

**GOVERNMENT AFFAIRS AND
COMMUNITY OUTREACH
COMMITTEE MEETING
AND
SPECIAL MEETING OF THE
BOARD OF DIRECTORS**

**Monday, September 13, 2021
4:00 p.m.**

Committee Members:

Tony R. Fellow, Chair
Charles M. Treviño, Vice-Chair



602 E. Huntington Drive, Suite B (626) 443-2297
Monrovia, CA 91016 www.upperdistrict.org

SPECIAL NOTICE - Teleconference Accessibility

Pursuant to Executive Order N-29-20 issued by Governor Newsom in response to the COVID-19 outbreak, the Upper District will hold this meeting via teleconference or the most rapid means of communication available at the time. Instructions to participate in the teleconference are below:

Attendee Join Zoom Webinar:

<https://us02web.zoom.us/j/86550353335>

Meeting ID: 865 5035 3335

Telephone Dial: 1 (669) 900 6833

Public comments may be made through teleconference when prompted by the Chair during the public comment period. Public comments may also be provided by emailing Venessa@usgvmwd.org in advance of the meeting. Please indicate "PUBLIC COMMENT" in the subject line.

If you have difficulty connecting to the teleconference line, please call (626) 443-2297 or email Ruben@usgvmwd.org. It may take a few minutes to join Zoom or connect via telephone so please join early.

*The Government Affairs and Community Outreach Committee meeting is noticed as a joint committee meeting with the Board of Directors for the purpose of compliance with the Brown Act. Members of the Board who are not assigned to the Government Affairs and Community Outreach Committee may attend and participate as members of the Board, whether or not a quorum of the Board is present. In order to preserve the function of the Committee as advisory to the Board, members of the Board who are not assigned to the Government Affairs and Community Outreach Committee will not vote on matters before the Committee.

Communications

1. Call to Order
2. Public Comment

Discussion/Action

3. Legislative Update (*Memorandums attached.*)
 - a. Washington D.C.
 - b. Sacramento
4. Federal Bill Position Review (*Memorandum attached.*)

Oral Reports

5. End of Session State Bill Position Summary (*Memorandum attached.*)

Other Matters

- 6.

Adjournment

Next Meeting: Monday, October 4, 2021



American Disabilities Act Compliance (*Government Code Section 54954.2(a)*)

To request special assistance to participate in this meeting, please contact the Upper District office at (626) 443-2297 or valeria@usgvmwd.org at least 24 hours prior to meeting.





BEST BEST & KRIEGER
ATTORNEYS AT LAW

To: Upper San Gabriel Valley Municipal Water District
From: John Freshman, Ana Schwab, and Lowry Crook
Date: September 9, 2021
RE: Federal Report

Infrastructure Package and Budget Resolution to be Addressed in September

September will be a busy month for Congress as it needs to address the infrastructure package, 12 appropriation bills, and the \$3.5 trillion budget resolution bill. Both chambers still need to write the details of the \$3.5 trillion budget bill, the framework of which was passed by party-line votes in both chambers prior to leaving for recess. House committees have begun drafting and holding markups of their individual reconciliation bills. Both Chambers need to have their respective details of the budget bill prepared by September 15.

Once finalized, the budget package is expected to be passed through the reconciliation process, requiring only a simple majority, which will still be difficult given distinct divisions within the Democratic party. The Democratic House and Senate leadership cannot afford to lose many votes from their party members. Senator Joe Manchin (D-WV), a key Democratic vote, has said he does not support the \$3.5 trillion budget resolution number. Generally, House Democrats are willing to support high funding numbers compared to their Senate counterparts.

Budget Reconciliation Highlights: Committee on Natural Resources

The House Committee on Natural Resources democrats revealed their nearly \$31 billion reconciliation bill, which was supposed to be capped at \$26.5 billion. The committee began its first markup of the bill, which was filled with opposition and pushback from Republican members.

Importantly, the bill provides \$500 million over five years for emergency drought relief for Reclamation states and \$150 million over five years for tribal drought relief. For research and technology advancements, the bill provides \$75 million over 10 years for water resources research and technology institutes and \$50 million over 10 years for water technology investment. The Aquatic Ecosystem Restoration program within the Bureau of Reclamation is allocated \$250 million over ten years. Additionally, the bill includes a section for large scale water reuse. The program is funded at \$100 million over ten years.

