customers' recycled water usage, which has in turn reduced the volume of recycled water purchased by the District from the JPA.

JPA operating expenses year-to-date through January 31, 2022 were \$11.5 million, which were \$0.6 million (or 4.8%) below the prior year's operating expenses of \$12.1 million and encompassed 62.3% of the \$18.5 million operating budget for the fiscal year. Decreases in operating expenses versus the prior year were primarily due to lower operating and maintenance labor costs in the current year for wastewater treatment. Two factors contributed to the drop in labor costs versus the prior year. The first factor stems from lower overtime costs for the JPA versus the prior year when a COVID surge resulted in a larger-than-normal bump in overtime costs. The second factor that increased costs last year related to the retirement of two long-tenured employees, resulting in the cash-out/disbursement of accrued leave.

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 - January 2022

LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY
Statement of Revenues, Expenses, and Changes in Net Position
For the Month ended January 31, 2022 (Preliminary) and 2021
(dollars in thousands)



| | Current Budget | <i>Through 58% of fiscal year</i> | | Variance with Prior Year Positive (Negative) |
|---|---------------------------|---------------------------------------|------------------|---|
| | | Actual Year-to-Date | | |
| | <u>2021/22</u> | <u>2021/22</u> | <u>2020/21</u> | <u>2021/22 to 2020/21</u> |
| OPERATING REVENUES: | | | | |
| Wholesale recycled water sales | \$ 2,528 | \$ 1,402 | \$ 1,600 | \$ (198) |
| Other income | 80 | 75 | 32 | 43 |
| Total operating revenues | 2,608 | 1,477 | 1,632 | (155) |
| OPERATING EXPENSES: | | | | |
| Treatment Plant | 4,542 | 2,455 | 2,716 | (261) |
| Recycled water transmission and distribution | 1,965 | 1,279 | 1,362 | (83) |
| Compost Plant | 2,737 | 1,499 | 1,665 | (166) |
| Sewer | 94 | 101 | 94 | 7 |
| General and administrative | 8,894 | 5,981 | 6,075 | (94) |
| Other operating expenses | 224 | 179 | 159 | 20 |
| Total operating expenses | 18,456 | 11,494 | 12,071 | (577) |
| OPERATING INCOME (LOSS) BEFORE BILLING TO PARTICIPANTS | (15,848) | (10,017) | (10,439) | 422 |
| Billing to Participants | 15,848 | 10,004 | 10,424 | (420) |
| OPERATING INCOME (LOSS) | - | (13) | (15) | 2 |
| NONOPERATING REVENUES (EXPENSES): | | | | |
| Interest income (expense) | 20 | 18 | 15 | 3 |
| Total nonoperating revenues (expenses) | 20 | 18 | 15 | 3 |
| CHANGES IN NET POSITION | 20 | 5 | - | 5 |
| NET POSITION: | | | | |
| Beginning of fiscal year | 98,362 | 98,362 | 97,123 | 1,239 |
| Ending Net Position | \$ 98,382 | \$ 98,367 | \$ 97,123 | \$ 1,244 |


BEST BEST & KRIEGER 
 ATTORNEYS AT LAW

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

Updates on the Delta Conveyance will soon be a regular feature of this report. The Department of Water Resources (DWR) appears to be serious about opening the 90 day public comment period on the state and federal environmental review documents (EIR/EIS) as early as May and no later than June. There are different requirements under federal and state regulations. By working on both simultaneously, DWR must conform to the most prescriptive requirements of each and they are taking a very conservative approach. That means they are going out of their way to avoid indicating a preference for any particular alternative and considering a wide range of alternatives. They are looking at tunnel capacities from a low of 3,000 cfs to 7,500 cfs., and three different tunnel routes. Opponents of the tunnel argue that allowing the State Water Project to continue to degrade will force Southern California to develop new water supplies. An interesting part of the final report will be an analysis of the impacts of doing just that. Under the “no project” alternative required by CEQA (EIR), DWR says it will address a broad range of impacts that would be expected if the Delta Conveyance is not completed.

Turning to legislation, it initially appeared that the Legislature might focus its attention on other pressing issues rather than water and not introduce a large number of bills relating to water policy, but in the final days for the bill introduction deadline an almost record number of water-related bills came out. The major focus will be on indoor water use efficiency standards, which has been discussed previously in this report under AB 1434 (Friedman). Last month’s report described the potential consequences of Assemblymember Friedman introducing a second bill on the same subject in violation of the Joint Rules. Friedman, however, dropped her plans and Senator Hertzberg introduced it as

SB 1157 instead.

Another bill to watch is AB 2142 (Gabriel) on turf replacement. (Specifically exclusion from income tax for the turf removal credit.) The reason for calling it out this year is that the bill might finally have a chance of passing. Previous attempts have been blocked by the former Chair of the powerful Assembly Appropriations Committee, Lorena Gonzales, who left the Legislature to lead the also powerful California Labor Federation. Gonzales was replaced as Chair by Assemblymember Chris Holden of Pasadena... a former author of the bill.



The bill introduction deadline was February 18th, and bills cannot be heard or amended for the first 30 days after introduction. Given that the legislative Spring Recess begins on April 7th, expect the last week of March and the first week of April to be one of the busiest times of the year.

Las Virgenes-Triunfo JPA

[AB 1001](#) ([Garcia, Cristina D](#)) **Environment: mitigation measures for air and water quality impacts: environmental justice.**

Current Text: Amended: 1/24/2022 [html](#) [pdf](#)

Status: 2/1/2022-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 2/1/2022-S. RLS.

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would authorize mitigation measures, identified in an environmental impact report or mitigated negative declaration to mitigate the adverse effects of a project on air or water quality of a disadvantaged community, to include measures for avoiding, minimizing, or compensating for the adverse effects on that community. The bill would require compensating measures, included as mitigation measures, to mitigate those effects directly in the affected disadvantaged community. The bill would require all public agencies, in implementing CEQA, to give consideration to the principles of environmental justice, as provided, by ensuring the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins. Because the bill would impose additional duties on the lead agency, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

[AB 1774](#) ([Sevarto R](#)) **California Environmental Quality Act: water conveyance or storage projects: judicial review.**

Current Text: Introduced: 2/3/2022 [html](#) [pdf](#)

Status: 2/10/2022-Referred to Coms. on NAT. RES. and JUD.

Location: 2/10/2022-A. NAT. RES.

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would require the Judicial Council to adopt rules of court applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification or adoption of an environmental impact report for water conveyance or storage projects, as defined, or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to those projects. The bill would require the lead agency to prepare the record of proceedings for a water conveyance or storage project, as provided, and to include a specified notice in the draft EIR and final EIR for the water conveyance or storage project. By imposing additional duties on lead agencies, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

[AB 1817](#) ([Ting D](#)) **Product safety: textile articles: perfluoroalkyl and polyfluoroalkyl substances (PFAS).**

Current Text: Introduced: 2/7/2022 [html](#) [pdf](#)

Status: 2/18/2022-Referred to Com. on E.S. & T.M.

Location: 2/18/2022-A. E.S. & T.M.

Summary: Existing law prohibits, beginning January 1, 2023, any person from distributing, selling, or offering for sale in the state any food packaging that contains regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS, as defined, and requires a manufacturer to use the least toxic alternative when replacing regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS in food packaging to comply with this requirement. Existing law similarly prohibits, beginning July 1, 2023, a person from selling or distributing in commerce in this state any new, not previously owned, juvenile product, as defined, that contains regulated PFAS chemicals. This bill would prohibit, beginning January 1, 2024, any person from distributing, selling, or offering for sale in the state any textile articles that contain regulated PFAS, and requires a manufacturer to use the least toxic alternative when replacing regulated PFAS in textile articles to comply with these provisions.

[AB 1845](#) ([Calderon D](#)) **Metropolitan Water District of Southern California: alternative project delivery methods.**

Current Text: Introduced: 2/8/2022 [html](#) [pdf](#)

Status: 2/18/2022-Referred to Coms. on L. GOV. and W.,P., & W.

Location: 2/18/2022-A. L. GOV.

Summary: Existing law generally sets forth the requirements for the solicitation and evaluation of bids and the awarding of contracts by local agencies for public works contracts. Existing law authorizes certain entities, including the Department of General Services, the Military Department, the Department of Corrections and Rehabilitation, and specified local agencies, to use the design-build procurement process, as prescribed, for specified public works. This bill would authorize the Metropolitan Water District of Southern California to use the design-build procurement process for certain regional recycled water projects or other water infrastructure projects. The bill would define "design-build" to mean a project delivery process in which both the design and construction of a project are procured from a single entity. The bill would require the district, if using this procurement process, to follow certain procedures, including preparing and issuing a request for qualifications, preparing a request for proposals including the scope and needs of the project or contract, and awarding projects based on certain criteria for projects utilizing either lowest responsible bidder or best value selection criteria. This bill contains other related provisions and other existing laws.

AB 1944 (Lee D) Local government: open and public meetings.

Current Text: Introduced: 2/10/2022 [html](#) [pdf](#)

Status: 2/18/2022-Referred to Com. on L. GOV.

Location: 2/18/2022-A. L. GOV.

Summary: Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would specify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public when the legislative body has elected to allow members to participate via teleconferencing.

AB 1993 (Wicks D) Employment: COVID-19 vaccination requirements.

Current Text: Introduced: 2/10/2022 [html](#) [pdf](#)

Status: 2/11/2022-From printer. May be heard in committee March 13.

Location: 2/10/2022-A. PRINT

Summary: Existing law, the California Fair Employment and Housing Act (FEHA), establishes the Department of Fair Employment and Housing within the Business, Consumer Services, and Housing Agency and sets forth its powers and duties relating to the enforcement of civil rights laws with respect to housing and employment. This bill would require an employer to require each person who is an employee or independent contractor, and who is eligible to receive the COVID-19 vaccine, to show proof to the employer, or an authorized agent thereof, that the person has been vaccinated against COVID-19. This bill would establish an exception from this vaccination requirement for a person who is ineligible to receive a COVID-19 vaccine due to a medical condition or disability or because of a sincerely held religious belief, as specified, and would require compliance with various other state and federal laws. The bill would require proof-of-vaccination status to be obtained in a manner that complies with federal and state privacy laws and not be retained by the employer, unless the person authorizes the employer to retain proof. This bill contains other related provisions and other existing laws.

AB 2142 (Gabriel D) Income taxes: exclusion: turf replacement water conservation program.

Current Text: Introduced: 2/15/2022 [html](#) [pdf](#)

Status: 2/15/2022-From printer. May be heard in committee March 18.

Location: 2/15/2022-A. PRINT

Summary: The Personal Income Tax Law and the Corporation Tax Law, in conformity with federal income tax law, generally defines "gross income" as income from whatever source derived, except as specifically excluded, and provides various exclusions from gross income. Existing law provides an exclusion from gross income for any amount received as a rebate or voucher from a local water or energy agency or supplier for the purchase or installation of a water conservation water closet, energy efficient clothes washers, and plumbing devices, as specified. This bill would, for taxable years beginning on or after January 1, 2022, and before January 1, 2027, under both of these laws, provide an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a local water agency or supplier for participation in a turf replacement water

conservation program. This bill contains other related provisions and other existing laws.

[AB 2157](#) (Rubio, Blanca D) Urban water use objectives: indoor residential water use.

Current Text: Introduced: 2/15/2022 [html](#) [pdf](#)

Status: 2/15/2022-From printer. May be heard in committee March 18.

Location: 2/15/2022-A. PRINT

Summary: Existing law requires the Department of Water Resources, in coordination with the State Water Resources Control Board, and in collaboration with and input from stakeholders, to conduct necessary studies and investigations and authorizes the department and the board to jointly recommend to the Legislature a standard for indoor residential water use. Existing law, until January 1, 2025, establishes 55 gallons per capita daily as the standard for indoor residential water use, beginning January 1, 2025, establishes the greater of 52.5 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use, and beginning January 1, 2030, establishes the greater of 50 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use. This bill would make a nonsubstantive change to the provision requiring the department and the board to collaborate with, and seek input from, stakeholders with regard to the studies, investigations, and report.

[AB 2201](#) (Bennett D) State water policy: water rights.

Current Text: Introduced: 2/15/2022 [html](#) [pdf](#)

Status: 2/15/2022-From printer. May be heard in committee March 18.

Location: 2/15/2022-A. PRINT

Summary: Existing law declares general state policies regarding water use, water rights, and the regulation of the waters of California. This bill would make nonsubstantive changes to one of those provisions relating to water rights.

[AB 2278](#) (Kalra D) Natural resources: coastal and ocean resources.

Current Text: Introduced: 2/16/2022 [html](#) [pdf](#)

Status: 2/17/2022-From printer. May be heard in committee March 19.

Location: 2/16/2022-A. PRINT

Summary: Existing law creates the California Ocean Protection Act, which includes various legislative findings and declarations related to coastal and ocean resources. This bill would make a nonsubstantive change to these provisions.

[AB 2313](#) (Bloom D) Water: judges and adjudications.

Current Text: Introduced: 2/16/2022 [html](#) [pdf](#)

Status: 2/17/2022-From printer. May be heard in committee March 19.

Location: 2/16/2022-A. PRINT

Summary: (1) Existing law authorizes the Judicial Council to conduct institutes and seminars for the purpose of orienting judges to new judicial assignments, keeping them informed concerning new developments in the law, and promoting uniformity in judicial procedure, as specified. This bill would encourage the Judicial Council to establish a program that provides training and education to judges in specified actions relating to water, as defined. The bill would provide that the program may be funded by an appropriation from the General Fund in the annual Budget Act or another statute. The bill would authorize the Chairperson of the Judicial Council to assign to certain actions relating to water a judge with that training or education. This bill contains other related provisions and other existing laws.

[AB 2387](#) (Garcia, Eduardo D) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.

Current Text: Introduced: 2/17/2022 [html](#) [pdf](#)

Status: 2/18/2022-From printer. May be heard in committee March 20.

Location: 2/17/2022-A. PRINT

Summary: The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, approved by the voters as Proposition 68 at the June 5, 2018, statewide primary direct election, authorizes the issuance of bonds in the amount of \$4,100,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. Article XVI of the California Constitution requires measures authorizing general obligation bonds to specify the single object or work to be funded by the bonds and further requires a bond act to be approved by a 2/3 vote of each house of the Legislature and a majority of the voters. This bill would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$7,430,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs. This bill contains other related provisions.

[AB 2449](#) (Rubio, Blanca D) Open meetings: local agencies: teleconferences.

Current Text: Introduced: 2/17/2022 [html](#) [pdf](#)

Status: 2/18/2022-From printer. May be heard in committee March 20.

Location: 2/17/2022-A. PRINT

Summary: Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would authorize a local agency to use teleconferencing without complying with those specified teleconferencing requirements if at least a quorum of the members of the legislative body participates in person from a singular location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. The bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law. This bill contains other related provisions and other existing laws.

[AB 2451](#) (Wood D) State Water Resources Control Board: drought planning.

Current Text: Introduced: 2/17/2022 [html](#) [pdf](#)

Status: 2/18/2022-From printer. May be heard in committee March 20.

Location: 2/17/2022-A. PRINT

Summary: Existing law establishes within the Natural Resources Agency the State Water Resources Control Board and the California regional water quality control boards. Existing law requires the work of the state board to be divided into at least 2 divisions, known as the Division of Water Rights and the Division of Water Quality. Existing law requires the state board to formulate and adopt state policy for water quality control. This bill would require the state board to establish a Drought Section within the Division of Water Rights, as specified. The bill would require the state board, in consultation with the Department of Fish and Wildlife, to adopt principles and guidelines for diversion and use of water in coastal watersheds during times of water shortage for drought preparedness and climate resiliency and for the development of watershed-level contingency plans to support public trust uses, public health and safety, and the human right to water in times of water shortage. The bill would require the state board to adopt those principles and guidelines no later than March 31, 2023, as specified. This bill contains other related provisions and other existing laws.

[AB 2605](#) (Villapudua D) Water quality: state certification.

Current Text: Introduced: 2/18/2022 [html](#) [pdf](#)

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the Federal Water Pollution Control Act and the Porter-Cologne Water Quality Control Act. Under federal law, any applicant seeking a federal license or permit for an activity that may result in any discharge into the navigable waters of the United States is required to first seek a state water quality certification, as specified. The Porter-Cologne Water Quality Control Act authorizes the state board to certify or provide a statement to a federal agency, as required pursuant to federal law, that there is reasonable assurance that an activity of any person subject to the jurisdiction of the state board will not reduce water quality below applicable standards. The federal act provides that if a state fails or refuses to act on a request for this certification within a reasonable period of time, which shall not exceed one year after receipt of the request, then the state certification requirements are waived with respect to the federal application. This bill would authorize the state board to delegate its authority regarding the above-described issuance of a certificate or statement to the regional boards. The bill would require a project proponent, as defined, to request a prefiling meeting with the state board, as specified. The bill would require the state board to act on the certification within 60 days, except as specified, and would provide that a failure or refusal to act on a certification request within that period of time waives the certification requirement for a license or permit. The bill would require a certification request to the state board for either an individual license or permit or a general license or permit to contain specified information. The bill would require the state board to take specified actions depending on whether it grants, grants with conditions, or denies the certification request.

[AB 2639](#) (Quirk D) Water quality control plans and water rights permits.

