

LAS VIRGENES TRIUNFO JOINT POWERS AUTHORITY
Las Virgenes Municipal Water District Board Room, 4232 Las Virgenes Road,
Calabasas, CA 91302

AGENDA
JOINT POWERS AUTHORITY - REGULAR MEETING
MONDAY, AUGUST 7, 2023 – 5:00 PM

PUBLIC PARTICIPATION: The public may join this meeting virtually or attend in person in the Board Room. Teleconference participants will be muted until recognized at the appropriate time by the Chair. To join via teleconference, please use the following Webinar ID:

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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; or inform the Executive Assistant/Clerk of the Board if attending in person.

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/livestream. To ensure distribution of the agenda, please submit comments 24 hours prior to the day of the meeting. Those comments, as well as any comments received during the meeting, 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 the implementation thereof. Any person who requires a disability-related modification or accommodation, in order to attend or participate in a meeting, including auxiliary aids or services, may request such reasonable modification or accommodation by contacting the Executive Assistant/Clerk of the Board by telephone at (818) 251-2123 or via email to jguzman@lvmwd.com at least 48 hours prior to the 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 agenda 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

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.

4.A **Minutes: Special Meeting of July 10, 2023 (Pg. 4)**
Approve.

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION OF AGENDA ITEMS

5.A **State and Federal Legislative Update (Pg. 11)**

5.B **Pure Water Project Las Virgenes-Triunfo: Update (Pg. 43)**

6. ACTION ITEMS

- 6.A **Proposed Formation of Las Virgenes-Triunfo Public Financing Authority (Pg. 46)**
Review and provide feedback on the proposed Joint Exercise of Powers Agreement between Las Virgenes Municipal Water District and Triunfo Water & Sanitation District to form the Las Virgenes-Triunfo Public Financing Authority.

7. **BOARD COMMENTS**

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

9. **FUTURE AGENDA ITEMS**

10. **INFORMATION ITEMS**

10.A **RWQCB Settlement Offer R4-2023-0291: Acceptance of Conditional Resolution and Waiver of Right to Hearing (Pg. 67)**

10.B **Rancho Distribution Screw Conveyor No. 1: Purchase Order (Pg. 79)**

11. **PUBLIC COMMENTS**

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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
SPECIAL MEETING**

5:00 PM

July 10, 2023

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Leon Shapiro.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **5:00 p.m.** by Chair Jane Nye in the Board Room at Las Virgenes Municipal Water District headquarters at 4232 Las Virgenes Road, Calabasas, CA 91302. Josie Guzman, Clerk of the Board, conducted the roll call.

Present: Directors Burns, Lewitt, Nye, Orkney, Polan, Shapiro, Tjulander, and Wall

Absent: Directors Caspary and Coradeschi

2. APPROVAL OF AGENDA

Director Orkney moved to approve the agenda. Motion seconded by Director Polan. Motion carried 8-0 by the following vote:

AYES: Burns, Lewitt, Nye, Orkney, Polan, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Caspary, Coradeschi

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

A Minutes: Regular Meeting of June 5, 2023: Approve

B Statement of Revenues, Expenses, and Changes in Net Position: May

2023

Receive and file the Statement of Revenues, Expenses, and Changes in Net Position for the period ending May 31, 2023.

Director Tjulander moved to approve the Consent Calendar. Motion seconded by Director Wall. Motion carried 8-0 by the following vote:

AYES: Burns, Lewitt, Nye, Orkney, Polan, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Caspary, Coradeschi

5. 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), reported that Congress was continuing to work on the appropriations process. She noted that there was concern that following the agreement on spending limits for Fiscal Years 2024 and 2025, Congresswoman Kay Granger, Chairwoman of the House Appropriations Committee, decided to cap spending limits at Fiscal Year 2022 levels. She stated that it was likely that a continuing resolution would be adopted, otherwise there could be a short-term shutdown of the federal government. She also reported that Senator Dianne Feinstein introduced a series of bills addressing western water drought and water infrastructure in the west, including a bill to reauthorize the Title XVI Program. She provided an update regarding legislation related to per- and polyfluoroalkyl substances (PFAS). She stated that the U.S. Environmental Protection Agency (EPA) was continuing to take actions to address its PFAS Strategic Roadmap, including an advanced notice of proposed rulemaking to designate seven additional PFAS chains and PFAS as a class under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). She also reported that the Senate Environment and Public Works Committee discussed a draft PFAS bill to address the definition of PFAS; however, the bill did not include a liability exemption. She noted that Congresswoman Grace Napolitano announced her retirement from Congress at the end of this term.

Lowry Crook, federal lobbyist for the JPA with BBK, provided an update regarding the Supreme Court's ruling on Sackett v. EPA related to limiting the scope of the Clean Water Act protections and permitting requirements for wetlands in the United States. He stated that wetlands were only covered under the Clean Water Act if they have a direct surface connection to waters of the United States and navigable waters. He also stated that the impacts of the Supreme Court's ruling would remove nearly 50 percent of the nation's wetlands from the Clean Water Act's jurisdiction, including removal of the significant nexus test that was put in place in

2006 by a Supreme Court decision. He noted that many ephemeral streams in California and the arid west would no longer be covered by Clean Water Act jurisdiction. He also stated that the U.S. Army Corps of Engineers placed on hold any requests for jurisdictional determination on any property, and the EPA would issue a final rule in response to the Supreme Court's decision by September 1st.

Ms. Schwab responded to questions regarding whether the JPA's eligibility to apply for Title II and Title XVI funding, Desalination and Water Purification Research Program, and funding from the Department of Interior's Wildland Urban Interface Community Fire Assistance Program through the Department of Fish and Wildlife Service to support wildfire prevention strategies.

Syrus Devers, state lobbyist for the JPA with BBK, provided an update regarding water rights bills AB 460, AB 1337, and SB 389. He noted that AB 460 was previously pulled and AB 1337 was recently pulled, which would have overturned the curtailments case that would allow the State Board to enforce pre-1914 water rights. He stated that SB 389 (Allen) regarding information gathering appeared to be likely to pass. He also provided an update regarding AB 755 (Papan), Public Entity, Cost-of-Service Analysis. He stated that this bill would require the identification of major water users who are in the top ten percent, and calculation of how much extra residential customers would be paying as a result of the cost of major water users. He stated that there was concern that this could lead to litigation. He noted that a 40 percent amendment to the bill in mockup form was presented to the Senate Natural Resources and Water Committee. He also provided an update regarding the Infrastructure Streamlining Package, which was adopted and signed by Governor Gavin Newsom. He responded to a question regarding the status of the Delta Conveyance by stating that environmental documents for a one tunnel project were moving forward. He also responded to a question regarding the status of AB 1594 (Garcia), Medium and Heavy-Duty Zero-Emission Vehicles, Public Agency Utilities by stating that the bill was proceeding, and would be sent to Governor Newsom for his signature.

B Pure Water Project Las Virgenes-Triunfo: Update

Oliver Slosser, Engineering Program Manager, presented the report. He stated that the three teams short-listed for the design-build process included: Black & Veatch; McCarthy, Arcadis, and SBI; and Walsh, Brown & Caldwell, and Carollo Engineers. He also stated that the Request for Proposals would be issued at the end of the month for the Advanced Water Treatment Facility and reverse osmosis concentrate pipeline procurement.

6. ACTION ITEMS

A Rancho Las Virgenes Composting Facility Class B Biosolids Hauling: Authorization

Authorize the Administering Agent/General Manager to execute a contractual services agreement with Synagro West, LLC, in a not-to-exceed amount of \$169,200, for one year with up to four one-year renewal options and allow issuance of task orders under the not-to-exceed amount, for Class B Biosolids Hauling.

Veronica Hurtado, Water Reclamation Manager, presented the report. She responded to questions regarding potential cost savings for biosolids hauling, use of trailer and yard goat staging, and planned compost shutdown for reactor building maintenance.

Administering Agent/General Manager David Pedersen responded to a question regarding the operation budget for the Rancho Las Virgenes Composting Facility by stating that the budget was \$3.3 million.

Director Polan moved to approve Item 6A. Motion seconded by Director Orkney. Motion carried 8-0 by the following vote:

AYES: Burns, Lewitt, Nye, Orkney, Polan, Shapiro, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Caspary, Coradeschi

B Rancho Las Virgenes Composting Flare Waste Gas Flare Design Project: Award

Authorize the Administering Agent/General Manager to execute a professional services agreement with Brown and Caldwell, in the amount of \$275,651, for engineering design and services during construction, for the Rancho Las Virgenes Composting Flare Waste Gas Flare Design Project.

Veronica Hurtado, Water Reclamation Manager, presented the report, and noted that correct the amount for the agreement would be \$275,651.

Director Shapiro moved to approve Item 6B. Motion seconded by Director Lewitt. Motion carried 8-0 by the following vote:

AYES: Burns, Lewitt, Nye, Orkney, Polan, Shapiro, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Caspary, Coradeschi

C Climate Action and Adaptation Plan (CAAP): Progress Report

Provide input and feedback on the Climate Action and Adaptation Plan.

Joe McDermott, Director of Engineering and External Affairs, presented the report.

Eric Vaughn, representing Rincon Consultants; presented a PowerPoint presentation.

Mr. McDermott discussed the Preliminary Results Greenhouse Gas Inventory and Forecast, including solar farm investment.

A discussion ensued regarding the use of zero emission vehicles, the State's goal to achieve clean energy targets by 2045, the need to use backup generators as an alternate energy source to meet demands, use of floating solar, and use of solar panels at the Pure Water Project Las Virgenes-Triunfo.

7. BOARD COMMENTS

Director Polan reported that he attended the Association of California Water Agencies (ACWA) Region 10 Program on June 29th in Oceanside. He noted that a tour of Pure Water Oceanside was provided, and that the facility included space for future expansion. He expressed his hope that the Pure Water Project Las Virgenes-Triunfo would also have space for future expansion.

Director Burns reported that he also attended the ACWA Region 10 Program, and he suggested that Lindsay Leahy, Water Utilities Director from the City of Oceanside, be invited to provide a presentation.

8. ADMINISTERING AGENT/GENERAL MANAGER REPORT

Administering Agent/General Manager David Pedersen reported that a small brush fire occurred at the solar field on June 22nd, which was caused when one of the inverters suffered a failure. He noted that the Los Angeles County Fire Department responded and quickly extinguished the fire, which was contained to one-acre and caused minimal damage. He also noted that the brush fire was reported by a Customer Service Summer Intern while walking near the solar field. He stated that mitigation measures, such as clearing brush from vegetation and paving the area underneath the inverter, would be taken to prevent any future occurrence. He also reported that flow in Malibu Creek measured 10.2 cubic feet per second (CFS).

9. FUTURE AGENDA ITEMS

None.

10. INFORMATION ITEMS

A Metropolitan Water District of Southern California Local Resources Program Application

B Rancho Las Virgenes Composting Facility DCS Migration to SCADA System

11. PUBLIC COMMENTS

None.

12. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:37 p.m.**, in memory of John Mathews, legal counsel for Triunfo Water & Sanitation District.

Jane Nye, Chair

ATTEST:

Jay Lewitt, Vice Chair

Las Virgenes-Triunfo Water District

July 25, 2023

John Freshman, Ana Schwab, Lowry Crook, and Samantha Sabol

Congress

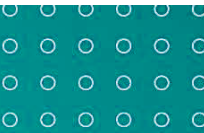
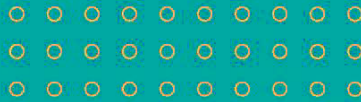
Congress Prioritizes Federal Spending Legislation as House Passes NDAA

In height of the summer season, Congress is continuing to prioritize the Congressional appropriations process and passage of the National Defense Authorization Act (NDAA). The twelve Subcommittees within the House and Senate Appropriations Committee are in the process of holding hearings and markups on their budget bills for Fiscal Year 2024 to determine spending allocations for their relevant agencies and programs. The House Appropriations Subcommittee on Interior and Environment hearing is detailed under the 'Appropriations' section of the report.

Additionally, the House Armed Services Committee held all Subcommittee hearings and a full Committee markup on the NDAA. This defense bill provides authorization for Department of Defense (DOD) funding, to include federal spending for our military and other defense priorities. It provides structure and guidance for DOD programs and subsequent federal appropriations. It also includes new legislation related to on per- and polyfluoroalkyl substances (PFAS), regarding usage, disposal, and testing for exposure in service members. Important provisions relating to PFAS include:

- Improvements to reduce human exposure to PFAS. Within certain locations, periodic health assessments are required for soldiers which include testing for exposure to PFAS.
- Incentives for research and development of technology to dispose of PFAS using thermal destruction. \$1,000,000 will be appropriated to the Department of Defense for this project.
- Mandatory training for soldiers to learn about health impacts of PFAS substances

With over 1,500 amendments submitted, the House Rules Committee held a hearing on the NDAA on July 11th to determine amendments made in order, and debate and vote



structure for the bill. The NDAA passed in the House of Representatives on July 14th, 2023, in a 219 – 210 vote, and will now be considered in the Senate.

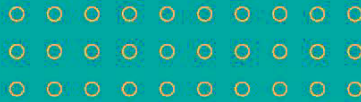
Senator Dianne Feinstein (D-CA) Reintroduces Important Legislation to Improve Water Systems in California

Two bills have been introduced by Senator Feinstein that would upgrade water systems and restore San Joaquin Valley Canals. The first bill, S. 2202, the Restore Aging Infrastructure Now (RAIN) Act, will modernize the Bureau of Reclamation's aging canals and facilities to serve multiple purposes, including environmental benefits and providing drinking water to disadvantaged communities. It authorizes grant funding instead of loans for upgrading facilities that supply drinking water to these communities, and offers a 15 percent discount to agricultural and municipal irrigation districts participating in these projects. The bill could utilize \$3.2 billion from the bipartisan infrastructure law, going towards projects such as repairing the damaged Friant-Kern Canal, Delta-Mendota Canal, and federally owned section of the California Aqueduct in California. By improving these canals, California will become more resilient to drought, while enabling farmers to capture runoff from winter storms and recharge local aquifers.

The second piece of legislation introduced by the Senator is S.2162, the Support to Rehydrate the Environment, Agriculture and Municipalities Act (STREAM) Act. This bill would improve water supply in the western United States through the authorization of \$750 million for storage, \$300 million for water recycling, \$150 million for desalination, and \$100 million for drinking water in disadvantaged communities. The funding would provide over one million additional acre-feet of water per year, benefiting millions of Californians. The bill would also provide financial incentives for storage and conveyance projects that promote environmental benefits and expand access to drinking water for disadvantaged communities. Furthermore, it would allocate funds for separate environmental restoration projects, including helping endangered species adapt to climate change, restoring stream and river channels, and creating seasonal habitat for migratory birds.

Senate Environment and Public Works Committee Publishes Draft Legislation on PFAS With Request for Public Comment

On June 22nd, Senate Environment and Public Works Committee published draft legislation on per- and polyfluoroalkyl substances (PFAS), and accepted stakeholder comments through July 14th, 2023. As it currently stands, the bill does not include protections for



“passive receivers” of PFAS substances, including municipalities and water treatment facilities. A link to the bill can be found [here](#).

Important provisions of the bill:

- Sets a deadline of September 30th, 2024 for the Environmental Protection Agency (EPA) to complete their rulemaking process to set water quality standards for PFAS substances.
- Within one year of enactment, requires the EPA to contract with the National Academy of Science, Engineering, and Medicine to carry out a study regarding the use of PFAS in commerce.
- Allows states to use grant and funding opportunities from the Infrastructure Investment and Jobs Act (IIJA) of 2021 and the America's Water Infrastructure Act of 2018 to remediate individual well contaminated with PFAS in small and disadvantaged communities.
- Mandates the EPA create a database of strategies to mediate PFAS contamination.
- Allocates additional funding for research and development regarding PFAS mitigation and prevention.
- Establishes emergency assistance through the EPA for tribes, and small or disadvantages communities, to respond to PFAS contamination.

House Transportation and Infrastructure Water Resources and Environment Subcommittee Held a Hearing on FY2024 Budget Requests

On July 13th, 2023, the House Transportation and Infrastructure Water Resources and Environment Subcommittee held a hearing to review the budget request for Fiscal Year 2024. The bill represented a 35% decrease from the Fiscal Year 2023 enacted level and \$21.4 billion below the President's Budget Request. It would also rescind \$9.4 billion in funding from the Environmental Protection Agency (EPA), the Presidio Trust, Environmental and Climate Justice initiatives, and the Council of Environmental Quality, which were previously allocated through the Inflation Reduction Act (IRA). As a result, the program level is now \$34.8 billion below the FY23 enacted level. Additionally, the bill reduces funding for most other appropriations, including a substantial 39% reduction to the EPA, aiming to control spending on low priority programs for Republicans. Below is an analysis of specific sections in the budget request.

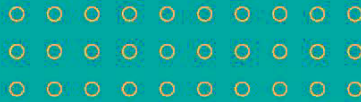
WOTUS

During his opening statement, Chairman David Rouzer (R-NC-7) raised concerns regarding the EPA's proposed revisions to the Waters of the United States (WOTUS) definition, aimed



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at aligning it with the recent Sackett vs. EPA decision. The EPA and the Army Corps of Engineers plan to utilize a rarely used "direct to final rule" process under the Administrative Procedures Act (APA) to implement these changes. This approach bypasses the traditional comment and response procedure, giving rise to concerns about limited public input and the potential retention of aspects from the original rule invalidated by the Supreme Court's Sackett decision.

EPA

Radhika Fox, Assistant Administrator of the Environmental Protection Agency (EPA) emphasized that the anticipated 40% budget reduction would significantly undermine the recent progress achieved in addressing our nation's aging water infrastructure. The challenge we currently face with outdated water systems demands increased funding, particularly for smaller and underserved communities. Over the past 50 years, substantial efforts have been made to improve water quality, and it is essential not to neglect these achievements at this critical juncture.

Assistant Administrator Fox and Rep. Emilia Sykes (D-OH-13) discussed the potential impacts of cutting the EPA budget at such a high percentage on everyday life. Fox stressed that our infrastructure is aging daily, making the EPA's funds crucial for various water infrastructure projects in both industrial and small communities. Notably, 85% of the EPA's budget is allocated to state, local, and tribal entities, raising the question of why we would consider cutting such vital funding.

PFAS/Environmental Contaminants

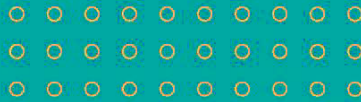
Rep. John James (R-MI-10) inquired about the EPA's PFAS roadmap, seeking insights into their long-term plans. Additionally, he touched on his experience viewing BioCon ERS technology, designed to remove PFAS from our water supply, as a potential solution. Assistant Administrator Fox responded by highlighting the EPA's ongoing efforts to establish a drinking water standard for PFAS. The stakeholder comment period has recently concluded, and an announcement of the rule is anticipated by year-end.

Rep. John Duarte (R-CA-13) raised a significant concern regarding the San Joaquin Delta—a vital water resource, conveyance point, and habitat preserve. He pointed out the detrimental impact of discharging non-tertiary treated effluent, sewage from nearby cities, and municipal waste from Sacramento into the delta, leading to habitat destruction and harm to marine life. Mr. Duarte requested Ms. Fox's commitment to provide a comprehensive report on the efforts made to detect, address, and minimize these discharges. Additionally, he sought information on how the clean water funds allocated to



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California have been utilized to enhance water quality in the San Joaquin Delta and its neighboring municipalities.

Senate Energy and Natural Resources Water and power Subcommittee Holds Hearing on Oversight of the Bureau of Reclamation and Relevant Legislation

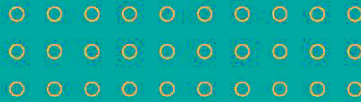
On July 20th, 2023, the Senate Energy and Natural Resources Water and Power Subcommittee held a hearing to review federal oversight of the Bureau of Reclamation, and to review pending legislation. Witnesses included Senator Alex Padilla (D-CA) and Bureau of Reclamation Commissioner Camille Touton. The Western United States is facing significant water challenges due to climate change, prolonged drought, and aging infrastructure. To combat these issues, the Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA) have provided substantial funding for the Bureau of Reclamation to enhance water infrastructure and address these challenges. Reclamation has allocated \$2.75 billion in funding to over 330 projects across all western states, including rural water programs, aging infrastructure projects, and water efficiency initiatives. Below are highlights of certain pieces of legislation that were reviewed by the Committee.

S. 2160, Urban Canal Modernization Act (Risch, R-ID)

This bill would re-categorize extraordinary maintenance work on Reclamation's canals in urban areas as emergency extraordinary maintenance work, allowing the Secretary to provide non-reimbursable funds to cover 35% of project costs. This reduction in operating partners' maintenance costs for urban canals would shift the burden to Reclamation for funding extraordinary maintenance work that would have been covered by project beneficiaries. Additionally, the bill's Section 2(f) may cause confusion as it allows reimbursable funds provided under the bill to serve as a non-federal source of funds for federal grants, which may not align with the specific requirements and goals of Reclamation's grant programs. Reclamation supports the bill's intent to address potential risks posed by canals to populated areas and works collaboratively with partners to ensure the safety and stewardship of aging and urban infrastructure.

S. 2161, Canal Conveyance Capacity Restoration Act (Feinstein, D-CA)

The Central Valley Project (CVP) in California, a network of dams, reservoirs, canals, and facilities, faces subsidence issues due to over-pumping of groundwater, reducing the carrying capacity of its infrastructure. The Friant-Kern Canal has experienced a decrease in its capacity. This bill would authorize \$833.4 million for four major projects, including



\$653 million to restore the capacity of three San Joaquin Valley canals affected by subsidence. It would also allow non-reimbursable financial assistance for subsidence mitigation activities. Reclamation raised concerns about the departure from usual cost principles and seeks technical edits for the extension of certain provisions under the WIIN Act. Despite these concerns, Reclamation supports the Act's intent to restore salmon populations and repair storage and conveyance capacity in California.