Infrastructure Package Highlights

Prior to leaving for August recess, the Senate passed the long-awaited infrastructure package. The package totals \$1.2 trillion over five years and includes \$550 billion in new spending. All Senate Democrats voted in favor of the package, along with 19 Republicans, including Senate Minority Leader Mitch McConnell. The bill provides large increases in funding for highways, roads, and bridges, as well as investments for water infrastructure and broadband.



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The House set a deadline to vote on the infrastructure package by September 27. It is unclear what direction the House will take, given calls from progressive members and other factions to negotiate for a larger package that includes more climate resilience and environmental protection measures. The Senate infrastructure package, which also involved negotiations with the White House, is entirely unique from the infrastructure packages passed by the House months prior. House leaders, including Transportation and Infrastructure Chair Peter DeFazio (D-OR), have expressed dissatisfaction with the Senate's solo approach to a monumental infrastructure package.

The infrastructure package includes robust funding for watersheds and western water. The package includes a huge investment for the Bureau of Reclamation: \$8.3 billion over five years. The legislation would provide funding for several Bureau of Reclamation water programs including:

- \$3.2 billion for aging infrastructure
- \$1 billion for rural water projects
- \$1.15 billion water storage, groundwater storage, and conveyance projects
- \$1 billion for water recycling and reuse projects
- \$250 million for water desalination projects
- \$400 million for WaterSMART Grants
- \$100 million for watershed management projects

The package also includes massive funding for EPA's State and Tribal Assistance Grants (STAG). The package provides \$11.71 billion for Clean Water State Revolving Funds and \$11.71 billion for Drinking Water State Revolving Funds over five years. A requirement of the funding is 49 percent must be provided to communities in the form of 100 percent forgiveness of principal loans or grants. There is also \$5 billion for grants to address emerging contaminants, including PFAS. WIFIA is allocated \$75 million in additional funding.

Additionally, there is a new pilot program for rural and low-income households to provide financial assistance for water utilities. The funding for the program would go to water providers in order to assist with direct financial assistance, lifeline rates, bill discounting, special hardship provisions, or debt relief.

Appropriations – Busy Month Ahead for Congress

Prior to leaving for August recess, the Senate Appropriations Committee passed its FY2022 Energy and Water bill. The Senate bill's appropriation numbers are similar to the House Energy and Water bill's numbers. The House passed its Energy and Water bill, along with Interior-Environment and seven other FY2022 appropriations bills, via a legislative minibus at the end of July. The Senate Appropriations Committee will release its Interior-Environment bill, which provides funding for EPA, upon returning in September. Given the busy time period for Congress, it is expected Congress will pass a continuing resolution to allow for more time to



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negotiate appropriations. However, some less controversial bills, such as Interior-Environment or Energy and Water, may be separately passed from a larger continuing resolution. The timeline will look clearer in mid-September once both chambers are back from recess.

FY2022 Energy and Water Bills

Overall, the House provided \$1.95 billion for the Bureau Reclamation, the Senate provided \$1.83 billion. Notably, there is a \$30 million difference in funding for Title XVI. However, the Senate allocated double the House’s number for water storage projects under the WIIN Act, funded at \$134 million. Additionally, the Senate Energy-Water bill has a new added provision providing \$450 million for emergency funding for severe drought. The House bill does not have this provision.

Agency/Program	FY2022 House Bill	FY2022 Senate Bill
Army Corps of Engineers	\$8.66 B	\$8.66 B
<i>Investigations</i>	\$105.8 M	\$153 M
<i>Construction</i>	\$2.59 B	\$3.0 B
<i>Operations and Maintenance</i>	\$4.82 B	\$4.68 B
WIFIA (Corps)	\$14.20 M	\$14.20 M
<i>WIFIA (financial assistance)</i>	\$5.70 M	\$5.70 M
U.S. Bureau of Reclamation	\$1.95 B	\$1.83 B
WaterSMART Program:		
<i>WaterSMART grants</i>	\$75.00 M	\$48.00 M
<i>Water Conservation Field Services Program</i>	\$2.32 M	\$2.32 M
<i>Cooperative Watershed Management</i>	\$10.0 M	\$2.25 M
<i>Drought Responses & Comprehensive Drought Plans</i>	\$25.00 M	\$25.00 M
<i>Title XVI Water Reclamation and Reuse Program</i>	\$63.62 M	\$32.00 M
R&D Desalination and Water Purification Program	\$15.5 M	\$19.85 M
Water Conservation and Delivery:		
<i>WIIN Act Sec. 4007 Water Storage Projects</i>	\$67 M	\$134 M
Aquatic Ecosystem Restoration Program	\$5 M	\$1 M
Emergency Funding for Severe Drought	\$0	\$450 M

Waters of the United States (WOTUS)

On August 30, a federal judge struck down the Trump Administration’s Navigable Waters Protection Rule (NWPR). U.S. District Court Judge Rosemary Márquez ruled the NWPR needed to be both remanded and vacated due to “[t]he seriousness of the Agencies’ error in enacting the NWPR, the likelihood that the Agencies will alter the NWPR’s definition of “waters of the



United States,” and the possibility of serious environmental harm if the NWPR remains in place upon remand.”

