

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

**Monday, November 1, 2021
4:00 p.m.**

Committee Members:

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



602 E. Huntington Drive, Suite B
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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/84323175233>

Meeting ID: 843 2317 5233

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 Yenessa@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
 - a. Washington D.C. (*Memorandum attached.*)
4. Summary of State Chaptered Bills (*memorandum attached*)

Oral Reports

5. 2020 Census Data Summary

Other Matters

- 7.

Adjournment

Next Meeting: Monday, December 6, 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.





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To: Upper San Gabriel Valley Municipal Water District
From: John Freshman, Ana Schwab, and Lowry Crook
Date: October 28, 2021
RE: Federal Report

Congress is Running on Tight Deadlines

Congress is continuing to work on tight deadlines for the next six weeks as they have pushed back the deadlines for the FY22 appropriation bills and debt ceiling increase. In early October, President Biden signed a debt ceiling limit increase which raises the limit by \$480 billion. This should last until early December, however, there is no progress on negotiations between Republicans and Democrats on what the debt ceiling limit increase will be long term.

In addition to the debt ceiling and appropriations, President Biden's administration is working with congressional leadership on passing the Build Back Better Plan (the reconciliation package) and the infrastructure package. Many of the issues in the Build Back Better Plan are hotly contested among the Democratic party. President Biden has presented Congress with a paired down version of the budget, from \$3.5 trillion to \$1.75 trillion. The smaller version limits the ability of the administration to address the call for paid family leave and to restriction the prescription drug program. While party leaders, including President Biden, Speaker Pelosi, and Senate Majority Leader Chuck Schumer, believe they can secure passage of the bill within the week, it is unclear if Senator Joe Manchin (D-WV) and Senator Kyrsten Sinema (D-AZ) will support the paired down package. Without the two Senators, the bill will require the support of the more Republican Senators or it will not pass. 7

While bipartisan infrastructure package was passed in the Senate several weeks ago, and the House as not yet taken up the Senate version of the package, as the House Progressive Caucus would not support the infrastructure package without a vote on the budget reconciliation package simultaneously. Despite the presentation of a paired down package, many members of the Progressive Caucus still have concerns with voting for an infrastructure without the budget reconciliation vote as well.

The paired down Build Back Better plan provides for \$555 billion in clean energy and climate investments, including \$105 billion in investments and incentives to address wildfires, droughts, hurricanes, wetlands, agriculture, and forestry and the creation of the Civilian Climate Corps. The plan also includes funding to invest in child care, preschool, home care, expansion of the Child Tax Credit and the Earned Income Tax Credit, Affordable Care Act credits, housing, higher education, equity, and addition investments.

To fund the federal government for FY22, Congress needs to pass its 12 appropriations bills before December 3. Senate Democrats released the nine remaining spending bills, which Republicans immediately pushed back on, announcing that the bills were partisan and not ready



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for passage. Senate Appropriations Ranking Member Richard Shelby (R-AL) said the top-line numbers were “a fantasy land” proposal. Senate GOP members will likely introduce a counter proposal in the next few days. The appropriation bills need to be passed with 60 votes, so Democrats will have to negotiate with Republicans in order to pass the bills prior to a government shutdown. It is likely that the two chambers will conference on the final numbers and Community Project Funding requests within the next month, and most likely after the infrastructure and reconciliation bills.

Senate Interior-Environment Appropriations Bill
EPA

The Senate Interior-Environment bill provides \$10.54 billion for EPA, a \$1.3 billion increase from FY2021. The bill includes major investments in drinking and waste water infrastructure: \$2.86 billion for the Drinking Water and Clean Water State Revolving Funds, an increase of \$100 million. The bill also increases funding for WIFIA by \$15 million, up to \$80 million in funding for this fiscal year. The bill adds a new section for environmental justice grants, totaling \$100 million in funding.