Current Text: Introduced: 2/18/2022 [html](#) [pdf](#)

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: Existing law establishes the State Water Resources Control Board and the 9 California regional water quality control boards as the principal state agencies with authority over matters relating to water quality. Existing law requires the state board to formulate and adopt state policy for water quality control. Existing law authorizes the state board to adopt water quality control plans for waters that require water quality standards pursuant to the Federal Water Pollution Control Act, and those plans supersede any regional water quality control plans for the same waters to the extent of any conflict. This bill would require the state board, on or before December 31, 2023, to adopt a final update of a specified water quality control plan for the Bay-Delta and to implement the final San Joaquin River/Southern Delta update of that specified water quality control plan, as provided. The bill would prohibit the state board from approving any new water right permits or extensions of time for any existing permits resulting in new or increased diversions to surface water storage from the Sacramento River/San Joaquin River watershed until the state board has taken those actions.

AB 2740 (Dahle, Megan R) Water resources: desalination.

Current Text: Introduced: 2/18/2022 [html](#) [pdf](#)

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: Existing law requires the Department of Water Resources, not later than July 1, 2004, to report to the Legislature, on potential opportunities and impediments for using seawater and brackish water desalination, and to examine what role, if any, the state should play in furthering the use of desalination technology. Existing law requires the department to convene a Water Desalination Task Force, comprised of representatives from listed agencies and interest groups, to advise the department in carrying out these duties and in making recommendations to the Legislature. This bill would repeal these provisions.

AB 2742 (Friedman D) Water meters: urban water suppliers.

Current Text: Introduced: 2/18/2022 [html](#) [pdf](#)

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: The Water Measurement Law generally requires the installation of a water meter as a condition of new water service on and after January 1, 1992. The law, with certain exceptions, requires an urban water supplier to install water meters on all municipal and industrial service connections that are located in its service area on or before January 1, 2025. This bill would delay that requirement for an urban water supplier to install the water meters to on or before January 1, 2030.

AB 2877 (Garcia, Eduardo D) Water infrastructure projects: grants: tribal governments.

Current Text: Introduced: 2/18/2022 [html](#) [pdf](#)

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, a bond act approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds to finance a water quality, supply, and infrastructure improvement program, as specified. This bill would state the intent of the Legislature to enact subsequent legislation that would create the Tribal Government Water Infrastructure Grant Fund in the State Treasury to provide grants to tribal governments for water infrastructure projects.

AB 2895 (Arambula D) Water transfers.

Current Text: Introduced: 2/18/2022 [html](#) [pdf](#)

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: Existing law regulates water transfers and authorizes a permittee or licensee to temporarily change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if the transfer would only involve the amount of water that would have been consumptively used or stored by the permittee or licensee in the absence of the proposed temporary change, would not injure any legal user of the water, and would not unreasonably affect fish, wildlife, or other instream beneficial uses. Existing law defines a temporary change for these purposes to mean a change of point of diversion, place of use, or purpose of use involving a transfer or exchange of water or water rights for a period of one year or less. This bill would make nonsubstantive changes to the definition of a temporary change.

AB 2940 (Dahle, Megan R) Water rights: reasonable and beneficial use of water.

Current Text: Introduced: 2/18/2022 [html](#) [pdf](#)

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: Existing law declares that the right to water is limited to that water that is reasonably required for the beneficial use to be served, and does not extend to the waste or unreasonable use, unreasonable method of use, or unreasonable method of diversion of water. This bill would make nonsubstantive changes to that provision.

[SB 45](#) (**Portantino D**) **Short-lived climate pollutants: organic waste reduction goals: local jurisdiction assistance.**
Current Text: Amended: 1/3/2022 [html](#) [pdf](#)
Status: 1/24/2022-Read third time. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.
Location: 1/24/2022-A. DESK
Summary: 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.

[SB 222](#) (**Dodd D**) **Water Rate Assistance Program.**
Current Text: Amended: 8/30/2021 [html](#) [pdf](#)
Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/3/2021)(May be acted upon Jan 2022)
Location: 9/10/2021-A. 2 YEAR
Summary: Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This bill would establish the Water Rate Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to low-income ratepayers and ratepayers experiencing economic hardship in California. The bill would require the Department of Community Services and Development to develop and administer the Water Rate Assistance Program established by the bill. The bill would make moneys in the fund available upon appropriation by the Legislature to the department to provide, in consultation with the state board, direct water bill assistance, water bill credits, and water crisis assistance, and would require 80% of total funds to be directly applied to customer assistance. The bill would authorize the department to identify and contract with a third-party fund administrator. The bill would impose requirements on the department, in consultation with the state board, in connection with the program, including, among others, developing guidelines and fund oversight procedures for implementation of the program by January 1, 2023, consulting with an advisory group, and adopting an annual fund expenditure plan. This bill contains other related provisions and other existing laws.

[SB 230](#) (**Portantino D**) **State Water Resources Control Board: Constituents of Emerging Concern in Drinking Water Program.**
Current Text: Amended: 1/20/2022 [html](#) [pdf](#)
Status: 1/26/2022-Read third time. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.
Location: 1/26/2022-A. DESK
Summary: Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. The state board's duties include, but are not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable and safe supply of drinking water, enforcing the federal Safe Drinking Water Act, and adopting and enforcing regulations. This bill would require the state 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 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. This bill contains other related provisions.

[SB 559](#) (**Hurtado D**) **Department of Water Resources: water conveyance systems: Water Conveyance Restoration Fund.**
Current Text: Amended: 8/30/2021 [html](#) [pdf](#)
Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/8/2021)(May be acted upon Jan 2022)
Location: 9/10/2021-A. 2 YEAR
Summary: Under existing law, the United States Bureau of Reclamation operates the federal Central Valley Project and the Department of Water Resources operates the State Water Project to supply

water to persons and entities in the state. Existing law requires the Friant-Kern Canal to be of such capacity as the Department of Water Resources determines necessary to furnish an adequate supply of water for beneficial purposes in the area to be served by the canal. This bill would establish the Water Conveyance Restoration Fund in the State Treasury to be administered by the Department of Water Resources in consultation with the State Water Resources Control Board and the Department of Fish and Wildlife. The bill would require all moneys deposited in the fund to be expended, upon appropriation by the Legislature, in support of subsidence repair costs, including environmental planning, permitting, design, and construction and necessary road and bridge upgrades required to accommodate capacity improvements. The bill would require the Director of Water Resources to apportion money appropriated from the fund, subject to specified requirements, for the Friant-Kern Canal, Delta-Mendota Canal, San Luis Field Division of the California Aqueduct, and San Joaquin Division of the California Aqueduct. The bill would require the director to disburse the funding to the owner of the conveyance facility subject to an agreement that addresses specified issues. The bill would require the director to convene a public meeting for comment on the director's apportionment of appropriated funding and the agreement and would require the Department of Water Resources to submit to the Joint Legislative Budget Committee annual and final reports, as prescribed. The bill would make these provisions inoperative on July 1, 2030, and would repeal the provisions as of January 1, 2031.

SB 832 **(Dodd D) Water rights: measurement of diversion.**

Current Text: Introduced: 1/3/2022 [html](#) [pdf](#)

Status: 1/19/2022-Referred to Com. on N.R. & W.

Location: 1/19/2022-S. N.R. & W.

Summary: 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 and 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 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.

SB 892 **(Hurtado D) Cybersecurity preparedness: food and agriculture sector and water and wastewater systems sector.**

Current Text: Introduced: 1/31/2022 [html](#) [pdf](#)

Status: 2/17/2022-Set for hearing March 15.

Location: 2/9/2022-S. G.O.

Summary: Existing law, the California Emergency Services Act, among other things, creates the Office of Emergency Services (CalOES), which is responsible for the state's emergency and disaster response services, as specified. Existing law requires CalOES to establish the California Cybersecurity Integration Center (Cal-CSIC) with the primary mission of reducing the likelihood and severity of cyber incidents that could damage California's economy, its critical infrastructure, or public and private sector computer networks in the state. Existing law requires Cal-CSIC to provide warnings of cyberattacks to government agencies and nongovernmental partners, coordinate information sharing among these entities, assess risks to critical infrastructure information networks, enable cross-sector coordination and sharing of best practices and security measures, and support certain cybersecurity assessments, audits, and accountability programs. Existing law also requires Cal-CSIC to develop a statewide cybersecurity strategy to improve how cyber threats are identified, understood, and shared in order to reduce threats to California government, businesses, and consumers, and to strengthen cyber emergency preparedness and response and expand cybersecurity awareness and public education. This bill would require CalOES to develop, propose, and adopt reporting requirements applicable to companies and cooperatives in the food and agriculture industry if they identify a significant and verified cyber threat or active cyberattack. The bill would require a water and wastewater systems sector entity serving more than 3,300 people to report their risk assessments and emergency response plan required by the America's Water Infrastructure Act of 2018 to the California Cybersecurity Integration Center, the Department of Water Resources, and the State Water Resources Control Board. The bill would require CalOES to direct Cal-CSIC to prepare, and CalOES to submit to the Legislature on or before January 1, 2024, a strategic, multiyear outreach plan for state agencies to increase awareness and interest in cybersecurity in the food and agriculture sector and the water and wastewater sector and an evaluation of options for providing entities in those sectors with grants or alternative forms of funding to improve cybersecurity preparedness and potential actions that do not require funding that would create an incentive to improve cybersecurity preparedness in those sectors. The bill would make related findings and declarations. This bill contains

other existing laws.

SB 1059 (Becker D) Water Recycling in Landscaping Act: recycled water producers.

Current Text: Introduced: 2/15/2022 [html](#) [pdf](#)

Status: 2/23/2022- Referred to Coms. on GOV. & F. and N.R. & W.

Location: 2/23/2022-S. GOV. & F.

Summary: The Water Recycling in Landscaping Act requires a recycled water producer, as defined, if the recycled water producer determines that within 10 years they will provide recycled water that meets specified conditions within the boundaries of a local agency, to notify the local agency of that fact and other specified information. This bill would instead require a recycled water producer to provide that notification if they determine that within 8 years they will provide recycled water that meets specified conditions within the boundaries of a local agency.

SB 1078 (Allen D) Sea Level Rise Revolving Loan Pilot Program.

Current Text: Introduced: 2/15/2022 [html](#) [pdf](#)

Status: 2/23/2022- Referred to Com. on N.R. & W.

Location: 2/23/2022-S. N.R. & W.

Summary: Existing law establishes in state government the Ocean Protection Council. Existing law requires the council to, among other things, establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies. Existing law establishes the State Coastal Conservancy with prescribed powers and responsibilities for implementing and administering various programs intended to preserve, protect, and restore the state's coastal areas. This bill would require the council, in consultation with the conservancy, to develop the Sea Level Rise Revolving Loan Pilot Program for purposes of providing low-interest loans to local jurisdictions for the purchase of coastal properties in their jurisdictions identified as vulnerable coastal property located in specified communities, including low-income communities, as provided. The bill would require the council, before January 1, 2024, in consultation with other state planning and coastal management agencies, as provided, to adopt guidelines and eligibility criteria for the program. The bill would authorize specified local jurisdictions to apply for, and be awarded, a low-interest loan under the program from the conservancy, in consultation with the council, if the local jurisdiction develops and submits to the conservancy a vulnerable coastal property plan and completes all other requirements imposed by the council. The bill would require the conservancy, in consultation with the council, to review the plans to determine whether they meet the required criteria and guidelines for vulnerable coastal properties to be eligible for participation in the program. This bill contains other related provisions.

SB 1157 (Hertzberg D) Urban water use objectives: indoor residential water use.

Current Text: Introduced: 2/17/2022 [html](#) [pdf](#)

Status: 2/18/2022- From printer.

Location: 2/17/2022-S. RLS.

Summary: Existing law requires the Department of Water Resources, in coordination with the State Water Resources Control Board, and including collaboration with and input from stakeholders, to conduct necessary studies and investigations and authorizes the department and the board to jointly recommend to the Legislature a standard for indoor residential water use. Existing law, until January 1, 2025, establishes 55 gallons per capita daily as the standard for indoor residential water use. Existing law establishes, beginning January 1, 2025, the greater of 52.5 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use, and beginning January 1, 2030, establishes the greater of 50 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use. This bill would eliminate the option of using the greater of 52.5 gallons per capita daily and the greater of 50 gallons per capita daily, as applicable, or a standard recommended by the department and the board as the standard for indoor residential water use. The bill would instead require that from January 1, 2025, to January 1, 2030, the standard for indoor residential water use be 47 gallons per capita daily and beginning January 1, 2030, the standard be 42 gallons per capita daily.

SB 1442 (Borgeas R) Water conservation and reclamation projects.

Current Text: Introduced: 2/18/2022 [html](#) [pdf](#)

Status: 2/22/2022- From printer.

Location: 2/18/2022-S. RLS.

Summary: Existing law establishes the Water Conservation Projects Act of 1985 and declares the intent of the Legislature to encourage local agencies and private enterprise to implement water conservation and reclamation projects. This bill would make nonsubstantive changes to related legislative findings and declarations.

SB 1459 (Caballero D) State water policy.

Current Text: Introduced: 2/18/2022 [html](#) [pdf](#)

Status: 2/22/2022- From printer.

Location: 2/18/2022-S. RLS.

Summary: The Porter-Cologne Water Quality Control Act requires the State Water Resources Control Board to formulate and adopt state policy for water quality control. This bill would make nonsubstantive changes to that provision.

[SB 1485](#) (Rubio D) Water quality: statewide program.

Current Text: Introduced: 2/18/2022 [html](#) [pdf](#)

Status: 2/22/2022-From printer.

Location: 2/18/2022-S. RLS.

Summary: The Porter-Cologne Water Quality Control Act designates the State Water Resources Control Board and the California regional water quality control boards as the principal state agencies with authority over matters relating to water quality. The act requires the state board and the regional boards to, among other things, coordinate their respective activities to achieve a unified and effective water quality control program in the state. This bill would make nonsubstantive changes to the latter provision.

Total Measures: 33

Total Tracking Forms: 33



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To: Las Virgenes-Triunfo JPA Board of Directors and Staff
From: John Freshman, Ana Schwab, and Lowry Crook
Date: March 1, 2022
RE: Federal Report

Legislation

Protecting Infrastructure and Promoting Environmental Stewardship (PIPES) Act

Representatives Lisa McClain (R-MI) and Alan Lowenthal (D-CA) introduced the bipartisan Protecting Infrastructure and Promoting Environmental Stewardship (PIPES) Act, H.R.6591, which will require the Environmental Protection Agency to publish a rule that will establish standards for the flushability of disposable wipes. The legislation provides considerations EPA will use to create standards, including evaluating the environment impact, clearance ability, and disintegration of the product. The PIPES Act would codify the International Water Services Flushability Group's "(PAS)101: 2020 Criteria for Recognition as a Flushable Product." Additionally, it will impose monetary fines on manufacturers that fail to meet the standards. The PIPES Act serves as a compliment to Rep. Lowenthal's WIPPES Act (H.R.4602); the bills in tandem aim to holistically address the issue of disposable wipes.

FY2022 Appropriations Expected to Pass Prior to March Deadline; Build Back Better Focus from the Biden Administration

The two issues on the forefront of Congress's attention are relief for Ukraine and appropriations. Currently, the government is funded through a continuing resolution that will fund the government through March 11. Next week, the appropriations bills should be released, which will finally provide insight on the funding levels for fiscal year 2022. The omnibus will likely include relief aid for Ukraine, which will range from \$6 billion to \$10 billion. The Biden Administration has not officially asked for funding; however, the estimated request may be \$2.9 billion for humanitarian and security needs for Ukraine, the Baltic countries, Poland, and other countries in the region, and \$3.5 billion for the Defense Department. There is a bipartisan interest in passing a supplemental spending measure for Ukraine, which will help ensure that necessary progress is made to meet the March deadline.

The lead House and Senate negotiators announced they have reached an agreement for the topline numbers for the fiscal bills, which will be within an approximately \$1.5 trillion framework. The lead appropriators have not yet released specific details on the framework. The House and Senate appropriations subcommittees have begun drafting the twelve government funding bills, respectively, and will introduce them next week. As previously reported, the House and Senate Interior-Environment and Energy and Water bills released several months ago had similar funding levels and increases compared to fiscal year 2021. BB&K will provide a detailed breakdown of the appropriations bills as they are introduced.



While Congress has made progress on crucial government spending, it has not moved forward in any capacity with Build Back Better, President Biden's signature climate and social spending bill. Democrats still want to move forward with the reconciliation bill before the midterms, but they do not have the necessary numbers to pass the package. Senator Joe Manchin (D-WV) reiterated his support for higher corporate taxes and tax credits for clean energy; however, he wants to see the inflation rate decrease before Congress passes another significant spending bill.

During President Biden's State of the Union address, the President will highlight the necessity for a clean energy tax package that will help decrease inflation and individual Americans' costs. The speech will highlight the need for a collaborative effort to combat climate change. The address may draw more attention to the package once again, and Congress may refocus its attention on the reconciliation pitch once appropriations and Ukraine relief are passed. At this point if a package moves forward, it is expected to be much smaller in scope than the original reconciliation bill.

At the moment, there is consensus among Democrats on the climate provisions, which contain approximately \$320 billion in tax incentives for clean energy and electric vehicles. Additionally, Sen. Manchin and fellow Democrats want to see the reconciliation bill address child care and prescription drug prices. A smaller reconciliation package with these three items (and more) may eventually be drafted. The Biden Administration and Democrats will continue to push for a successful reconciliation tax measure, even in a reduced form.