Days after the court’s ruling, EPA and the Army Corps of Engineers announced that the agencies halted the implementation of the Navigable Waters Protection Rule. The agencies will interpret “waters of the United States” consistent with the pre-2015 regulatory regime.

Currently, the Biden Administration is in the process of creating new regulations. During the last weeks of August, the Environmental Protection Agency and Department of Army held a series of stakeholder engagement opportunities to discuss the definition of “waters of the United States.” The series of public meetings provided an opportunity for stakeholders and the public to provide recommendations for the new rule and its implementation.

86 FR 37948 Proposed Rule: Drinking Water Contaminant Candidate List 5-Draft

The EPA is publishing a draft list of contaminants that are currently not subject to any proposed or promulgated national primary drinking water regulations for public review and comment. These contaminants are known or anticipated to occur in public water systems and may require regulation under the Safe Drinking Water Act (SDWA). This draft list is the Fifth Contaminant Candidate List (CCL 5) published by the agency since the SDWA amendments of 1996. The Draft CCL 5 includes 66 chemicals, 3 chemical groups (per- and polyfluoroalkyl substances (PFAS), cyanotoxins, and disinfection byproducts) and 12 microbial contaminants. EPA seeks comment on the Draft CCL 5 and on improvements implemented in the CCL 5 process for consideration in developing future CCLs. Comments must be received on or before September 17, 2021.



March 29, 2021

TO: Government Affairs and Community Outreach Committee, Upper San Gabriel
Valley Municipal Water District
FROM: Steve Baker
SUBJECT: September 8, 2021

The 2021 Legislative session is scheduled to adjourn by midnight Sept 10th. As of the date of this report, September 8th, there is still a variety of unresolved issues that we will report on at your September 13th meeting. In the meantime here is the latest on issues of interest.

The budget that has been adopted by the Legislature included significantly funding for CA water and wastewater arrearage payments. The COVID-19 pandemic made it difficult for many Californians to pay bills due to job loss and other hardships. As a result, systems have been providing water services to customers who have been financially impacted. Through \$985 million in federal funding allocated by the State Legislature in the budget the State Water Resources Control Board is creating a new program to provide relief for community water and wastewater systems for unpaid bills related to the pandemic. The funding will cover water debt from residential and commercial customers accrued between March 4, 2020, and June 15, 2021. The program will initially prioritize drinking water, residential and commercial arrearages. Funding to community water systems will be dispersed through January 31, 2022. If the program still has funding available, it will extend to waste water residential and commercial arrearages by February 2022.

Teleconferencing

Since the beginning of the pandemic, Governor Newsom declared a State of Emergency that, among other things, allowed public agencies including Upper District to have public meetings via teleconference. A variety of bills were introduced in 2021 to allow the practice of teleconference to continue. AB 361 (R. Rivas, D-Salinas) has emerged as the vehicle to provide some form of teleconference availability. The bill was recently amended to include an urgency provision, meaning it will go into effect as soon as the Governor signs it. The bill allows local agencies to use teleconferencing without complying with certain Brown Act teleconferencing requirements if there is a state of emergency or state and local officials have imposed or recommended measures to promote social distancing, or if the legislative body has determined that meeting in person would present imminent risk to the health and safety of attendees. As of September 18th the measure was pending in the Senate but we expect the bill to pass. Upper District has been watching the bill.

Other Bills of Interest

AB 818 (Bloom, D-Santa Monica) would require premoistened nonwoven disposable wipes to be clearly and conspicuously labeled with the phrase "Do Not Flush". The bill has passed the Senate and is pending in the Assembly. Upper District supports the measure.

AB 442 (Mayes, I-Rancho Mirage) creates a master reclamation plan for the Metropolitan Water District. The bill would exempt provisions of the Surface Mining Reclamation Act from a variety of conditions. Metropolitan Water District is the Sponsor of the measure and Upper District is in support. The bill has passed and is pending with the Governor.

SB 273 (Hertzberg, D-San Fernando) would authorize municipal waste water agencies to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater runoff. The bill has passed the Legislature and is pending with the Governor. Upper District supports the measure.