S. 2162, Support To Rehydrate the Environment, Agriculture, and Municipalities Act (Feinstein, D-CA)

This bill proposes new and expanded authorities for water storage, aging infrastructure investment, ecosystem health, and more. It would amend and authorize appropriations for various programs, including water recycling, water storage, desalination, and drinking water projects. It seeks to accelerate approval processes for projects, while it also creates new implementation obligations for recently established programs. Reclamation appreciates the efforts of the bill to address drought but emphasizes the need for careful consideration to ensure the bill's authorities are implementable, effective, and consistent with existing laws.

S. 2166, Voluntary Agricultural Land Repurposing Act (Padilla, D-CA)

Senator Padilla testified on behalf of his bill, referring to it as a tool to address the increasing stress on California's food production. The bill proposes to expand Reclamation's authorities under the Emergency Drought Relief Act and the SECURE Water Act, allowing financial assistance for voluntary agricultural land repurposing to reduce consumptive water use while providing multiple benefits to the environment and communities. The bill aims to prioritize projects that benefit disadvantaged communities and those developed through a multi-stakeholder planning process. Reclamation supports the intent of the bill but has some implementation concerns, especially regarding monitoring requirements and funding allocations.

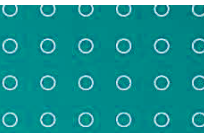
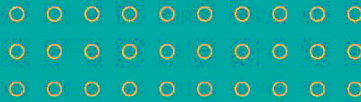
S. 2202, Restore Aging Infrastructure Now Act (Feinstein, D-CA)

This bill would modify Reclamation's authority under the Omnibus Public Land Management Act of 2009 to fund modifications to extraordinary maintenance (XM) projects on transferred works that increase public and other project benefits without adverse impacts. The bill introduces new terms and definitions to determine public benefits, adverse impacts, and disadvantaged communities. It establishes a process for reviewing modifications and receiving consent from project beneficiaries. The modifications would be limited in cost, and additional costs related to public benefits would be non-reimbursable. To incentivize participation, the bill reduces repayment of capital



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costs for entities that provide public benefits. Reclamation supports the bill's intent to address aging infrastructure challenges and expand XM projects, but highlights the need for further discussions on achieving its goals.

Federal Budget/Appropriations



House Appropriations Interior, Environment, and Related Agencies Subcommittee Holds Markup on FY24 Appropriations Bill

On July 13th, 2023, the House Appropriations Subcommittee on Interior and Environment completed their markup of the Fiscal Year 2024 Interior, Environment, and Related Agencies Bill. The bill allots \$25.4 billion in non-defense discretionary spending, representing a 35% decrease from the Fiscal Year 2023 enacted level and \$21.4 billion below the President's Budget Request. It would also rescind \$9.4 billion in funding from the Environmental Protection Agency (EPA), the Presidio Trust, Environmental and Climate Justice initiatives, and the Council of Environmental Quality, which were previously allocated through the Inflation Reduction Act (IRA). As a result, the program level is now \$34.8 billion below the FY23 enacted level. Additionally, the bill reduces funding for most other appropriations, including a substantial 39% reduction to the EPA, aiming to control spending on low priority programs for Republicans.

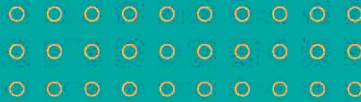
To address the growing threat of wildfires, the U.S. Forest Service would receive \$8.0 billion, an increase of \$948.8 million from the FY23 enacted level and \$1.7 billion below the President's Budget Request. For the U.S. Forest Service, Wildland Fire Management, the bill allocates \$2.1 billion, which is \$1.2 billion above the FY23 discretionary level and \$853.7 million below the President's Budget Request. Additionally, a fire suppression cap adjustment of \$2.3 billion is provided as authorized.

Despite these funding adjustments, the bill's total allocation remains below the FY18 enacted level. The markup process itself was uneventful, lasting less than 30 minutes, with neither side offering any amendments. The bill is scheduled to be marked up by the full committee in the near future.

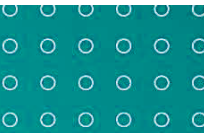


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Funding Opportunities



Department of Energy

The Office of State and Local Energy Programs has opened the Energy Efficiency and Conservation Block Grant Program. This opportunity aims to reduce carbon emissions and improve energy efficiency to state and local governments. The grant provides technical assistance to entities, which includes thorough planning and strategizing energy efficiency goals, and implementation of programs to incentivize and monitor efficiency goals. Applicants must submit a pre-award information sheet, which is due **July 31, 2023**. More information can be found [here](#).

Department of Interior – Bureau of Reclamation

The Bureau of Reclamation opened their WaterSMART: Water Conservation Field Services Program to support projects and technology that conserve water and work to mitigate the consequences of water shortages. This opportunity is open to states, tribes, irrigation districts, water districts, and other organizations with water or power delivery authority, that are located in the Lower Basin States, or the State of Hawaii, American Samoa, Guam, and the Northern Mariana Islands. The award ceiling is \$100,000 for any one entity. The application deadline is **October 13, 2023**. More information can be found [here](#).

The Bureau of Reclamation opened the WaterSMART: Aquatic Ecosystem Restoration Projects opportunity. This grant will support the study, design, and implementation of restoration projects that improve the health and ecosystem for fish, wildlife, and aquatic habitats. Applications are due **January 24, 2023**. More information can be found [here](#).

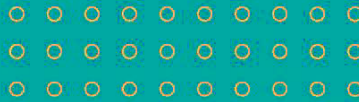
Department of Interior – Fish and Wildlife Service

The Department of Interior published their Wildland Urban Interface Community Fire Assistance program through the Department of Fish and Wildlife Service. This opportunity will support implementation of the National Cohesive Wildland Fire Management Strategy and support wildfire prevention strategies. The funding opportunity can be used for planning and implementation, strengthening already existing opportunities, and providing



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education and awareness of issues in rural areas. Applications are due **September 1, 2023**. More information can be found [here](#).



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July 2023 Bill Tracking Matrix

Legislation	Summary	Status	Cosponsors	# of Cosponsors
H.R. 186 Water Supply Permitting Coordination Act	To authorize the Secretary of the Interior to coordinate Federal and State permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing, and for other purposes.	01/09/2023 Introduced by Rep. Tom McClintock (R-CA-4) 2/21/2023 Referred to the Subcommittee on Water, Wildlife, and Fisheries.	Rep. Doug LaMalfa (R-CA-1); Rep. David Valadao (R-CA-21); Rep. Cliff Bentz (R-OR-2); Rep. Burgess Owens (R-UT-4); Rep. Pete Stauber (R-MN-8);	5
H.R. 215 WATER for California Act	To provide long-term water supply and regulatory reliability to drought-stricken California, and for other purposes.	1/09/2023 Introduced by Rep. David Valadao (R-CA-21) 4/28/2023 Subcommittee on Water, Wildlife, and Fisheries Discharged.	Rep. Ken Calvert (R-CA-42); Rep. John Duarte (R-CA-13); Rep. Mike Garcia (R-CA-25); Rep. Darrell Issa (R-CA-50); Rep. Kevin Kiley (R-CA-3); Rep. Young Kim (R-CA-39); Rep. Doug LaMalfa (R-CA-1); Rep.	11
H.R. 250 Clean Water SRF Parity Act	This bill expands the state revolving fund established under the Clean Water Act, including by allowing low-interest loans to be given to privately owned treatment works to address wastewater. Currently, loans are given to wastewater systems that are publicly owned.	01/10/2023 Introduced by Rep. John Garamendi (D-CA-8) 02/01/2023 Referred to the Subcommittee on Water Resources and Environment.	Rep. Mike Bost (R-IL-12); Rep. Donald Norcross (D-NJ-1); Rep. Abigail Spanberger (D-VA-7)	3
H.R. 369 NIST Wildland Fire Communications and Information Dissemination Act	To require the National Institute of Standards and Technology to conduct research on public safety communication coordination standards among wildland firefighters and fire management response officials.	01/17/2023 Introduced by Rep. Young Kim (R-CA-40) 06/21/2023 Committee Consideration and Mark-up Session Held	Rep. Mike Garcia (R-CA-25); Rep. Teresa Leger Fernandez (D-NM-3); Rep. Joe Neguse (D-CO-2); Rep. Melanie Ann Stansbury (D-NM-1)	4
S. 64 Water Rights Protection Act of 2023	A bill to prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretary of the Interior and the Secretary of Agriculture, and for other purposes.	01/25/2023 Introduced by Senator John Barrasso (R-WY) 01/25/2023 Referred to the Committee on Energy and Natural Resources.	Sen. Mike Crapo (R-ID); Sen. James Risch (R-ID)	2
S. 188 Wildfire Emergency Act of 2023	A bill to direct the Secretary of Agriculture to select and implement landscape-scale forest restoration projects, to assist communities in increasing their resilience to wildfire, and for other purposes.	01/31/2023 Introduced by Senator Dianne Feinstein (D-CA) 01/31/2023 Referred to the Committee on Energy and Natural Resources.	Sen. Alex Padilla (D-CA); Sen. Steve Daines (R-MT); Sen. Ron Wyden (D-OR)	3
H.J.Res 27 Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Army, Corps of Engineers, Department of Defense and the Environmental Protection Agency relating to 'Revised Definition of Waters of the United States'.	This joint resolution nullifies the rule titled Revised Definition of "Waters of the United States," which was submitted by the U.S. Army Corps of Engineers and the Environmental Protection Agency on January 18, 2023. The rule specifies which bodies of water fall under the scope of the Clean Water Act and are thereby under federal jurisdiction and protected. For example, the definition in the 2023 rule includes certain wetlands and ephemeral waters (e.g., waters that flow intermittently). The 2023 rule replaced the 2020 Navigable Waters Protection Rule that included a narrower definition of waters of the United States.	02/02/2023 Introduced by Rep. Sam Graves (R-MO-06). 04/18/2023 The Chair directed the Clerk to notify the Senate of the action of the House.	Rep. Ken Calvert (R-CA-42); Rep. John Duarte (R-CA-13); Rep. Mike Garcia (R-CA-25); Rep. Darrell Issa (R-CA-50); Rep. Kevin Kiley (R-CA-3); Rep. Doug LaMalfa (R-CA-1); Rep. Tom McClintock (R-CA-4); Rep. David Valadao (R-CA-21); Rep. Robert Aderholt (R-AL-4); Rep. Mark Alford (R-MO-4); Rep. Rick Allen (R-GA-12); Rep. Mark Amodei (R-NV-2); Rep. Kelly Armstrong (R-ND-1); Rep. Jodev	170
S.J. Res. 7 A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Army, Corps of Engineers, Department of Defense and the Environmental Protection Agency relating to 'Revised Definition of Waters of the United States'.	This joint resolution nullifies the rule titled Revised Definition of "Waters of the United States," which was submitted by the U.S. Army Corps of Engineers and the Environmental Protection Agency on January 18, 2023. The rule specifies which bodies of water fall under the scope of the Clean Water Act and are thereby under federal jurisdiction. The 2023 rule replaced a 2020 rule that included a narrower definition of waters of the United States.	02/02/2023 Introduced By Senator Shelley Moore Capito (R-WV). 02/13/2023 Star Print ordered on the joint resolution.	Sen. John Barrasso (R-WY); Sen. Marsha Blackburn (R-TN); Sen. John Boozman (R-AR); Sen. Mike Braun (R-IN); Sen. Katie Britt (R-AL); Sen. Ted Budd (R-NC); Sen. Bill Cassidy (R-LA); Sen. Susan Collins (R-ME); Sen. John Cornyn (R-TX); Sen. Thomas Cotton (R-AR); Sen. Kevin Cramer (R-ND); Sen. Mike Crapo (R-ID); Sen. Ted Cruz (R-TX); Sen. Steve Daines (R-MT); Sen. Joni Ernst (R-IA);	49



H.R. 872 FISH Act	This bill gives the Fish and Wildlife Service (FWS) the sole authority to protect endangered or threatened species that are anadromous species (species of fish that spawn in fresh or estuarine waters and that migrate to ocean waters) or catadromous species (species of fish that spawn in ocean waters and migrate to fresh or estuarine waters). Currently, the FWS shares this authority with the National Marine Fisheries Service.	02/08/23 Introduced by Rep. Ken Calvert (R-CA-41) 02/21/23 Referred to the Subcommittee on Water, Wildlife, and Fisheries.	Rep. Jim Costa (D-CA-16); Rep. Darrell Issa (R-CA-50); Rep. Doug LaMalfa (R-CA-1); Rep. Tom McClintock (R-CA-4); Rep. Jay Obernolte (R-CA-8); Rep. Michelle Steel (R-CA-48); Rep. Mike Simpson (R-ID-2);	7
H.R. 873 Water Quality and Environmental Innovation Act	To authorize the Administrator of the Environmental Protection Agency to award grants and contracts for projects that use emerging technologies to address threats to water quality, and for other purposes.	02/08/2023 Introduced by Rep. Byron Donalds (R-FL-19) Referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Science, Space, and Technology.	Rep. Josh Gottheimer (D-NJ-5)	1
H.R.934 To require the Secretary of Agriculture to carry out activities to suppress wildfires, and for other purposes	This bill would require the Secretary of Agriculture to carry out activities to suppress wildfires, and for other purposes	02/09/2023 Introduced by Rep. Tom McClintock (R-CA-5) 05/23/2023 Subcommittee Hearings Held	Rep. Ken Calvert (R-CA-42); Rep. John Duarte (R-CA-13); Rep. Darrell Issa (R-CA-50); Rep. Doug LaMalfa (R-CA-1); Rep. Jay Obernolte (R-CA-8); Rep. Daniel Newhouse (D-WA-4)	6
H.R. 1049 Protecting Airport Communities from Particle Emissions Act	To direct the Administrator of the Federal Aviation Administration to conduct a study relating to ultrafine particles, and for other purposes.	02/14/2023 Introduced by Rep. Adam Smith (D-WA-9) 02/24/23 Referred to the Subcommittee on Environment, Manufacturing, and Critical Materials.	Rep. Suzan DelBene (D-WA-1); Rep. Pramila Jayapal (D-WA-7); Rep. Grace Meng (D-NY-6); Rep. Eleanor Norton (D-DC-1)	4
S.466 Federal PFAS Research Evaluation Act	The bill requires the National Science Foundation (NSF) to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (NASEM) to conduct a two-phase study and report on the research and development needed to advance human exposure estimation and toxicity hazard estimation of individual or total PFAS.	02/16/2023 Introduced by Sen. Gary Peters (D-MI) 02/16/2023 Read twice and referred to the Committee on Commerce, Science, and Transportation	Sen. Richard Durbin (D-IL); Sen. Jerry Moran (R-KS); Sen. Jeanne Shaheen (D-NH)	3
H.R.1142 - To amend the Endangered Species Act of 1973 to require consideration of economic impact in making a listing decision with respect to the list of threatened and endangered species, and for other purposes.	This bill would amend the Endangered Species Act of 1973 to require consideration of economic impact in making a listing decision with respect to the list of threatened and endangered species, and for other purposes.	02/21/2023 Introduced by Rep. August Pfluger (R-TX-11) 03/22/2023 Referred to the Subcommittee on Water, Wildlife, and Fisheries.	Rep. Tom McClintock (R-CA-4); Rep. Ronny Jackson (R-TX-13); Rep. Tracey Mann (R-KS-1); Rep. Greg Steube (R-FL-17)	4
H.R. 1152 Water Quality Certification and Energy Project Improvement Act of 2023	This bill would amend the Federal Water Pollution Control Act to make changes with respect to water quality certification, and for other purposes.	02/24/2023 Introduced by Rep. David Rouzer (R-NC-7) 03/17/2023 Reported by the Committee on Transportation and Infrastructure. H. Rept. 118-10.	Rep. Garret Graves (R-LA-6); Rep. Scott Perry (R-PA-10)	2
H.R. 1181 To amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes.	This bill extends the maximum term for certain permits issued under the National Pollutant Discharge Elimination System (NPDES) program. Specifically, the bill extends the maximum term for NPDES permits issued to states or municipalities from 5 to 10 years. Under the program, the Environmental Protection Agency issues permits to discharge pollutants from point sources, such as pipes, into waters of the United States.	02/24/2023 Introduced by Rep. John Garamendi (D-CA-8) 02/27/2023 Referred to the Subcommittee on Water Resources and Environment.	Rep. Eric Swalwell (D-CA-15); Rep. Ken Calvert (R-CA-42); Rep. Andre Carson (D-IN-7); Rep. Garret Graves (R-LA-6);	4
H.R. 1430 Determination of NEPA Adequacy Streamlining Act	This bill would direct the Secretary of the Interior and the Secretary of Agriculture to use certain previously completed environmental assessments and environmental impact statements to satisfy the review requirements of the National Environmental Policy Act of 1969, and for other purposes.	03/07/2023 Introduced by Rep. David Valadao (R-CA-21) 04/25/2023 Referred to the Subcommittee on Forestry.		0
H.R.1517 Relief for Farmers Hit with PFAS Act	This bill would authorize the Secretary of Agriculture to provide grants to States, territories, and Indian Tribes to address contamination by perfluoroalkyl and polyfluoroalkyl substances on farms, and for other purposes.	03/09/2023 Introduced by Rep. Chellie Pingree (D-ME-1) 03/09/2023 Referred to the House Committee on Agriculture	Rep. Teresa Leger Fernandez (D-NM-3); Rep. Jared Golden (D-ME-2); Rep. Marie Perez (D-WA-3); Rep. Elissa Slotkin (D-MI-8)	4



S.747 Relief for Farmers Hit with PFAS Act	This bill would authorize the Secretary of Agriculture to provide grants to States, territories, and Indian Tribes to address contamination by perfluoroalkyl and polyfluoroalkyl substances on farms, and for other purposes.	03/09/2023 Introduced by Sen Susan Collins (R-ME) 03/09/2023 Read twice and referred to the Committee on Agriculture, Nutrition, and Forestry	Sen. Tammy Baldwin (D-WI); Sen. Kirsten Gillibrand (D-NY); Sen. Maggie Hassan (D-NH); Sen. Angus King (I-ME); Sen. Ben Lujan (D-NM); Sen. Bernie Sanders (I-VT); Sen. Jeanne Shaheen (D-NH)	7
H.R. 1586 Forest Protection and Wildland Firefighter Safety Act of 2023	This bill would allow the Secretary of the Interior and the Secretary of Agriculture to use a fire retardant, chemical, or water for fire suppression, control, or prevention activities.	3/14/2023 Introduced by Rep. Doug LaMalfa (R-CA-1) 05/17/2023 Ordered to be Reported - House Committee on Natural Resources	Rep. Jay Obernolte (R-CA-8); Rep. David Valadao (R-CA-21); Rep. Ken Calvert (R-CA-42); Rep. Jim Costa (D-CA-16); Rep. Rick Crawford (R-AR-1); Rep. John Duarte (R-CA-13); ; Rep. John Garamendi (D-CA-3);	30
H.R. 1 Lower Energy Costs Act	To lower energy costs by increasing American energy production, exports, infrastructure, and critical minerals processing, by promoting transparency, accountability, permitting, and production of American resources, and by improving water quality certification and energy projects, and for other purposes.	03/14/2023 Introduced by Rep. Steve Scalise (R-LA-1) 03/30/2023 The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 1.	Rep. Tom McClintock (R-CA-4); Rep. Robert Aderholt (R-AL-4); Rep. Rick Allen (R-GA-12); Rep. Kelly Armstrong (R-ND-1); Rep. Troy Balderson (R-OH-12); Rep. Lauren Boebert (R-CO-3); Rep. Michael Burgess (R-TX-26); Rep. Kat Cammack (R-FL-3); Rep. Mike Carey (R-OH-15); Rep. Buddy Carter (R-GA-1); Rep. Dan Crenshaw (R-TX-2); Rep. John	49
S. 820 Protecting Consumers from PFAS Act	This bill would require the Consumer Product Safety Commission (CPSC) to be added to the Administration interagency work group that coordinates federally funded PFAS research and development.	03/15/2023 Introduced by Sen. Gary Peters (D-MI) 06/14/2023 Committee on Homeland Security and Governmental Affairs. Ordered to be reported with an amendment favorably.	Burgess (R TX-26) Re Sen. Susan Collins (-ME); Sen. Cynthia Lummis (R-WY); Sen. Peter Welch (D-VT)	3
H.R.1729 Water Affordability, Transparency, Equity, and Reliability Act	This bill would establish a trust fund to provide for adequate funding for water and sewer infrastructure, and for other purposes.	03/22/2023 Introduced by Rep. Bonnie Watson Coleman (D-NJ-12) 04/25/2023 Referred to the Subcommittee on Commodity Markets, Digital Assets, and Rural Development.	Rep. Kevin Mullin (D-CA-15); Rep. Jimmy Panetta (D-CA-20); Rep. Ro Khanna (D-CA-17); Rep. Barbara Lee (D-CA-13); Rep. Ted Lieu (D-CA-33); Rep. Doris Matsui (D-CA-6); Rep. Scott Peters (D-CA-53); Rep.	75
H.R. 1740 To amend the Water Infrastructure Finance and Innovation Act of 2014 to establish payment and performance security requirements for projects, and for other purposes.	To amend the Water Infrastructure Finance and Innovation Act of 2014 to establish payment and performance security requirements for projects, and for other purposes.	3/23/2023 Introduced by Rep. Mike Bost (R-IL-12). 03/31/2023 Referred to the Subcommittee on Environment, Manufacturing, and Critical Materials.	Rep. Troy Balderson (R-OH-12); Rep. Stephen Lynch (D-MA-8); Rep. Chris Pappas (D-NH-1); Rep. Donald Payne (D-NJ-10); Rep. Daniel Webster (R-FL-10)	5
S. 1022 Define WOTUS Act of 2023	This bill would amend the Federal Water Pollution Control Act to modify the definition of navigable waters, and for other purposes.	03/29/2023 Introduced by Sen. Mike Braun (R-IN) 03/29/2023 Read twice and referred to the Committee on Environment and Public Works.	Sen. Joni Ernst (R-IA); Sen. Chuck Grassley (R-IA)	2
H.R. 2419 Canal Conveyance Capacity Restoration Act	This bill would provide financial assistance for projects to address certain subsidence impacts in the State of California, and for other purposes.	03/30/2023 Introduced by Rep. Jim Costa (D-CA-16) 05/08/2023 Referred to the Subcommittee on Water, Wildlife, and Fisheries.	Rep. John Garamendi (D-CA-3); Rep. Josh Harder (D-CA-10)	2
H.R.2670 National Defense Authorization Act for Fiscal Year 2024	This bill authorizes FY2024 appropriations and sets forth policies for Department of Defense (DOD) programs and activities, military construction, and the national security programs of the Department of Energy (DOE). The bill authorizes appropriations, but does not provide budget authority, which is provided by appropriations legislation.	04/18/2023 Introduced by Rep. Mike Rogers (R-AL-3) 07/14/2023 On passage Passed by the Yeas and Nays: 219 - 210	Rep. Adam Smith (D-WA-9)	1