West Virginia v. EPA – U.S. Supreme Court May Reign Back EPA's Regulatory Authority

Yesterday at the U.S. Supreme Court, oral arguments for *West Virginia v. EPA*. The Court may resolve whether the U.S. Constitution gives Congress the authority to delegate broad regulatory power to the EPA to control greenhouse gas emissions. Based on questions from some of the conservative justices, the justices appeared open to limiting the scope of EPA's authority to require stricter power plant emissions controls. A potential outcome would limit the power of the agency to regulate broad climate policy issues and leaving the responsibility upon Congress to legislate. The Supreme Court is expected to issue its ruling in the early summer.

The consolidated cases come from an appeal from the U.S. Court of Appeals for the District of Columbia Circuit. On January 19, 2021, the D.C. Circuit vacated the Trump administration's decision to repeal the 2015 Clean Power Plan (CPP) and the Trump administration's replacement rule, the Affordable Clean Energy Rule (ACE). The court remanded the case to the EPA to make a new rule consistent with the Circuit Court's ruling. EPA has not moved forward with creating a new rule and is awaiting a ruling from the U.S. Supreme Court on the issue.



PFAS Litigation

The state of Colorado has filed suit against 15 chemical and firefighting foam manufacturers, including E.I. du Pont de Nemours and Co. and the Chemours Co. The defendants have all made aqueous film forming foam (AFFF) containing polyfluoroalkyl substances (PFAS) or chemicals used in the foams. The complaint seeks to cleanup and other costs for damage to Colorado's public health and environment. The case is expected to be transferred to the South Carolina multidistrict litigation, where water district and other AFFF cases are pending.

In California, the City of Whittier sued 3M Co., DuPont De Nemours and Coin Los Angeles Superior Court seeking to hold the companies liable for the presence of toxic compounds known as PFAS, PFOA and PFOS in the city's water well. The city wants compensatory damages in the form of costs relating to past, present, and future sampling and testing for contamination and funding for remediation and cleanup.

Also in California, L'Oréal USA Inc. was sued in a proposed class action; the complaint alleges the company failed to disclose its mascara contains PFAS, and therefore fraudulently and misleadingly marketed its products as safe for consumers. Since PFAS does not break down, the residue from makeup ends up contaminating landfills and water systems. By 2025, California will further regulate makeup and ban cosmetics containing lead, mercury, and some PFAS.

Grant: R22AS00178 WaterSMART Drought Response Program: Drought Contingency Planning Grants for Fiscal Year 2022

The Notice of Funding Opportunity invites states, tribes, irrigation districts, water districts, and other organizations with water or power delivery authority to leverage their money and resources by cost sharing drought contingency planning with Reclamation to build resilience to drought in advance of a crisis. Applicants may request funding to develop a new drought plan or to update an existing drought plan (collectively, Drought Contingency Plans). The WaterSMART Drought Response Program supports a proactive approach to drought by providing financial assistance to develop and update comprehensive drought plans (Drought Contingency Planning) and implement projects that will build long-term resilience to drought (Drought Resiliency Projects). The award ceiling is \$200,000. In general, the recipient cost share will be 50 percent or more of total project costs. Applications are due by April 14, 2022, 4:00 p.m., MT.



Forecasted WaterSMART Grant Programs Funding Schedule

The chart below reflects the Bureau of Reclamation’s tentative schedule for WaterSMART funding opportunities. Of note, there will also be additional funding opportunities from the Bureau of Reclamation as a result of the Bipartisan Infrastructure Law (BIL). BB&K will continue to flag important funding opportunities and deadlines for Las Virgenes-Triunfo JPA.

| PROGRAM | FUNDING OPPORTUNITY | POST DATE (EXPECTED) | CLOSE DATE (EXPECTED) |
|---|--|----------------------------------|------------------------------|
| Drought Response Program | Drought Contingency Planning FY 2022 | OPEN Posted February 15, 2022 | April 14, 2022 |
| | Drought Resiliency Projects FY 2023 | Expected March 2022 | Expected May 2022 |
| WaterSMART Grants | Water and Energy Efficiency Grants FY 2023 | Expected April 2022 | Expected June 2022 |
| | Water Marketing Strategy Grants | Expected November 2022 | Expected January 2023 |
| Environmental Water Resource Projects | Environmental Resources Projects FY 2023 | Expected May 2022 | Expected July 2022 |
| Cooperative Watershed Management Program | Cooperative Watershed Management Program Phase 1 FY 2022 | OPEN Posted January 24, 2022 | March 31, 2022 |
| Title XVI | Title XVI Congressionally Authorized Projects FY 2022 | OPEN Posted January 15, 2022 | March 15, 2022 |
| | WIIN Act Water Reclamation and Reuse Projects FY 2022 | OPEN Posted January 15, 2022 | March 15, 2022 |
| | WIIN Act Desalination Projects FY 2022 | OPEN Posted January 15, 2022 | March 15, 2022 |



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**LAS VIRGENES-TRIUNFO - HIGH PRIORITY LEGISLATION IN THE 117TH CONGRESS
THROUGH MARCH 1, 2022**

| LEGISLATION | SUMMARY | STATUS | POSITION |
|---|--|--|----------|
| <u>H.R.202</u> <u>SALT Fairness Act of 2021</u> | 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 | |
| <u>S.29</u> <u>Local Water Protection Act</u> | 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 | |
| <u>S.Res.17</u> <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> | 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 | |
| <u>H.R.616</u> <u>Emergency Water is a Human Right Act</u> | 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 | |
| <u>S.85</u> <u>SALT Deductibility Act</u> | 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 |
|--|---|--|-----------------------|
| <u>H.R.613</u> <u>SALT Deductibility Act</u> | <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> | |
| <u>S.101</u> <u>Environmental Justice Mapping and Data Collection Act of 2021</u> | <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> | |
| <u>H.R.516</u> <u>Environmental Justice Mapping and Data Collection Act of 2021</u> | <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> | |
| <u>H.R.535</u> <u>Special District Provide Essential Services Act</u> | <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><u>S.91</u> <u>Special Districts Provide Essential Services Act</u></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"> • reduced revenue or operational funding derived from provided services, taxes, fees, or other sources of revenue; • reduced indirect funding from the federal government, the state, or a unit of general government below the state level; or • as a result of the COVID-19 emergency, increased expenditures necessary to continue operations. <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><u>H.R.737</u> <u>RENEW WIIN Act</u></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 |
|---|---|--|----------|
| <u>H.R. 692</u> <u>Recognition of Local Interests in NEPA Decision Making</u> | <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> | |
| <u>H.R.848</u> <u>GREEN Act of 2021</u> | <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> | |
| <u>H.Res.104</u> <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> | <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> | |
| <u>S.Res.43</u> <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> | <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 |
|--|---|---|-----------------------|
| <u>H.R.946</u> <u>SALT Act</u> | <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> | |
| <u>H.R.1015</u> <u>Water Recycling Investment and Improvement Act</u> | <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> |
| <u>H.R.988</u> <u>Recreational Lands Self-Defense Act of 2021</u> | <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> | |
| <u>H.R.1066</u> <u>Wildfire Recovery Act</u> | <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 |
|--|--|--|----------------|
| <u>S.421</u> <u>Western Tribal Water Infrastructure Act of 2021</u> | <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> | |
| <u>H.R.1319</u> <u>American Rescue Plan Act of 2021</u> | <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> |
| <u>H.R.1352</u> <u>Water Affordability, Transparency, Equity, and Reliability Act of 2021</u> | <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> | |
| <u>S.479</u> <u>Lifting Our Communities through Advance Liquidity for Infrastructure (LOCAL Infrastructure) Act of 2021</u> | <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><u>H. R. 1438</u> <u>FLOODS Act</u></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"> • requires NOAA to estimate and communicate the frequency of precipitation; • 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. <p><i>Companion bill to S.558.</i></p> | <p>Introduced by Rep. Mikie Sherrill (D-NJ) – February 26, 2021</p> | |
| <p><u>S.498</u> <u>A bill to amend title 54, United States Code, to limit the authority to reserve water rights in designating a national monument</u></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>S.558 FLOODS Act</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"> • requires NOAA to estimate and communicate the frequency of precipitation; • 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. <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>H.R.1563 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</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><u>H.R.1679</u> <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></p> | <p>This bill prohibits the Departments of the Interior and Agriculture from</p> <ul style="list-style-type: none"> 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 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. <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><u>H.R.1804</u> <u>Community Cleanup Act</u></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><u>H.R.1844</u> <u>STOP CSO Act of 2021</u></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><u>S.715</u> <u>NEPA Data Transparency and Accountability Act</u></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><u>S.716</u> <u>NEPA Legal Reform Act</u></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> | |

| LEGISLATION | SUMMARY | STATUS | POSITION |
|---|--|--|----------|
| S.717 UNSHACKLE Act | <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"> • establishing deadlines for federal agencies to complete reviews of the environmental effects of proposed major federal actions; • establishing penalties for agencies that do not comply with these deadlines; • 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; • requiring agencies to only consider alternatives to proposed actions that are technically and economically feasible; • prohibiting agencies from considering whether proposed actions or alternatives to those actions will have an effect on climate change; and • establishing requirements concerning the judicial review of NEPA cases.. | <p>Introduced by Sen. Mike Lee (R-UT) – March 11, 2021</p> | |
| S.718 NEPA Agency Process Accountability Act | <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> | |
| S.719 NEPA State Assignment Expansion Act | <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> | |

| LEGISLATION | SUMMARY | STATUS | POSITION |
|--|---|--|----------|
| S.722 Wastewater Efficiency and Treatment Act of 2021 | <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> | |
| H.R.1820 RETROACTIVE Policy Act | <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> | |
| H.R. 1821 RURAL Act | <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><u>H.R.1848</u> <u>Leading Infrastructure for Tomorrow's America Act</u></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><u>H.R.1881</u> <u>To amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes</u></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 |
|--|---|--|----------|
| <u>H.R.1889</u> <u>Environmental Justice for Coronavirus Affected Communities Act</u> | <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> | |
| <u>H.R.1915</u> <u>Water Quality Protection and Job Creation Act of 2021</u> | <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"> • programs to control water pollution; • pilot projects related to watershed management of wastewater discharges (e.g., sewer overflows or stormwater discharges) during wet weather; • alternative water source projects, including projects to reclaim stormwater; or • measures to manage, reduce, treat or recapture stormwater, such as sewer overflows. <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> | |
| <u>S.804</u> <u>SALT Deduction Fairness Act</u> | <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>H.R.2021 Environmental Justice For All Act</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>S.855 Water Rights Protection Act of 2021</p> | <p>This bill prohibits the Departments of the Interior and Agriculture from</p> <ul style="list-style-type: none"> • 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; • 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 • 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. <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>S.872 Environmental Justice For All Act</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><u>H.R.2095</u> <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></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><u>S.914</u> <u>Drinking Water and Wastewater Infrastructure Act of 2021</u></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><u>H.R.2008</u> <u>Local Water Protection Act</u></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><u>H.R.2173</u> <u>Wastewater Workforce Investment Act</u></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><u>S.939</u> <u>IMAGINE Act</u></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"> • 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; • 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; • 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 • provides grants for the design and installation of water infrastructure projects. <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><u>S.953</u> <u>Water for Conservation and Farming Act</u></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"> • provide assistance to agricultural producers to create and maintain waterbird and shorebird habitats, • award grants to eligible government entities and nonprofit conservation organizations for habitat restoration projects that improve watershed health, and • prepare plans to sustain the survival of critically important fisheries during periods of drought. | <p>Introduced by Sen. Ron Wyden (D-OR) – March 24, 2021</p> | |

| LEGISLATION | SUMMARY | STATUS | POSITION |
|--|--|---|----------|
| H.R.2197 IMAGINE Act | <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"> • 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; • 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; • 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 • provides grants for the design and installation of water infrastructure projects. <p><i>Companion bill to S.939.</i></p> | <p>Introduced by Rep. David Cicilline (D-RI) – March 26, 2021</p> | |
| H.R.2288 Investing in Our Communities Act | <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><u>H.R.2397</u> <u>Protection from Cumulative Emissions and Underenforcement of Environmental Law Act of 2021</u></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>H.R.2434 Environmental Justice Act of 2021</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"> • Executive Order 12898; • a guidance issued in 1997 by the Council on Environmental Quality titled Environmental Justice Guidance Under the National Environmental Policy Act; • 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; • the National Environmental Justice Advisory Council; • the Environmental Justice Small Grants Program; and • the Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program. • 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. <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 |
|--|---|---|----------|
| <u>H.R.2442</u> <u>Climate Justice Grants Act</u> | <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> | |
| <u>H.R.2467</u> <u>PFAS Action Act of 2021</u> | <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><u>H.Res.318</u> <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></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><u>H.R.2468</u> <u>Made in America Act of 2021</u></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"> • 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; • 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 • construction materials, that all manufacturing processes for the construction material occurred in the United States. <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>S.1094 Made in America Act of 2021</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"> • 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; • 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 • construction materials, that all manufacturing processes for the construction material occurred in the United States. <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 |
|---|--|--|----------|
| <u>S.1121</u> <u>PFAS Registry Act of 2021</u> | <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> | |
| <u>H.R.2660</u> <u>WATER Act</u> | <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> | |
| <u>H.Res.320</u> <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> | <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><u>S.Res.166</u> <u>A resolution recognizing the duty of the Federal Government to create a Green New Deal</u></p> | <p>This resolution calls for the creation of a Green New Deal with the goals of</p> <ul style="list-style-type: none"> • achieving greenhouse gas and toxic emissions reductions needed to stay under 1.5 degrees Celsius of warming; • establishing millions of high-wage union jobs and ensuring economic security for all; • investing in infrastructure and industry; • securing clean air and water, climate and community resiliency, healthy food, access to nature, and a sustainable environment for all; and • promoting justice and equality. <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"> • building smart power grids (i.e., power grids that enable customers to reduce their power use during peak demand periods); • upgrading all existing buildings and constructing new buildings to achieve maximum energy and water efficiency; • removing pollution and greenhouse gas emissions from the transportation and agricultural sectors; • cleaning up existing hazardous waste and abandoned sites; • ensuring businesspersons are free from unfair competition; and • providing higher education, high-quality health care, and affordable, safe, and adequate housing to all. <p><i>Companion bill to H.Res.332.</i></p> | <p>Introduced by Sen. Ed Markey (D-MA) – April 20, 2021</p> | |
| <p><u>H.R.2673</u> <u>CERCLA Liability Expansion and Accountability for Negligent and Unjust Pollution Act</u></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><u>H.Res.332</u> <u>Recognizing the duty of the Federal Government to create a Green New Deal</u></p> | <p>This resolution calls for the creation of a Green New Deal with the goals of</p> <ul style="list-style-type: none"> • achieving greenhouse gas and toxic emissions reductions needed to stay under 1.5 degrees Celsius of warming; • establishing millions of high-wage union jobs and ensuring economic security for all; • investing in infrastructure and industry; • securing clean air and water, climate and community resiliency, healthy food, access to nature, and a sustainable environment for all; and • promoting justice and equality. <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"> • building smart power grids (i.e., power grids that enable customers to reduce their power use during peak demand periods); • upgrading all existing buildings and constructing new buildings to achieve maximum energy and water efficiency; • removing pollution and greenhouse gas emissions from the transportation and agricultural sectors; • cleaning up existing hazardous waste and abandoned sites; • ensuring businesspersons are free from unfair competition; and • providing higher education, high-quality health care, and affordable, safe, and adequate housing to all. <p><i>Companion bill to S.Res.166.</i></p> | <p>Introduced by Rep. Alexandria Ocasio-Cortez (D-NY) – April 21, 2021</p> | |
| <p><u>S.1239</u> <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></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 |
|---|---|--|----------|
| H.R.2674 Superfund Reinvestment Act | <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> | |
| H.R.2742 PFAS Registry Act of 2021 | <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> | |
| S.1334 PFAS Accountability Act of 2021 | <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> | |
| H.R.2751 PFAS Accountability Act of 2021 | <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 |
|---|--|--|----------|
| S.1341 Water Resources Research Amendments Act | <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> | |
| S.1303 Build America, Buy America Act | <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> | |
| H.R.2781 Water Resources Research Amendments Act | <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 |
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| <p><u>H.R.2810</u> <u>Build America, Buy America Act</u></p> | <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 S.1303</i></p> | <p>Introduced by Rep. Tim Ryan (D-OH) – April 22, 2021</p> <p>Committee on Natural Resources hearing – May 4, 2021</p> | |

| LEGISLATION | SUMMARY | STATUS | POSITION |
|---|---|---|----------|
| <u>H.R.2895</u> <u>REPAIR Act</u> | <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"> • 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; • sets forth terms and limitations on direct loans and loan guarantees; • establishes a funding mechanism to make the IFA a self-sustaining entity, including through fees and risk premiums on loans and loan guarantees; and • increases from \$15 billion to \$16 billion the national limitation on the amount of tax-exempt highway or surface freight transfer facility bonds. | <p>Introduced by Rep. Scott Peters (D-CA) – April 28, 2021</p> | |
| <u>H.R.2952</u> <u>WISE Act</u> | <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> | |
| <u>H.R.2979</u> <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> | <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> | |
| <u>H.R.3023</u> <u>Restoring WIFIA Eligibility Act</u> | <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 |
|--|--|---|----------|
| <u>H.R.3112</u> <u>Western Water Recycling and Drought Relief Act of 2021</u> | <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> | |
| <u>H.R.3113</u> <u>MAPLand Act</u> | <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"> • federal interests, including easements and rights-of-way, in private land; • status information as to whether roads and trails are open or closed; • the dates on which roads and trails are seasonally opened and closed; • the types of vehicles that are allowed on each segment of roads and trails; • 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. | <p>Introduced by Rep. Blake Moore (R-UT) – May 11, 2021</p> <p>Ordered to be Reported – July 17, 2021</p> | |
| <u>H.R.3218</u> <u>Wastewater Infrastructure Improvement Act of 2021</u> | <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 |
|---|--|---|----------|
| <u>S.1605</u> <u>National Defense Authorization Act for Fiscal Year 2022</u> | <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> | |
| <u>H.R.3267</u> <u>Protect Drinking Water from PFAS Act of 2021</u> | <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> | |
| <u>H.R.3282</u> <u>Drinking Water Funding for the Future Act of 2021</u> | <p>This bill reauthorizes through FY2026 several drinking water programs, such as programs concerning efforts to</p> <ul style="list-style-type: none"> • assess risks to community water systems, • deploy innovative water technologies, • enforce compliance with standards under the Safe Drinking Water Act, • monitor unregulated drinking water contaminants, • assist water systems through the drinking water state revolving fund, • protect source waters, • test water quality in small and disadvantaged communities, and reduce lead in drinking water. | <p>Introduced by Rep. David McKinley (R-WV) – May 17, 2021</p> | |

