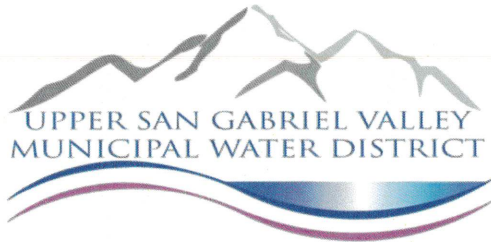


**GOVERNMENT AFFAIRS AND
COMMUNITY OUTREACH
COMMITTEE MEETING
AND
SPECIAL MEETING OF THE
BOARD OF DIRECTORS**

**Monday, November 6, 2023
4:00 p.m.**

Committee Members:

Tony R. Fellow, Chair
Ed Chavez, Vice-Chair



248 E. Foothill Blvd, Room 103
Monrovia, CA 91016

(626) 443-2297
www.upperdistrict.org

*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.
4. State Legislative End of Year Summary

Oral Reports

4. Puente Hills Landfill Park presentation

Other Matters

- 5.

Adjournment

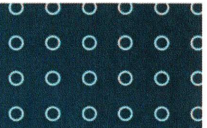
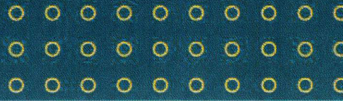
Next Meeting: Monday, January 8, 2023 at 4:00 p.m.



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 venessa@usgvmwd.org at least 24 hours prior to meeting.



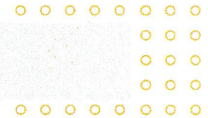


Upper San Gabriel Valley Municipal Water District

November 1, 2023

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

Congress



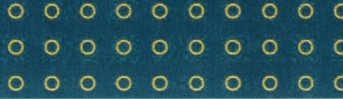
Mike Johnson Elected as Speaker of the House, Congress Resumes Works to Avert a Government Shutdown

The House of Representatives worked quickly to pass a continuing resolution (CR), preventing a government shutdown and extending current federal spending levels for federal agencies and programs to a November 17th deadline. H.R. 5860, *the Continuing Appropriations Act, 2024 and Other Extensions Act*, included an extension of Federal Aviation Administration authorities through December 31st, as well as \$16 billion in emergency funding to FEMA for the Disaster Relief Fund. Notably, the CR did not include supplemental funding for Ukraine, which faced opposition from some conservative lawmakers.

The bill passed in the House on September 30th, with a vote of 335-91, just ahead of the October 1st 12:00 a.m. deadline. The effort received support from 209 Democrats, and opposition from 90 Republicans, driving tension between then-Speaker McCarthy and House Republicans. The bill passed the Senate with a vote of 88-9, and President Joe Biden signed it into law on the same day.

Passage of the CR in the House of Representatives solidified a fight within the Republican Party, with Congressman Matt Gaetz (R-FL) introducing a motion to vacate the Speaker. Eight House Republicans, and 208 Democrats voted in favor of the resolution, and on October 3rd the House of Representatives voted to remove Speaker Kevin McCarthy from his post.

On October 25th, after 22 days of vacancy, the position of Speaker of the House was filled when House Republicans unanimously elected Rep. Mike Johnson of Louisiana by a vote of 220-209. Now-Speaker Johnson's election comes with significant challenges of national



and global significance, and he must waste no time in unifying the House Republican Conference to confront them. First, Speaker Johnson will need to execute a strategy for funding the federal government by November 17th, with considerations for a stopgap funding package that could last until January or April, leading to a potential spending battle in early 2024. Speaker Johnson will aim to spend the next two weeks passing the remaining House appropriations bills. Second, he must negotiate with the Senate and White House on President Biden's \$106 billion package for Israel, Ukraine, and other foreign assistance programs, as well as the \$56 billion package intended for disaster relief and other domestic programs, which was unveiled just hours after Johnson's ascension to Speaker.