H.R. 2735 Coastal State Climate Preparedness Act of 2023	This bill directs the Department of Commerce to establish a coastal climate change adaptation preparedness and response program. Under the program, Commerce must (1) assist coastal states with voluntarily developing coastal climate change adaptation plans, and (2) provide financial and technical assistance as well as training for coastal states to implement the adaptation plans.	04/20/2023 Introduced by Rep. Salud Carbajal (D-CA-24) 05/22/2023 Referred to the Subcommittee on Water, Wildlife, and Fisheries	Rep. Ted Lieu (D-CA-33) ; Rep. Brian Fitzpatrick (R-PA-1);	2
H.R. 2787 To amend the Consolidated Farm and Rural Development Act to modify provisions relating to rural decentralized water systems grants.	This bill would amend the Consolidated Farm and Rural Development Act to modify provisions relating to rural decentralized water systems grants.	04/20/2023 Introduced by Rep. Terri Sewell (D-AL-7) 05/15/2023 Referred to the Subcommittee on Commodity Markets, Digital Assets, and Rural Development.	Rep. Mike Rogers (R-AL-3)	1
H.R. 2811 Limit, Save, Grow Act of 2023	This bill increases the federal debt limit and decreases spending. It also repeals several energy tax credits, modifies the permitting process and other requirements for energy projects, expands work requirements for the Supplemental Nutrition Assistance Program (SNAP) and other programs, and nullifies regulations for the cancellation of federal student loan debt.	04/25/2023 Introduced by Rep. Jodey Arrington (R-TX-19) 05/04/2023 Committee on the Budget. Hearings held.	Rep. Rep. Tom McClintock (R-CA-4) ; Rep. Stephanie Bice (R-OK-5); Rep. Michael Burgess (R-TX-26); Rep. Buddy Carter (R-GA-1); Rep. James Comer (R-KY-1); Rep. Chuck Edwards (R-NC-11); Rep. Virginia Foxx (R-NC-5); Kay Granger (R-TX-12); Rep. Sam	19
S.1360 PFAS Exposure Assessment and Documentation Act	This bill would require DOD to ensure that any periodic health assessment, physical assessment for recently separated members, pre-deployment medical examination, post-deployment medical examination, and post-deployment health reassessment provided to a member of the Armed Forces includes an evaluation of whether the member has been exposed to PFAS or was based or stationed at a military installation with a known or suspected release of PFAS during the period the member was there.	04/27/2023 Introduced by Sen. Jeanne Shaheen (D-NH) 04/27/2023 Read twice and referred to the Committee on Armed Services		0
H.R.3027 Reclamation Climate Change and Water Program Reauthorization Act	This bill would reauthorize funding for the Reclamation Climate Change and Water Program.	04/28/2023 Introduced by Rep. Katie Porter (D-CA-47) 06/14/2023 Subcommittee Hearings Held	Rep. Sydney Kamlager (D-CA-37) ; Rep. Mike Levin (D-CA-49) ; Rep. Zoe Lofgren (D-CA-19) ; Rep. Grace Napolitano (D-CA-32) ; Rep. Melanie Ann Stansbury (D-NM-1); Rep. Earl	8
S.1427 Agriculture PFAS Liability Protection Act	This bill would exempt certain entities from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to releases of perfluoroalkyl and polyfluoroalkyl substances, and for other purposes.	05/03/2023 Introduced by Sen. Cynthia Lummis (R-WY) 05/03/2023 Read twice and referred to the Committee on Environment and Public Works.	Sen. John Boozman (R-AR); Sen. Kevin Cramer (R-ND); Sen. Lindsey Graham (R-SC); Sen. Markwayne Mullin (R-OK); Sen. Pete Ricketts (R-NE); Sen. Dan Sullivan (R-AK); Sen. Roger Wicker (R-MS)	7
S. 1429 Resource Management PFAS Liability Protection Act	This bill would exempt certain entities from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to releases of perfluoroalkyl and polyfluoroalkyl substances, and for other purposes.	05/03/2023 Introduced by Sen. Cynthia Lummis (R-WY) 05/03/2023 Read twice and referred to the Committee on Environment and Public Works.	Sen. John Boozman (R-AR); Sen. Kevin Cramer (R-ND); Sen. Lindsey Graham (R-SC); Sen. Markwayne Mullin (R-OK); Sen. Pete Ricketts (R-NE); Sen. Dan Sullivan (R-AK); Sen. Roger Wicker (R-MS)	7
S. 1430 Water Systems PFAS Liability Protection Act	This bill would exempt certain entities from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to releases of perfluoroalkyl and polyfluoroalkyl substances, and for other purposes.	05/03/2023 Introduced by Sen. Cynthia Lummis (R-WY) 05/03/2023 Read twice and referred to the Committee on Environment and Public Works.	Sen. John Boozman (R-AR); Sen. Kevin Cramer (R-ND); Sen. Lindsey Graham (R-SC); Sen. Markwayne Mullin (R-OK); Sen. Pete Ricketts (R-NE); Sen. Dan Sullivan (R-AK); Sen. Roger Wicker (R-MS)	7
S.1432 Fire Suppression PFAS Liability Protection Act	This bill would exempt certain entities from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for the release of certain perfluoroalkyl or polyfluoroalkyl substances, and for other purposes.	05/03/2023 Introduced by Sen. Cynthia Lummis (R-WY) 05/03/2023 Read twice and referred to the Committee on Environment and Public Works	Sen. John Boozman (R-AR); Sen. Kevin Cramer (R-ND); Sen. Lindsey Graham (R-SC); Sen. Markwayne Mullin (R-OK); Sen. Pete Ricketts (R-NE); Sen. Dan Sullivan (R-AK); Sen. Roger Wicker (R-MS)	7



S.1433 Airports PFAS Liability Protection Act	This bill would exempt certain aviation entities from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for the release of certain perfluoroalkyl or polyfluoroalkyl substances, and for other purposes.	05/03/2023 Introduced by Sen. Cynthia Lummis (R-WY) 05/03/2023 Read twice and referred to the Committee on Environment and Public Works	Sen. John Boozman (R-AR); Sen. Kevin Cramer (R-ND); Sen. Lindsey Graham (R-SC); Sen. Markwayne Mullin (R-OK); Sen. Pete Ricketts (R-NE); Sen. Dan Sullivan (R-AK); Sen. Roger Wicker (R-MS)	7
S. 1449 RESTART Act	This bill seeks to improve the environmental review process, and for other purposes.	05/04/2023 Introduced by Sen. Shelley Capito (R-WV) 05/04/2023 Read twice and referred to the Committee on Environment and Public Works.	Sen. John Barrasso (R-WY); Sen. John Boozman (R-AR); Sen. Kevin Cramer (R-ND); Sen. Lindsey Graham (R-SC); Sen. James Lankford (R-OK); Sen. Cynthia Lummis (R-WY); Sen. Pete Ricketts (R-NE); Sen. James Risch (R-ID); Sen. Dan Sullivan (R-AK); Sen. Roger Wicker (R-MS)	10
S.1456 SPUR Act	This bill would provide for certain energy development, permitting reforms, and for other purposes.	05/04/2023 Introduced by Sen. Joh Barrasso (R-WY) 05/04/2023 Read twice and referred to the Committee on Energy and Natural Resources.	Sen. Shelley Capito (R-WV); Sen. Bill Cassidy (R-LA); Sen. Steve Daines (R-MT); Sen. Josh Hawley (R-MO); Sen. John Hoeven (R-ND); Sen. Cindy Hyde Smith (R-MS); Sen. James Lankford (R-OK); Sen. Mike Lee	10
H.R.3192 PFAS Registry Act	This bill would require the Secretary of Veterans Affairs to establish and maintain a registry for certain individuals who may have been exposed to per- and polyfluoroalkyl substances due to the environmental release of aqueous film-forming foam on military installations.	05/10/2023 Introduced by Rep. Chris Pappas (D-NH-1) 05/26/2023 Referred to the Subcommittee on Health	Rep. Brian Fitzpatrick (R-PA-1); Rep. Ann Kuster (D-NH-2); Rep. Mike Lawler (R-NY-17)	3
H.R.3389 Emergency Wildfire Fighting Technology Act	This bill would require the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior to conduct an evaluation with respect to the use of the container aerial firefighting system (CAFFS), and for other purposes.	05/16/2022 Introduced by Rep. David Valadao (R-CA-22) 06/23/2023 Referred to the Subcommittee on Forestry	Rep. Jim Costa (D-CA-16); Rep. Mike Garcia (R-CA-25); Rep. Josh Harder (D-CA-10); Rep. Darrell Issa (R-CA-50); Rep. Kevin Kiley (R-CA-3); Rep. Doug Lamborn (R-CO-5); Rep. Daniel Newhouse (R-WA-4); Rep. Mark	9
H.R.3396 To require the standardization of reciprocal fire suppression cost share agreements, and for other purposes.	This bill would require the standardization of reciprocal fire suppression cost share agreements, and for other purposes.	05/17/2023 Introduced by Rep. Josh Harder (D-CA-10) 05/23/2023 Subcommittee Hearings Held	Rep. Doug LaMalfa (R-CA-1); Rep. John Curtis (R-UT-3); Rep. Chris Stewart (R-UT-2)	3
H.R.3439 - To direct the Secretary of Agriculture to select and implement landscape-scale forest restoration projects, to assist communities in increasing their resilience to wildfire, and for other purposes	This bill would direct the Secretary of Agriculture to select and implement landscape-scale forest restoration projects, to assist communities in increasing their resilience to wildfire, and for other purposes.	05/17/2023 Introduced by Rep. Jimmy Panetta (D-CA-20) 05/22/2023 Referred to the Subcommittee on Federal Lands	Rep. Adam Schiff (D-CA-28); Rep. Mike Thompson (D-CA-5); Rep. Salud Carbajal (D-CA-24); Rep. Jim Costa (D-CA-16); Rep. Mark DeSaulnier (D-CA-11); Rep. John Garamendi (D-CA-3); Rep. Barbara Lee (D-CA-13); Rep. Andrea Salinas (D-OR-6);	8
H.R.3457 SUPERSAFE Act	This bill would direct the Administrator of the Environmental Protection Agency to establish a consortium relating to exposures to toxic substances and identifying chemicals that are safe to use.	05/18/2023 Introduced by Rep. Zoe Lofgren (D-CA-18) 05/18/2023 Referred to the House Committee on Energy and Commerce		0
H.R.3499 Direct Hire to Fight Fires Act	This bill would amend title 5, United States Code, to provide direct hire authority to appoint individuals to Federal wildland firefighting and firefighting support positions in the Forest Service or the Department of the Interior, and for other purposes.	05/18/2023 Introduced by Rep. Darrell Issa (R-CA-50) 05/23/2023 Subcommittee Hearings Held	Rep. Doug LaMalfa (R-CA-1)	1
S.1715 Wildfire Emergency Act of 2023	This bill would direct the Secretary of Agriculture to select and implement landscape-scale forest restoration projects, to assist communities in increasing their resilience to wildfire, and for other purposes.	05/18/2023 Introduced by Sen. Dianne Feinstein (D-CA) 05/18/2023 Read twice and referred to the Committee on Agriculture, Nutrition, and Forestry	Sen. Alex Padilla (D-CA); Sen. Steve Daines (R-MT); Sen. Ron Wyden (D-OR)	



H.R.3675 Western Water Accelerated Revenue Repayment Act	amend the Water Infrastructure Improvements for the Nation Act to extend certain contract prepayment authority.	05/25/2023 Introduced by Rep. Lauren Boebert (R-CO-3) 06/14/2023 Subcommittee Hearings Held	Rep. Tom McClintock (R-CA-4); Rep. Paul Gosar (R-AZ-4); Rep. Harriet Hageman (R-WY-1); Rep. Doug Lamborn (R-CO-5); Rep. Mike Lawler (R-NY-17); Rep. Troy Nehls (R-TX-22); Rep.	9
H.R. 3746 Fiscal Responsibility Act of 2023	This bill would provide for a responsible increase to the debt ceiling.	05/29/2023 Introduced by Rep. Patrick McHenry (R-NC-10) 06/03/2023 Became Public Law No: 118-5.		0
H.R.3871 Research for Healthy Soils Act	This bill would amend the Food, Agriculture, Conservation, and Trade Act of 1990 to include as a high-priority research and extension area research on microplastics in land-applied biosolids on farmland.	06/06/2023 Introduced by Rep. Marie Perez (D-WA-3) 06/06/2023 Referred to the House Committee on Agriculture	Rep. Young Kim (R-CA-39)	1
H.R.4018 Headwaters Protection Act	This bill would amend the Healthy Forests Restoration Act of 2003 to reauthorize and improve the Water Source Protection Program, and for other purposes.	06/12/2023 Introduced by Rep. Jim Costa (D-CA-21) 06/12/2023 Referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources	Rep. David Valadao (R-CA-21); Rep. Earl Blumenauer (D-OR-3); Rep. Brittany Pettersen (D-CO-7); Rep. Kim Schrier (D-WA-8); Rep. Melanie Ann Stansbury (D-NM-1)	5
H.R.4052 National Infrastructure Bank Act	facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Bank, and for other purposes.	06/13/2023 Introduced by Rep. Danny Davis (D-IL-7) 06/13/2023 Referred to the Subcommittee on Highways and Transit	Rep. Barbara Lee (D-CA-13); Rep. Eric Swalwell (D-CA-15)	2
H.R.4235 - To direct the Secretary of Agriculture and the Secretary of the Interior to establish a wildfire technology testbed pilot program, and for other purposes.	This bill would direct the Secretary of Agriculture and the Secretary of the Interior to establish a wildfire technology testbed pilot program, and for other purposes.	06/21/2023 Introduced by Rep. Young Kim (R-CA-40) 6/21/2023 Referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture	Rep. John Duarte (R-CA-13); Rep. Lori Chavez-DeRemer (R-OR-5); Rep. Jason Crow (D-CO-6); Rep. Doug Lamborn (R-CO-5); Rep. Mike Lawler (R-NY-17); Rep. James Moylan (R-GU-1)	6
H.R.4247 To direct the Secretary of the Army to establish a task force on the California snowpack and flood mitigation, and for other purposes.	This bill would direct the Secretary of the Army to establish a task force on the California snowpack and flood mitigation, and for other purposes.	06/21/2023 Introduced by Rep. Josh Harder (D-CA-9) 06/22/2023 Referred to the Subcommittee on Water Resources and Environment.	Rep. Barbara Lee (D-CA-13); Rep. Zoe Lofgren (D-CA-19)	2
S.2102 A bill to provide for drought preparedness and improved water supply reliability.	This bill would provide for drought preparedness and improved water supply reliability.	06/21/2023 Introduced by Sen. Ron Wyden (D-OR) 07/19/2023 Committee on Energy and Natural Resources Subcommittee on Water and Power. Hearings held	Sen. Jeff Merkley (D-OR)	1
S.2127 Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2024	This bill provides FY2024 appropriations for military construction, the Department of Veterans Affairs (VA), and related agencies. <i>This is the Senate counterpart to H.R. 4366.</i>	06/22/2023 Introduced by Sen. Patty Murray (D-WA) 06/22/2023 Placed on Senate Legislative Calendar under General Orders. Calendar No. 110		0
S.2130 A bill to require community engagement and reporting relating to activities of the Department of Defense with respect to perfluoroalkyl substances and polyfluoroalkyl substances, and for other purposes.	This bill would require community engagement and reporting relating to activities of the Department of Defense with respect to perfluoroalkyl substances and polyfluoroalkyl substances, and for other purposes.	06/22/2023 Introduced by Sen. Jeanne Shaheen (D-NH) 06/22/2023 Read twice and referred to the Committee on Armed Services		0



S.2161 A bill to provide financial assistance for projects to address certain subsidence impacts in the State of California, and for other purposes.	This bill would provide financial assistance for projects to address certain subsidence impacts in the State of California, and for other purposes. <i>This bill is the Senate companion to H.R. 2419.</i>	06/22/2023 Introduced by Sen. Dianne Feinstein (D-CA) 07/19/2023 Committee on Energy and Natural Resources Subcommittee on Water and Power. Hearings held		0
S.2162 A bill to support water infrastructure in Reclamation States, and for other purposes.	This bill would support water infrastructure in Reclamation States, and for other purposes.	06/22/2023 Introduced by Sen. Dianne Feinstein (D-CA) 07/19/2023 Committee on Energy and Natural Resources Subcommittee on Water and Power. Hearings held	Sen. Mark Kelly (D-AZ); Sen. Kyrsten Sinema (I-AZ)	2
S.2203 A bill to require the conduct of winter season reconnaissance of atmospheric rivers on the West Coast of the United States, and for other purposes.	This bill would require the conduct of winter season reconnaissance of atmospheric rivers on the West Coast of the United States, and for other purposes.	06/22/2023 Introduced by Sen. Alex Padilla (D-CA) 06/22/2023 Read twice and referred to the Committee on Armed Services		0
H.R.4366 Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2024	This bill provides FY2024 appropriations for military construction, the Department of Veterans Affairs (VA), and related agencies. <i>This is the House counterpart to S.2127.</i>	06/27/2023 Introduced by Rep. John Carter (R-TX-31) 06/27/2023 Placed on the Union Calendar, Calendar No. 94		0
H.R.4385 To extend authorization of the Reclamation States Emergency Drought Relief Act of 1991	This bill would extend authorization of the Reclamation States Emergency Drought Relief Act of 1991.	06/27/2023 Introduced by Rep. Joe Neguse (D-CO-2) 06/27/2023 Referred to the House Committee on Natural Resources	Rep. Juan Ciscomani (R-AZ-6)	1
H.R.4584 To improve the Federal effort to reduce wildland fire risks, and for other purposes.	This bill would improve the Federal effort to reduce wildland fire risks, and for other purposes.	07/12/2023 Introduced by Rep. Zoe Lofgren (D-CA-18) 07/13/2023 Referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management	Rep. Suzanne Bonamici (D-OR-1)	1
S.2272 - Wildland Firefighter Paycheck Protection Act	This bill would amend title 5, United States Code, to provide for special base rates of pay for wildland firefighters, and for other purposes.	07/12/2023 Introduced by Sen. Kyrsten Sinema (I-AZ) 07/19/2023 Committee on Homeland Security and Governmental Affairs	Sen. Alex Padilla (D-CA); Sen. John Barrasso (R-WY); Sen. Steve Daines (R-MT); Sen. Joe Manchin (D-WV); Sen. Jon Tester (D-MT)	5
H.R.4717 To amend the Healthy Forests Restoration Act of 2003 with respect to third-party contracts for wildfire hazard fuel removal, to amend the National Forest Management Act with respect to the threshold for advertised timber sales, and for other purposes.	This bill would amend the Healthy Forests Restoration Act of 2003 with respect to third-party contracts for wildfire hazard fuel removal, to amend the National Forest Management Act with respect to the threshold for advertised timber sales, and for other purposes.	07/18/2023 Introduced by Rep. Doug Lamborn (R-CO-5) 07/18/2023 Referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources	Rep. Jim Costa (D-CA-16); Rep. Doug LaMalfa (R-CA-1); Rep. Lauren Boebert (R-CO-3)	3

Syrus Devers Advocacy

(Awesome logo and letterhead to follow)

To:	Las Virgenes - Triunfo JPA
From:	Syrus Devers
Date:	July 26th, 2023
Re:	State Legislative Report

Legislative Report

This report will be brief due to the summer recess that began on July 14th. The Legislature returns on August 14th.

The water rights bills:

The two main water rights bills, AB 460 (Bauer-Kahan), and AB 1337 (Wicks), are dead, and it is uncertain that the authors will continue to have an interest in water policy. Both are rumored to be significant figures in the new team of Assembly Speaker Robert Rivas¹.

The last bill standing of the water rights bill package, SB 389 (Allen), has been almost entirely rewritten and now balances the needs of the state to validate uncertain water rights with the burdens placed on the holder of the water right. The bill allows the SWRCB to investigate a water right by issuing an informational order demanding evidence of a valid water right from a diverter, but must also provide the diverter a written explanation that demonstrates the need for the information sought, and identify all evidence that supports requiring the information. ACWA moved to a WATCH position at its last legislative meeting.