| LEGISLATION | SUMMARY | STATUS | POSITION |
|--|---|---|----------|
| <p><u>H.R.3291</u> <u>Assistance, Quality, and Affordability Act of 2021</u></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><u>H.R.3293</u> <u>Low-Income Water Customer Assistance Programs Act of 2021</u></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 |
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| <u>H.R.3292</u> <u>Water Debt Relief Act of 2021</u> | <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> | |
| <u>H.R.3339</u> <u>National Infrastructure Bank Act of 2021</u> | <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> | |
| <u>S.1761</u> <u>Water Quality Certification Improvement Act of 2021</u> | <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 |
|--|--|--|----------|
| H.R.3404 FUTURE Western Water Infrastructure and Drought Resiliency Act | <p>This bill addresses water-related resources and infrastructure.</p> <p>Among other provisions, the bill”</p> <ul style="list-style-type: none"> • 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>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> | |
| H.R.3422 Water Quality Certification Improvement Act of 2021 | <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>S.1726 21st Century Buy American Act</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>H.R.3473 Build Local, Hire Local Act</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>S.1827 Build Local, Hire Local Act</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>S.1907 Clean Water Standards for PFAS Act of 2021</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 |
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| <p>S.1855 Wildfire Emergency Act of 2021</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><u>H.R.3622</u> <u>Clean Water Standards for PFAS Act of 2021</u></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><u>H.R.3684</u> <u>INVEST in America Act</u></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"> • extends FY2021 enacted levels through FY2022 for federal-aid highway, transit, and safety programs; • reauthorizes for FY2023-FY2026 several surface transportation programs, including the federal-aid highway program, transit programs, highway safety, motor carrier safety, and rail programs; • 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; • revises Buy America procurement requirements for highways, mass transit, and rail; • establishes a rebuild rural bridges program to improve the safety and state of good repair of bridges in rural communities; • implements new safety requirements across all transportation modes; and • 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. | <p>Introduced by Rep. Peter DeFazio (D-OR) – June 4, 2021</p> <p>Became Public Law No. 117-58 – November 15, 2021</p> | |
| <p><u>H.R.3691</u> <u>Wastewater Infrastructure Modernization Act</u></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 |
|--|---|---|----------|
| <u>H.R.3701</u> <u>PIPE Act</u> | <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> | |
| <u>H.R.3722</u> <u>21st Century Infrastructure Bank Act</u> | <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> | |
| <u>H.R.3751</u> <u>Clean Water Infrastructure Resilience and Sustainability Act of 2021</u> | <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> | |
| <u>H.R.3814</u> <u>UNSHACKLE Act</u> | <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"> • establishing deadlines for federal agencies to complete reviews of the environmental effects of proposed major federal actions; • establishing penalties for agencies that do not comply with these deadlines; • 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; • requiring agencies to only consider alternatives to proposed actions that are technically and economically feasible; • prohibiting agencies from considering whether proposed actions or alternatives to those actions will have an effect on climate change; and • establishing requirements concerning the judicial review of NEPA cases. | <p>Introduced by Rep. Liz Cheney (R-WY) – June 11, 2021</p> | |

| LEGISLATION | SUMMARY | STATUS | POSITION |
|--|---|---|----------|
| <u>H.R.4018</u> <u>NEED Water Act</u> | <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> | |
| <u>S.2168</u> <u>Define WOTUS Act of 2021</u> | <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> | |
| <u>H.R.4069</u> <u>Septic Upgrade Grant Act</u> | <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> | |
| <u>H.R.4099</u> <u>Large-Scale Water Recycling Project Investment Act</u> | <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><u>S.2286</u> <u>Western Water, Jobs, and Infrastructure Act</u></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><u>H.R.4224</u> <u>PFAS Transparency Act</u></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><u>H.R.4284</u> <u>Clean Drinking Water Equity Act</u></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><u>H.R.4336</u> <u>NEPA State Assignment Expansion Act</u></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 |
|--|--|---|----------|
| <u>H.R.4372</u> <u>Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022</u> | <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> | |
| <u>S.2334</u> <u>Large Scale Water Recycling Project and Drought Resiliency Investment Act</u> | <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> | |
| <u>H.R.4413</u> <u>National Infrastructure Development Bank Act of 2021</u> | <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 |
|--|---|---|----------|
| S.2361 Green Retrofits Act | 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 | |
| H.R.4502 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 | 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 | |
| H.R.4549 Energy and Water Development and Related Agencies Appropriations Act, 2022 | 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. | Introduced by Rep. Marcy Kaptur (D-OH) – July 20, 2021 Passed via legislative minibus H.R.4502 – August 3, 2021 | |
| H.R.4570 Define WOTUS Act of 2021 | 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 |
|--|--|---|----------|
| S.2404 Western Wildfire Support Act of 2021 | <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"> • accounts in the Treasury for addressing wildfires, • a program to train and certify citizens who wish to be able to volunteer to assist USDA or Interior during a wildland fire incident, • 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, • the Theodore Roosevelt Genius Prize for the management of wildfire-related invasive species, and • the Management of Wildfire-Related Invasive Species Technology Advisory Board. | <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> | |
| S.2406 Protect Drinking Water from PFAS Act of 2021 | <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> | |
| H.R.4597 Clean Water SRF Parity Act | <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> | |
| H.R.4602 WIPPES Act | <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> | |

| LEGISLATION | SUMMARY | STATUS | POSITION |
|---|--|--|----------|
| <p><u>S.2430</u> <u>Water Conservation Rebate Tax Parity Act</u></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><u>S.2454</u> <u>Water Reuse and Resiliency Act of 2021</u></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><u>H.R.4647</u> <u>Water Conservation Rebate Tax Parity Act</u></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><u>H.R.4712</u> <u>Desalination Development Act</u></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 |
|--|---|---|----------|
| H.R.4614 Resilient Federal Forests Act | <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> | |
| S.2567 Navigable Waters Protection Act of 2021 | <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> | |
| S.2605 Energy and Water Development and Related Agencies Appropriations Act, 2022 | <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>S.2630 Environmental Justice Act of 2021</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"> • Executive Order 12898; • a guidance issued in 1997 by the Council on Environmental Quality titled Environmental Justice Guidance Under the National Environmental Policy Act; • 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; • the National Environmental Justice Advisory Council; • the Environmental Justice Small Grants Program; and • the Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program. • 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. <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>H.R.4976 Ensuring PFAS Cleanup Meets or Exceeds Stringent Standards Act</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> | |

| LEGISLATION | SUMMARY | STATUS | POSITION |
|--|--|--|----------|
| <p><u>H.R.4979</u> <u>Maintaining Access to Essential Services Act of 2021</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><u>S.2698</u> <u>Stop CATASTROPHES Act</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><u>S.Con.Res.14</u> <u>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</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"> • federal revenues, • new budget authority, • budget outlays, • deficits, • public debt, • debt held by the public, and • the major functional categories of spending. | <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><u>H.R.5305</u> <u>Extending Government Funding and Delivering Emergency Assistance Act</u></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><u>S. 2792</u> <u>National Defense Authorization Act for Fiscal Year 2022</u></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><u>H.R.5438</u> <u>Water Advanced Technologies for Efficient Resource Use Act of 2021</u></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><u>H.R.5376</u> <u>Build Back Better Act</u></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.</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 |
|--|--|---|----------|
| <u>S.3031</u> <u>Clean Water Allotment Modernization Act of 2021</u> | <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> | |
| <u>S.3034</u> <u>Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022</u> | <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> | |
| <u>H.R.5653</u> <u>Clean Water Allotment Modernization Act of 2021</u> | <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> | |
| <u>H.R.5716</u> <u>Securing Access for the central Valley and Enhancing (SAVE) Water Resources Act</u> | <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> | |
| <u>S.3156</u> <u>Federal Agency Climate PREP Act of 2021</u> | <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> | |
| <u>S.3169</u> <u>Keep Food Containers Safe from PFAS Act of 2021</u> | <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 |
|---|--|---|----------|
| <u>H.R.5987</u> <u>PFAS Definition Improvement Act</u> | <p>This bill broadens the definition of perfluoroalkyl or polyfluoroalkyl substances, commonly referred to as PFAS, in relation to the reporting requirement under the Toxic Substances Control Act. 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>Specifically, the bill provides that PFAS include those substances that contain at least one fully fluorinated carbon atom.</p> | <p>Introduced by Rep. Deborah Ross (D-NC) – November 16, 2021</p> | |
| <u>H.R.6010</u> <u>Protect Our Workers Act of 2021</u> | <p>To ensure that contractor employees on Army Corps projects are paid prevailing wages as required by law, and for other purposes.</p> | <p>Introduced by Rep. Christopher Smith (R-NJ) – November 17, 2021</p> | |
| <u>H.R.6026</u> <u>Keep Food Containers Safe from PFAS Act of 2021</u> | <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 S.3129.</i></p> | <p>Introduced by Rep. Debbie Dingell (D-MI) – November 18, 2021</p> | |
| <u>H.R.6058</u> <u>PFAS Health Study Act of 2021</u> | <p>This bill extends through FY2023 the authority of the Department of Defense to transfer funds for the required study on the human health implications of perfluoroalkyl and polyfluoroalkyl substances (PFAS) contamination in drinking water, groundwater, and any other sources of water and relevant exposure pathways, including the cumulative human health implications of multiple types of PFAS contamination at levels above and below health advisory levels. 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. Madeleine Dean (D-PA) – November 19, 2021</p> | |
| <u>S.3277</u> <u>Section 401 Certification Act</u> | <p>To enact the Section 401 Certification Rule, and for other purposes.</p> | <p>Introduced by Sen. Shelley Moore Capito (R-WV) – November 30, 2021</p> | |
| <u>S.3282</u> <u>Water Infrastructure Modernization Act of 2021</u> | <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 H.R.6088.</i></p> | <p>Introduced by Sen. Mark Kelly (D-AZ) – November 30, 2021</p> | |

| LEGISLATION | SUMMARY | STATUS | POSITION |
|---|--|---|----------|
| <u>H.R.6088</u> <u>Water Infrastructure Modernization Act</u> | <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> | |
| <u>H.R.6119</u> <u>Further Extending Government Funding Act</u> | <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> | |
| <u>S.3371</u> <u>Land and Water Conservation Fund Amendments Act of 2021</u> | <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> | |
| <u>H.R.6229</u> <u>Land and Water Conservation Fund Water Amendments Act of 2021</u> | <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 |
|---|---|--|----------|
| <u>S.J.Res.33</u> <u>A joint resolution joint resolution relating to increasing the debt limit</u> | <p>This joint resolution increases the public debt limit by \$2.5 trillion.</p> | <p>Introduced by Sen. Charles Schumer (D-NY) – December 15, 2021</p> <p>Became Public Law No: 117-73 – December 16, 2021</p> | |
| <u>H.R.6336</u> <u>Western Wildfire Support Act of 2021</u> | <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"> • accounts in the Treasury for addressing wildfires, • a program to train and certify citizens who wish to be able to volunteer to assist USDA or Interior during a wildland fire incident, • 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, • the Theodore Roosevelt Genius Prize for the management of wildfire-related invasive species, and • the Management of Wildfire-Related Invasive Species Technology Advisory Board. | <p>Introduced by Rep. Joe Neguse (D-CO) – December 20, 2021</p> | |
| <u>H.R.6591</u> <u>PIPES Act</u> | <p>To require the Administrator of the Environmental Protection Agency to publish a rule that establishes standards for the flushability of disposable nonwoven wipes, and for other purposes.</p> | <p>Introduced by Rep. Lisa McClain (R-MI) – February 3, 2022</p> | |
| <u>S.3539</u> <u>Watershed Results Act</u> | <p>To authorize the Secretary of the Interior to carry out watershed pilots, and for other purposes.</p> | <p>Introduced by Sen. Ron Wyden (D-OR) – February 1, 2022</p> | |

| LEGISLATION | SUMMARY | STATUS | POSITION |
|---|--|--|----------|
| H.R.6617 Further Additional Extending Government Funding Act | <p>This bill provides continuing FY2022 appropriations for federal agencies and extends several expiring authorities.</p> <p>Specifically, the bill provides continuing FY2022 appropriations to federal agencies through the earlier of March 11, 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 February 18, 2022.</p> | <p>Introduced by Rep. Rosa DeLauro (D-CT) – February 7, 2022</p> <p>Passed in the House and Senate – February 17, 2022</p> | |
| S.3662 Preventing PFAS Runoff at Airports Act | <p>To temporarily increase the cost share authority for aqueous film forming foam input-based testing equipment, and for other purposes.</p> | <p>Introduced by Sen. Gary Peters (D-MI) – February 16, 2022</p> | |

INFORMATION ONLY

March 7, 2022 JPA Board Meeting

TO: JPA Board of Directors

FROM: General Manager

Subject : Pure Water Project Las Virgenes-Triunfo: Update

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: February 28, 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

- Prepared a draft application for the WaterSMART: Title XVI WIIN Act Water Reclamation and Reuse Projects funding opportunity through the Bureau of Reclamation after holding a kick-off meeting on February 1st. The application is due by March 15.
- Held a Site Civil and Architectural Update Workshop with LVMWD staff on February 23rd to address previous comments on the site programming and architectural theme, which will support the basis of design criteria for the design-build procurement.
- Held focused meetings with LVMWD staff to understand Tapia WRF influent and effluent flows, recycled water demands, and potential available flow to the AWPF to develop flow scenarios and model equalization requirements at both Tapia WRF and the new AWPF.
- Attended a site visit to the City of Oxnard AWPF on February 28th to discuss operations and maintenance requirements and accommodations, in support of the AWPF design development.

Key Program Accomplishments Last Month

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

February Accomplishments:

Programmatic:

- Coordinated technical, procurement, financial, regulatory and environmental efforts.

Technical:

- Conducted updated site civil and architectural workshop with LVMWD staff on February 23 to discuss feedback on the new AWPf layout with respect to site constraints, access, layout, architectural themes, and staff preferences as they relate to preparing **design criteria for the new AWPf**.
- Conducted a focused meeting on **laboratory requirements** for the new AWPf with LVMWD staff on February 24 to define the footprint needs.
- Reviewed the estimate for the **reverse osmosis concentrate pipe run** materials. This demonstration will provide critical information to understand the scaling potential in the concentrate line.
- Continued building dynamic simulation models for both Tapia WRF and the new AWPf to **assess equalization needs**. Fine-tuned preliminary model runs using Tapia WRF influent and effluent flows, as well as demand flows in the recycled water system. Conducted focused meetings on February 16 and 22 to clarify operation of Reservoir-2 and the Recycled Water Pump Station (RWPS)-West observed capacity.
- Engaged the larger process team to progress the Conceptual Design by conducting process analyses, initiating conversations with potential **equipment vendors**, and defining design criteria for the process trains to prepare the technical report later this year.
- Updated **pipeline alignments** with information from the biological survey of Triunfo Canyon, in preparation for meetings with Mountains Recreation & Conservation Authority (MRCA) in March.
- Met with operation and maintenance staff of a local agency on February 15 to discuss lessons learned from their reverse osmosis concentrate **scale mitigation** efforts.
- Conducted a **site visit** to the City of Oxnard AWPf on February 28 with LVMWD staff to review operation and maintenance considerations and design concepts to include in the PWP.
- Provided technical support to the CEQA team to address constructability considerations and power, greenhouse gas, and noise considerations of the new AWPf. 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**.

Regulatory/Environmental:

- Continued the environmental evaluation and preparation of the **Program 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.
- Updated pipeline separation memo for Division of Drinking Water (DDW) consideration based on LVMWD staff recent lessons learned on pipeline projects.

Financial:

- Decided to proceed with the WaterSMART: Title XVI WIIN Act Water Reclamation and Reuse Projects **grant application** development to secure a portion of available funds to cover planning and design through 2025. The application is due by March 15.
- Mobilized team to prepare application, figures, finances, schedule and evaluation criteria metrics to highlight Pure Water Project Las Virgenes – Triunfo for consideration of grant award. Met weekly with LVMWD staff to coordinate efforts and share progress and assumptions for this effort.

Procurement:

- Outlined **procurement roadmap** and will conduct biweekly coordination calls to progress the procurement strategy for the PWP, starting in March.

Public Outreach:

- Developed **speaker training tools** and resources to train LVMWD and TWSD staff.
- Conducted biweekly coordination calls with LVMWD staff to support ongoing public outreach efforts.