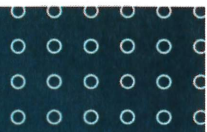
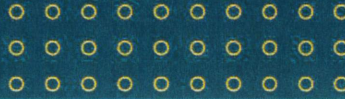
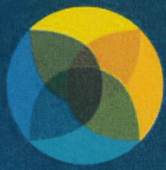
Senator Dianne Feinstein's Passing, and Laphonza Butler's Appointment

The death of Senator Dianne Feinstein marks the end of an era in California politics, leaving a void in the leadership of water-related issues in the state. She was a key figure in pushing for large-scale water engineering projects and consensus-building among various water factions in California. In recent years, Senator Feinstein focused on addressing recurring droughts in the Western United States, collaborating across the aisle in Congress on relief efforts. A notable achievement was the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act, where she acted as a champion and a key mediator among various competing interests.

Laphonza Butler has been appointed by California Governor Gavin Newsom and sworn into the Senate on October 3rd, to serve the remaining months of the late Senator Dianne Feinstein's term, ending on January 3, 2025. Now-Senator Butler has expressed that she will not run for a full six-year term in the seat in next year's election.

Butler is known for her most recent work on abortion rights as President of Emily's List, an organization that supports Democratic women who endorse abortion rights during electoral campaigns. Prior to this role, now-Senator Butler served as the president of Service Employees International Union Local 2015, the largest labor union in California. Butler's track record on many other issues is a relative unknown.

Senator Butler was appointed to the Senate Judiciary, Banking, Housing & Urban Affairs; Homeland Security & Governmental Affairs; and Rules & Administration Committees.



Senator Alex Padilla Appointed to Senate Energy and Natural Resources Committee

On October 18th, Senator Alex Padilla (D-CA) was appointed to the Senate Energy and Natural Resources Committee, signifying a significant opportunity for California's clean energy transition and drought resiliency efforts. California has been on the forefront of addressing the climate crisis, grappling with historic drought conditions and the escalating threat of wildfires and other natural disasters. Senator Padilla's new role will allow him to build upon his efforts as Chair of the Senate Environment and Public Works Subcommittee on Fisheries, Water, and Wildlife to ensure reliable access to clean drinking water and resilient water resources in California, as well as around the United States. Senator Padilla's appointment to this committee also holds great promise for advancing California's clean energy ambitions and enhancing the state's capacity to withstand environmental challenges.

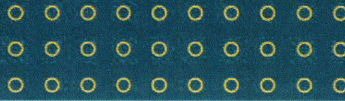
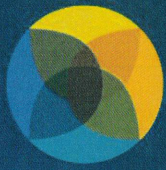
Senators Mark Kelly (D-AZ) and Kyrsten Sinema (I-AZ) have also secured notable committee assignments. Senator Kelly will be taking a seat on the Senate Intelligence Committee, an essential body responsible for overseeing the nation's intelligence agencies. Senator Sinema will be joining the Senate Appropriations Committee, which plays a pivotal role in allocating federal funds and shaping the federal budget.

Senate Environment and Public Works Committee Holds Hearing on Drought Impacts on Drinking Water Access and Water Availability

On September 20th, the Senate Environment and Public Works (EPW) Committee held a hearing titled, "Examining Drought Impacts on Drinking Water Access and Water Availability". Currently, over two million Americans lack safe drinking water, disproportionately affecting vulnerable populations, such as children and the elderly. The nationwide drought exacerbates this issue, emphasizing the need for coordinated water policies. The fragmented responsibilities of federal agencies regarding water quality, quantity, and affordability add to the challenge, a problem seen across communities.

Effective Water Management

During the hearing Mr. Kyle Jones, the policy and legal director of the Community Water Center, shed light on the pressing challenges facing California's access to clean, safe, and affordable drinking water, particularly in the context of drought and arid conditions in the Western United States. One of the foremost concerns is the widespread failure of water systems in California, with 395 systems serving 800,000 people currently in disrepair, and



an additional 3 million residents facing the imminent risk of losing access to clean water due to supply insecurity and contamination. The situation is exacerbated by the plight of domestic wells, with 180,000 of them either failing or at risk, disproportionately impacting marginalized communities in rural areas. Mr. Jones underscored these challenges, recounting how individuals have been forced to take out substantial loans, exceeding \$60,000, to access replacement wells, resulting in a loss of home equity and financial resources.