Other legislation:

AB 755 (Papan): This bill would have required retail water agencies to estimate (or guess) the incremental cost savings to all ratepayers if the largest users of water were more efficient, and then publish that finding in a rate case. A group of lobbyists targeted this bill for opposition in the Senate after it flew under the radar in the Assembly. A fight in the Senate policy committee was avoided when the author accepted amendments that removed the worst parts of the bill. The bill now only requires that the marginal costs and average volume of water delivered to the highest water users be included in the next cost-of-service analysis.

Unfortunately, it is not all good news because legislation supported by the water community failed to meet the policy committees deadline. The major loss was SB 366 (Caballero), which aspired to rewrite

¹ As mentioned in last month's oral report, but not written, Assembly Member Robert Rivas from Salinas took over as Speaker from Anthony Rendon on June 30th.

Syrus Devers Advocacy

(Awesome logo and letterhead to follow)

the California Water Plan and set ambitious goals for developing new water storage. The bill was pulled by the author after proposed committee amendments would have removed the most significant portions of the bill. SB 366 is now a true two-year bill in that the author intends to keep working on it over the interim recess.

Bond bills:

The main work over the legislative recess concerns the various bond bills. Water industry lobbyists are working to increase funding for infrastructure improvements and new supplies. The holdup is that Governor Newsom has yet to say how large each bond bill can be. A total of all proposed bonds, including education, housing, mental health, and resources/climate change, comes to approximately \$100 billion. Newsom had previously estimated that the state's total bond capacity is about \$26 billion. Clearly, no one will get everything they want. The two resources bond bills are SB 867 (Allen) and AB 1567 (E. Garcia).

Las Virgenes – Triunfo JPA

Bill Matrix - July, 2023

Prepared by Syrus Devers Advocacy

A. Priority Support/Oppose

[AB 234](#)

(Bauer-Kahan D) Microparticles.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/23/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-A. 2 YEAR

Summary: Would enact the Synthetic Polymer Microparticles in Cosmetic and Cleaning Products Prevention Act. The bill would prohibit a synthetic polymer microparticle from being placed on the market in this state as a substance on its own or, where the synthetic polymer microparticles are present to confer a sought-after characteristic, in mixtures in a concentration equal to or greater than 0.01% by weight. The restriction would apply on and after specified dates depending on the type of product, as described, except as otherwise provided. The bill would specify the screening tests and pass criteria to be used for purposes of determining compliance with this prohibition. The bill would make a person who violates this prohibition liable for a civil penalty not to exceed \$5,000 per day for each violation, in addition to any other penalty established by law. The bill would authorize the civil penalty to be assessed and recovered in a civil action brought by a city attorney, a district attorney, a county counsel, or the Attorney General in any court of competent jurisdiction.

Position	Priority
Watch	A. Priority Support/Oppose

[AB 249](#)

(Holden D) Water: schoolsites: lead testing: conservation.

Status: 7/13/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (July 12). Re-referred to Com. on APPR.

Location: 7/12/2023-S. APPR.

Summary: Would require a community water system that serves a schoolsite, as defined, to test for lead in the potable water system outlets of the schoolsite before January 1, 2027, except for potable water system outlets in buildings that were either constructed after January 1, 2010, or modernized after January 1, 2010, and all faucets and other end point devices used for providing potable water were replaced as part of the modernization. The bill would require the community water system to report its findings to the applicable schoolsite or local educational agency and to the state board. The bill would require the local educational agency or schoolsite, if the lead level exceeds a specified level at a schoolsite, to notify the parents and guardians of the pupils who attend the schoolsite, take immediate steps to make inoperable and shut down from use all potable water system outlets where the excess lead levels may exist, and work to ensure that a lead-free source of drinking water is provided for pupils, as specified. The bill would require a community water system to test a potable water system outlet that replaces an outlet that is found to have excess levels of lead. The bill would require a community water system to prepare a sampling plan for each schoolsite where lead sampling is required under these provisions, as specified. The bill would require the schoolsite, local education agency, and state board to make the results of schoolsite lead sampling publicly available by posting the results on its internet website. The bill would require a schoolsite and a local educational agency, if an internet website is not maintained, to provide the results upon request. By imposing additional duties on local agencies, this bill would impose a state-mandated local program.

Position	Priority
Watch	A. Priority Support/Oppose

AB 460

(Bauer-Kahan D) State Water Resources Control Board: water rights and usage: interim relief: procedures.
Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/7/2023)(May be acted upon Jan 2024)

Location: 7/14/2023-S. 2 YEAR

Summary: Current law authorizes the State Water Resources Control Board to investigate all streams, stream systems, lakes, or other bodies of water, take testimony relating to the rights to water or the use of water, and ascertain whether water filed upon or attempted to be appropriated is appropriated under the laws of the state. Current law requires the board to take appropriate actions to prevent waste or the unreasonable use of water. This bill would authorize the board, in conducting specified investigations or proceedings to inspect the property or facilities of a person or entity, as specified. The bill would authorize the board, if consent is denied for an inspection, to obtain an inspection warrant, as specified, or in the event of an emergency affecting public health and safety, to conduct an inspection without consent or a warrant.

Position	Priority
Opposition	A. Priority Support/Oppose

AB 682

(Mathis R) State Water Resources Control Board: online search tool: funding applications.

Status: 7/5/2023-Read second time. Ordered to third reading.

Location: 7/5/2023-S. THIRD READING

Summary: Current law establishes the State Water Resources Control Board (state board) to exercise the adjudicatory and regulatory functions of the state in the field of water resources. Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. This bill would require, by January 1, 2025, the state board to update the state board’s online search tool for funding applications to include a description of the additional information the state board needs from a water system to continue processing the water system’s application and a description of the typical steps that must be completed before a funding agreement can be executed after receipt of a complete application, among other information, as specified.

Position	Priority
Support	A. Priority Support/Oppose

AB 754

(Papan D) Water management planning: water shortages.

Status: 7/11/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 3.) (July 10). Re-referred to Com. on APPR.

Location: 7/10/2023-S. APPR.

Calendar: 8/14/2023 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, ANTHONY, Chair

Summary: The Urban Water Management Planning Act requires every public and private urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt an urban water management plan. Current law requires an urban water management plan to quantify past, current, and projected water use, identifying the uses among water use sectors, including, among others, commercial, agricultural, and industrial. Current law requires every urban water supplier to prepare and adopt a water shortage contingency plan as part of its urban water management plan. Current law requires the water shortage contingency plan to include procedures for an annual water supply and demand assessment, including the data inputs and assessment methodology used to evaluate the urban water supplier’s water supply reliability for the current year and one dry year. Current law requires the key data inputs and assessment methodology to include specified information, including, among other things, a description and quantification of each source of water supply. This bill would require a water shortage contingency plan to include, if based on a description and quantification of each source of water supply, a single reservoir constitutes at least 50% of the total water supply, an identification of the dam and description of existing reservoir management operations, as specified, and if the reservoir is owned and operated by the supplier, a description of operational practices and approaches, as specified.

Position	Priority
Opposition	A. Priority Support/Oppose

AB 755

(Papan D) Water: public entity: water usage demand analysis.

Status: 7/13/2023-Read second time and amended. Re-referred to Com. on APPR.

Location: 7/10/2023-S. APPR.

Calendar: 8/14/2023 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, ANTHONY, Chair

Summary: Current law authorizes a public entity that supplies water at retail or wholesale within its service area to adopt, in accordance with specified procedures, and enforce a water conservation program. This bill would provide that a public entity, as defined, should conduct a water usage demand analysis, as defined, prior to completing, or as part of, a cost-of-service analysis conducted to set fees and charges for water service that are consistent with applicable law. The bill would require a public entity to identify, within the water usage demand analysis, the marginal cost of water service incurred by the public entity as a result of high water users, as defined, and the average annual volume of water delivered to high water users. The bill would also require the marginal cost and the average annual volume of water delivered to high water users to be made publicly available by posting the information in the public entity's cost-of-service analysis.

Position	Priority
Opposition	A. Priority Support/Oppose

Notes 1: Major reasons for opposition removed in Sen policy committee

[AB 838](#)

(Connolly D) California Water Affordability and Infrastructure Transparency Act of 2023.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

Location: 5/19/2023-A. 2 YEAR

Summary: 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. Current 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. The act prohibits a person from operating a public water system unless the person first submits an application to the state board and receives a permit to operate the system, as specified. The act requires a public water system to submit a technical report to the state board as a part of the permit application or when otherwise required by the state board, as specified, and to submit the report in the form and format and at intervals specified by the state board. This bill would require, beginning January 1, 2025, and thereafter at intervals determined by the state board, public water systems to provide specified information and data related to customer water bills and efforts to replace aging infrastructure to the state board.

Position	Priority
Watch	A. Priority Support/Oppose

[AB 1211](#)

(Mathis R) Safe Drinking Water State Revolving Fund: internet website information: updates.

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 5/10/2023)(May be acted upon Jan 2024)

Location: 7/14/2023-S. 2 YEAR

Summary: The Safe Drinking Water State Revolving Fund Law of 1997, administered by the State Water Resources Control Board, establishes the Safe Drinking Water State Revolving Fund to provide grants or revolving fund loans for the design and construction of projects for public water systems that will enable those systems to meet safe drinking water standards. Current law requires the board, at least once every 2 years, to post information on its internet website regarding implementation of the Safe Drinking Water State Revolving Fund Law and expenditures from the Safe Drinking Water State Revolving Fund, as specified This bill would require the board to post the information at least annually.

Position	Priority
Support	A. Priority Support/Oppose

[AB 1337](#)

(Wicks D) State Water Resources Control Board: water diversion curtailment.

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/7/2023)(May be acted upon Jan 2024)

Location: 7/14/2023-S. 2 YEAR

Summary: Under existing law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability. This bill would expand the instances when the diversion or use of water is considered a trespass. This bill contains other related provisions and other existing laws.

Position	Priority
Opposition	A. Priority Support/Oppose

[AB 1484](#)

(Zbur D) Temporary public employees.

Status: 7/12/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 1.) (July 12). Re-referred to

Com. on APPR.

Location: 7/12/2023-S. APPR.

Calendar: 8/14/2023 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, ANTHONY, Chair

Summary: (1)Existing law, the Meyers-Milias-Brown Act (act), authorizes local public employees, as defined, to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on matters of labor relations. Existing law generally requires that the scope of representation under the act include all matters relating to employment conditions and employer-employee relations, while excepting the consideration of the merits, necessity, or organization of any service or activity provided by law or executive order. Existing law states that the Legislature finds and declares that the duties and responsibilities of local agency employer representatives under the act are substantially similar to the duties and responsibilities required under existing collective bargaining enforcement procedures and therefore the costs incurred by the local agency employer representatives in performing those duties and responsibilities under that act are not reimbursable as state-mandated costs. This bill would impose specified requirements with respect to the temporary employees, as defined, of a public employer who have been hired to perform the same or similar type of work that is performed by permanent employees represented by a recognized employee organization. In this regard the bill would require those temporary employees to be automatically included in the same bargaining unit as the permanent employees, as specified, upon the request of the recognized employee organization. The bill would also require a public employer to, upon hire, provide each temporary employee with their job description, wage rates, and eligibility for benefits, anticipated length of employment, and procedures to apply for open, permanent positions. By imposing new duties on local agencies that employ temporary employees, the bill would impose a state-mandated local program. The bill would require complaints alleging a violation of its provisions to be processed as unfair practice charges under the act. The bill would additionally include the same findings and declarations as set forth above. This bill contains other related provisions and other existing laws.

Position	Priority
Opposition	A. Priority Support/Oppose

AB 1567

(Garcia D) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.

Status: 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

Location: 6/14/2023-S. N.R. & W.

Summary: Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,995,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.

Position	Priority
Watch	A. Priority Support/Oppose

AB 1572

(Friedman D) Potable water: nonfunctional turf.

Status: 7/10/2023-Read second time and amended. Re-referred to Com. on APPR.

Location: 7/3/2023-S. APPR.

Summary: (1)Current law establishes various state water policies, including the policy that the use of water for domestic purposes is the highest use of water. This bill would make legislative findings and declarations concerning water use, including that the use of potable water to irrigate nonfunctional turf is wasteful and incompatible with state policy relating to climate change, water conservation, and reduced reliance on the Sacramento-San Joaquin Delta ecosystem. The bill would direct all appropriate state agencies to encourage and support the elimination of irrigation of nonfunctional turf with potable water. This bill contains other related provisions and other existing laws.

Position	Priority
Watch	A. Priority Support/Oppose

AB 1594

(Garcia D) Medium- and heavy-duty zero-emission vehicles: public agency utilities.

Status: 7/13/2023-Read second time and amended. Re-referred to Com. on APPR.

Location: 7/12/2023-S. APPR.

Calendar: 8/14/2023 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, ANTHONY, Chair

Summary: Current law establishes the Air Quality Improvement Program that is administered by the State Air

Resources Board for purposes of funding projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality, and establishes the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program within the Air Quality Improvement Program to make financing tools and nonfinancial supports available to operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. This bill would require any state regulation that seeks to require, or otherwise compel, the procurement of medium- and heavy-duty zero-emission vehicles to authorize public agency utilities to purchase replacements for traditional utility-specialized vehicles that are at the end of life when needed to maintain reliable service and respond to major foreseeable events, including severe weather, wildfires, natural disasters, and physical attacks, as specified. The bill would define a public agency utility to include a local publicly owned electric utility, a community water system, and a wastewater treatment provider, as specified.

Position	Priority
Support	A. Priority Support/Oppose

Notes 1: Clean fleets bill - CMUA sponsored - possible support

SB 23

(Caballero D) Water supply and flood risk reduction projects: expedited permitting.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)

Location: 5/19/2023-S. 2 YEAR

Summary: Current law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, except under specified conditions, including requiring the entity to send written notification to the Department of Fish and Wildlife regarding the activity in the manner prescribed by the department. This bill would require a project proponent, if already required to submit a notification to the department, to submit to the department the certified or adopted environmental review document, as applicable, for the activity in the notification. The bill would require the department, under prescribed circumstances, to take certain actions within specified timelines, or within a mutually agreed-to extension of time.

Position	Priority
Support	A. Priority Support/Oppose

SB 48

(Becker D) Building Energy Savings Act.

Status: 7/11/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 2.) (July 10). Re-referred to Com. on APPR.

Location: 7/10/2023-A. APPR.

Summary: Current law requires each utility to maintain records of the energy usage data of all buildings to which they provide service for at least the most recent 12 complete calendar months, and to deliver or otherwise provide that aggregated energy usage data for each covered building, as defined, to the owner, as specified. Current law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to adopt regulations providing for the delivery to the Energy Commission and public disclosure of benchmarking of energy use for covered buildings, and specifies that this requirement does not require the owner of a building with 16 or fewer residential utility accounts to collect or deliver energy usage information to the Energy Commission. This bill would additionally specify that the requirement does not require the owner of a building with less than 50,000 square feet of gross floor space to collect or deliver energy usage information to the Energy Commission.

Position	Priority
Watch	A. Priority Support/Oppose

SB 366

(Caballero D) The California Water Plan: long-term supply targets.

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was W.,P. & W. on 6/8/2023)(May be acted upon Jan 2024)

Location: 7/14/2023-A. 2 YEAR

Summary: Current law requires the Department of Water Resources to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state, which is known as "The California Water Plan." Current law requires the department to include a discussion of various strategies in the plan update, including, but not limited to, strategies relating to the development of new water storage facilities, water conservation, water recycling, desalination, conjunctive use, water transfers, and alternative pricing policies that may be pursued in order to meet the future needs of the state. Current law requires the department to establish an advisory committee to assist the department in updating the plan. This bill would revise and recast certain provisions regarding The California Water Plan to, among other things, require the department to instead establish a stakeholder advisory

committee and to expand the membership of the committee to include tribes, labor, and environmental justice interests. The bill would require the department to coordinate with the California Water Commission, the State Water Resources Control Board, other state and federal agencies as appropriate, and the stakeholder advisory committee to develop a comprehensive plan for addressing the state's water needs and meeting specified long-term water supply targets established by the bill for purposes of The California Water Plan. The bill would require the plan to provide recommendations and strategies to ensure enough water supply for all beneficial uses.

Position	Priority
Support	A. Priority Support/Oppose

SB 389

(Allen D) State Water Resources Control Board: investigation of water right.

Status: 7/11/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 3.) (July 11). Re-referred to Com. on APPR.

Location: 7/11/2023-A. APPR.

Summary: Current law authorizes the State Water Resources Control Board to investigate bodies of water, to take testimony in regard to the rights to water or the use of water, and to ascertain whether or not water is appropriated lawfully, as provided. Under current law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability. This bill would instead authorize the board to investigate and ascertain whether or not a water right is valid. The bill would authorize the board to issue an information order in furtherance of an investigation, as executed by the executive director of the board, to a water right holder or claimant, diverter, or user to provide the information related to a diversion and use of water, as specified. The bill would authorize a diversion or use of water ascertained to be unauthorized pursuant to this provision to be enforced as a trespass.

Position	Priority
Watch	A. Priority Support/Oppose

SB 676

(Allen D) Local ordinances and regulations: drought-tolerant landscaping.

Status: 7/13/2023-Read second time. Ordered to third reading.

Location: 7/13/2023-A. THIRD READING

Summary: Current law prohibits a city, including a charter city, county, and city and county, from enacting or enforcing any ordinance or regulation that prohibits the installation of drought-tolerant landscaping, synthetic grass, or artificial turf on residential property, as specified. This bill would instead prohibit a city, including a charter city, county, or city and county from enacting or enforcing any ordinance or regulation that prohibits the installation of drought-tolerant landscaping using living plant material on residential property. The bill would specify that drought-tolerant landscaping does not include the installation of synthetic grass or artificial turf. By establishing new requirements for local agencies, this bill would impose a state-mandated program.

Position	Priority
Support	A. Priority Support/Oppose

SB 687

(Eggman D) Water Quality Control Plan: Delta Conveyance Project.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2023)(May be acted upon Jan 2024)

Location: 5/19/2023-S. 2 YEAR

Summary: Would require the State Water Resources Control Board to adopt a final update of the 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, as provided, before the board may consider a change in point diversion or any other water rights permit or order for the Delta Conveyance Project. The bill would also, if, after completing the update of the plan and in compliance with existing law, the board approves a change in point of diversion or any other water rights permit or order associated with the Delta Conveyance Project, prohibit the operation of the Delta Conveyance Project unless and until the updated plan is fully implemented. The bill would specify that these provisions do not constitute an authorization for or approval of funding for the Delta Conveyance Project or any other project that includes isolated Delta conveyance facilities, and do not reduce any statutory or other regulatory conditions or permit requirements for Delta conveyance projects.

Position	Priority
Watch	A. Priority Support/Oppose

SB 867

(Allen D) Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation

and Outdoor Access, and Clean Energy Bond Act of 2024.

Status: 7/6/2023-July 10 hearing postponed by committee.

Location: 6/20/2023-A. NAT. RES.

Summary: Would enact the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,500,000,000 pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs.

Position	Priority
Support	A. Priority Support/Oppose

B. Watch

AB 30 (**Ward D**) **Atmospheric rivers: research: reservoir operations.**

Status: 7/13/2023-Read third time. Passed. Ordered to the Assembly. (Ayes 37. Noes 0.). In Assembly. Concurrence in Senate amendments pending. May be considered on or after August 11 pursuant to Assembly Rule 77.

Location: 7/13/2023-A. CONCURRENCE

Summary: Current law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program in the Department of Water Resources. Current law requires the department, upon an appropriation for purposes of the program, to research climate forecasting and the causes and impacts that climate change has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. This bill would rename that program the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program. The bill would require the department to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.

Position	Priority
Watch	B. Watch

AB 62 (**Mathis R**) **Statewide water storage: expansion.**

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)

Location: 5/19/2023-A. 2 YEAR

Summary: Current law establishes within the Natural Resources Agency the State Water Resources Control Board and the California regional water quality control boards. Current 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. This bill would establish a statewide goal to increase above- and below-ground water storage capacity by a total of 3,700,000 acre-feet by the year 2030 and a total of 4,000,000 acre-feet by the year 2040. The bill would require the Department of Water Resources, in consultation with the state board, to take reasonable actions to promote or assist efforts to achieve the statewide goal, as provided. The bill would require the department, beginning July 1, 2027, and on or before July 1 every 2 years thereafter until January 1, 2043, in consultation with the state board, to prepare and submit a report to the Legislature on the progress made to achieve the statewide goal.

Position	Priority
Watch	B. Watch

AB 66 (**Mathis R**) **Natural Resources Agency: water storage projects: permit approval.**

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

Location: 5/19/2023-A. 2 YEAR

Summary: Current law establishes the Natural Resources Agency, composed of departments, boards, conservancies, and commissions responsible for the restoration, protection, and management of the state’s natural and cultural resources. Current law establishes in the agency the Department of Water Resources, which manages and undertakes planning with regard to water resources in the state. This bill would require the agency, and each department, board, conservancy, and commission within the agency, to take all reasonable steps to approve the necessary permits for specified projects that meet certain employment conditions within 180 days from receiving a complete permit application.

Position Priority
B. Watch

AB 277

(Rodriguez D) Extreme Weather Forecast and Threat Intelligence Integration Center.

Status: 7/11/2023-From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. (Ayes 14. Noes 0.) (July 11). Re-referred to Com. on APPR.

Location: 7/11/2023-S. APPR.