Program	FY 2021 Enacted	Budget Estimate	Committee Recommendation
<i>State and Tribal Assistance Grants</i>	\$4.31	\$5.31 billion	\$4.85 billion
Clean Water State Revolving Fund	\$1.64 billion	\$1.64 billion	\$1.87 billion
Drinking Water State Revolving Fund	\$1.13 billion	\$1.36 billion	\$1.18 billion
Drinking Water Infrastructure Resilience and Sustainability	\$4 million	\$9 million	\$9 million
Technical Assistance for Treatment Works	\$18 million	\$18 million	\$20 million
Sewer Overflow Control Grants	\$40 million	\$60 million	\$56 million
Water Infrastructure Workforce Development	\$3 million	\$3 million	\$5 million
<i>WIFIA</i>	\$65 million	\$80.1 million	\$80.1 million
<i>Environmental Justice Implementation Grants</i>	--	--	\$100 million



PFAS

EPA Administrator Michael Regan announced the agency's multi-year plan to address PFAS contamination across the country. The published PFAS Strategic Roadmap describes the EPA's plan to study, address, and regulate various stages of PFAS and its contamination. Some of the proposed actions include:

- Fall 2021 – Release the Final Rule on the Fifth Unregulated Contaminant Monitoring Rule;
- Fall 2022-Spring 2023 – Propose and Finalize a rule establishing a national Primary Drinking Water Regulation for PFOA and PFOS;
- 2022 and Ongoing – Utilize Effluent Limitations Guidelines (ELGs) to establish national technology-based regulatory limits on the level of specified pollutants in wastewater discharged into surface waters and into municipal sewage treatment facilities;
- Winter 2022 – Work to utilize existing NDES authorities to reduce discharges of PFAS at the source;
- Fall 2024 – Publish updates to PFAS analytical methods to monitor drinking water; and
- Spring 2022-Summer 2023 – Propose and finalize a rule designated PROA and PFOS under CERCLA.

As two of the first major actions following the release of the EPA PFAS Roadmap, the EPA announced it would: (1) act upon a petition by New Mexico Governor Michelle Lujan Grisham of New Mexico – to address PFAS through the Resource Conservation and Recovery Act (RCRA) and (2) finalized a toxicity assessment for GenX Chemicals – a short chain of PFAS used to replace PFOA.

By taking steps to address PFAS through RCRA, the EPA will initiate two processes to do this. First, the EPA will propose adding four PFAS chemicals, PFOA, PFOS, PFBS, and GenX, as hazardous substances under RCRA. This first action will allow the EPA to call for corrective action requirements and future regulations on these four chemicals. The second step to address PFAS through RCRA, EPA will initiate a second rulemaking that will clarify the RCRA Corrective Action Program to further codify the Program's authority to require investigation and cleanup for wastes that fall under the definition of RCRA's hazardous waste. Ultimately, this will give EPA broader flexibility to direct cleanups of PFAS through RCRA without additional designations. .



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The finalized GenX toxicity assessment by the EPA declares that GenX is more toxic than any of the three PFAS chains assessed, PFBS, PFOA, PFOS. The toxicity assessment comes after three years of study and peer review and public comment. GenX chemicals can cause exposure through a variety of avenues including drinking water and inhaling contaminated air, this assessment focused solely on the oral exposure of GenX chemicals. Concluding that the GenX chemicals do not accumulate in humans as much as the longer chains of PFAS. Further, that humans can ingest GenX at reference doses daily over their life and humans will unlikely have any adverse health effects.

Congress is also continuing to be concerned with PFAS. The House Transportation and Infrastructure Water Resources Subcommittee and the Senate Environment and Public Works Committee held hearings on emerging contaminants and PFAS. EPA's assistant administrator for water told the Senate Committee that EPA should have created a drinking water standard for PFOA and PFOS years ago. During the hearing in the House, the panelists voiced support for five main, long-term suggestions to address emerging contaminants: technology-based permit limits, improved chemical review, active management between policymakers and scientists, and source control. Witnesses urged Congress to focus on consistent and robust funding for PFAS research and cleanup. Additionally, they requested scientific research and development on the impact of PFAS in order to make the best long-term policies regarding cleanup and removal.

Drought Management in the West

In the past few weeks, Congress has held hearings on drought mitigation efforts in the western states. Witnesses provided ample support and reasoning for increased drought relief, which is included in the infrastructure package and reconciliation bill. Senators wanted to know how infrastructure funding will be used to create drought contingency plans and improve aging water infrastructure. The consensus is the priority is to invest in projects that will help make the system more efficient and increase the retention levels of the surface water storage. There was support for investing in water recycling and treating in-state brackish groundwater desalination and ocean desalination.

Examples of funding in the infrastructure bill can be used to ensure ecosystem health and practical water management. Practical infrastructure investments include: holding water on the property longer during the season, extending their water supply, allowing for additional groundwater recharge, and improving the health of wetlands. Farmers are looking at ways to improve flood irrigation, sprinklers, and preventing salt runoff in order to extend their water supply longer through the year.