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 WRF and 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 March.

The Project Team is focused on the following activities for March:

- Submit the Title XVI grant application by March 15. An Official Resolution will be brought to the Board on March 8, 2022.
- Site visits to two Water Replenishment District (WRD) AWPfS – WRD's Albert Robles Center (ARC) for Water Recycling and Environmental Learning and WRD's Leo J. Vander Lans Advanced Water Treatment Facility (LVL) on March 14.
- DDW site visit to the PWP Demonstration Facility.
- Meeting with MRCA to discuss pipeline alignment along Triunfo Canyon.
- Series of technical design workshops to progress the AWPf Concept Design and incorporate staff feedback.

March 7, 2022 JPA Board Meeting

TO: JPA Board of Directors

FROM: Facilities & Operations

Subject : Tapia Water Reclamation Facility: Flood Protection Update

SUMMARY:

Over the years, JPA Board Members have expressed concern to ensure that a sufficient level of flood protection is provided for the Tapia Water Reclamation Facility. The concern is heightened due to the 2018 Woolsey Fire that burned the majority of the watershed, and the potential effects of climate change that could result in more frequent wildfires and higher intensity rain events in the future. Wildfires affect the Tapia Water Reclamation Facility because sediment and debris washed into Malibu Creek could reduce its capacity and increase flooding during storm events.

Due to the concern, staff has periodically provided the JPA Board with flood protection updates for the Tapia Water Reclamation Facility. On August 3, 2015, staff presented the Board with the a 2015 Tapia Flood Wall Study Update, concluding that the existing flood protection facilities at Tapia provided adequate protection for the facility. The conclusion was affirmed via a staff report provided on March 2, 2020, which considered storm events that had occurred since the 2015. However, the staff report identified the need to continue with periodic validation and updates for the flood evaluation.

The Los Angeles County Department of Public Works (Public Works) recently provided JPA staff with the preliminary results of their Malibu Canyon Road Bridge Hydraulic Analysis (copy attached), which was prepared to support design work for replacement of the bridge. Given the proximity of the Tapia Water Reclamation Facility, the analysis includes preliminary water surface elevations at various creek stations adjacent to the Tapia under two scenarios: (1) a FEMA 100-year flood event; and (2) a Public Works' Capital Flood event. Both scenarios produce water surface elevations that are significantly higher than indicated by previous studies and result in partial or full overtopping of the flood wall at Tapia.

Given the new information and potential for flooding, staff recommends that the JPA initiate an updated, comprehensive analysis of the level of flood protection provided for the Tapia Water Reclamation Facility. The work would be performed in coordination with representatives of Public Works and the California Department of Parks and Recreation (CDPR). The segment of Malibu Creek adjacent to Tapia is owned by CDPR. Staff has already initiated discussions with Public Works and CDPR on the issue. In addition, the scope of work for the analysis would include providing recommendations to restore the required level of flood protection for Tapia and preliminary cost estimates for the work.

RECOMMENDATION(S):

Authorize the issuance of a Request for Proposals for an updated, comprehensive analysis of the level of flood protection provided for the Tapia Water Reclamation Facility, including recommendations and estimates for required flood protection enhancements.

FISCAL IMPACT:

No

ITEM BUDGETED:

No

FINANCIAL IMPACT:

There is no financial impact associated with issuing a Request for Proposals. Staff will explore opportunities for funding the study and any required flood enhancement measures through FEMA and other sources.

DISCUSSION:

Background:

Attached is a copy of the 2015 Tapia Flood Wall Study Update, which was presented to the JPA Board on August 3, 2015. The report included an evaluation of flow station data, channel sediment, channel debris, channel vegetation conditions and impervious area percentage changes for the drainage basin from 2003 to 2015. It concluded that the existing flood protection facilities provided adequate protection for Tapia based on observations of significant flow events since 2003 versus the original design ultimate peak flow of 52,500 cubic feet per second (CFS) for Malibu Creek. The conclusion was affirmed via the attached staff report provided on March 2, 2020, which considered storm events that had occurred since the 2015. However, the staff report identified the need to continue with periodic validation and updates for the flood evaluation.

Public Works' Hydraulic Analysis for Malibu Canyon Road Bridge Replacement:

Recently, the Los Angeles County Department of Public Works (Public Works) began planning to replace the Malibu Canyon Road Bridge over Malibu Creek. As a part of design process, Public Works' Stormwater Engineering Division, Hydraulics and Hydrology Section developed a preliminary hydraulic analysis for Malibu Creek in the vicinity of the bridge, which including Tapia as it is immediately upstream. The analysis includes preliminary water surface elevations at various creek stations adjacent to the Tapia under two scenarios: (1) a FEMA 100-year flood event; and (2) a Public Works' Capital Flood event. The properties for the FEMA 100-year flood event (1% annual chance) were updated in 2018 to reflect a peak discharge of 40,544 cubic feet per second (CFS), which is less than the ultimate peak flow used for design of Tapia's floodwall. The Capital Flood assumes a 50-year flood event occurring over a burned and saturated watershed with the discharge volume bulked to account for sediment and debris transport. As a result of the bulking, the Capital Flood produces a discharge volume of 69,400 CFS and results in a significantly higher water surface elevation than the FEMA 100-year event.

Preliminary Results for FEMA 100-Year Flood Event:

Public Works' analysis of the FEMA 100-year flood event resulted in preliminary water surface elevation for Malibu Creek at various stations adjacent to Tapia. The water surface elevations range from 478.15 feet at the northwest end of Tapia, reducing to 475.88 feet at the southeast end of Tapia. Tapia's flood wall elevation at the northwest (headworks) end of the facility is 477.66 feet and reduces to 472.5 feet at the southeast end. The floodwall elevation adjacent to the balancing pond is 473.5 feet. It is important to note that many of the structures within Tapia have a higher elevation than the floodwall such as the filters (487 feet) and secondary clarifiers (491 feet), so they would be protected. However, the water surface elevations established by Public Works' report exceed the floodwall height, as well as the balancing pond wall height at the southeastern portion of the facility. The FEMA 100-year flood event could inundate the balancing pond, effluent pond and chlorine contact channel, causing a severe disruption to the treatment process.

Preliminary Results for Capital Flood Event:

For a Capital Flood event, the preliminary water surface elevations for Malibu Creek all exceed the height of the floodwall at Tapia. In addition to the southeastern portion of the Tapia being flooded, the influent sewer vault (el. 474 feet) and headworks (el. 476 feet) would be inundated. Additionally, the SCE sub-station (el. 467 feet) and emergency generators (el. 476.3 feet) would be flooded, cutting off all of the power to the facility. This scenario could result in a catastrophic failure.

Conclusion:

Given the new information and potential for flooding, the JPA should initiate an updated, comprehensive analysis of the level of flood protection provided for the Tapia Water Reclamation Facility. The work would be performed in coordination with representatives of Public Works and the California Department of Parks and Recreation (CDPR). The segment of Malibu Creek adjacent to Tapia is owned by CDPR. Staff has already initiated discussions with Public Works and CDPR on the issue. In addition, the scope of work for the analysis would include providing recommendations to restore the required level of flood protection for Tapia and preliminary cost estimates for the work.

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

ATTACHMENTS:

Summary of Elevations and Flood Discharge Volumes

2015 Tapia Flood Wall Study

March 2, 2020 Staff Report

Malibu Canyon Road Bridge Hydraulic Analysis - Preliminary Results

FEMA 100-Year Flood Event Profile

Capital Flood Event Profile

Structures

Scenarios

| | Elevation (ft) | | Flow Elevation (ft) | Volume (cfs) |
|--------------------------|----------------|--|---------------------|--------------|
| Flood Wall Northwest | 478.15 | 2015 Study Ultimate Peak Flow | 472.5* | 52,500 |
| Flood Wall Southeast | 472.50 | 2020 LA County Bridge Study 100 Year Storm | 475.88* | 40,544 |
| Influent Sewer Vault | 474.00 | 2020 LA County Bridge Study Capital Flood | 480.28* | 69,400 |
| Headworks | 476.00 | January 9, 2005 Storm | <465 | 12,700 |
| SCE Sub-Station | 467.00 | February 10, 1992 Storm | 465 | 23,200 |
| Primary Clarifiers | 495.00 | February 6, 1998 Storm | 461 | 19,100 |
| Aeration Basins | 494.25 | * Estimated | | |
| Secondary Clarifiers | 491.25 | | | |
| Reaeration Basins | 483.00 | | | |
| Filters | 487.00 | | | |
| Balancing Pond Wall | 473.50 | | | |
| Chlorine Contact Channel | 472.50 | | | |

Tapia Water Reclamation Facility

Flood Wall Study Update



Las Virgenes Municipal Water District

Lindsay Cao, P.E.

June 1, 2015

Background Information

The Tapia Water Reclamation Facility (Tapia WRF) is located in Los Angeles County on the south bank of Malibu Creek, just upstream of the Malibu Canyon Road Bridge. A flood plain delineation study was performed by the Los Angeles County Flood Control District in 1965. This study indicated that the Tapia WRF was outside of the flood plain boundary except for some storage buildings on the northwest corner of the plant. In 1990, Rivertech, Inc. performed a flood plain evaluation to determine the level of protection necessary for the Tapia Water Reclamation Facility. Based on the results of ultimate peak flow condition, the flood wall at Tapia was constructed to a height of 477.66 feet at the west end of the plant stepping down to an elevation of 472.50 feet at the east end of the plant. In 2003, District staff performed an update of the Rivertech study and validated the recommended elevations by comparison of high water elevation observed at Tapia for the following events (see Table1).

Table 1

| Date | Flood wall at east | Flow Surface (Bridge top 472') | Gauging Station F130-R Peak (cfs) | Ultimate Peak flow (cfs) |
|----------------------|--------------------|--------------------------------|-----------------------------------|--------------------------|
| February 10-12, 1992 | 472.5 | 465 | 23,300 | 52,250 |
| February 6-7, 1998 | 472.5 | 461 | 19,100 | 52,500 |

This report provides a further update of observation of major storm events since the 2003 update using gauging station data, channel sediment, channel debris, channel vegetation conditions, and percentage changes of impervious area of the drainage basins. The objective of this study is to determine whether existing flood protection measures are sufficient in the future due to climate change and vegetation growth which may reduce the drainage capacity of Cold Creek, and any maintenance program which is needed to assure continued performance with the flood walls.

Two Significant Events Since 2003

Since 2003, there were two high raining events, and both of them were well under the ultimate peak flow of 52,250 cfs¹. The first event was between January 9 and 10, 2005 when a peak flow of 12,700 cfs was measured at the gauging station on January 9th. The second event was between March 20 and 21, 2011 when a peak flow of 6,490 cfs was measured on March 20th. Figure 1 shows the peak flow and daily maximum flow at the gauging station F130-R for the water years 1996-97 to 2012-13². Figure 2 shows the total runoff in acre-feet for this same period, and Figure 3 shows the daily mean flow at the gauging station for the January 2005 and

¹ Ultimate flow of 52,250 cubic feet per second (cfs) at the county gauging station at Cold Creek was used to design the flood wall elevations at Tapia WRF.

² A water year is from October to September

March 2011. Table 2 summarizes two storm events in comparison with 1992 and 1998's events. Both events' peak flows were much lower than the ultimate flow of 52,250 cfs.

Table 2

| Date | Flood Wall At east | Flow Surface (Bridge top 472') | Gauging Station F-130-R Peak (cfs) | Ultimate Peak Flow (cfs) | Creek Vegetation |
|-------------------|--------------------|--------------------------------|------------------------------------|--------------------------|------------------|
| January 9, 2005 | 472.5 | <465 ³ ft | 12,700 | 52,500 | <50% |
| March 30, 2011 | 472.5 | No Data | 6,490 | 52,500 | <50% |
| February 10, 1992 | 472.5 | 465 ft | 23,200 | 52,500 | <50% |
| February 6, 1998 | 472.5 | 461 ft | 19,100 | 52,500 | <50% |

There is no water surface data available for 2011 event, but no records were shown that flow surface is higher than the Tapia WRF flood walls at the east.

Channel Sediments, Debris and Vegetation Conditions

The upstream of the main channel may experience sediment deposits from smaller storms, but during the major storms the sediment is moved downstream and the streambed returns to its natural depth.

The Malibu Canyon Road bridge piers may trap debris during a flood resulting in head loss and a higher upstream water surface elevation. Recent field observation and picture of 2005 storm event at the Malibu Canyon Road Bridge show the bridge opening is not blocked by debris. This is important since the willow tree vegetation in the main channel can impact the water surface elevation; therefore, willow removal within the creek area adjacent to Tapia should be encouraged. (These photographs are included in Appendix A).

It is also noticed from the attached photos that water surface flow is higher in January 2005 storm than February 1998 storm, even though 2005 peak flow is 45% smaller. Growing vegetation within the creek, especially adjacent to Tapia WRF may be a cause to the increased flow. Channel maintenance adjacent to the plant might be necessary. Both Rivertech and 2003 Flood Protection indicate that channel maintenance adjacent to the plant can reduce the water surface elevations by 2 to 4 at the upstream end of the plant for willow tree removal percentages of 50% and 100%, respectively. There is only a small effect on the water surface elevation at the downstream end of the plant.

No significant impervious area change in the drainage basin

³ See elevation difference in pictures in Appendix A - by comparing water surface from pictures taken for 1998 and 2005 events).

The other factor that may impact flood flow pattern is the impervious area in the drainage basin, since impervious surfaces encourages direct runoff. In the Rivertech study, the ultimate flow condition was calculated based on an assumption that the total percent impervious area would increase from 6% to 20%. Based on Malibu Creek & Lagoon TMDL study⁴, the imperviousness percentage only changed from 5.26% in 1990 to 6.95% in 2008; therefore, the assumption made by Rivertech on the increase of impervious area in the drainage basin remains valid and conservative.

Conclusion:

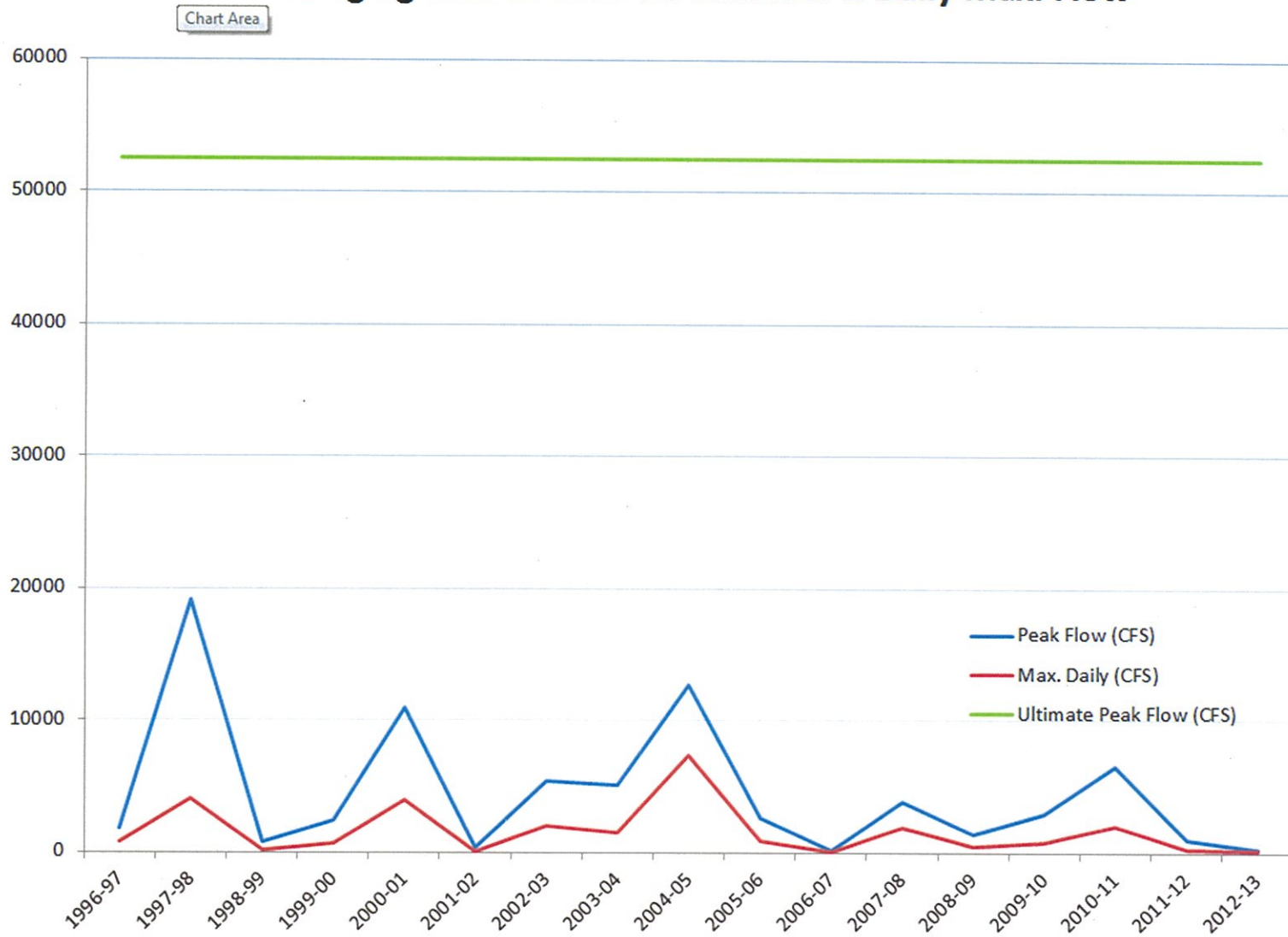
1. The flood protection facilities in place provide adequate protection for Tapia WRF, based on observation of significant flow versus designed ultimate peak flow and the slightly increased impervious area.
2. Based on Malibu Creek & Lagoon TMDL study, the assumption made by Rivertech on the increase of impervious area in the drainage basin remains valid, which is actually conservative.
3. Willow removal within the creek area adjacent to Tapia should be encouraged particularly after major storm events where the environmental habitat would not be affected if fallen trees were removed.