Calendar: 8/14/2023 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, ANTHONY, Chair

Summary: Current law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program within the department to, upon appropriation of special fund moneys, research climate forecasting and the causes and impacts that climate change has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection in the state, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. This bill would establish the State-Federal Flood Operations Center within the Department of Water Resources and would authorize the department to administer the center in the department’s divisions, offices, or programs. The bill would provide that the purpose of the center is to function as the focal point for gathering, analyzing, and disseminating flood and water-related information to stakeholders and would authorize the center to take specified actions for that purpose, including to function during emergency situations to enable the department to centrally coordinate statewide emergency responses.

Position Priority
Watch B. Watch

AB 305

(Villapudua D) California Flood Protection Bond Act of 2024.

Status: 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

Location: 6/14/2023-S. N.R. & W.

Summary: Would enact the California Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,500,000,000 pursuant to the State General Obligation Bond Law for flood protection projects, as specified. The bill would provide for the submission of these provisions to the voters at the November 5, 2024, statewide general election.

Position Priority
Watch B. Watch

AB 338

(Aguiar-Curry D) Public works: definition.

Status: 7/12/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 0.) (July 12). Re-referred to Com. on APPR.

Location: 7/12/2023-S. APPR.

Calendar: 8/14/2023 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, ANTHONY, Chair

Summary: Current law requires that, except as specified, not less than the general prevailing rate of per diem wages, determined by the Director of Industrial Relations, be paid to workers employed on public works projects. Existing law defines the term “public works” for purposes of requirements regarding the payment of prevailing wages to include construction, alteration, demolition, installation, or repair work done under contract and paid for using public funds, except as specified. Current law makes a willful violation of laws relating to the payment of prevailing wages on public works a misdemeanor. This bill would, commencing January 1, 2025, expand the definition of “public works” to include fuel reduction work done under contract and paid for in whole or in part out of public funds performed as part of a fire mitigation project, as specified. The bill would limit those provisions to work that falls within an apprenticeship occupation in the building and construction trades for which an apprenticeship program has been approved and to contracts in excess of \$100,000. The bill would delay the application of those provisions until January 1, 2026, for nonprofits.

Position Priority
Watch B. Watch

[AB 340](#)

(Fong, Vince R) California Environmental Quality Act: grounds for noncompliance.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 2/9/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-A. 2 YEAR

Summary: The California Environmental Quality Act (CEQA) prohibits an action or proceeding from being brought in a court to challenge the approval of a project by a public agency unless the alleged grounds for noncompliance are presented to the public agency orally or in writing by a person during the public comment period provided by CEQA or before the close of the public hearing on the project before the issuance of the notice of determination. This bill would require the alleged grounds for noncompliance with CEQA presented to the public agency in writing be presented at least 10 days before the public hearing on the project before the issuance of the notice of determination. The bill would prohibit the inclusion of written comments presented to the public agency after that time period in the record of proceedings and would prohibit those documents from serving as basis on which an action or proceeding may be brought.

Position	Priority
Watch	B. Watch

[AB 557](#)

(Hart D) Open meetings: local agencies: teleconferences.

Status: 6/29/2023-Read second time. Ordered to third reading.

Location: 6/29/2023-S. THIRD READING

Summary: 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 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 revise the authority of a legislative body to hold a teleconference meeting under those abbreviated teleconferencing procedures when a declared state of emergency is in effect. Specifically, the bill would extend indefinitely that authority in the circumstances under which the legislative body either (1) meets for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (2) has previously made that determination.

Position	Priority
Watch	B. Watch

[AB 676](#)

(Bennett D) Water: general state policy.

Status: 7/12/2023-Read second time and amended. Ordered to third reading.

Location: 7/12/2023-S. THIRD READING

Summary: Would specify that the use of water for domestic purposes includes water use for human consumption, cooking, sanitary purposes, care of household livestock, animals, and gardens, fire suppression and other safety purposes, and any other purpose determined to be a domestic purpose by a court, as specified.

Position	Priority
Watch	B. Watch

[AB 735](#)

(Berman D) Workforce development: utility careers.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)

Location: 5/19/2023-A. 2 YEAR

Summary: Would establish the High Road Utility Careers (HRUC) program, to be administered by the California Workforce Development Board, to connect existing resources with individuals interested in careers in the utility sector and ensure a continued reliable workforce for California utilities. The bill would require the board to administer the HRUC program through partnerships with statewide water, wastewater, and energy utility associations and to coordinate the program with existing and future programs and initiatives administered by the board, including high road training partnerships, in order to align interested individuals with available resources. The bill would require the HRUC program, upon appropriation by the Legislature, to dedicate funding and resources toward accomplishing specified goals, including connecting workers to high-quality jobs or entry-level work with defined routes to advancement and increasing skills and opportunities while expanding pipelines for low-income populations.

Position Priority
Watch B. Watch

[AB 759](#) **(Grayson D) Sanitary districts.**

Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 19, Statutes of 2023.

Location: 6/29/2023-A. CHAPTERED

Summary: Current law authorizes the formation of a sanitary district, pursuant to specified requirements. Current law authorizes a sanitary district to acquire, plan, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate garbage dumpsites and garbage collection and disposal systems, sewers, drains, septic tanks, and sewerage collection, outfall, treatment works and other sanitary disposal systems, and storm water drains and storm water collection, outfall and disposal systems, and water recycling and distribution systems, as the deemed necessary and proper by the governing board of the district. Current law generally authorizes the district to expend money only upon written order of the board. Current law also authorizes a district board, as an alternative to the functions of the treasurer, to elect to disburse district funds upon resolution of the board and the filing of a certified copy with the treasurer. Under current law, the treasurer is then required to deliver all district funds to the district, which can only be withdrawn by written order of the district boards, signed by the president and secretary. Current law requires the district board to appoint a treasurer responsible for the deposit and withdrawal of district funds. This bill would instead authorize funds to be withdrawn by a district treasurer or expended by a treasurer upon approval by the board, signed by the president and secretary.

Position Priority
Watch B. Watch

[AB 1072](#) **(Wicks D) Water conservation and efficiency: low-income residential customers.**

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2023)(May be acted upon Jan 2024)

Location: 5/19/2023-A. 2 YEAR

Summary: Would declare the policy of the state that all residents have access to water conservation and efficiency programs. The bill would also set forth related findings including that reaching the state's environmental justice goals and commitments requires designing climate adaptation programs so that all households may participate.

Position Priority
Watch B. Watch

[AB 1205](#) **(Bauer-Kahan D) Water rights: sale, transfer, or lease: agricultural lands.**

Status: 7/13/2023-Read second time and amended. Ordered to third reading.

Location: 7/13/2023-S. THIRD READING

Summary: Current law declares that, because of the conditions prevailing in this state, the general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of the water is to be exercised with a view to the reasonable and beneficial use of the water in the interest of the people and for the public welfare. This bill would require the State Water Resources Control Board to, on or before January 1, 2027, conduct a study and report to the Legislature and appropriate policy committees on the existence of speculation or profiteering by an investment fund in the sale, transfer, or lease of an interest in any surface water right or groundwater right previously put to beneficial use on agricultural lands, as specified. The bill would repeal this provision on January 1, 2031.

Position Priority
Watch B. Watch

[AB 1563](#) **(Bennett D) Groundwater sustainability agency: groundwater extraction permit: verification.**

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was GOV. & F. on 6/22/2023)(May be acted upon Jan 2024)

Location: 7/14/2023-S. 2 YEAR

Summary: Current law authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin and imposes specified duties upon that agency or combination of agencies, as provided. Current law authorizes a groundwater sustainability agency to request of the county, and requires a county to consider, that the county forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the agency before permit approval. This bill would instead require a county to forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the groundwater sustainability agency before permit approval.

Position Priority

[AB 1573](#)**(Friedman D) Water conservation: landscape design: model ordinance.****Status:** 7/10/2023-Read second time and amended. Re-referred to Com. on APPR.**Location:** 7/3/2023-S. APPR.

Summary: The Water Conservation in Landscaping Act provides for a Model Water Efficient Landscape Ordinance that is adopted and updated at least every 3 years by the Department of Water Resources, unless the department makes a specified finding. This bill would require the updated model ordinance to include provisions that require that plants included in a landscape design plan be selected based on their adaptability to climatic, geological, and topographical conditions of the project site, as specified. The bill would also exempt landscaping that is part of ecological restoration projects that do not require a permanent irrigation system, mined-land reclamation projects that do not require a permanent irrigation system, and existing plant collections, as part of botanical gardens and arboretums open to the public, from the model ordinance. The bill would require the updated model ordinance to include provisions that require that all new or renovated nonresidential areas install plants that meet specified criteria, and that prohibit the inclusion of nonfunctional turf in nonresidential landscape projects after January 1, 2026. The bill would make other clarifying changes to the updated model ordinance. The bill would require the department, no later than July 1, 2024, to convene a working group composed of a broad range of stakeholders with expertise in horticulture and native plants, as specified, to develop a strategic plan with measurable milestones to, by January 1, 2035, reach a target that all new and renovated nonresidential areas install in the project footprint not less than 75% native plants.

Position	Priority
Watch	B. Watch

[AB 1637](#)**(Irwin D) Local government: internet websites and email addresses.****Status:** 7/10/2023-In committee: Referred to APPR. suspense file.**Location:** 7/10/2023-S. APPR. SUSPENSE FILE

Summary: Would, no later than January 1, 2029, require a local agency, as defined, that maintains an internet website for use by the public to ensure that the internet website utilizes a “.gov” top-level domain or a “.ca.gov” second-level domain and would require a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a “.gov” or “.ca.gov” domain. This bill, no later than January 1, 2029, would also require a local agency that maintains public email addresses to ensure that each email address provided to its employees utilizes a “.gov” domain name or a “.ca.gov” domain name. By adding to the duties of local officials, the bill would impose a state-mandated local program.

Position	Priority
Watch	B. Watch

[AB 1648](#)**(Bains D) Water: Colorado River conservation.****Status:** 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/16/2023)(May be acted upon Jan 2024)**Location:** 4/28/2023-A. 2 YEAR

Summary: Would prohibit the Metropolitan Water District of Southern California and the Department of Water and Power of the City of Los Angeles from achieving a reduction in, or conservation of, Colorado River water consumption required by an agreement with specified entities through increased water deliveries or imports from other regions of California, including the San Joaquin Valley and the Sacramento-San Joaquin Delta. The bill would require the Colorado River Board of California, the Department of Water Resources, and the State Water Resources Control Board to use their existing authority to enforce these provisions. The bill would specify that these provisions apply retroactively to January 1, 2023, and apply to any agreement entered into on or after that date.

Position	Priority
Watch	B. Watch

[ACA 2](#)**(Alanis R) Public resources: Water and Wildfire Resiliency Act of 2023.****Status:** 4/20/2023-Referred to Coms. on W., P., & W. and NAT. RES.**Location:** 4/20/2023-A. W.,P. & W.

Summary: Would establish the Water and Wildfire Resiliency Fund within the State Treasury, and would require the Treasurer to annually transfer an amount equal to 3% of all state revenues that may be appropriated as described from the General Fund to the Water and Wildfire Resiliency Fund. The measure would require the moneys in the fund to be appropriated by the Legislature and would require that 50% of the moneys in the fund be used for water projects, as specified, and that the other 50% of the moneys in the fund be used for forest maintenance and health projects, as specified.

Position	Priority
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SB 3

(Dodd D) Discontinuation of residential water service: public water system.

Status: 6/21/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 2.) (June 20). Re-referred to Com. on APPR.

Location: 6/21/2023-A. APPR.

Summary: Current law authorizes the State Water Resources Control Board to provide for the deposit into the Safe and Affordable Drinking Water Fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would require the board to, upon appropriation by the Legislature, expend moneys to provide training statewide to community water systems with between 15 and 200 service connections to meet compliance with the Water Shutoff Protection Act.

Position Priority
Out for Analysis B. Watch

SB 57

(Gonzalez D) Utilities: disconnection of residential service.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E. U., & C. on 3/22/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-S. 2 YEAR

Summary: Would require an electrical corporation, local publicly owned electric utility, gas corporation, local publicly owned gas utility, water corporation, or local agency that owns a public water system to postpone the disconnection of a customer’s residential service for nonpayment of a delinquent account when the temperature will be 32 degrees Fahrenheit or cooler, or 95 degrees Fahrenheit or warmer, within the utility’s service area during the 24 hours after that service disconnection would occur, as specified. The bill would require each of those utilities to notify its residential ratepayers of that requirement and to create an online reporting system available through its internet website, if it has one, that enables its residential ratepayers to report when their utility service has been disconnected in violation of that requirement, as specified. The bill would require the PUC to establish a citation program to impose a penalty on an electrical corporation or gas corporation that violates that requirement, and require each local publicly owned electric utility and local publicly owned gas utility to annually report to the State Energy Resources Conservation and Development Commission the number of residential service connections it disconnected for nonpayment of a delinquent account. The bill would authorize the State Water Resources Control Board to enforce the requirement that a water corporation and local agency that owns a public water system postpone a disconnection of a customer’s residential service, as specified.

Position Priority
Watch B. Watch

SB 66

(Hurtado D) Water Quality, Supply, and Infrastructure Improvement Act of 2014: Drinking Water Capital Reserve Fund: administration.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 3/29/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-S. 2 YEAR

Summary: The Water Quality, Supply, and Infrastructure Improvement Act of 2014 bond act provides that the sum of \$260,000,000 is to be available for grants and loans for public water system infrastructure improvements and related actions to meet safe drinking water standards, ensure affordable drinking water, or both, as specified. Current law requires the State Water Resources Control Board to deposit up to \$2,500,000 of the \$260,000,000 into the Drinking Water Capital Reserve Fund, to be available upon appropriation by the Legislature. Current law requires the state board to administer the Drinking Water Capital Reserve Fund for the purpose of serving as matching funds for disadvantaged communities and requires the state board to develop criteria to implement this provision. This bill would require the state board to provide an analysis of the criteria to implement that provision to the Senate Committee on Natural Resources and Water and Assembly Committee on Water, Parks, and Wildlife on January 1, 2025, and every 2 years thereafter.

Position Priority
Watch B. Watch

SB 69

(Cortese D) California Environmental Quality Act: local agencies: filing of notices of determination or exemption.

Status: 7/12/2023-Read second time and amended. Re-referred to Com. on APPR.

Location: 7/10/2023-A. APPR.

Summary: The California Environmental Quality Act (CEQA) requires a local agency that approves or determines to carry out a project subject to CEQA to file a notice of determination with the county clerk of each county in which the project will be located, as provided. CEQA authorizes a local agency that determines that a project is not subject to CEQA to file a notice of exemption with the county clerk of each county in which the project will be located, as

provided. CEQA requires the county clerk to make the notice available for public inspection and post the notice within 24 hours of receipt in the office or on the internet website of the county clerk, as specified. CEQA requires an action or proceeding challenging an act or decision of a public agency, including a local agency, on the grounds of noncompliance with CEQA to be commenced within certain time periods, as specified. This bill would require a local agency to file a notice of determination with the State Clearinghouse in the Office of Planning and Research in addition to the county clerk of each county in which the project will be located. The bill would authorize a local agency to file a notice of exemption with the State Clearinghouse in the Office of Planning and Research in addition to the county clerk of each county in which the project will be located. The bill would require the notice, including any subsequent or amended notice, to be posted both in the office and on the internet website of the county clerk and by the Office of Planning and Research on the State Clearinghouse internet website within 24 hours of receipt. The bill would specify that the posting of the notice by the Office of Planning and Research would not affect the applicable time periods to challenge an act or decision of a local agency, as described above.

Position	Priority
Watch	B. Watch

SB 231

(Hurtado D) Department of Water Resources: water supply forecasting.

Status: 7/12/2023-Read second time and amended. Re-referred to Com. on APPR.

Location: 7/11/2023-A. APPR.

Summary: Would require the Department of Water Resources, on or before December 31, 2025, to establish a formal process for annually evaluating and improving the accuracy of its water supply forecasts, adopt a new water supply forecasting model that better addresses the effects of climate change, and implement a formal policy and procedures for documenting its operational plans for the state's water supply and its rationale for its operating procedures. The bill would require the department, by December 1, 2024, to prepare, and submit to the Legislature, a report on its progress toward meeting these requirements.

Position	Priority
Watch	B. Watch

SB 272

(Laird D) Sea level rise: planning and adaptation.

Status: 6/20/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 1.) (June 19). Re-referred to Com. on APPR.

Location: 6/19/2023-A. APPR.

Summary: Current law creates within the Ocean Protection Council the California Sea Level Rise State and Regional Support Collaborative to provide state and regional information to the public and support to local, regional, and other state agencies for the identification, assessment, planning, and, where feasible, the mitigation of the adverse environmental, social, and economic effects of sea level rise within the coastal zone, as provided. This bill would require a local government, as defined, lying, in whole or in part, within the coastal zone, as defined, or within the jurisdiction of the San Francisco Bay Conservation and Development Commission, as defined, to implement sea level rise planning and adaptation through either submitting, and receiving approval for, a local coastal program, as defined, to the California Coastal Commission or submitting, and receiving approval for, a subregional San Francisco Bay shoreline resiliency plan to the San Francisco Bay Conservation and Development Commission, as applicable, on or before January 1, 2034, as provided. By imposing additional requirements on local governments, the bill would impose a state-mandated local program. The bill would require local governments that receive approval for sea level rise planning and adaptation on or before January 1, 2029, to be prioritized for sea level rise funding, upon appropriation by the Legislature, for the implementation of projects in the local government's approved sea level rise adaptation plan.

Position	Priority
Watch	B. Watch

SB 315

(Hurtado D) Groundwater: groundwater sustainability agencies: probationary basins.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)

Location: 5/19/2023-S. 2 YEAR

Summary: The Sustainable Groundwater Management Act authorizes the State Water Resources Control Board to designate specified basins as probationary basins if certain conditions are met, including, but not limited to, that the Department of Water Resources, in consultation with the board, determines that a groundwater sustainability plan is inadequate or that the groundwater sustainability program is not being implemented in a manner that will likely achieve the sustainability goal. Current law requires the board, if it designates a basin as a probationary basin pursuant to specified conditions, to identify the specific deficiencies and potential remedies. Current law authorizes the board to request the department, within 90 days of the designation, to provide technical recommendations to local agencies to remedy the deficiencies and to develop an interim plan for the probationary basin one year after the designation, as specified. This bill would require any groundwater sustainability agency that hires a third-party consulting firm to ensure that the integrity of the science being used to develop a groundwater sustainability plan is protected and the data is not

sold. The bill would delete the authorizations for the board to request technical recommendations from the department. The bill would additionally place various requirements on the board in working with a groundwater sustainability agency, including, among other things, requiring the board to provide clear benchmarks and guidance for groundwater sustainability agencies to improve their groundwater management plans.

Position	Priority
Watch	B. Watch

SB 504 **(Dodd D) Wildfires: defensible space: grant programs: local governments.**

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was NAT. RES. on 5/11/2023)(May be acted upon Jan 2024)

Location: 7/14/2023-A. 2 YEAR

Summary: Current law requires the Director of Forestry and Fire Protection to establish a common reporting platform that allows defensible space and home hardening assessment data, collected by the qualified entities, to be reported to the department. Current law requires the department to establish a local assistance grant program for fire prevention and home hardening education activities and provides that local agencies, among others, are eligible for these grants. Current law requires the State Fire Marshal to identify areas of the state as moderate, high, and very high fire hazard severity zones based on specified criteria. Current law requires a local agency to designate, by ordinance, moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the State Fire Marshal, and authorizes a local agency, at its discretion, to include areas within the jurisdiction of the local agency, not identified as moderate, high, and very high fire hazard severity zones by the State Fire Marshal, as moderate, high, and very high fire hazard severity zones, respectively. This bill would require the department, when reviewing applications for the local assistance grant program, to give priority to any local governmental entity that is qualified to perform defensible space assessments in very high and high fire hazard severity zones who reports that information using the common reporting platform, as provided.

Position	Priority
Watch	B. Watch

Dead Bill

AB 422 **(Alanis R) Natural Resources Agency: statewide water storage: tracking.**

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 2/9/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-A. 2 YEAR

Summary: Would require the Natural Resources Agency, on or before June 1, 2024, to post on its publicly available internet website information tracking the progress to increase statewide water storage, and to keep that information updated.

Position	Priority
Watch	Dead Bill

Total Measures: 47

Total Tracking Forms: 47

DATE: August 7, 2023
TO: JPA Board of Directors
FROM: Engineering and External Affairs

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.

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: July 24, 2023
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 reservoir water augmentation program.

By 2030, the 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

- Issued a Request for Proposal (RFP) for a dye-tracer study in Las Virgenes Reservoir to validate the reservoir model calibration.
- Issued the RFP for the Progressive Design-Build (PDB) procurement of the new AWPF and Reverse Osmosis Concentrate (ROC) pipeline.

Key Program Accomplishments Last Month

Following is a summary of the key July 2023 program accomplishments. Many PWP team meetings occurred in July to plan, coordinate and implement the following activities:

July Accomplishments:

Programmatic:

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

Technical:

- Developed and issued the RFP for a dye-tracer study in Las Virgenes Reservoir to validate the reservoir model calibration.

- Continued support for the Demonstration Facility with biweekly meetings to review performance data trends and share insights. Implementation of preformed monochloramine dosing prior to membrane filtration is showing decreased fouling.
- Continued development of an Enhanced Source Control Plan, which augments existing water reclamation facility pretreatment programs with the goal of protecting human health in potable reuse projects.

Regulatory/Environmental:

- Finalizing the 1211 wastewater change petition application for Tapia WRF based on LVMWD review comments.