Please see the attached chart for an update on water-related expenditures in the 2021/2022 California budget.

SB:bb

2.106.21

2021-22 Water Resilience Package									
(\$ in millions)									
Program	BU	Department	Budget Act		Summer Package			Total Funding	
			GF	SF/FF	2021-22	2022-23	2023-24		
					GF	SF	GF		
Drinking Water/Wastewater Infrastructure	3940	Water Board	\$1,300						\$1,300
SGMA Implementation	3860	DWR	\$60		\$120		\$60	\$60	\$300
SWEEP	8570	CDFA	\$40		\$10		\$50	\$0	\$100
Water Conveyance	3860	DWR	\$100				\$100		\$200
Flood	3860	DWR			\$130		\$110	\$60	\$300
Groundwater cleanup/Water Recycling	3940	Water Board	\$85		\$115		\$100	\$100	\$400
Streamflow Program (Water Supply for Environmental Flows)	3640	WCB			\$100		\$150		\$250
Clear Lake Rehabilitation	540	CNRA	\$5.70						\$6
PFA's Support	3940	Water Board			\$30		\$50	20	\$100
Aqueduct Solar Panel Pilot Study	3860	DWR			\$20				\$20
Watershed Climate Studies	3860	DWR			\$25				\$25
Multi-benefit Land Repurposing	3480	DOC			\$50		\$0	\$0	\$50
Small Water Suppliers Drought Relief & Urban Water Management Grants/Multi Benefit Water Projects	3860	DWR	\$500						\$500
Water Resilience Projects	540	CNRA			\$40	\$125	\$100	\$180	\$445
Wildlife Corridors/Fish Passage	3640	WCB	\$65				40		\$105
Technical Assistance for Water Conservation and Water Supply Reliability	3860	DWR	\$3	7					\$10
Drinking Water Emergencies	3940	Water Board	\$12						\$12
Agriculture Technical assistance	8570	CDFA	\$5						\$5
Data, Research, and Communications	3860	DWR	\$91						\$91
	540	CNRA	\$0.60						\$1
	3940	Water Board	\$3.40						\$3
	8570	CDFA	\$2.00						\$2
Fisheries and Wildlife Support	3600	DFW	\$33						\$33
Drought Permitting Compliance and Enforcement	3940	Water Board	\$16	\$1.96					\$18
	3600	DFW	\$18						\$18
Drought Control Section	Various	Various	\$25						\$25
Water Rights Data Modernization	3940	Water Board	\$30						\$30
Drought Salinity Barrier	3860	DWR	\$10						\$10
Salfon Sea	3860	DWR			40		100	80	\$220
Border Rivers	3940	Water Board			20				\$20
Urban Streams and Rivers (incl LA River and Parkway)	Various	Various			30		20		\$50
Total			\$2,405	\$9	\$730	\$125	\$880	\$500	\$4,649



MEMORANDUM



ITEM 4.

DATE: September 9, 2021
TO: Government and Community Affairs Committee and Board of Directors
FROM: General Manager
SUBJECT: Federal Bill Position Review

RECOMMENDATION

Approve staff recommendations for federal legislative bill positions: S. 866, H.R. 2049, S. 2272 and H.R. 4976 which are consistent with Upper District's 2021-22 Legislative Policy Principles adopted by the Board in January 2021.

Federal Bill Analysis

S.866 (Stabenow): REPLANT Act

Introduced: 3/18/2021 **Status:** Referred to Senate Committee on Agriculture, Nutrition and Forestry

Summary: A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 to promote reforestation following unplanned events on Federal land, and for other purposes. This bill directs the Department of Agriculture (USDA) annually for each of the 10 years after enactment of this bill to transmit to Congress an estimate of the sums necessary to be appropriated, in addition to the funds available from other sources, to replant and otherwise treat an acreage equal to the acreage to be cut over that year, plus a sufficient portion of the backlog of lands found to be in need of treatment to eliminate the backlog within the 10-year period.

Analysis: The Forest Service shall, based on recommendations from regional foresters, create a priority list of reforestation projects that primarily take place on priority land, promote effective reforestation following unplanned events, and may include activities to ensure adequate and appropriate seed availability.

Staff Recommendation: Support

H.R. 2049 (Panetta): REPLANT Act

Introduced: 3/18/2021 **Status:** Subcommittee held in National Parks, Forests and Public Lands on 7/13/2021.

Summary: This bill is identical to S. 866.