Recommendation:

1. It is recommended that the District staff pursue with California State Parks for development of a selective clearance program in the streambed in a manner sensitive to the riparian habitat, because additional factors of flood protection can be achieved by removing some, or all, of the willow growth.
2. Observations of high water elevations should be continued for significant flow events
3. Flood protection facilities should continue to be inspected and maintained to assure continued performance.

⁴ U.S. Environmental Protection Agency Region IX, Malibu Creek & Lagoon TMDL for Sedimentation and Nutrients to Address Benthic Community Impairments.

Figure 1
Gauging Station F130-R Peak Flow & Daily Max. Flow



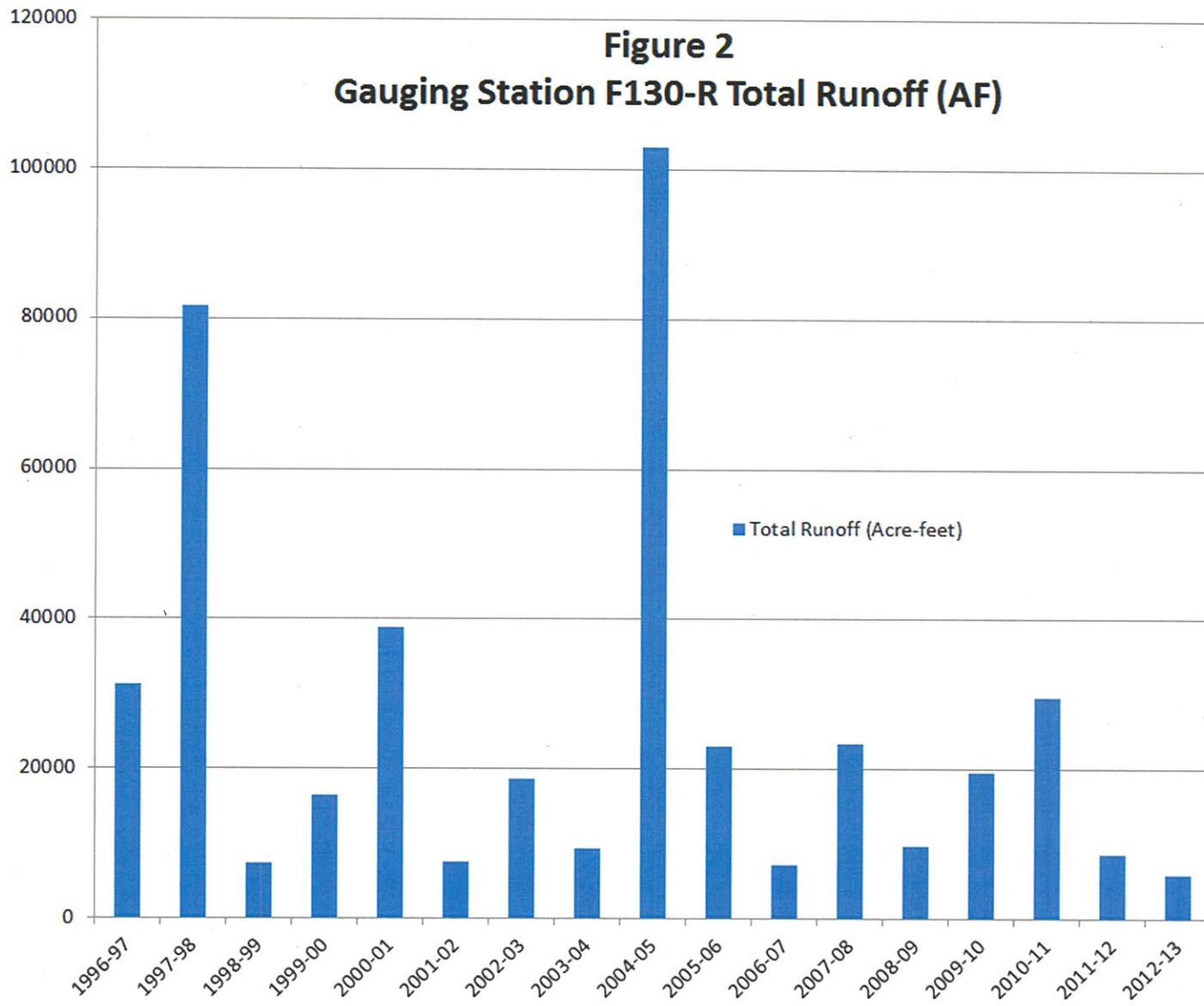
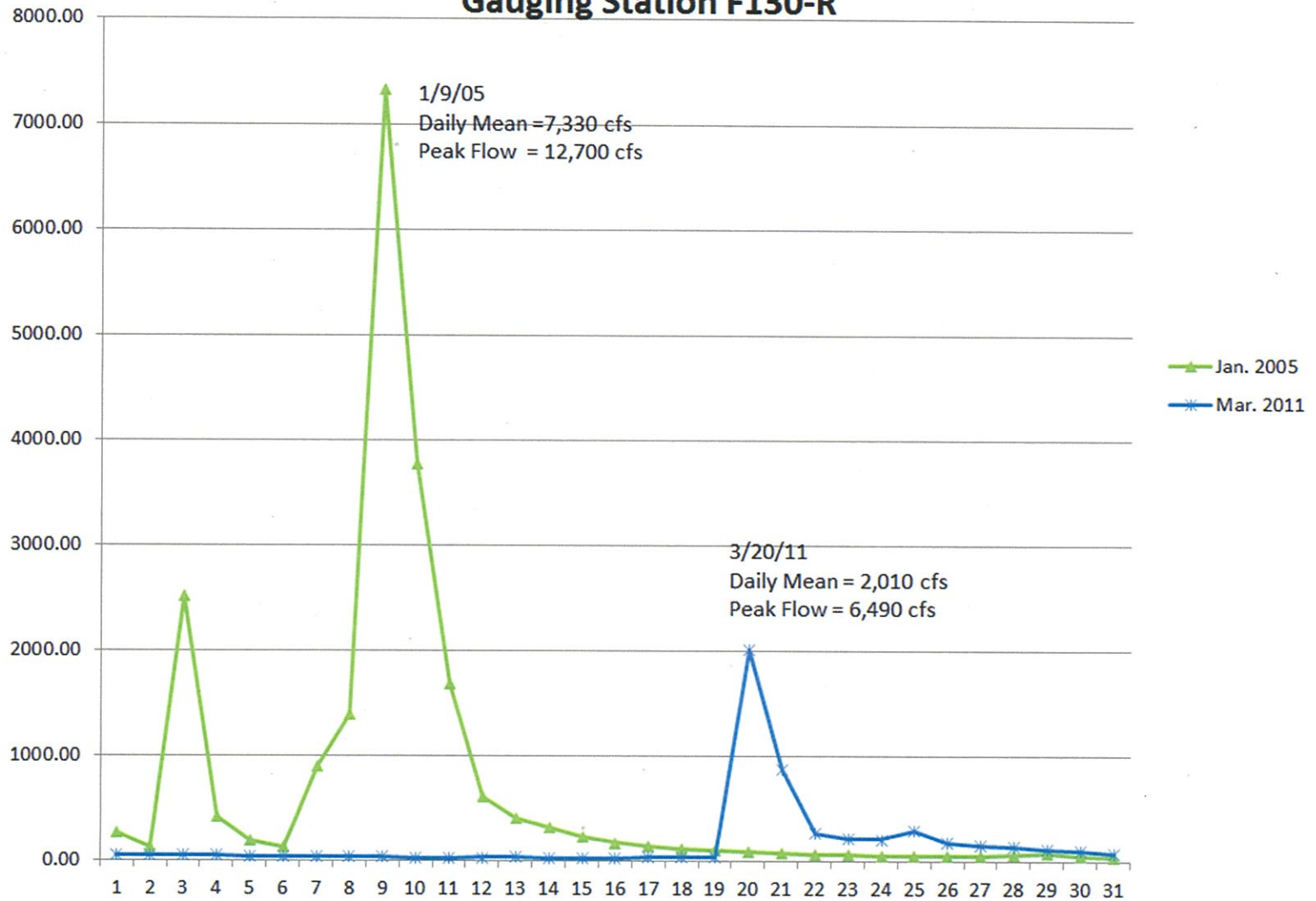


Chart Area

Figure 3
January, February 2005 & February 2010
Gauging Station F130-R



7

Appendix A



January 10, 2005 Malibu Canyon Bridge top of the pier is at elevation of 465 feet. Peak Flow 12,700 cfs.



Main channel flow in January 10, 2005.



February 11, 1992 Malibu Canyon Bridge top of pier is at elevation 465 feet

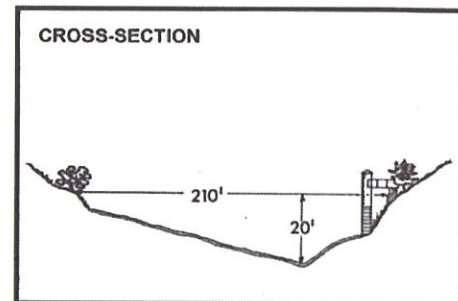
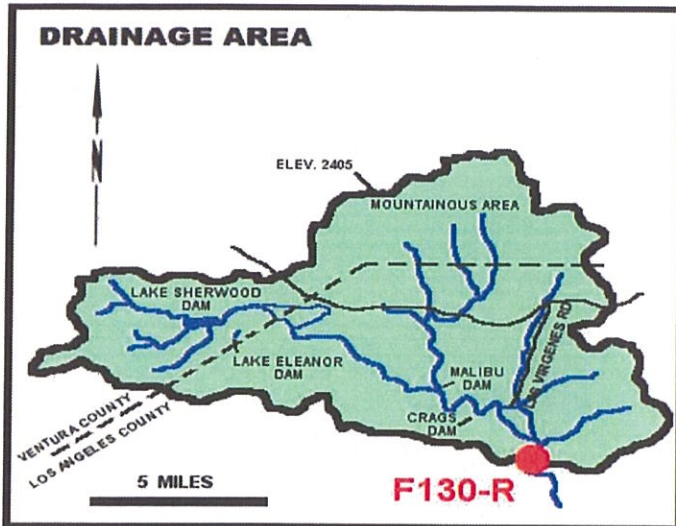
Peak Flow 23,200 cfs.

RUNOFF – STREAM GAGING STATION INFORMATION

MALIBU CREEK

Below Cold Creek.

STATION NO. F130-R



RECORDER - 5 min. interval data logger.

METHOD OF MEASUREMENT - Wading

DRAINAGE AREA - 104.96 square miles.

LOCATION - 0.2 mile downstream of Cold Creek, 6.0 miles southwest of Calabasas.

REGULATION - Lake Sherwood Dam, Lake Eleanor Dam, Malibu Lake Dam and Crags Dam. Other small recreational dams affect low summer flows.

DIVERSION - None.

CHANNEL - Coarse sand and gravel, lined with trees and brush, natural in section.

CONTROL - Concrete stabilizer.

LENGTH OF RECORD - January 17, 1931 to date.

REMARKS - Cableway washed out on January 25, 1969, no high flow measurements since that date.

RUNOFF – STREAM GAGING STATION PEAK FLOW

**MALIBU CREEK below Cold Creek.
STATION NO. F130-R**

| Season | Daily CFS | | | Total Runoff (Acre-feet) | Peak Flow | |
|---------|-----------|---------|-------|--------------------------------|-----------|--------|
| | Maximum | Minimum | Mean | | Date | CFS |
| 1972-73 | 3,340 | 0.8 | 35.1 | 25,400 | Feb 11 | 7,480 |
| 1973-74 | 2,240 | 2.7 | 22 | 15,910 | Jan 07 | 5,100 |
| 1974-75 | 519 | 2.3 | 15.2 | 11,020 | Dec 04 | 2,670 |
| 1975-76 | 163 | 1.1 | 5.4 | 3,910 | Feb 09 | 339 |
| 1976-77 | 315 | 1.1 | 6.9 | 4,980 | Jan 07 | 597 |
| 1977-78 | 7,620 | 1.7 | 112.4 | 80,990 | Mar 04 | 19,400 |
| 1978-79 | 1,220 | 2.3 | 46.4 | 33,408 | Mar 27 | 4,420 |
| 1979-80 | * | * | * | * | Feb 16 | * |
| 1980-81 | 357 | 1.7 | 13.5 | 9,832 | Mar 05 | 910 |
| 1981-82 | 400 | 2.2 | 13.9 | 10,031 | Mar 17 | 676 |
| 1982-83 | 7,720 | 2.7 | 121.8 | 88,148 | Mar 01 | 24,200 |
| 1983-84 | 758 | 2.5 | 24.1 | 17,411 | Dec 25 | 1,840 |
| 1984-85 | 588 | 0.9 | 16.6 | 12,002 | Dec 19 | 880 |
| 1985-86 | 1,480 | 1.4 | 39.3 | 27,881 | Feb 15 | 5,880 |
| 1986-87 | 216 | 0.5 | 8.6 | 6,236 | Nov 18 | 653 |
| 1987-88 | 559 | 0.6 | 24 | 17,337 | Feb 28 | 1,680 |
| 1988-89 | 257 | 1.6 | 12.3 | 8,876 | Feb 09 | 441 |
| 1989-90 | * | * | * | * | | * |
| 1990-91 | 982 | 0.8 | 20.5 | 14,872 | Mar 19 | 3,150 |
| 1991-92 | 5,850 | 2 | 92.7 | 67,330 | Feb 10 | 23,300 |
| 1992-93 | * | * | * | * | | * |
| 1993-94 | 880 | 0.9 | 16.7 | 11,090 | Feb 20 | 2,450 |
| 1994-95 | 4,530 | 3.1 | 97.8 | 68,700 | Mar 11 | 15,700 |
| 1995-96 | 637 | 1.5 | 12.9 | 9,395 | Feb 21 | 1,220 |
| 1996-97 | 807 | 3.2 | 43.1 | 31,180 | Dec 09 | 1,800 |
| 1997-98 | 4,020 | 2.4 | 113 | 81,700 | Feb 07 | 19,100 |
| 1998-99 | 134 | 2.8 | 10.3 | 7,430 | Apr 11 | 761 |
| 1999-00 | 701 | 1.4 | 22.6 | 16,440 | Feb 23 | 2,380 |
| 2000-01 | 3,950 | 0.6 | 53.8 | 38,920 | Mar 06 | 10,900 |
| 2001-02 | 93 | 0.9 | 10.6 | 7,670 | Nov 24 | 413 |
| 2002-03 | 1,979 | 1.9 | 25.9 | 18,761 | Feb 12 | 5,410 |
| 2003-04 | 1,470 | 1.2 | 13 | 9,442 | Feb 26 | 5,130 |
| 2004-05 | 7,330 | 1.3 | | 103,000 | Jan 09 | 12,700 |
| 2005-06 | 845 | 3.1 | 31.9 | 23,120 | Jan 02 | 2,586 |
| 2006-07 | 80 | 0.7 | 10.1 | 7,309 | Feb 22 | 189 |
| 2007-08 | 1,940 | 0.9 | 32.4 | 23,510 | Jan 27 | 3,851 |
| 2008-09 | 521 | 0.8 | 13.4 | 9,710 | Feb 16 | 1,350 |
| 2009-10 | 816 | 1.97 | 27 | 19,530 | Jan 20 | 2,970 |
| 2010-11 | 2,010 | 1.94 | 40.8 | 29,530 | Mar 20 | 6,490 |
| 2011-12 | 320 | 0.86 | 11.9 | 8,660 | Apr 13 | 1,030 |
| 2012-13 | 148 | 0.95 | 8.14 | 5,890 | Jan 24 | 296 |

M Data missing

* Record incomplete

E Estimate

N.D. Not determined

** Record not computed

+ Less than 0.05 acre feet or less than 0.05 cfs, but greater than 0

March 2, 2020 JPA Board Meeting

TO: JPA Board of Directors

FROM: Facilities & Operations

Subject : Tapia Water Reclamation Facility: Flood Protection Update

SUMMARY:

On February 3, 2020, JPA Director Lee Renger expressed concerns regarding flood protection at the Tapia Water Reclamation Facility. The concerns were specifically related to the effects of climate change resulting in the potential for high intensity rain events and more frequent occurrence of wildfire. These events could have an impact on the Tapia Water Reclamation Facility because debris from fire events during flooding could cause an obstruction at the Malibu Canyon Road bridge during high intensity rain events. Attached is a copy of the 2015 Tapia Flood Wall Study Update, which was presented to the JPA Board on August 3, 2015. The report included an evaluation of flow station data, channel sediment, channel debris, channel vegetation conditions and impervious area percentage changes for the drainage basin from 2003 to 2015 to conclude the following:

- The existing flood protection facilities provide adequate protection for Tapia, based on observations of significant flow events since 2003 versus design ultimate peak flow of 52,500 CFS.
- Observations of high water elevations should continue for significant flow events.
- Periodic validation and updates of the flood plain evaluation for Tapia should continue to be performed.
- Flood protection facilities should continue to be inspected and maintained to assure continued performance.
- Cold Creek at Malibu Canyon Bridge experienced higher water elevations with lower flow events in 2005 than previously recorded for higher flow events in 1998. This phenomenon might be the result of overgrown vegetation in the creek and should continue to be monitored.
- Fallen Willow tree removal within the creek area adjacent to Tapia should be encouraged, particularly after major storm events when environmental habitat would not be affected.