Financial:

- Met with WIFIA and SRF to coordinate funding application activities.
- Participated in coordination meetings with LVMWD, TWSD, Piper Sandler and Jacobs.
- Continued tracking of funding options and supporting LVMWD staff, as needed.

Procurement:

- Issued the RFP for the PDB procurement of the new AWPf and ROC pipeline.
- Met biweekly with the JPA’s legal counsel to review the draft procurement documents.

Look Ahead

The Project Team is finalizing the procurement documents, meeting with regulators to review details of the project, supporting the development of funding applications, and proceeding with the strategies outlined in the Program Implementation Plan. The Project Team is focused on the following activities for August.

- Finalize and submit the 1211 wastewater change petition application to the State Water Resources Control Board.
- Support performance trending for the Demonstration Facility.

DATE: August 7, 2023
TO: JPA Board of Directors
FROM: Finance and Administration

SUBJECT: Proposed Formation of Las Virgenes-Triunfo Public Financing Authority

SUMMARY:

Over the past several years, the JPA Board has considered a variety of options to finance the Pure Water Project Las Virgenes-Triunfo. Based on recommendations from staff and the entire financing team, the JPA Board has authorized joint loan funding applications for the Water Infrastructure Finance and Innovation Act (WIFIA) and State Revolving Funds (SRF) programs to achieve efficiency in work effort, lower overall costs and increase competitiveness of the applications. Since the current JPA Agreement does not contain provisions for the JPA to enter into loan agreements or issue debt, the JPA Board evaluated options to facilitate the process for the Pure Water Project Las Virgenes-Triunfo and authorized staff to propose the formation of a new public financing authority for this purpose. Staff recommends that the JPA Board review and provide feedback on the proposed Joint Exercise of Powers Agreement to form the Las Virgenes-Triunfo Public Financing Authority. A final version of the Joint Exercise of Powers Agreement will be submitted to Las Virgenes Municipal Water District and Triunfo Water & Sanitation District for approval by their respective boards.

RECOMMENDATION(S):

Review and provide feedback on the proposed Joint Exercise of Powers Agreement between Las Virgenes Municipal Water District and Triunfo Water & Sanitation District to form the Las Virgenes-Triunfo Public Financing Authority.

FINANCIAL IMPACT:

The formation of the Las Virgenes-Triunfo Public Financing Authority will facilitate financing for the Pure Water Project Las Virgenes-Triunfo and reduce overall cost of borrowing for the project.

DISCUSSION:

The JPA Board has approved a number of actions to support the JPA's applications for outside funding to reduce the cost of the Pure Water Project Las Virgenes-Triunfo to its ratepayers. To-date, the JPA has applied for loans from the Water Infrastructure Finance and Innovation Act (WIFIA) Program, State Revolving Funds (SRF) programs, State Water Resources Control Board Water Recycling Grant Funding Program and Metropolitan Water District of Southern California Local Resources Program (LRP). JPA staff continues to work

with staff from Triunfo Water & Sanitation District to seek additional funding for the Pure Water Project Las Virgenes-Triunfo.

During the course of the WIFIA application process, it was identified that the current Joint Exercise of Powers Agreement that was executed by and between Las Virgenes Municipal Water District and Triunfo Sanitation District (now, Triunfo Water & Sanitation District) on January 26, 2009 does not include provisions for the JPA to jointly finance projects by originating loans or issuing debt.

On May 1, 2023, the JPA Board considered various structures to facilitate the origination of loans or joint issuance of debt, and authorized staff to pursue the creation of a new public financing authority. The formation of a new authority would facilitate the application process for joint financing of the Pure Water Project Las Virgenes-Triunfo and save the JPA, and its partners, on issuance and loan origination costs.

Attached is a proposed Joint Exercise of Powers Agreement to form the “Las Virgenes-Triunfo Public Financing Authority (PFA)” for the purpose of facilitating the financing of the Pure Water Project Las Virgenes-Triunfo. The proposed agreement was developed by the JPA’s Bond Counsel, Stradling Yocca Carlson & Rauth, and was reviewed by both Legal Counsel for both LVMWD and Triunfo Water & Sanitation District. The agreement was structured to build upon the existing JPA Agreement and relationship, while facilitating the process to enter into loan agreements and, potentially, issue debt. Additionally, staff from both LVMWD and Triunfo Water & Sanitation District worked with legal and bond counsel in the development of the proposed agreement.

Following is a summary of key provisions:

- The PFA would have the authority to enter into loan agreements and issue debt.
- The PFA would not have the authority to obligate its members to service or repay debt; such commitments and pledges would be made individually by the PFA partners;
- The meetings of the new PFA Board would coincide will those for the existing JPA Board, following immediately before or after.
- The PFA would not own or operate any assets, and would serve solely as a pass-through entity for the purpose of issuing debt.
- The Chair of the PFA would alternate between President of the LVMWD Board and Chair of the Triunfo Water & Sanitation District Board, mirroring the approach for the JPA.
- Staff from LVMWD would serve as Executive Director and Deputy Treasurer of the PFA.

The new PFA would not have the authority to obligate either partner agency to service or repay debt. Additionally, each debt instrument would be structured such that each JFA partner pledges responsibility only for its proportional share of the debt with no joint and several liability. Staff from LVMWD and Triunfo Water & Sanitation District would continue to work together to develop funding/financing strategies and to provide recommendations to the PFA when issuing debt such that the interests of both partners are addressed. The PFA’s purpose would be to serve as a conduit for the financing of the Pure Water Project Las Virgenes-Triunfo and, potentially, other JPA projects in the future. The PFA could also be used to issue debt on behalf of a single partners, and secured by that partner's revenues alone, should the need arise.

Prepared by: Donald Patterson, Director of Finance and Administration

ATTACHMENTS:

Proposed Joint Exercise of Powers Agreement for Las Virgenes-Triunfo Public Financing Authority (PFA)

Presentation on Proposed Formation of PFA

JOINT EXERCISE OF POWERS AGREEMENT

between

LAS VIRGENES MUNICIPAL WATER DISTRICT

and

TRIUNFO WATER & SANITATION DISTRICT

creating the

LAS VIRGENES-TRIUNFO PUBLIC FINANCING AUTHORITY

Dated as of _____ 1, 2023

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JOINT EXERCISE OF POWERS AGREEMENT

THIS JOINT EXERCISE OF POWERS AGREEMENT (this “**Agreement**”) is dated as of _____ 1, 2023, and is entered into by and between the LAS VIRGENES MUNICIPAL WATER DISTRICT, a municipal water district that is organized and existing under and by virtue of the laws of the State, including but not limited to Division 20 of the California Water Code (“**LVMWD**”), and TRIUNFO WATER & SANITATION DISTRICT, a county sanitation district that is organized and existing under and by virtue of the laws of the State, including but not limited to Chapter 3 of Part 3 of Division 5 of the California Health and Safety Code (“**TWSD**”).

DECLARATION OF PURPOSE

A. Chapter 5 of Division 7 of Title 1 of the California Government Code (the “**Act**”) authorizes LVMWD and TWSD to create a joint exercise of powers entity which has the power to exercise any powers common to LVMWD and TWSD and to exercise additional powers granted to such entity under the Act. This Agreement creates such an agency, which shall be known as the “Las Virgenes-Triunfo Public Financing Authority” (the “**Authority**”) for the purposes and to exercise the powers described herein.

B. LVMWD is authorized to buy, sell, lease and use property and to incur indebtedness for public purposes pursuant to California Water Code §§ 71592, 71610, 71611, 71612, 71690, 71691, 71692, 71722, 71723, 71811, 71812 and 71853 and other laws of the State of California.

C. TWSD is authorized to buy, sell, lease and use property and to incur indebtedness for public purposes pursuant to California Health and Safety Code §§ 4740, 4741, 4743, 4744, 4746.1, 4764 and 4767 and other laws of the State of California.

D. Article 4 of the Act (known as the “Marks-Roos Local Bond Pooling Act of 1985”) authorizes and empowers the Authority to issue or execute bonds or other obligations and to purchase bonds or other obligations issued or executed by, or to make loans to, LVMWD or TWSD for the purpose of financing public capital improvements, working capital, liability and other insurance needs or projects whenever there are significant public benefits, as determined by LVMWD or TWSD. The Marks-Roos Local Bond Pooling Act of 1985 further authorizes and empowers the Authority to sell bonds so issued or purchased to public or private purchasers at public or negotiated sale.

TERMS OF AGREEMENT

Section 1. Definitions. Unless the context otherwise requires, the terms defined in this Section 1 shall for all purposes of this Agreement have the meanings herein specified.

“**Act**” means Articles 1, 2 and 4 of Chapter 5 of Division 7 of Title 1 of the California Government Code, as amended.

“**Agreement**” means this Joint Exercise of Powers Agreement, dated as of _____ 1, 2023, by and between LVMWD and TWSD, as it may be amended from time to time, creating the Authority.

“**Authority**” means the Las Virgenes-Triunfo Public Financing Authority created by this Agreement.

“**Board**” means the governing board of the Authority, consisting of each member of the governing board of LVMWD and each member of the governing board of TWSD.

“**Brown Act**” means the Ralph M. Brown Act (Chapter 9 of Part 1 of Division 2 of Title 5 of the California Government Code), or any successor legislation hereafter enacted.

“**Indenture**” means, without limitation, each indenture, resolution, trust agreement, fiscal agent agreement, lease, sublease, loan agreement, installment purchase agreement or other instrument pursuant to which Obligations are issued or incurred.

“**LVMWD**” means the Las Virgenes Municipal Water District, a municipal water district that is organized and existing under and by virtue of the laws of the State, including but not limited to Division 20 of the California Water Code.

“**Member**” or “**Members**” means the members of the Authority from time to time as may be modified in accordance with this Agreement. As of the date of this Agreement, the Members are LVMWD and TWSD.

“**Obligations**” means bonds and any other evidence of indebtedness of the Authority authorized and issued pursuant to the Act.

“**State**” means the State of California.

“**TWSD**” means Triunfo Water & Sanitation District, a county sanitation district that is organized and existing under and by virtue of the laws of the State, including but not limited to Chapter 3 of Part 3 of Division 5 of the California Health and Safety Code.

Section 2. Purpose. This Agreement is made pursuant to the Act for the purpose of assisting in the financing and refinancing of capital improvement projects of LVMWD and TWSD and the financing of working capital for LVMWD and TWSD by exercising the powers referred to in this Agreement. Upon approval of the Board, the Authority may also assist other public agencies in the financing and refinancing of capital improvement projects and the financing of working capital.

Section 3. Term. This Agreement becomes effective as of the date hereof and shall continue in full force and effect until terminated by a supplemental agreement of TWSD and LVMWD; *provided, however*, that in no event shall this Agreement terminate while any Obligations of the Authority remain outstanding under the terms of any Indenture or other instrument pursuant to which such Obligations are issued or incurred.

Section 4. The Authority.

(a) Creation of the Authority.

(1) There is hereby created pursuant to the Act an authority and public entity to be known as the “Las Virgenes-Triunfo Public Financing Authority.” As provided in the Act, the Authority shall be a public entity separate from the Members. The debts, liabilities and obligations of the Authority shall not constitute debts, liabilities or obligations of the Members, notwithstanding the fact that they may be payable from revenues of one or more of the Members as described in Section 10(b)(1).

(2) Within 30 days after the effective date of this Agreement or any amendment hereto, the Authority will cause a notice of this Agreement or amendment to be prepared and filed with the office of the California Secretary of State in the manner set forth in Section 6503.5 of the Act. Such notice shall also be filed with the office of the State Controller.

(3) In addition, as required by Section 53051 of the California Government Code, within 70 days after the effective date of this Agreement, the Authority shall file with the Secretary of State on a form prescribed by the Secretary of State and also with the County Clerk of Los Angeles County a statement of the following facts: (1) the full, legal name of the Authority; (2) the official mailing address of the Board; (3) the name and residence or business address of each member of the Board; and (4) the name, title and residence or business address of the Chair and Secretary of the Authority, and within 10 days after any change in the facts required to be stated pursuant to the foregoing, an amended statement containing such information shall be filed with the Secretary of State on a form prescribed by the Secretary of State and also with the County Clerk of Los Angeles County.

(b) Governing Board.

(1) The Authority will be administered by the Board, which will consist of each member of the governing board of LVMWD and each member of the governing board of TWSD. The term of office as a member of the Board will terminate when such member of the Board ceases to hold his or her respective seat on the governing board of LVMWD or TWSD, as applicable, and the successor to such seat on the governing board of LVMWD or TWSD, as applicable, will automatically become a member of the Board upon assuming such office.

(2) Members of the Board will not receive any compensation for serving as such, but will be entitled to reimbursement for necessary expenses actually incurred in connection with serving as a member if the Board determines that such expenses will be reimbursed and there are unencumbered funds available for such purpose; provided that: (a) any such reimbursement for a Board member who is also a member of the governing board of LVMWD shall be limited to the amount that is determined by the governing board of LVMWD; and (b) any such reimbursement for a Board member who is also a member of the governing board of TWSD shall be limited to the amount that is determined by the governing board of TWSD.

(c) Meetings of Board.

(1) Time and Place. The time and place for holding Board meetings shall be established, and may be changed at any time, by resolution of the Board. Initially, the Board shall conduct regular meetings on the first Monday of each month that is a business day, at the same location as the regular meetings of the governing board of the existing Las Virgenes-Triunfo Joint Powers Authority relating to joint facilities, as per the legal notice for such meetings. If the Secretary does not post an agenda for a regular meeting pursuant to the Brown Act, then such failure to post shall be deemed to be a determination by the Chair that no items require discussion and, therefore, that the regular meeting has been cancelled, except as otherwise provided in the Brown Act. The Board may hold special meetings at any time and from time to time in accordance with law.

(2) Legal Notice. All regular and special meetings of the Board shall be called, noticed, held and conducted subject to the provisions of the Brown Act.

(3) Minutes. The Secretary of the Authority shall cause minutes of all meetings of the Board to be kept and shall, as soon as practicable after each meeting, cause a copy of the minutes to be forwarded to each member of the Board and to the Members.

(4) Quorum. A majority of the members of the Board shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn meetings from time to time.

(5) Affirmative Vote. Unless otherwise agreed by the Board, no action or resolution of the Board shall be effective unless a majority of the members of the Board shall vote to adopt such action or resolution.

(d) Officers; Duties; Bonds.

(1) The officers of the Authority shall be the Chair, Vice Chair, Executive Director, Treasurer, Deputy Treasurer and Secretary.

The Chair shall be the person serving as the President or Chair, as applicable, of the governing board of either LVMWD or TWSD, alternating annually beginning on January 1 of each year, provided that the initial Chair shall be the person serving as the Chair of the governing board of TWSD, who shall serve as Chair from the effective date of this Agreement through December 31, 2023.

The Vice Chair shall be the person serving as the President or Chair, as applicable, of the governing board of either LVMWD or TWSD who is not then serving as the Chair, alternating annually beginning on January 1 of each year, provided that the initial Vice Chair shall be the person serving as the President of the governing board of LVMWD, who shall serve as Vice Chair from the effective date of this Agreement through December 31, 2023.

The Executive Director shall be the person serving as the General Manager of LVMWD.

The Treasurer shall be the person serving as the Treasurer of the governing board of LVMWD.

The Deputy Treasurer shall be the person serving as the Director of Finance & Administration of LVMWD.

The Secretary shall be the person serving as the Secretary of the governing board of LVMWD.

The officers shall perform the duties normal to their respective offices and such other duties as may be imposed by the Board. The foregoing officers shall sign all contracts on behalf of the Authority and shall perform such other duties as may be imposed by the Board; provided that the Board may, by resolution, authorize other officers of the Authority to sign contracts on behalf of the Authority. The Vice Chair shall act, sign contracts, and perform all of the Chair's duties in the absence of the Chair. The Secretary shall perform such duties as may be imposed by the Board and cause a copy of this Agreement, and any amendment to this Agreement, to be filed with the California Secretary of State pursuant to the Act. These officers shall have such additional powers and duties as may be determined by the Board from time to time by resolution.

The Board shall appoint a General Counsel of the Authority from time to time.

(2) Pursuant to Section 6505.6 of the Act, the person serving as the Treasurer of the governing board of LVMWD is hereby designated as the Treasurer of the Authority. The Treasurer of the Authority is designated as the public officer or person who has charge of, handles, or has access to any property of the Authority, and such officer shall file an official bond in the amount of \$25,000 as required by Section 6505.1 of the Act; provided, that such bond shall not be required if the Authority does not possess or own property or funds with an aggregate value of greater than \$500 (excluding amounts held by a trustee or other fiduciary in connection with any Obligations). The cost of the bond, if necessary, shall be paid by LVMWD.

(3) So long as required by Sections 6505 and 6505.5 of the Act, the Treasurer of the Authority shall prepare or cause to be prepared: (a) a special audit as required pursuant to Section 6505 of the Act every year during the term of this Agreement; and (b) a report in writing on the first day of July, October, January and April of each year to the Board, LVMWD and TWSD which report shall describe the amount of money held by the Treasurer of the Authority, the amount of receipts since the last such report and the amount paid out since the last such report (which may exclude amounts held by a trustee or other fiduciary in connection with any Obligations to the extent that such trustee or other fiduciary provides regular reports covering such amounts).

(4) The services of the officers shall be without compensation by the Authority. LVMWD will provide such other administrative services as required by the Authority, and shall not receive economic remuneration from the Authority for the provision of such services.

(5) The Board shall have the power to appoint such other officers and employees as it may deem necessary and to retain independent counsel, consultants and accountants.

(6) All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, worker's compensation and other benefits which apply to the activities of officers, agents or employees of the Members when performing their respective functions within the territorial limits of their respective Member shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this Agreement.

(7) None of the officers, agents or employees, if any, directly employed by the Authority shall be deemed, by reason of their employment by the Authority, to be employed by any Member or, by reason of their employment by the Authority, to be subject to any of the requirements of any Member.

(8) The Members hereby confirm their intent and agree that, as provided in Section 4(a) hereof and in the Act, the debts, liabilities and obligations of the Authority shall not constitute debts, liabilities or obligations of LVMWD or TWSD, notwithstanding the fact that they may be payable from revenues of one or more of the Members as described in Section 10(b)(1).

(9) In any event, the Authority or LVMWD shall cause all records regarding the Authority's formation, existence, operations, any Obligations issued or incurred by the Authority, obligations incurred by it and proceedings pertaining to its termination to be retained for at least six years following termination of the Authority or final payment of any Obligations issued or incurred by the Authority, whichever is later.

(10) Confirmation of officers shall be the first order of business at the first meeting of the Authority, regular or special, held in each calendar year.

(11) No Board member, officer, agent or employee of the Authority, without prior specific or general authority by a vote of the Board, shall have any power or authority to bind the Authority by any contract, to pledge its credit, or to render it liable for any purpose in any amount.

Section 5. Powers.

(a) The Authority shall have any and all powers which are common powers of the Members, and the powers separately conferred by law upon the Authority. All such powers, whether common to the Parties or separately conferred by law upon the Authority, are specified as powers of the Authority except any such powers which are specifically prohibited to the Authority by applicable law. Except as otherwise set forth herein as permitted by law, the Authority's exercise of its powers is subject to the restrictions upon the manner of exercising the powers of LVMWD and TWSD.

(b) The Authority is hereby authorized, in its own name, to do all acts necessary or convenient for the exercise of its powers, including, but not limited to, any or all of the following: to sue and be sued; to make and enter into contracts; to employ agents, consultants, attorneys, accountants and employees; to acquire, hold or dispose of property, whether real or personal, tangible or intangible, wherever located; to issue bonds or otherwise incur debts, liabilities or Obligations to the extent authorized by the Act or any other applicable provision of law and to pledge any property or revenues or the rights thereto as security for such Obligations.

(c) Notwithstanding the foregoing, the Authority shall have any additional powers conferred under the Act or under applicable law, insofar as such additional powers may be necessary to accomplish the purposes set forth in Section 2 hereof.

(d) Notwithstanding anything to the contrary in this Agreement, the Authority shall not have the power or the authority to enter into any retirement contract with any public retirement system (as defined in Section 6508.2 of the California Government Code) for any reason. The provision in this paragraph is intended to benefit the Members and to be a confirming irrevocable obligation of the Authority which may be enforced by the Members, individually or collectively.

Section 6. Termination of Powers. The Authority shall continue to exercise the powers herein conferred upon it until the termination of this Agreement in accordance with Section 3 hereof.

Section 7. Fiscal Year. Unless and until changed by resolution of the Board, the fiscal year of the Authority shall be the period from July 1 of each year to and including the following June 30, except for the first fiscal year, which shall be the period from the effective date of this Agreement to June 30, 2024.

Section 8. Disposition of Assets. Upon termination of this Agreement pursuant to Section 3 hereof, any surplus money in possession of the Authority or on deposit in any fund or account of the Authority shall be returned in proportion to any contributions made as required by Section 6512 of the Act. The Board is vested with all powers of the Authority for the purpose of concluding and dissolving the business affairs of the Authority. After rescission or termination of this Agreement pursuant to Section 3 hereof, all property of the Authority, both real and personal, shall be distributed

in proportion to any contributions made by the Members, to LVMWD and TWSD, subject to Section 9 hereof.

Section 9. Contributions and Advances. Contributions or advances of public funds and of personnel, equipment or property may be made to the Authority by the Members for any of the purposes of this Agreement. Payment of public funds may be made to defray the cost of any such contribution. Any such advance made in respect of a revenue-producing facility shall be made subject to repayment, and shall be repaid, in the manner agreed upon by LVMWD or TWSD, as the case may be, and the Authority at the time of making such advance, as provided by Section 6512.1 of the Act. It is mutually understood and agreed that neither LVMWD nor TWSD has any obligation to make advances or contributions to the Authority to provide for the costs and expenses of administration of the Authority, even though either may do so. The Members may allow the use of personnel, equipment or property in lieu of other contributions or advances to the Authority.