Need for Comprehensive Water Data

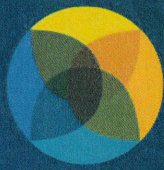
In an interaction between Senator Catherine Cortez Masto (D-NV) and Michael Brain, a representative from the Bureau of Reclamation, they discussed the importance of water data and the Senator's proposed legislation, *S.1118, the Open Access Evapotranspiration Data Act*. This bill aims to make existing data related to water usage and evaporation available to the public through the U.S. Geological Survey. The goal is to help water users and managers in understanding water supply, use, and scarcity in different ecosystems, particularly for U.S. agricultural lands.

Mr. Brain acknowledged the importance of water data and its role in fulfilling the mission of the Department of the Interior and the Bureau of Reclamation. He noted that they support ongoing research to improve the utility of this data, recognizing that it benefits not only government agencies but also their partners and water users.

Senate Committee on Environment and Public Works Holds Hearing on the Implications of the *Sackett v. Environmental Protection Agency* and the "Sackett Rule"

On October 18th, the Senate Committee on Environment and Public Works convened a hearing in response to the Supreme Court's *Sackett v. EPA* decision, as well as the "Sackett Rule" unveiled by the EPA on September 8th. In May, the Supreme Court narrowed the scope of federal wetland protection governed by the waters of the United States (WOTUS) regulation. The Court's decision limited protection to wetlands that exhibit a "continuous surface connection" to streams, oceans, rivers, or lakes, as opposed to the earlier criterion of wetlands with a "significant nexus" to federal waters. As a consequence of this ruling, some assessments suggest that over half of the nation's wetlands are no longer afforded federal protection.

The corresponding "Sackett Rule" aimed to amend the 2023 definition of WOTUS to align with the Supreme Court's decision on *Sackett v. EPA*. It attempted to provide clarity by stating that interstate wetlands are not automatically considered part of interstate waters.



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The rule set criteria for wetlands to fall under federal jurisdiction, either by being "adjacent" to other jurisdictional waters or meeting the criteria of "additional waters." The redefined term "adjacent" required a continuous surface connection. Additionally, the "additional waters" category now covers lakes and ponds that are relatively permanent and have a continuous surface connection to certain downstream waters.

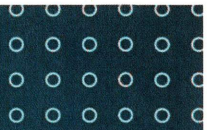
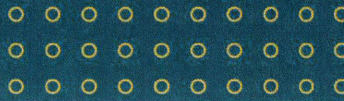
During his opening statement, Chairman Tom Carper (D-DE) expressed concerns over the Supreme Court's ruling in *Sackett v. EPA*, fearing it would disrupt more than four decades of established agency practices and precedents that aligned with the original intent of the Clean Water Act. He emphasized the potential consequences, including the loss of Clean Water Act protections for over half of the nation's wetlands, with severe implications for both the environment and the economy. Ms. Revels, representing the Houston-based non-profit organization Bayou City Waterkeeper, echoed these worries, pointing out that many wetlands across the United States lack direct connections to jurisdictional waters, casting doubt on their protection under federal regulations.

Ranking Member Shelley Moore Capito (R-WV) on the other hand voiced apprehension over the EPA's "*Sackett Rule*" and its failure to fully implement the Supreme Court's recent *Sackett v. EPA* decision. She argued that the Supreme Court's decision aimed to achieve a cooperative balance, recognizing that state and local governments are better suited to understand and manage their local water issues. She believes the ruling should have put an end to back-and-forth federal jurisdiction adjustments, but the recent rule changes will open the door to more legal challenges and create the need for future rules for the Waters of the United States.

2023 Farm Bill

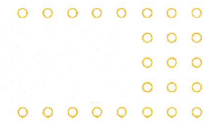
The September 30th deadline for Congress to pass a new farm bill has passed, and lawmakers anticipate it will take months, if not longer, to reach an agreement on the new bill. Both the House and Senate Agriculture committees have been gathering input on the new farm bill for the past year, but lawmakers have not yet introduced legislation or reached consensus on key issues. Disagreements exist on topics such as farm payments, crop insurance, conservation programs, and the Supplemental Nutrition Assistance Program (SNAP).