Trujillo emphasized the importance of interagency coordination in order to solve drought in the west. Currently, the Department of Interior participates in several points of coordination established among federal agencies working to optimize federal drought response, including the National Climate Task Force, the Interagency Drought Relief Working Group, the National



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Drought Resilience Partnership, the Water Subcabinet. The Department works directly with federal entities including the Western Area Power Administration.

San Gabriel Mountains National Monument and the San Gabriel National Recreation Area

S. 1459, the PUBLIC Lands Act, introduced by Senator Alex Padilla (D-CA) had a hearing in the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining. In the first witness panel of the hearing, Senator Padilla spoke on the bill and the importance of each section in the bill, including the designation of the San Gabriel National Recreation Area and the expansion of the San Gabriel Mountains National Monument.

During the second panel, witnesses from the Department of Interior and the Department of Agriculture – Forest Service spoke on a variety of bills, including S. 1459. During the verbal testimony the Department of Interior shared its support for S. 1459, however in the written testimony submitted by the Department, the Department shared concerns with the creation of the Recreation Area and the role of the National Park Service. The Forest Service both verbally and in written testimony shared concern over some of the allowances made in S. 1459. Both agencies expressed a willingness to work with the Senator to rework the bill a bit.

This is the companion bill to Congresswoman Judy Chu's (D-CA) H.R. 693, San Gabriel Mountains Foothills and Rivers Protection Act. The Congresswoman's bill has passed the house through H.R. 803, Protecting America's Wilderness and Public Lands Act and in the House passed version of the National Defense Authorization Act.

86 FR 58829: Notice of WOTUS Roundtables for Stakeholders

On June 9, 2021, the U.S. Environmental Protection Agency (EPA) and the U.S. Department of the Army (hereafter, "the agencies") announced their intent to revise the definition of "waters of the United States" under the Clean Water Act through two rulemakings—first, a foundational rule that will propose to restore longstanding protections, and a second rulemaking process that builds on that regulatory foundation. On July 30, 2021, the agencies announced stakeholder engagement opportunities, including the agencies' intent to host ten regionally focused roundtables. EPA and Army are announcing a process for stakeholders to submit nomination letters to the agencies to potentially be selected for one of these ten geographically focused roundtables. Each roundtable should include diverse perspectives and highlight the experience of individual participants with the definition of "waters of the United States." The agencies intend to livestream each roundtable to make them available for public viewing.

Nomination letters for the roundtables must be received on or before 11:59 p.m. Eastern Daylight Time on November 3, 2021. EPA anticipates that roundtables will be held in December 2021 and potentially January 2022. Specific dates will be coordinated with selected nominees based on availability



MEMORANDUM



ITEM 4.

DATE: November 1, 2021
TO: Government and Community Affairs Committee and Board of Directors
FROM: General Manager
SUBJECT: State Legislative Update – Chaptered Bills

Of the 18 bills that Upper District took positions on this legislative session, only six bills made it to the Governor’s desk. The others have become two-year bills and will be acted upon next year. Below is the list of Upper District’s bills that the Governor has either signed or vetoed.

Chaptered Bills

AB 361 (Rivas): Open meetings: local agencies: teleconferencing – SUPPORT

This bill, enacted immediately, made permanent some policies that have allowed public agencies to hold remote public hearings during the pandemic. AB 361 is Sponsored by California Special Districts Association.

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

This bill will authorize municipal wastewater agency to enter into agreements with entities responsible for stormwater management.

AB 697 (Chau): Forest resources national forest lands: Good Neighbor Authority Fund – SUPPORT

This bill will establish a program for purposes of conducting ecological restoration and fire resiliency projects on national forest lands.

AB 442 (Mayes): Surface Mining and Reclamation Act of 1975: MWD exemption – SUPPORT

This bill will amend the Surface Mining and Reclamation Act of 1975 (SMARA) so that Metropolitan Water District may prepare a single reclamation plan for emergency excavations or grading on lands owned in its service area. AB 442 is sponsored by Metropolitan Water District

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

This bill will require certain disposable wipes manufactured after July 1, 2022, to be labeled as “Do Not Flush.” AB 818 is sponsored by California Association of Sanitations Agencies

Vetoed Bills

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

This bill would have required, until Dec. 31, 2023, the cities and counties with a jurisdiction over 250,000 residents to provide both in-person and teleconference options for the public to attend their meetings.