Section 10. Obligations.

(a) Authority to Issue or Incur Obligations. When authorized by the Act or other applicable provisions of law and by resolution of the Board, the Authority may issue or incur Obligations for the purpose of raising funds for the exercise of any of its powers or to otherwise carry out its purposes under this Agreement. Said Obligations shall have such terms and conditions as are authorized by the Board.

(b) Limited Obligations.

(1) The Obligations, including the principal and any purchase price thereof, and the interest and premium, if any, thereon, shall be special obligations of the Authority payable solely from, and secured solely by, the revenues, funds and other assets pledged therefor under the applicable Indenture(s) and shall not constitute a charge against the general credit of the Authority or any Member. The Obligations shall not be secured by a legal or equitable pledge of, or lien or charge upon or security interest in, any property of the Authority or any of its income or receipts except the property, income and receipts pledged therefor under the applicable Indenture(s). The Obligations shall not constitute a debt, liability or obligation of the State or any public agency thereof, including any Member, other than the special obligation of the Authority as described above. Neither the faith and credit nor the taxing power of the State or any public agency thereof, including the Members, shall be pledged to the payment of the principal or purchase price of, or the premium, if any, or interest on the Obligations, nor shall the State or any public agency or instrumentality thereof, including the Members, in any manner be obligated to make any appropriation for such payment. The Authority shall have no taxing power.

(2) No covenant or agreement contained in any Obligation or Indenture shall be deemed to be a covenant or agreement of any director, officer, agent or employee of the Authority or any Member, in his or her individual capacity, and no director or officer of the Authority executing an Obligation shall be liable personally on such Obligation or be subject to any personal liability or accountability by reason of the issuance of such Obligation.

Section 11. Agreement not Exclusive. This Agreement shall not be exclusive and shall not be deemed to amend or alter the terms of other agreements between LVMWD and TWSD, except as the terms of this Agreement shall conflict therewith, in which case the terms of this Agreement shall prevail.

Section 12. Accounts and Reports.

(a) Books and Records. All funds of the Authority shall be strictly accounted for in books of account and financial records maintained by the Authority, including a report of all receipts and disbursements. The Authority shall establish and maintain such funds and accounts as may be required by generally accepted accounting principles and by each Indenture for outstanding Obligations (to the extent that such duties are not assigned to a trustee for owners of Obligations). The books and records of the Authority shall be open to inspection at all reasonable times by the Members and their representatives.

(b) Indentures. The Authority shall require that each Indenture provide that the trustee appointed thereunder shall establish suitable funds, furnish financial reports and provide suitable accounting procedures to carry out the provisions of such Indenture. Said trustee may be given such duties in said Indenture as may be desirable to carry out the requirements of this Section 12.

(c) Audits. The Treasurer of the Authority shall cause an independent audit to be made of the books of accounts and financial records of the Authority in compliance with the requirements of the Act. Any costs of the audit, including contracts with, or employment of, certified public accountants or public accountants in making an audit pursuant to this Section 12, shall be borne by the Authority and shall be a charge against any unencumbered funds of the Authority available for that purpose.

(d) Audit Reports. The Treasurer of the Authority, as soon as practicable after the close of each Fiscal Year, but in any event within the time necessary to comply with the requirements of the Act, shall file a report of the audit performed pursuant to this Section 12 as required by the Act and shall send a copy of such report to public entities and persons in accordance with the requirements of the Act.

Section 13. Funds. Subject to the provisions of each Indenture for outstanding Obligations providing for a trustee to receive, have custody of and disburse funds which constitute Authority funds, the Treasurer of the Authority shall receive, have the custody of and disburse Authority funds pursuant to accounting procedures approved by the Board and shall make the disbursements required by this Agreement or otherwise necessary to carry out the provisions and purposes of this Agreement.

Section 14. Conflict of Interest Code. The Authority shall, by resolution, adopt a Conflict of Interest Code to the extent required by law.

Section 15. Breach. If default shall be made by LVMWD or TWSD in any covenant contained in this Agreement, such default shall not excuse either LVMWD or TWSD from fulfilling its obligations under this Agreement, and LVMWD and TWSD shall continue to be liable for the performance of all conditions herein contained. LVMWD and TWSD hereby declare that this Agreement is entered into for the benefit of the Authority created hereby and LVMWD and TWSD hereby grant to the Authority the right to enforce by whatever lawful means the Authority deems appropriate all of the obligations of each of the parties hereunder. Each and all of the remedies given to the Authority hereunder or by any law now or hereafter enacted are cumulative and the exercise of one right or remedy shall not impair the right of the Authority to any or all other remedies.

Section 16. Notices. Notices and other communications hereunder to the parties shall be sufficient if delivered to the clerk or secretary of the governing body of each party.

Section 17. Withdrawals and Additions of Members.

(a) Withdrawals. Any Member may withdraw from the Authority by filing with the Board a certified copy of a resolution of the governing body of the Member expressing its desire to so withdraw, whereupon the withdrawing Member shall no longer be considered a Member for any reason or purpose under this Agreement and its rights and obligations under this Agreement shall terminate. The withdrawal of a Member shall not affect the existence of the Authority nor the effectiveness of any Obligations of the Authority. If such withdrawal results in the termination of the Authority, such termination shall be subject to the limitations of Section 3 and the Member shall pay all of its outstanding obligations to the Authority prior to such termination becoming effective.

(b) Additional Members. Any public agency may be added as a party to this Agreement, and become a Member, by filing with the Board a certified copy of a resolution of the governing body of such public agency whereby it agrees to the provisions of this Agreement and requests to become a Member. The Board may accept or reject any such proposal in its sole discretion, and if accepted, such public agency shall become a Member when: (i) its admission is approved by a vote of a majority of the Board voting on the matter; (ii) such public agency agrees to bear its future share of the costs and expenses incurred by the Authority in the course of its activities; and (iii) such public agency signs this Agreement. Upon satisfaction of the provisions of this clause (b), such public agency shall be a Member for all purposes of this Agreement. The effectiveness of such membership shall not constitute or require an amendment or modification of this Agreement.

Section 18. Effectiveness. This Agreement shall become effective and be in full force and effect and a legal, valid and binding obligation of TWSD and LVMWD, as the initial Members, when each party has executed a counterpart of this Agreement.

Section 19. Severability. Should any part, term, or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, terms or provisions hereof shall not be affected thereby.

Section 20. Successors; Assignment. This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties. Except to the extent expressly provided herein, neither party may assign any right or obligation hereunder without the consent of the other.

Section 21. Amendment of Agreement. This Agreement may be amended by supplemental agreement executed by the Members at any time; provided, however, that this Agreement may be terminated only in accordance with Section 3 hereof; and provided further that such supplemental agreement shall be subject to any restrictions contained in any Obligations or documents related to any Obligations to which the Authority is a party.

Section 22. Form of Approvals. Whenever an approval is required in this Agreement, unless the context specifies otherwise, it shall be given, in the case of LVMWD, by resolution duly adopted by the governing board of LVMWD, and, in the case of TWSD, by resolution duly adopted by the governing board of TWSD, and, in the case of the Authority, by resolution duly adopted by the Board. Whenever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

Section 23. Waiver of Personal Liability. No member, officer, employee, attorney, agent, governing board member or Board member of the Authority, LVMWD or TWSD shall be individually or personally liable for any claims, losses, damages, costs, injury and liability of any kind, nature or description arising from the actions of the Authority or the actions undertaken pursuant to this Agreement, and the Authority shall defend such members, officers, employees, attorneys, agents, governing board member or Board member against any such claims, losses, damages, costs, injury and liability. Without limiting the generality of the foregoing, no member, officer, employee, attorney, agent, governing board member or Board member, of the Authority, LVMWD or TWSD shall be personally liable on any Obligations or be subject to any personal liability or accountability by reason of the issuance of Obligations pursuant to the Act and this Agreement. To the full extent permitted by law, the Board shall provide for indemnification by the Authority of any person who is or was a member of the Board, or an officer, employee or other agent of the Authority, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a member of the Board, or an officer, employee or other agent of the Authority, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith and in the course and scope of his or her office, employment or agency. In the case of a criminal proceeding, the Board may provide for indemnification and defense of a member of the Board, or an officer, employee or other agent of the Authority to the extent permitted by law.

Section 24. Notices. Notices to LVMWD hereunder shall be sufficient if delivered to the General Manager of LVMWD at 4232 Las Virgenes Road, Calabasas, California 91302-1994, and notices to TWSD hereunder shall be sufficient if delivered to the General Manager of TWSD at 370 North Westlake Boulevard, Suite 100, Westlake Village, California 91362. The notice address for the Authority shall be 4232 Las Virgenes Road, Calabasas, California 91302-1994.

Section 25. Section Headings. All section headings contained herein are for convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

Section 26. Dispute Resolution.

(a) Disputes can be best avoided by full, fair and complete communication. The Members will do everything reasonably possible to undertake and foster such communication. Directors and staff of the Members are permitted and encouraged to address one another during regular business hours and during meetings. The procedures in this section may be invoked when disputes arise despite the best efforts of the Members, their officers, agents and employees. This provision anticipates that disputes will be divided into two categories. A “budget dispute” arises when a Member wishes to contest expenditures of the Authority. A “general dispute” arises when a Member disputes any other decision of the Board or officers of the Authority or any interpretation of this Agreement. This provision provides a different alternate dispute resolution process depending on whether a budget dispute or a general dispute has arisen.

(b) A Member may invoke dispute resolution for a budget dispute by serving a written statement on the President or Chair, as applicable, of each Member. The statement shall identify the issues to be resolved, the position of the petitioner, the apparent position of the respondent, and a summary of anticipated evidence. The Members are required to use dispute resolution strictly in the following order: (1) through mediation with a neutral mediator or fact-finder; and (2) if still needed, by binding arbitration. If arbitration becomes necessary, each Member will select a neutral arbitrator (one that is technically qualified for the specific issue, if possible), and the two arbitrators so

selected shall select a third neutral arbitrator (also technically qualified, if possible) to chair the three-person arbitration. The arbitrators shall conduct the arbitration as expeditiously as possible according to the appropriate laws and rules regarding arbitrations in California. The arbitration panel shall limit its award to a determination of reasonableness and need, and to a determination of whether the petition of the petitioner or the respondent is most appropriate for matters that a Member refuses to approve. Each Member shall pay its own attorneys' fees and costs of dispute resolution, but the prevailing party as determined by the arbitrator shall be entitled to recover attorneys' fees and costs.

(c) A party may invoke this subsection to deal with a general dispute by filing a written request with the President or Chair, as applicable, of each Member. At the next regular meeting occurring at least four days after the filing of the request, the governing board of each Member shall appoint two of its governing members to serve on a committee. The committee members shall meet forthwith to receive and consider the reports of each Member on the subject matter of the dispute. The committee will report its findings at the next scheduled meeting of the Authority to occur at least thirty (30) days after the appointment of the committee. If the dispute is not resolved after the committee have met and conferred, either party may press the appointment of a mediator. If the parties are unable to select a mutually agreeable mediator, the mediator shall be selected, by using the procedures specified for the appointment of a mediator by a court. If the dispute is not resolved as a result of mediation, a party may request advisory arbitration. If the parties cannot select an arbitrator by mutual agreement, the process for selecting an arbitrator in a court proceeding shall be followed. After appointment of an arbitrator, either party may obtain copies of records in the possession of the other party at no cost by written request. Witnesses may be deposed, but the record of the deposition shall be a videotape record. The record of the arbitration shall also be videotaped. The decision of the arbitration shall be written and transmitted simultaneously to the President or Chair, as applicable, of each Member.

Section 27. Miscellaneous.

(a) This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

(b) Where reference is made to duties to be performed for the Authority by a public official or employee, such duties may be performed by that person's duly authorized deputy or assistant. Where reference is made to actions to be taken by a Member, such action may be exercised through the officers, staff or employees of such Member, in the manner provided by law.

(c) This Agreement is made in the State of California, under the Constitution and laws of California and is to be construed as a contract made and to be performed in California.

(d) This Agreement is the complete and exclusive statement of the agreement among the parties with respect to the subject matter hereof, which supersedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between the parties relating to the subject matter of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper officers or officials thereunto duly authorized.

LAS VIRGENES MUNICIPAL WATER DISTRICT

By _____
President

Attest:

District Secretary

TRIUNFO WATER & SANITATION DISTRICT

By: _____
Chair

Attest:

District Secretary



Presentation to LVMWD-TWSD Joint Powers Authority

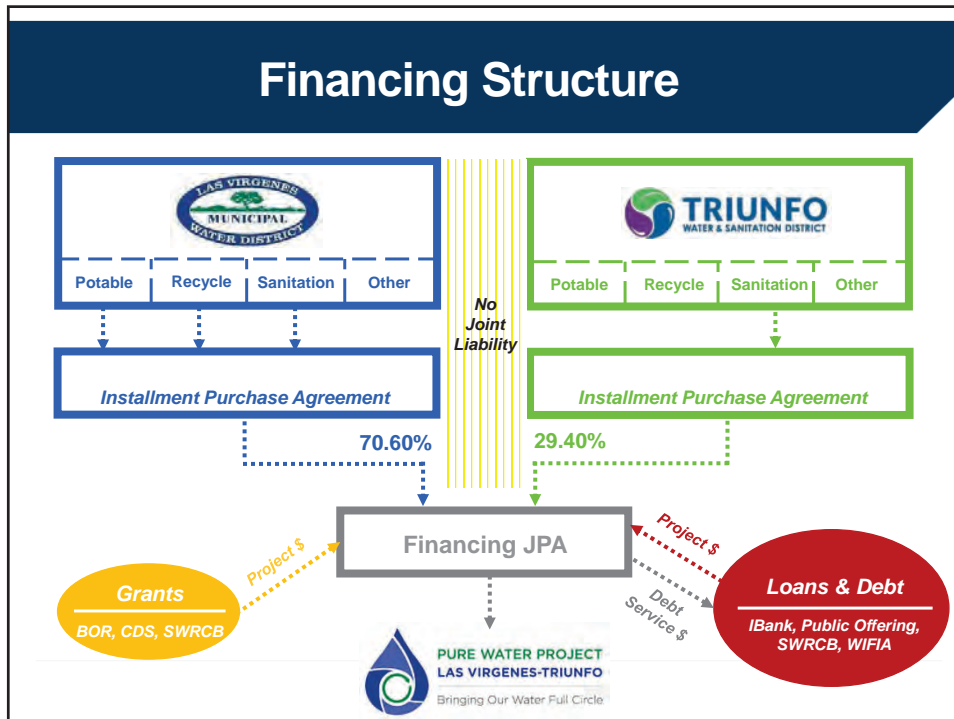
Establishment of New Financing Joint Powers Authority for Pure Water Project

Brian P. Forbath, Esq.
Stradling Yocca Carlson & Rauth
(949) 725-4193
bforbath@stradlinglaw.com
Bond Counsel

August 7, 2023

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Financing Structure



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Establish New Financing JPA

- LVMWD and TWSD wish to finance the Pure Water Project and have considered various financing options.
- Pursuant to direction received from this Board on May 1, 2023, LVMWD and TWSD will establish a new Financing Joint Powers Authority (the “Financing JPA”) to assist in financing the Pure Water Project.
- The Financing JPA will have the power to issue bonds and originate other debt. It can be used for publicly sold or privately placed bond issuances and can serve as a counterparty on a WIFIA Loan, I-Bank Loan or SRF Loan.
- The Financing JPA will not own any assets and will serve as a pass-through entity.

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Structure of the Financing JPA

- Same Board as the LVMWD-TWSD Joint Powers Authority (full Boards of both LVMWD and TWSD).
- Same meeting times as the LVMWD-TWSD Joint Powers Authority (first Monday of each month).
- No joint and several liability between LVMWD and TWSD. Each District is responsible for its payments under individual installment purchase agreements with the Financing JPA.
- The proportion of installment payments paid by each District can be determined in advance and be fixed.
- LVMWD and TWSD can continue to operate and maintain the TWRP and Pure Water Project through the existing LVMWD-TWSD Joint Powers Authority.

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Other Key Provisions

- Financing JPA Board members and officers are not entitled to compensation for serving on the Board, but may be entitled to reimbursement at Board discretion.
- Financing JPA Board Chair will alternate between LVMWD President and TWSD Chair.
- Financing JPA Board Vice Chair will alternate between TWSD Chair and LVMWD President.
- LVMWD General Manager will serve as Financing JPA Executive Director.
- LVMWD Treasurer will serve as Financing JPA Treasurer.
- LVMWD Secretary will serve as Financing JPA Secretary.
- The Board will appoint a General Counsel for the Financing JPA.
- LVMWD staff will provide other administrative services as needed.

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Establishment Process

- The Financing JPA can be established through a joint exercise of powers agreement approved by the Boards of LVMWD and TWSD.
- Relatively simple agreement (10 pages), as the Financing JPA will be a “pass-through” conduit entity that does not own or operate facilities.
- If desired, once the Pure Water Project is completed, it can become a part of the “Joint System” under the 2009 LVMWD-TWSD Joint Exercise of Powers Agreement. (Sec. 25).

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Financing JPA Maintenance

- The Financing JPA must remain in existence for the term of any debt for the Pure Water Project.
- In order to remain in good standing, an annual meeting must be held and biannual filings with the California Secretary of State are required.
- As a pass-through financing entity, the Financing JPA's financial statements can be consolidated with those of LVMWD.
- The Financing JPA could assist either District in future joint or separate financings.

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DATE: August 7, 2023
TO: JPA Board of Directors
FROM: Facilities and Operations

SUBJECT: RWQCB Settlement Offer R4-2023-0291: Acceptance of Conditional Resolution and Waiver of Right to Hearing

SUMMARY:

On June 29, 2023, staff received the attached Notice of Violation (NOV) and Settlement Offer R4-2023-0291 from the Los Angeles Regional Water Quality Control Board (RWQCB), regarding 16 exceedances of five different parameters from February 2021 through November 2022. The reported violations included five chronic violations for total coliform, two serious violations for cyanide, two chronic violations for total phosphorus, one chronic violation for oil and grease, and one chronic and five serious violations for Bis (2-Ethylhexyl) Phthalate. Of the 16 exceedances, 11 resulted in a mandatory minimum penalty of \$3,000. The total penalty amount stipulated in the RWQCB's settlement offer was \$33,000.

Violations are categorized as “chronic” or “serious”. A chronic violation is defined as one that does not exceed the permitted limit by more than 20 percent (for a Category 2 pollutant) or 40 percent (for a Category 1 pollutant). A permitted discharger is allowed three chronic violations without a penalty during a 180-day period. Serious violations are those that exceed the limits by more than the chronic percentages. All serious violations automatically trigger a penalty amount.

Staff reviewed the alleged violations and concurred that they were classified appropriately by the RWQCB. Overall, the JPA has experienced a 25 percent reduction in violations or penalties over the last two years (average of \$16,500 per year) as compared to previous three years (average of \$22,000 per year). The LVMWD General Manager, acting as Administering Agent of the JPA, accepted the RWQCB's "Offer to Participate in Expedited Payment Program” by signing and returning the attached Acceptance of Conditional Resolution and Waiver of Right to Hearing. The General Manager proposes to approve the payment, in the amount of \$33,000, which is below his maximum authority of \$35,000.

FISCAL IMPACT:

Yes

ITEM BUDGETED:

Yes

FINANCIAL IMPACT:

The total cost of this action is \$33,000, which is allocated 70.6 percent to LVMWD and 29.4 percent to Triunfo Water & Sanitation District.

DISCUSSION:

Total Coliform:

Total coliform is a measurement of a group of bacteria that are ubiquitous, and generally not harmful to humans. These bacteria are used as an indicator for other pathogens that may be harmful. Total coliform sampling results are reported as the most probable number (MPN) in 100 ml of sample. The daily MPN is calculated based on the number of incubated sample tubes that show the presence of coliform bacteria. Coliform samples incubate for 48 hours before they are evaluated for results. If one of the tubes shows the presence of coliforms, the test is extended another 48 hours. The outcome is that the incubation can be extended for up to four days before results are available. Hypochlorite dosing is typically the issue; however, due to the four-day delay in test results, there is lag in response time for increased disinfection, which typically results in several days of total coliform seven-day median exceedances. The corrective action for this is to super-chlorinate the effluent until the MPN is returns to a compliant level. *NPDES limits: 7-Day Median 2.2 MPN/100ml; Monthly Average 23 MPN/100ml; Daily Max 240 MPN/100ml,*

Cyanide:

Cyanide is a highly toxic compound consisting of carbon and nitrogen connected by a triple bond. It is formed during the disinfection process due to the presence of hydrocarbons and nitrates in a chlorine environment. Staff is working to reduce nitrate levels in the filter effluent to reduce the formation of cyanide. *NPDES limits: Monthly Average 4.1mg/L, Daily Max 8.9 mg/L,*

Bis (2-ethylhexyl) phthalate:

Bis (2-ethylhexyl) phthalate, also called DEHP, is a suspected carcinogen. It is a ubiquitous substance, which is used as a plasticizer for polyvinylchloride (PVC) and other polymers including rubber, cellulose, and styrene. Bis (2-ethylhexyl) phthalate is present in plastic tubing and bags used in food production and medical care. It is also used in insect repellent formulations, cosmetics, rubbing alcohol, liquid soap, detergents, decorative inks, lacquers, munitions, industrial and lubricating oils, de-foaming agents during paper and paperboard manufactures, as a pesticide carrier, in photographic film, wire and cable, adhesives, as an organic vacuum pump fluid, and a dielectric in capacitors.