The highest peak flow since the 2015 study update at the Malibu Creek gauging station was 16,900 cubic feet per second in March 2018. Tapia experienced no issues with flood protection during this event.

Past work with the State Parks has not been effective as debris from trees is viewed as habitat for wildlife and not to be removed. To mitigate blockages of flow by debris, staff will coordinate with Los Angeles County Department of Public Works during major storm events to implement their standard practice of staging equipment at major flood control basins to expedite the removal of debris to assure that flow channels remain open to convey stormwater downstream.

FISCAL IMPACT:

No

ITEM BUDGETED:

No

FINANCIAL IMPACT:

There is no financial impact associated with this item.

Prepared by: Brett Dingman, Water Reclamation Manager

ATTACHMENTS:

Tapia Flood Wall Study Update 2015

Malibu Canyon Road Bridge Hydraulic Analysis Preliminary Results



Prepared by:

County of Los Angeles Public Works
Stormwater Engineering Division
Hydrology & Hydraulics Section

DRAFT – SUBJECT TO REVISION

Background

Public Works is proposing to replace the existing Malibu Canyon Road Bridge. The proposed bridge will be wider and consist of a 2-span design with a single pier support. Table 1 below summarizes pertinent data for the existing and proposed bridge. The information for the proposed bridge was based on the latest plans provided by Public Works' Design Division. This information is considered preliminary and subject to revision since the final design is still pending.

Table 1: Summary of Pertinent Bridge Data

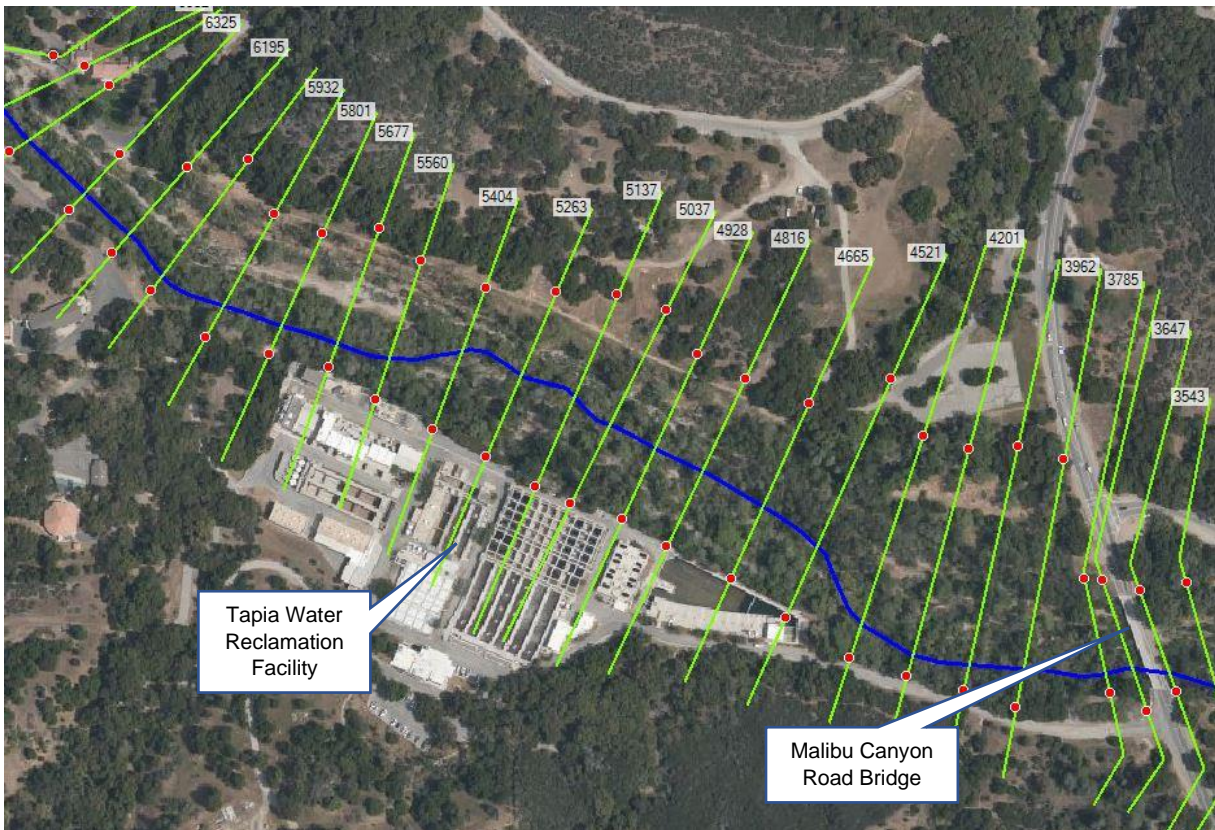
| | Existing Bridge | Proposed Bridge* |
|---|-----------------|------------------|
| No. of Spans | 3 | 2 |
| Total Bridge Length (feet) | 212 | 270 |
| Bridge Width (feet) | 33.5 | 57 |
| No. of Piers | 2 | 1 |
| Pier Width (feet) | 2.5 | 3.0 |
| Bottom Soffit Elevation at Pier based on Road C/L (feet, NAVD 88) | 465.66 | 467.42 |

* Proposed bridge data is preliminary since the final design is still pending

Modeling Approach

The U.S. Army Corps of Engineers' HEC-RAS 5.0.5 computer program was used to perform a steady-state one-dimensional hydraulic analysis. A topographic survey was conducted around the proximity of the bridge and merged with a 3-foot spatial resolution Digital Elevation Model (DEM) derived from Light Detection and Ranging (LiDAR) data collected in 2015 and 2016 by the Los Angeles Regional Imagery Acquisition Consortium (LAR-IAC). This provided the terrain necessary for the hydraulic model in HEC-RAS. Bank lines, flow paths, and cross sections were then drawn to configure and capture the geometry of Malibu Creek. Figure 1 shows the location of cross sections defined adjacent to the Tapia Water Reclamation Facility. Separate geometries were setup for the existing and proposed bridge conditions. To account for accumulation of debris around the piers, two feet of debris on each side of each pier for the full depth of flow was assumed.

Figure 1: HEC-RAS River Station Location



Roughness coefficients for Malibu Creek were estimated using a procedure developed by Cowan and published in U.S. Geological Survey Water Supply Paper 2339. For this procedure, a base roughness coefficient or n value is selected which is representative of a straight uniform channel. The selected n value is adjusted accordingly by adding increments of roughness for each condition that increases the roughness. Conditions that increase the roughness of the channel include channel irregularities, alignment, obstructions, vegetation, and meandering. A field site visit was conducted in August 2019 to document channel conditions. This information was used to select appropriate correction factors and determine channel roughness coefficients. for the left overbank, main channel, and right overbank. Table 2 below summarizes the roughness coefficients used in the HEC-RAS analysis in the vicinity of the Tapia Water Reclamation Facility.

Table 2: Summary of Roughness Coefficients

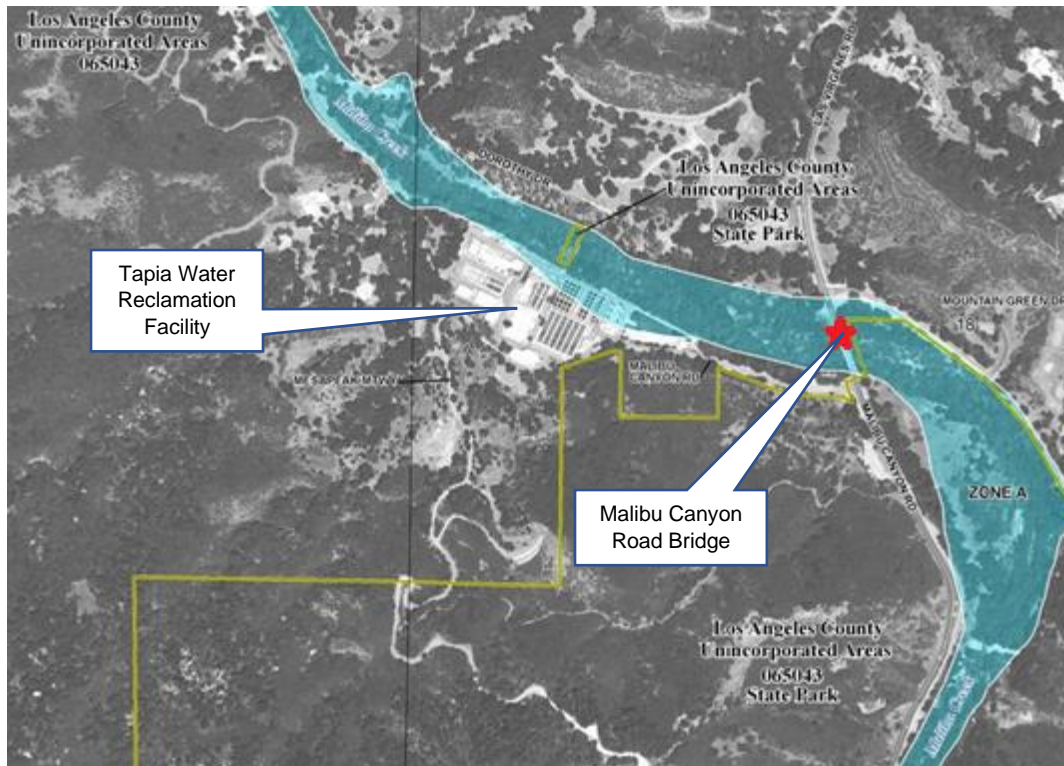
| River Station* | Left Overbank | Main Channel | Right Overbank |
|----------------|---------------|--------------|----------------|
| 4521 | 0.060 | 0.050 | 0.030 |
| 4665 | 0.050 | 0.050 | 0.030 |
| 4816 | 0.060 | 0.045 | 0.030 |
| 4928 | 0.050 | 0.045 | 0.030 |
| 5037 | 0.030 | 0.045 | 0.030 |
| 5137 | 0.050 | 0.045 | 0.030 |
| 5263 | 0.060 | 0.045 | 0.030 |
| 5404 | 0.070 | 0.045 | 0.030 |
| 5560 | 0.060 | 0.045 | 0.030 |
| 5677 | 0.070 | 0.040 | 0.030 |

* These are the river stations that coincide with the Tapia Water Reclamation Facility

Public Works’ policy describes which discharges should be used for certain conditions and types of structures. The policy specifies that bridges should be analyzed for the Capital Flood. A comprehensive hydrology study was completed by Public Works in 2007 for the Malibu Creek Watershed. The study was based on Public Works’ Modified Rational Method and was performed using the Watershed Modeling System program. The study determined the Capital Flood, which is the runoff produced by a 50-year frequency design storm falling on a saturated watershed. Since Malibu Creek consists of a mountainous area and it is generally in a natural state, the hydrology needs to consider the effects of fires which can increase runoff. This was accomplished by adjusting runoff coefficients for a burned watershed condition as described in Public Works’ Hydrology Manual. In addition, the Capital Flood was bulked to reflect increases in runoff volumes and peak flows due to the inclusion and transport of sediment and debris. The Capital Flood determined for this reach of Malibu Creek is 69,400 cubic feet per second (cfs).

The latest revised preliminary Flood Insurance Rate Map (FIRM) (#06037C1529G dated December 21, 2018) from the Federal Emergency Management Agency (FEMA) for Los Angeles County shows that the Malibu Canyon Road Bridge over Malibu Creek falls under FEMA Zone A as seen in Figure 2. Zone A is the area inundated by 1% annual chance flooding for which no Base Flood Elevations have been determined. The 1% annual chance flood is often referred to as the 100-year flood. FEMA regulations require project proponents to perform a hydraulic analysis to quantify changes to the existing flood zone that may result from a proposed project. The FEMA published peak discharge for the 100-year flood is 40,544 cfs and was used in the hydraulic analysis.

Figure 2: FEMA FIRM #06037C1529G



Public Works currently does not have a process or method in place to quantify changes in hydrology due to climate change. Public Works is currently working to partner with experts to conduct research on the impact of climate change on design storms for the Los Angeles area.

Preliminary Results

The Capital Flood and the FEMA 100-year flood were used in the hydraulic analysis to analyze the existing and proposed bridge conditions. Preliminary results for the two conditions were compared to determine the impact of the proposed bridge compared with the existing bridge. The analyses showed that flows overtop the existing and proposed bridge for the FEMA and Capital Flood flow rates. A comparison of preliminary water surface elevations for the FEMA 100-year flood showed that the proposed condition did not result in any increase when compared to the existing bridge condition. However, a comparison of preliminary water surface elevations for the Capital Flood showed a slight increase for the proposed bridge condition when compared to the existing bridge condition. The increases, which are all less than one inch, are not considered significant. A summary of preliminary results of the hydraulic analyses in the vicinity of the Tapia Water Reclamation Facility is provided in Table 3 and Table 4.

Table 3: Summary of WSE Results for FEMA Flow Rate

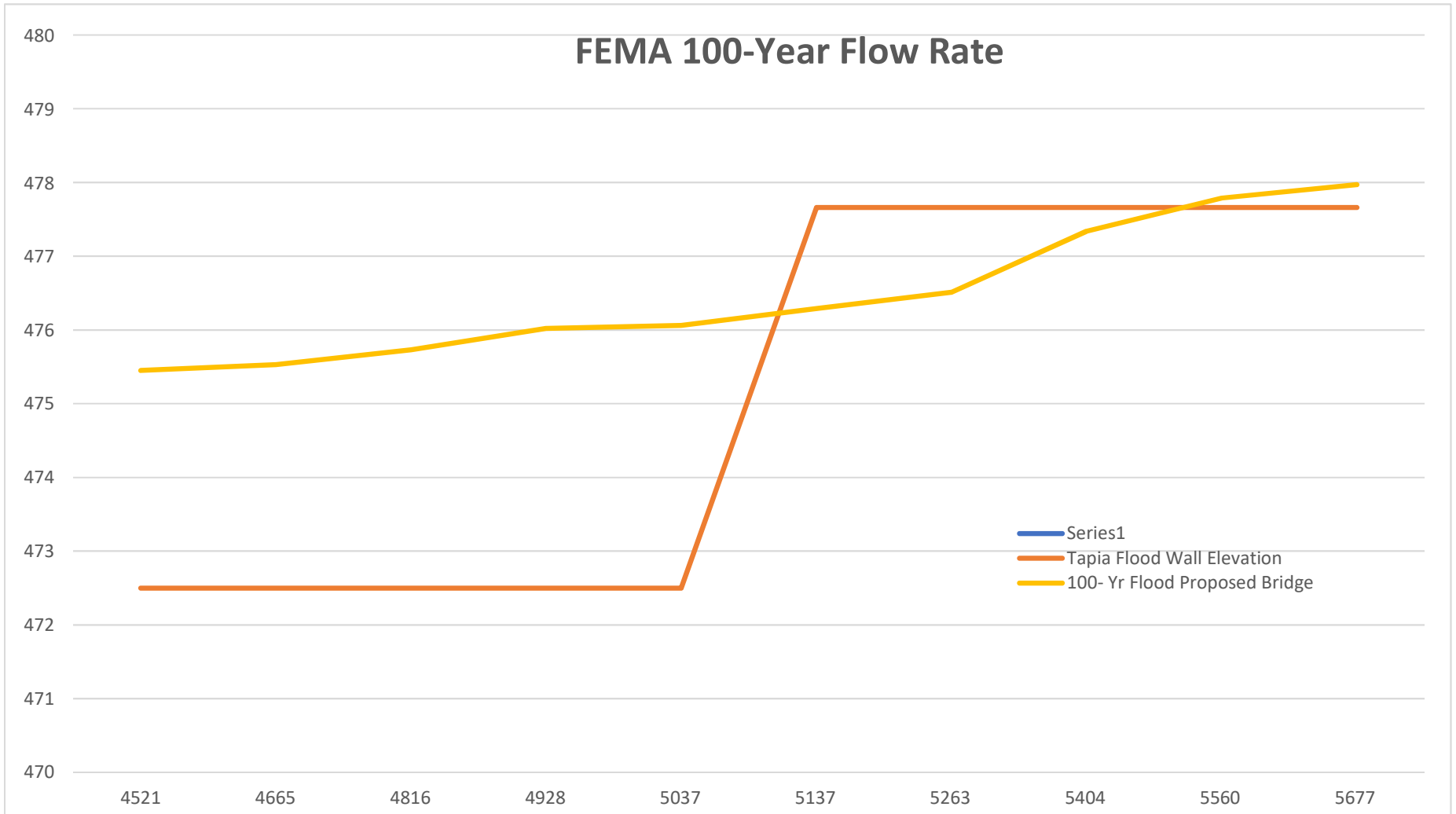
| River Station* | Existing Bridge WSE (feet, NAVD 88) | Proposed Bridge WSE (feet, NAVD 88) | Difference (feet) |
|----------------|-------------------------------------|-------------------------------------|-------------------|
| 4521 | 475.88 | 475.57 | -0.31 |
| 4665 | 475.95 | 475.65 | -0.30 |
| 4816 | 476.11 | 475.84 | -0.27 |
| 4928 | 476.36 | 476.12 | -0.24 |
| 5037 | 476.40 | 476.16 | -0.24 |
| 5137 | 476.60 | 476.38 | -0.22 |
| 5263 | 476.80 | 476.59 | -0.21 |
| 5404 | 477.56 | 477.40 | -0.16 |
| 5560 | 477.97 | 477.84 | -0.13 |
| 5677 | 478.15 | 478.02 | -0.13 |