Staff Recommendation: Support

S.2272 (Padilla): Lead Free Drinking Water for All Act of 2021

Introduced: 6/24/2021 **Status:** Committee on Environment and Public Works

Summary: The bill amends the Safe Drinking Water Act to increase funding for lead reduction projects, and for other purposes. The EPA shall establish a grant pilot program for an eligible municipality served by a community water system to carry out lead reduction projects that are demonstrated to exist or are suspected

to exist, based on available data, information, or resources, including existing lead inventorying of those eligible entities. An eligible entity that receives assistance shall ensure that all lead service lines being serviced are fully replaced not later than the date than 10 years from the date of funding. Priority will be given to low-income, disadvantaged communities.

Analysis: This bill is co-sponsored by Senator Feinstein and would provide funding to improve safe drinking water in disadvantaged communities serviced by a community water system. ACWA recently recommended a “support” position to its members.

Staff Recommendation: Support

H.R. 4976 (Slotkin): Ensuring PFAS Cleanup Meets or Exceeds Stringent Standards Act

Introduced: 8/6/2021 **Status:** Referred to the following committees: Armed Services, Transportation and Infrastructure and Energy and Commerce

Summary: The bill directs the Secretary of Defense to ensure that removal and remedial actions relating to PFAS contamination. In conducting a response action to address perfluoroalkyl or polyfluoroalkyl substance contamination from Department of Defense or National Guard activities, the Secretary of Defense shall conduct such actions to treat these substances that meets or exceeds the most stringent existing state or federal water quality standard.

Analysis: This bill is co-sponsored by Congressman Khanna, CA-17. The bill recently was reviewed by the ACWA Water Quality committee and is supported by ACWA. With PFAS/PFOA chemicals becoming more prevalent, establishing standards that “meet or exceed” existing water quality standards supports Upper District’s legislative policy for water quality and compliments existing standards for the groundwater basin.

Staff Recommendation: Support



MEMORANDUM



ITEM 5.

DATE: September 7, 2021
TO: Government and Community Affairs Committee and Board of Directors
FROM: General Manager
SUBJECT: End of Session - State Legislative Review

Upper District has taken positions on 17 bills for the 2021-22 Legislative Session. Session adjourned on September 10, 2021 and the last day to have moved bills off the inactive file was September 8th. The Governor will have until October 10, 2021 to take action on the bills on his desk and unless there is an urgency clause in the bill text, all bills signed by the Governor will take effect January 1, 2022. All two-year bills, on the other hand, will need to have passed out of its first policy and appropriations committees by the end of January to be considered active and progress through next year's legislative process.

Governor's Desk

SB 273 (Hertzberg): Water quality: municipal wastewater agencies – SUPPORT

Engrossing and Enrolling (before heading to Governor's desk)

AB 818 (Bloom): Solid waste: premoistened nonwoven disposable wipes – SUPPORT

AB 697 (Chau): Forest resources: national forest lands: Good Neighbor Authority Fund: ecological restoration and fire resiliency projects – SUPPORT

AB 442 (Mayes): Surface Mining and Reclamation Act of 1975: exemption: Metropolitan Water District of Southern California: master reclamation plan – SUPPORT

Active Bills – Floor Session*

SB 559 (Hurtado): Department of Water Resources: water conveyance systems: Water Conveyance Restoration Fund – SUPPORT

AB 361 (Rivas): Open meetings: state and local agencies: teleconferences – SUPPORT

AB 339 (Lee): Local government: open and public meetings – WATCH

Inactive File

SB 222 (Dodd): Water Rate Assistance Program – OPPOSE U/A (*recently placed on inactive file at request of Asm. Rivas*)

SB 45 (Portantino): Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022 – SUPPORT I/A (*placed on inactive file at request of Sen. Portantino*)

SB 426 (Rubio): Municipal separate storm sewer systems: financial capability analysis – SUPPORT (*Placed on inactive file at request of Sen. Rubio*)

Held on Suspense (Dead)

SB 223 (Dodd): Discontinuation of residential water service – WATCH

2-Year Bills

SB 230 (Portantino): State Water Resources Control Board: Constituents of Emerging Concern Program–
SUPPORT

AB 377 (Rivas): Water quality: impaired waters – OPPOSE

AB 703 (Rubio): Open meetings: local agencies: teleconferences – SUPPORT

AB 1195 (Garcia, C): Drinking Water – WATCH

AB 1434 (Friedman): Urban water use objectives: indoor residential water use – WATCH

AB 1500 (Garcia, E): Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection,
Extreme Heat Mitigation, and Workforce Development Bond Act of 2022 – SUPPORT

**As of 9/7/21*