A Time Schedule Order to address Bis (2-ethylhexyl) phthalate was issued in the 2005 Tapia NPDES Permit with an interim limit of 14µg/L. Measures were taken to address potential contamination during sample collection. Compliance with permit limits is generally maintained with occasional exceedances. *NPDES limits: Monthly Average 4.1µg/L, Daily Max 15µg/L, Monthly Avg. Loading 0.59 lbs/day, Daily Max Loading 1.5 lbs/day.*

Total Phosphorus:

Total Phosphorus is a measure of all the forms of phosphorus in a sample (i.e. orthophosphate, condensed phosphate, and organic phosphate). There were two limit exceedances at the 005 (Los Angeles River) discharge point. This parameter was not exceeded at the Tapia Effluent sample point; therefore, this exceedance is attributed to environmental influences as the recycled water is conveyed between the Tapia Water Reclamation Facility to the 005 discharge point. *NPDES limits: Monthly Average 3mg/L, Daily Max 4mg/L.*

Oil and Grease:

A measurement of fats, oils, or greases in a sample. There was one limit exceedance at the 005 (Los Angeles River) discharge point. This parameter was not exceeded at the Tapia Effluent sample point; therefore, this exceedance is attributed to environmental influences as the recycled water is conveyed between the Tapia Water Reclamation Facility to the 005 discharge point. *NPDES limits: Monthly Average 5mg/L, Daily Max 10mg/L.*

GOALS:

Construct, Manage and Maintain all Facilities and Provide Services to Assure System Reliability and Environmental Compatibility

Prepared by: Veronica Hurtado, Water Reclamation Manager

ATTACHMENTS:

[RWQCB Settlement Offer No. R4-2023-0291](#)



Dedicated to Providing High-Quality Water Service in a Cost-Effective and Environmentally Sensitive Manner

OFFICERS

President
Jay Lewitt
Director, Division 5

Vice President
Leonard E. Polan
Director, Division 4

Secretary
Gary Burns
Director, Division 3

Treasurer
Andy Coradeschi
Director, Division 2

Charles P. Caspary
Director, Division 1

David W. Pedersen, P. E.
General Manager

W. Keith Lemieux
Counsel

HEADQUARTERS
4232 Las Virgenes Road
Calabasas, CA 91302
(818) 251-2100
Fax (818) 251-2109

WESTLAKE
FILTRATION PLANT
(818) 251-2370
Fax (818) 251-2379

TAPIA WATER
RECLAMATION FACILITY
(818) 251-2300
Fax (818) 251-2309

RANCHO LAS VIRGENES
COMPOSTING FACILITY
(818) 251-2340
Fax (818) 251-2349

www.LVMWD.com

MEMBER AGENCY OF THE
METROPOLITAN WATER
DISTRICT
OF SOUTHERN CALIFORNIA

Glen D. Peterson
MWD Representative

Via Certified Mail
Return Receipt Requested

July 6, 2023

John Salguero, Enforcement Unit
Expedited Payment Program
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Re: Settlement Offer No. R4-2023-0291: Offer to Participate in the Expedited Payment Program Relating to Violations of the NPDES Permit for Las Virgenes Municipal Water District, Tapia Water Reclamation Facility, 731 Malibu Canyon Road, Calabasas, CA 91302 (Order No. R4-2017-0124, NPDES Permit No. CA0056014, CI No. 4760)

Dear Mr. Salguero,

Enclosed please find the Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order executed by John Zhao, Director of Facilities and Operations, acting as General Manager on behalf of the Las Virgenes Municipal Water District.

If you have any questions or concerns, please contact Veronica Hurtado, Water Reclamation Manager at 818-251-2332, vhurtado@lvmwd.com or me at 818-251-2230, izhao@lvmwd.com.

Sincerely,

John Zhao, P.E.
Director of
Facilities & Operations

DL: sb

enclosure



Los Angeles Regional Water Quality Control Board

June 22, 2023

Veronica Hurtado
Water Reclamation Manager
Las Virgenes Municipal Water District
4232 Las Virgenes Road
Calabasas, CA 91302

Via Certified Mail
Return Receipt Requested
Claim No. 7021 1970 0001 4037 4404

SETTLEMENT OFFER NO. R4-2023-0291; OFFER TO PARTICIPATE IN THE EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF THE NPDES PERMIT FOR LAS VIRGENES MUNICIPAL WATER DISTRICT, TAPIA WATER RECLAMATION FACILITY, 731 MALIBU CANYON ROAD, CALABASAS, CA 91302 (ORDER NO. R4-2017-0124, NPDES PERMIT NO. CA0056014, CI NO. 4760)

Dear Veronica Hurtado:

This letter is to notify Las Virgenes Municipal Water District (hereinafter "Permittee" or "you") of alleged violations of the California Water Code identified in the State Water Resources Control Board's water quality data system and to allow the Permittee to participate in the Los Angeles Regional Water Quality Control Board's (Regional Water Board) Expedited Payment Program for Effluent and/or Reporting Violations (Expedited Payment Program) to address mandatory minimum penalties that must be assessed pursuant to California Water Code sections 13385 and 13385.1.

NOTICE OF VIOLATION:

Based on information in the California Integrated Water Quality System (CIWQS) as of June 22, 2023, the Regional Water Board alleges that the Permittee has violated the effluent limitations, reporting violations, or California Water Code provisions identified in the Notice of Violation (NOV) attached as Exhibit "1". The Permittee will have the opportunity to address the alleged violations as discussed below.

STATUTORY LIABILITY:

Subdivisions (h) and (i) of California Water Code section 13385 require the assessment of a mandatory minimum penalty of three thousand dollars (\$3,000) for specified serious and chronic effluent limit and reporting violations. For the purposes of subdivision (h) of section 13385, failure to file a discharge monitoring report required pursuant to sections 13383 for each complete period of 30 days following the deadline for submitting the report constitutes a serious violation. The Permittee is also subject to discretionary administrative civil liabilities of up to ten thousand dollars (\$10,000) for each day in which the violation occurs, plus ten dollars (\$10) for each gallon discharged but not cleaned up

NORMA CAMACHO, CHAIR | SUSANA ARREDONDO, EXECUTIVE OFFICER

320 West 4th Street, Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

in excess of 1,000 gallons. These mandatory minimum penalties and discretionary administrative civil liabilities may be assessed by the Regional Water Board beginning with the date that the violations first occurred.¹ The formal enforcement action that the Regional Water Board uses to assess such liability is an administrative civil liability complaint, although the Regional Water Board may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to twenty-five thousand dollars (\$25,000) per violation. In addition, the Superior Court may assess up to twenty-five dollars (\$25) per gallon discharged but not cleaned up in excess of 1,000 gallons.

OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM:

The Permittee can avoid the issuance of a formal enforcement action and settle the alleged violations identified in the attached NOV by participating in the Regional Water Board's Expedited Payment Program. Details of the proposed settlement are described below and addressed in the enclosed documents.

To promote the resolution of these violations, the Regional Water Board makes this Conditional Offer. The Permittee may accept this offer, waive the Permittee's right to a hearing, and pay the mandatory minimum penalty of \$33,000 for the violations described in the NOV. If the Permittee elects to do so, subject to the conditions below, the Regional Water Board will accept that payment in settlement of any enforcement action that would otherwise arise out of the violations identified in the NOV. Accordingly, the Regional Water Board will forego issuance of a formal administrative complaint, will not refer the violations to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violations identified in the NOV.

The Expedited Payment Program does not address or resolve liability for any violation that is not specifically identified in the NOV regardless of the date that the violation occurred.

PERMITTEE'S OPTIONS FOR RESPONSE TO OFFER:

If you accept this offer, please complete and return the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order" (Acceptance and Waiver) on or before **July 24, 2023**.

If the Permittee chooses to contest any of the violations alleged in the NOV, please identify the specific violation and the basis for the challenge (factual error, affirmative defense, etc.) on or before the due date specified above.

¹ Please note that there are no statutes of limitation that apply to administrative proceedings to assess mandatory minimum penalties. See *City of Oakland v. Public Employees' Retirement System*, (2002) 95 Cal.App.4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, §405(2), p. 510.)

Responses contesting any of the violations alleged in the NOV shall be submitted as a pdf via email or CD to John Salguero, john.salguero@waterboards.ca.gov, (213) 620-2273, and submitted by you under penalty of perjury.

The Regional Water Board staff will evaluate the contested violation and take one of two actions:

- 1) The Regional Water Board staff will determine that the violation is not supported, expunge the alleged violation from the CIWQS database, take no further action against the Permittee for the alleged violation, and notify the Permittee of that determination. The Permittee will be given thirty (30) days from the date of receipt of the Regional Water Board staff determination to complete and return the Acceptance and Waiver for the remainder of the violations; or
- 2) The Regional Water Board staff will determine that the alleged violation is meritorious and will notify the Permittee of that determination. The Permittee will be given thirty (30) days from the date of the receipt of the Regional Water Board staff determination to complete and return the Acceptance and Waiver.

If the Permittee chooses not to make a payment in response to the Regional Water Board staff's determination, the Permittee should expect to be contacted regarding formal enforcement action that will be initiated with regard to the contested violations. In a formal enforcement action, the liability amount sought and/or imposed may exceed the liability amount set forth in this Conditional Offer. Moreover, the cost of enforcement is a factor that can be considered in assessing the liability amount.

CONDITIONS FOR REGIONAL WATER BOARD ACCEPTANCE OF RESOLUTION:

Federal regulations require the Regional Water Board to publish and allow the public thirty (30) days to comment on any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Upon receipt of the Permittee's Acceptance and Waiver, the Regional Water Board staff will publish a notice of the proposed resolution of the violations.

If no comments are received within the 30-day comment period, and unless there are new material facts that become available to the Regional Water Board, the Acceptance and Waiver will be presented to the Executive Officer for consideration and adoption of a stipulated order assessing the uncontested mandatory minimum penalty amount pursuant to Water Code sections 13385 and 13385.1.

If, however, significant comments are received in opposition to the settlement, this offer may be withdrawn. In that case, the Permittee's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. In that case, the violations will be addressed in a liability assessment proceeding. At the liability assessment hearing the Permittee will be free to make arguments as to any of the alleged violations, and the Permittee's agreement to accept this conditional offer will not in any way be binding or used as

Veronica Hurtado
Las Virgenes Municipal Water District

- 4 -

June 22, 2023

evidence against the Permittee. The Permittee will be provided with further information on the liability assessment proceeding.

In the event the Acceptance and Waiver is executed by the Regional Water Board Executive Officer, full payment of the assessed amount shall be due within thirty (30) calendar days after the date the Acceptance and Waiver is executed. In accordance with California Water Code section 13385(n)(1) and California Water Code section 13385.1(c)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to sections 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the \$33,000 liability shall be paid by cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". Failure to pay the full penalty within the required time period may subject the Permittee to further liability.

Should you have questions about this Conditional Offer of Notice of Violation, please contact Enforcement Unit staff John Salguero at (213) 620-2273 / john.salguero@waterboards.ca.gov or Ching Yin To at (213) 620-6373 / ching-yin.to@waterboards.ca.gov regarding this matter.

Sincerely,

 Digitally signed by Hugh
Marley
Date: 2023.06.22
07:54:25 -07'00'
Water Boards

Hugh Marley
Assistant Executive Officer

Enclosures:

Exhibit "1" – Notice of Violation
Acceptance of Conditional Resolution and Waiver to Right of Hearing; (proposed)
Order

EXHIBIT "1" – NOTICE OF VIOLATION
Effluent Limit Violations

Outfall	Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exc.	Serious/Chronic	Water Code Section 13385	Penalty
001	2/9/2021	1st Quarter 2021	Daily Maximum	Bis (2-Ethylhexyl) Phthalate	130	15	µg/L	2	767%	Serious	(h)1	\$3,000
001	2/9/2021	1st Quarter 2021	Daily Maximum	Bis (2-Ethylhexyl) Phthalate	4.1	1.5	lb/day	2	173%	Serious	(h)1	\$3,000
005	11/30/2021	4th Quarter 2021	Monthly Average	Oil and Grease	5.7	5	mg/L	1	14%	Chronic	(i)1	\$0
005	11/30/2021	4th Quarter 2021	Monthly Average	Total Phosphorus	3.9	3	mg/L	1	30%	Chronic	(i)1	\$0
001	02/28/2022	1st Quarter 2022	7-Day Median	Total Coliform	3.6	2.2	MPN/100 mL	OEV	64%	Chronic	(i)1	\$0
001	3/1/2022	1st Quarter 2022	7-Day Median	Total Coliform	3.6	2.2	MPN/100 mL	OEV	64%	Chronic	(i)1	\$3,000
001	3/2/2022	1st Quarter 2022	7-Day Median	Total Coliform	5.1	2.2	MPN/100 mL	OEV	132%	Chronic	(i)1	\$3,000
001	3/3/2022	1st Quarter 2022	7-Day Median	Total Coliform	5.1	2.2	MPN/100 mL	OEV	132%	Chronic	(i)1	\$3,000
001	3/4/2022	1st Quarter 2022	7-Day Median	Total Coliform	5.1	2.2	MPN/100 mL	OEV	132%	Chronic	(i)1	\$3,000
001	3/31/2022	1st Quarter 2022	Monthly Average	Cyanide	7.6	4.1	µg/L	2	85%	Serious	(h)1	\$3,000

Outfall	Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exc.	Serious/Chronic	Water Code Section 13385	Penalty
001	4/30/2022	2nd Quarter 2022	Monthly Average	Cyanide	5.5	4.1	µg/L	2	34%	Serious	(h)1	\$3,000
001	11/18/2022	4th Quarter 2022	Daily Maximum	Bis (2-Ethylhexyl) Phthalate	110	15	µg/L	2	633%	Serious	(h)1	\$3,000
001	11/30/2022	4th Quarter 2022	Monthly Average	Bis (2-Ethylhexyl) Phthalate	110	5.9	µg/L	2	1764%	Serious	(h)1	\$3,000
001	11/30/2022	4th Quarter 2022	Monthly Average	Bis (2-Ethylhexyl) Phthalate	0.64	0.59	lb/day	2	8%	Chronic	(i)1	\$0
005	11/30/2022	4th Quarter 2022	Monthly Average	Bis (2-Ethylhexyl) Phthalate	16	4	µg/L	2	300%	Serious	(h)1	\$3,000
005	11/30/2022	4th Quarter 2022	Monthly Average	Total Phosphorus	4	3	mg/L	1	33%	Chronic	(i)1	\$0

Total: \$33,000

Settlement Offer No. R4-2023-0291
CI No. 4760, NPDES Permit No. CA0056014

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER**

Las Virgenes Municipal Water District
Settlement Offer No. R4-2023-0291
NPDES Permit No. CA0056014

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Los Angeles Regional Water Quality Control Board (Regional Water Board), Las Virgenes Municipal Water District (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Water Board to dispute the allegations of violations described in the Notice of Violation (NOV), which is attached hereto as Exhibit "1" and incorporated herein by reference.

The Permittee agrees that the NOV shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Regional Water Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Permittee agrees to pay the penalties required by California Water Code section 13385 in the sum of \$33,000 (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to California Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Permittee understands that this Acceptance and Waiver waives its right to contest the allegations in the NOV and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

John Salguero, Enforcement I Unit
Expedited Payment Program
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

The Permittee understands that federal regulations set forth by title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Water Board to publish notice of and provide at least thirty (30) days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, the Acceptance and Waiver, prior to execution by the Regional Water Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that causes the Regional Water Board Assistant Executive Officer to question the Expedited Payment Amount, the Acceptance and Waiver will be presented to the Executive Officer for consideration and adoption of a stipulated order.

Settlement Offer No. R4-2023-0291
CI No. 4760, NPDES Permit No. CA0056014

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Water Board to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Water Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will not in any way be binding or used as evidence in that hearing.


The Permittee further understands that once the Acceptance and Waiver is executed by the Regional Water Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code sections 13385(n)(1) and 13385.1(c)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to sections 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the \$33,000 liability shall be paid by a cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". The payment must be submitted to the State Water Resources Control Board no later than thirty (30) calendar days after the date the Acceptance and Waiver is executed by the Regional Water Board Executive Officer.

Please mail the check to:

State Water Resources Control Board
ATTN: ACL PAYMENT
Division of Administrative Services, Accounting Branch
1001 I Street, 18th Floor, [95814]
P.O. Box 1888
Sacramento, California 95812-1888

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

Las Virgenes Municipal Water District

By: 
(Signed Name)

John Zhao
(Printed or Typed Name)

7/6/2023
(Date)

Director of Facilities & Operations
(Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13323 AND GOVERNMENT CODE SECTION 11415.60

By: _____
Susana Arredondo
Executive Officer

(Date)

DATE: August 7, 2023
TO: JPA Board of Directors
FROM: Facilities and Operations

SUBJECT: Rancho Distribution Screw Conveyor No. 1: Purchase Order

The Las Virgenes-Triunfo Joint Powers Authority (JPA) approved funding for this matter in the JPA Budget. On July 18, 2023, the LVMWD Board, acting as the Administering Agent of the JPA, waived formal bidding requirements, re-appropriated funds in the amount of \$371,178 from CIP No. 10795, and authorized the General Manager to issue a purchase order to Austin-Mac for the replacement of Distribution Screw Conveyor No. 1 at the Rancho Las Virgenes Composting Facility.

SUMMARY:

The Rancho Las Virgenes Composting Facility (Rancho) utilizes over 30 screw conveyors to move dewatered sludge, amendment, and compost throughout the facility. The screw conveyors are the biggest wear items at Rancho, requiring periodic maintenance and/or replacement. Screw Conveyor No. 1 is located in the compost reactor building and distributes compost to the eight reaction channels.

Maintenance staff conduct routine inspections and preventative maintenance on the existing screws conveyors at Rancho. Noticeable deterioration has been observed throughout the conveyor system due to the age of the equipment. Screw Conveyor No. 1 is the first of several anticipated replacements in the immediate future. Staff contacted three manufacturers for the replacement of Screw Conveyor No. 1, including the trough assembly and motor. Staff received three quotes with Austin-Mac, Inc., being the lowest responsible bidder and the original manufacturer of the screw conveyor and trough assembly.

FISCAL IMPACT:

Yes

ITEM BUDGETED:

Yes

FINANCIAL IMPACT:

The total estimated cost of the project is \$371,178. Sufficient funds are available in the

adopted Fiscal Year 2023-24 JPA Budget upon re-appropriation of funding, in the amount of \$371,178, from CIP No. 10795, Final Effluent Pump Station Rehabilitation.

DISCUSSION:

Since 1994, Rancho has processed raw sludge from the Tapia Water Reclamation Facility (Tapia) to produce nutrient-rich Class A compost. Tapia currently treats an average of 7.0 million gallons (MG) of wastewater per day and pumps approximately 80,000 gallons of combined primary and waste activated sludge to Rancho for processing. The sludge is processed in anaerobic digestors, dewatered, combined with amendment, and processed in the reactor building to produce finished Class A compost. Rancho utilizes over 30 screw conveyors to move dewatered sludge, amendment, and compost throughout the facility. Many of these screws were purchased when the composting facility first came into service in 1994, and are approaching the end of their service life.

In 2023, staff observed longitudinal cracking in several spots along the trough for Screw Conveyor No. 1, which is located in the compost reactor building. Additional inspections determined that the liner for the trough has completely deteriorated, leading to accumulation of compost within the trough. The trough assembly has corroded with visible holes due to the deteriorated liner. The accumulated compost causes the rotating shaftless screw to lift and damage the trough. Screw Conveyor No. 1 is 64-feet long, and rotates within the trough assembly to move and distribute the compost to eight reaction channels through pneumatically-actuated slides gates. The process consists of two screw conveyors (Nos. 1 and 2), which are both critical to move compost into the reactor bays for processing.

Screw Conveyor Nos. 1 and 2 run simultaneously to distribute compost into the reactor chambers for processing. The levels within the reactor chambers need to be even to maximize the air flow and heat distribution for the compost in the reactor building. A failure of one of the screw conveyors would result in uneven levels and poor distribution of compost, which could potentially interrupt the composting process. Due to critical importance of the screw conveyors, staff obtained informal bids and contacted three manufacturers for the replacement of Screw Conveyor No. 1, including the trough assembly and motor. Lead times for delivery of the equipment are estimated to be four to five months.

Following is a summary of the three quotes received for the equipment:

<u>Manufacturer</u>	<u>Cost (\$)</u>
Austin-Mac Inc.	\$116,376.00
Motion Industries	\$124,083.47
SaveCo	\$205,000.00

Austin-Mac, Inc. was the lowest responsible bidder and the original manufacturer of the screw conveyor system.

The following table summarizes the anticipated costs and requested appropriation for this project:

<u>Description</u>	<u>Cost (\$)</u>
Equipment:	

Screw Conveyor, Trough Assembly, Motor	\$116,376.00
Construction:	
Estimated Construction Award (future recommendation)	\$200,000
Construction Contingency (10%)	\$20,000
Administrative:	
District Labor (4%)	\$12,655.04
G&A (7%)	\$22,146.22
Total Project Cost	\$371,178.00
Existing Appropriation	\$0.00
Total Project Cost less existing appropriation	\$371,178.00

The recommended purchase order is for the equipment required to replace Screw Conveyor No. 1. For construction work, staff will be issuing a formal request for bids to install the new screw conveyor, trough assembly and motor. A future recommendation will be submitted to the LVMWD Board for award of a construction contract for the work.

GOALS:

Construct, Manage and Maintain all Facilities and Provide Services to Assure System Reliability and Environmental Compatibility

Prepared by: Jim Korkosz, Facilities Manager