* These are the river stations that coincide with the Tapia Water Reclamation Facility

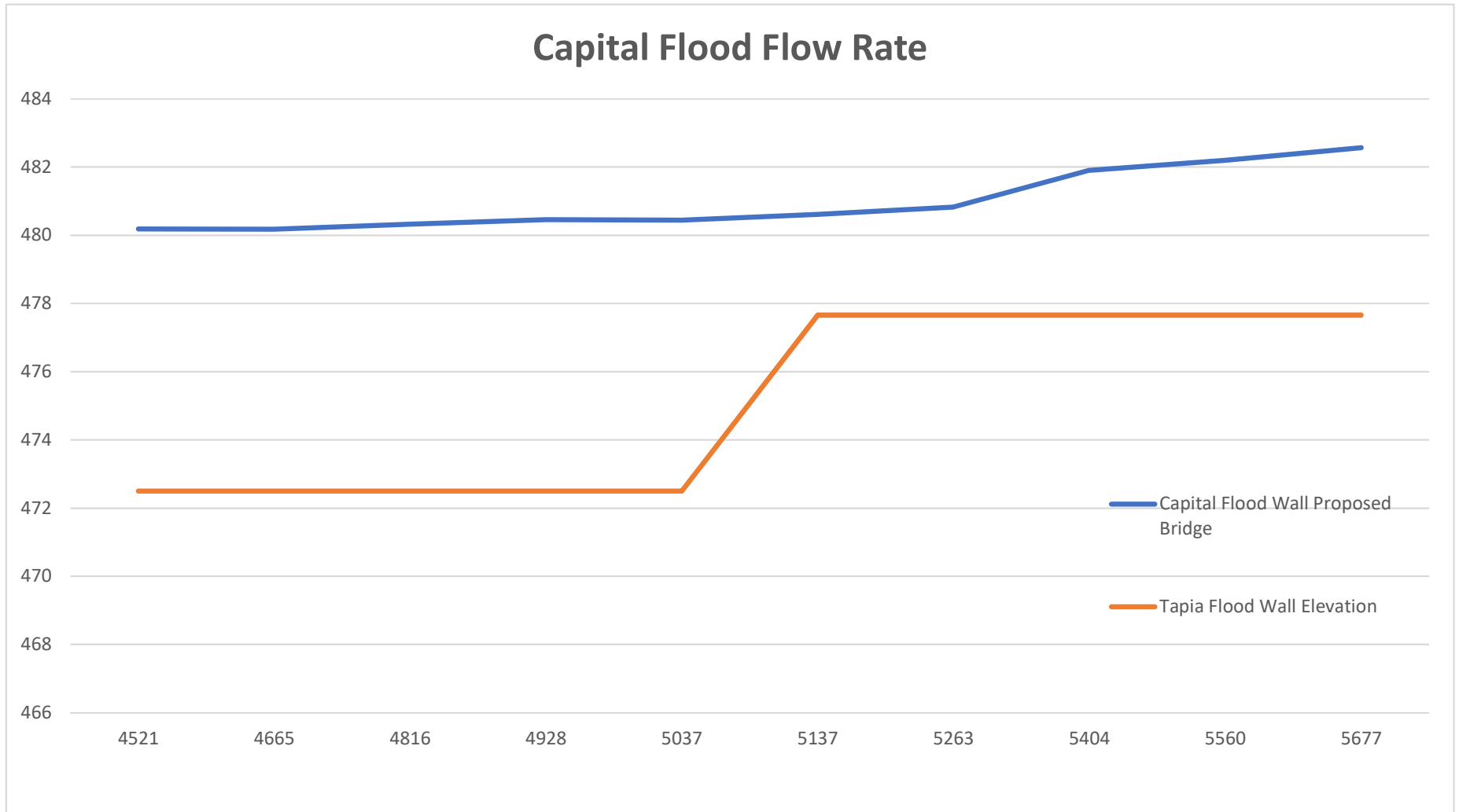
Table 4: Summary of WSE Results for Capital Flood Flow Rate

| River Station* | Existing Bridge WSE (feet, NAVD 88) | Proposed Bridge WSE (feet, NAVD 88) | Difference (feet) |
|----------------|-------------------------------------|-------------------------------------|-------------------|
| 4521 | 480.21 | 480.28 | 0.07 |
| 4665 | 480.19 | 480.26 | 0.07 |
| 4816 | 480.33 | 480.40 | 0.07 |
| 4928 | 480.48 | 480.54 | 0.06 |
| 5037 | 480.45 | 480.51 | 0.06 |
| 5137 | 480.64 | 480.70 | 0.06 |
| 5263 | 480.84 | 480.90 | 0.06 |
| 5404 | 481.92 | 481.96 | 0.04 |
| 5560 | 482.21 | 482.25 | 0.04 |
| 5677 | 482.58 | 482.61 | 0.03 |

* These are the river stations that coincide with the Tapia Water Reclamation Facility



Capital Flood Flow Rate



March 7, 2022 JPA Board Meeting

TO: JPA Board of Directors

FROM: Engineering and External Affairs

Subject : Pure Water Project Las Virgenes-Triunfo: Grant Application for U.S. Bureau of Reclamation WaterSMART Title XVI WIIN Act Funding

SUMMARY:

Established in 1902, the U.S. Bureau of Reclamation (BOR) is a contemporary water management agency providing initiatives and activities that serve to help the Western States, Native American Tribes and others meet new water needs and balance the multitude of competing uses of water in the West. The BOR's mission is to assist in meeting the increasing water demands of the West, while protecting the environment and the public's investment in infrastructure that serves this purpose.

Staff proposes to submit an application to the BOR for its WaterSMART: Title XVI WIIN Act Water Reclamation and Reuse Projects Grant. The grant application is to assist in the funding for planning and design-related efforts for the Pure Water Project Las Virgenes-Triunfo. The grant would cover up to 25% of eligible expenditures through October 2025 with a maximum amount of \$30 million. Staff anticipates that, if successful, the JPA could receive up to \$14 million in funding assistance based on the current project timeline and anticipated expenditures through the eligibility period.

RECOMMENDATION(S):

Pass, approve and adopt proposed Resolution No. 17, authorizing the submittal of a grant funding application and execution of a grant funding agreement, if awarded, to the U.S. Bureau of Reclamation for the Pure Water Project Las Virgenes-Triunfo.

RESOLUTION NO. 17

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING THE ADMINISTERING AGENT/GENERAL MANAGER, OR DESIGNEE, TO APPLY FOR, RECEIVE FUNDS, ENTER INTO A COOPERATIVE AGREEMENT AND ADMINISTER A GRANT FOR THE WATERSMART: TITLE XVI WIIN ACT WATER RECLAMATION AND REUSE PROJECTS GRANT

(Reference is hereby made to Resolution No. 17 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

FISCAL IMPACT:

Yes

ITEM BUDGETED:

Yes

FINANCIAL IMPACT:

The cost for preparing the grant application is estimated to be approximately \$50,000, which is included as part of the scope of work for the existing, Board-approved agreement with Jacobs Engineering for Owner's Advisor/Program Manager (OA/PM) services for the Pure Water Project Las Virgenes-Triunfo.

DISCUSSION:

The Las Virgenes Municipal Water District (LVMWD) and Triunfo Water and Sanitation District (TWSD), collectively as part of the Las Virgenes-Triunfo Joint Powers Authority (JPA), currently rely entirely on imported drinking water from the Metropolitan Water District of Southern California (MWD). The JPA is pursuing the Pure Water Project Las Virgenes-Triunfo that will diversify the drinking water supply portfolio for the JPA's members by initially creating at least 2,100 acre-feet per year of new, local drinking water supply that is sustainable, reliable and drought-proof. The project involves further treating wastewater through advanced water treatment processes for replenishment of Las Virgenes Reservoir, which is critical for local supply reliability and emergency potable water supply within the region during a catastrophic emergency.

Through collaboration and partnerships with cities and unincorporated areas within the region, the JPA is also exploring additional alternate sources, such as impaired groundwater and urban runoff, that could be added to the project. These additional supplies could potentially enable the Pure Water Project Las Virgenes-Triunfo to yield up to 5,000 acre-feet per year of total drinking water supplies. The water supplies generated by the project will help reduce imported water demands from the Sacramento-San Joaquin Bay Delta, as well as the Colorado River Basin. The additional source water for Las Virgenes Reservoir will enable the region to better prepare for frequent and intensified drought conditions brought on by climate change. From a compliance and environmental perspective, the utilization of all treated wastewater from the Tapia Water Reclamation Facility will effectively eliminate treated wastewater discharges to Malibu Creak by the year 2030, meeting regulatory requirements for the facility.

The Pure Water Project Las Virgenes-Triunfo supports the BOR's Title XVI project objectives to develop and supplement local water supplies through water reuse, thereby improving water reliability by providing communities with new sources of clean, drought-resilient water supplies and is, therefore, an eligible project under the grant program. The project is currently in the planning and design phase of work. The grant application will be for planning, permitting, pre-design and design efforts and all expenditures toward this work to-date and through October 2025 are eligible for reimbursement under the grant program. Construction costs are not being included in this grant application as construction activity is not anticipated to start until close to the end of the eligibility period. A separate grant application will be pursued at a later time to assist with funding the construction cost. The deadline for this grant application is March 15, 2022.

This grant program is being funded with the \$1.2 trillion via the Infrastructure Investment and Jobs Act that was signed into law by President Biden on November 15, 2021. Of this total amount, \$8.3 billion is designated for the U.S. Bureau of Reclamation to address water drought issues as well as water storage and recycling efforts by Reclamation states. A total of \$550 million is specifically designated for the Title XVI Water Reclamation and Reuse Program. The BOR is currently planning to release funding in two separate calls for applications – one this year for about half the amount, and another opportunity sometime next year for the remainder.

Proposed Resolution No. 17 authorizes and directs the Administering Agent/General Manager, or designee, to prepare and submit a grant funding application and execute a grant funding agreement, if successful in the application process for the WaterSMART: Title XVI WIIN Act Water Reclamation and Reuse Projects Grant. By including these actions in the resolution, all of the required steps to receive the grant funding will be completed.

If the grant is awarded, the funding will provide financial assistance to the JPA and minimize the impact of costs for the Pure Water Project Las Virgenes-Triunfo, which are currently estimated to be \$256 million, on the JPA's customers.

Prepared by: Joe McDermott, Director of Engineering and External Affairs

ATTACHMENTS:

Resolution No. 17

RESOLUTION NO. 17

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES – TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING THE ADMINISTERING AGENT/GENERAL MANAGER, OR DESIGNEE, TO APPLY FOR, RECEIVE FUNDS, ENTER INTO A COOPERATIVE AGREEMENT, AND ADMINISTER A GRANT FOR THE WATERSMART: TITLE XVI CONGRESSIONALLY AUTHORIZED WATER RECLAMATION AND REUSE PROJECTS GRANT

WHEREAS, the United States Department of the Interior, Bureau of Reclamation (BOR) WaterSMART Title XVI Water Reclamation and Reuse Program is authorized under Section 9504 (a) of the Secure Water Act, Subtitle F of Title IX of Omnibus Public Lands Management Act of 2009, Public Law 111-11 (42 United States Code 10364); and

WHEREAS, Las Virgenes Municipal Water District and Triunfo Water and Sanitation District together as a Joint Powers Authority (JPA) currently provide water to approximately 89,000 residents within its jurisdiction. The Pure Water Project Las Virgenes - Triunfo, will initially provide at least 2,100 and ultimately up to 5,000 acre-feet per year of the JPA's potable water supply by diverting excess wastewater discharges from the Tapia Water Reclamation Facility and other sources such as impaired groundwater to a new Advanced Water Purification Facility; and

WHEREAS, the Pure Water Project will provide much-needed diversification of the JPA's water supply portfolio and effectively reduce the its sole reliance on imported supplies from both the California State Water Project and the Colorado River System – two sources that continue to be stressed and unable to provide consistent supplies of water due to climate change and prolonged drought; and

WHEREAS, the Pure Water Project supports the BOR's Title XVI project objectives to develop and supplement local water supplies through water reuse, thereby improving water reliability by providing communities with new sources of clean, drought resilient water supplies; and

WHEREAS, applicants for grant funding from the WaterSMART: Title XVI Grant Program are required to adopt a Resolution pursuant to provisions of the grant application and cooperative agreement; and

WHEREAS, the JPA is submitting an application for funding to support its Pure Water Project's project planning, permitting, pre-design and design that will facilitate construction that is scheduled to commence by December of 2025; and

WHEREAS, an application will be submitted to the BOR by March 15, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LAS VIRGENES – TRIUNFO JOINT POWERS AUTHORITY AS FOLLOWS:

Section 1. The Administering Agent/General Manager, or his designee, on behalf of the JPA, is hereby authorized and directed to prepare and submit a grant funding application to the United States Bureau of Reclamation to obtain a Title XVI Congressionally Authorized Water Reclamation and Reuse Projects Grant, FON: R22AS00116.

Section 2. The Administering Agent/General Manager, or his designee, on behalf of the JPA, is hereby authorized and directed to conduct all negotiations and execute and submit all documents associated with the WaterSMART Title XVI Water Reclamation and Reuse Program, including, but not limited to, a grant contract and any amendments or change orders, and to work with BOR to meet established deadlines for entering into a cooperative agreement.

Section 3. The Administering Agent/General Manager, or his designee, on behalf of the JPA, shall review and support the application submitted to BOR. The Administering Agent/General Manager, or his designee, has confirmed that the JPA has the capability to provide the amount of funding and/or in-kind contributions as specified in the funding plan of the application. The JPA will work with BOR to meet established deadlines for entering into a grant or cooperative agreement.

Section 4. This Resolution will take effect immediately upon adoption.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2022.

Jay Lewitt, Chair

ATTEST:

Leon E. Shapiro, Vice Chair

(SEAL)

APPROVED AS TO FORM:

W. Keith Lemieux, District Counsel

INFORMATION ONLY

March 7, 2022 JPA Board Meeting

TO: JPA Board of Directors

FROM: Facilities & Operations

Subject : Rancho Las Virgenes Composting Facility: Biofilter Maintenance for Zone Nos. 1 to 4

The Las Virgenes-Triunfo Joint Powers Authority (JPA) approved funding for this matter in the JPA Budget. On March 1, 2022, the LVMWD Board, acting as Administering Agent of the JPA, authorized the General Manager to approve a purchase order for Viramontes Express, Inc., in the amount of \$110,175.35, to replace the biofilter media at the Rancho Las Virgenes Composting Facility.

SUMMARY:

The wood chip media for the biofilters at the Rancho Las Virgenes Composting Facility requires replacement regularly to meet air quality permit requirements and to prevent odors from migrating off-site. The biofiltration process uses a wood chip media as the substrate for organisms, which remove ammonia and volatile organic compounds from the foul air generated by the composting process. The media breaks down over time and needs to be replaced. All of the biofilter media is scheduled to be replaced annually. The media for Zone Nos. 1 to 4 was last replaced in 2021.

Bids were requested from suppliers and contractors via advertisement on the District's website from October to November 2021. No bids were received. As a result, staff reached out to Viramontes Express, Inc., who has consistently been the successful bidder for biofilter media. Viramontes provided a proposal to supply the new media and to remove and dispose of the old media for \$110,175.35. For comparison, the cost of the same work performed by Viramontes Express in 2021 was \$100,127.80.

FISCAL IMPACT:

Yes

ITEM BUDGETED:

Yes

FINANCIAL IMPACT:

Sufficient funds are available in the adopted Fiscal Year 2021-2022 JPA Budget for this purpose. The cost of the work is allocated 70.6% to LVMWD and 29.4% to Triunfo Water and Sanitation District.

Prepared by: Brett Dingman, Water Reclamation Manager

ATTACHMENTS:

Viramontes Proposal



17130 Hellman Ave. Corona, CA 92880
 Phone (909) 597-7232 • FAX (909) 606-9947
 E-mail: ViramontesXpress@msn.com

Las Virgenes Zone 1 & 4 Quote

Date: February 10, 2022

Company: *Las Virgenes Composting Facility*

Attention: Robert Robins

Phone:(818) 251-2344

FAX: (818) 251-2349

| Item | Details | Total |
|-----------------|--|---------------------|
| Biofilter Media | 2,500 cubic yards of wood chips (\$17 per cy) | \$42,500.00 |
| Freight | To and from Chino to Calabasas, CA | \$23,000.00 |
| Sales Tax | 9.50% Los Angeles on \$65,500.00 | \$6,222.50 |
| Transport | Spent biofilter media from biofilter to staging area & transport new biofilter media from staging area to bio-filter | \$26,877.85 |
| Disposal | Spent Biofilter Disposal Fee | \$10,575.00 |
| Transportation | Wheel Loader \$500 per trip x 2 | \$1000.00 |
| | Total: | \$110,175.35 |

*Placement is not included.

Viramontes Express by: Henry Viramontes Date: 02/10/2022

Las Virgenes Composting by: _____ Date: _____

Please sign, date, and fax to Viramontes Express. We will not commit to loads until a signed confirmation is received. Thank you for your cooperation.