Although it is not uncommon for Congress to continue past the September 30th deadline, the current chaos within Congress and the rising costs within the farm economy make passing a new farm bill challenging. If Congress does not complete the new farm bill by



February, the election cycle could take over, potentially delaying the process for years. While there is bipartisan support for passing the farm bill, its timeline and prospects remain uncertain.

Federal Budget/Appropriations



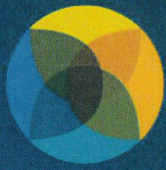
The Biden Administration Publicly Opposes House Drafted Appropriations bills

As the House continues working to pass all twelve appropriations bills, the Biden Administration has publicly stated they oppose the House-drafted pieces of legislation. The opposition comes as result of the funding levels set by the House, which are below the levels agreed upon in the Fiscal Responsibility Act, also known as the debt limit bill. The current House-drafted bills contain significant cuts to spending programs that were created or increased in the last Congress, including cuts to programs in the Bipartisan Infrastructure Law and the Inflation Reduction Act.

From the Interior and Environment FY24 appropriations bill, a few specific lines of funding were decreased. These included \$7.8 billion from the Greenhouse Gas Reduction Fund created in the IRA, \$1.4 billion from the Environmental and Climate Justice fund, \$200 million from the Department of the Interior for the Presidio Trust and \$55 million for the Council on Environmental Quality. The FY24 Energy and Water Appropriations bill rescinds \$4.5 billion for rebates for home electric appliances and the installation of energy-efficient appliances, \$1 billion for states and local governments to adopt more energy-efficient practices, and \$200 million for projects that install energy-efficient or electric projects into homes. The conflicting spending levels and cuts to programs has fueled disagreement between the House and the Administration on the FY24 budget. Despite these concerns, the House continues working to pass appropriations legislation.

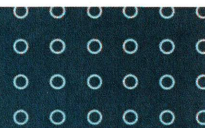
House Passes Energy, Water Development, and Related Agencies FY24 Appropriations Bill

House Republicans on October 26th passed H.R. 4394, *the Fiscal Year 2024 Energy, Water Development, and Related Agencies Appropriations Act*. This marked the first major legislation passed under newly elected Speaker Mike Johnson of Louisiana. The \$58 billion measure passed the House floor with a 210-199 vote. It includes \$9.57 billion for the Army



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Corps of Engineers, a \$910 million increase from FY23 levels, and provides the Bureau of Reclamation \$1.693 billion in funding, \$392.4 above the President's Budget Request.

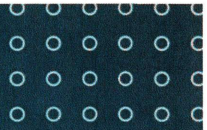
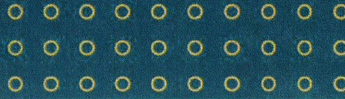
Cuts within the bill include \$5.5 billion from the Inflation Reduction Act, which encompasses a \$4.5 billion program for homeowners to transition to more energy-efficient appliances and a \$1 billion grant program to assist states in creating stricter building energy codes. Furthermore, the bill reduces funding for the Energy Department's energy efficiency and renewable energy office by 42% compared to the previous year and revokes \$15 billion in loan authority from the department's loan guarantee program. While the bill is unlikely to pass the Democratic majority in the Senate, it will serve as a starting point for negotiations between Republicans and Democrats on government spending before the November 17th deadline.

Ukraine, Israel and Border Supplemental Funding Package

Supplemental funding for Ukraine is facing uncertainty in Congress following Representative Kevin McCarthy's removal as House Speaker, which has provided an opportunity for Republican hardliners to potentially delay another round of aid to Ukraine. American assistance for Ukraine's efforts against Russia's invasion will depend largely on the next Speaker of the House. While aid to Ukraine still enjoys broad congressional support, the division within the Republican Party on this issue has raised concerns among Ukraine's allies. Despite these political maneuvers, President Joe Biden remains determined to continue U.S. support for Ukraine. Senate Appropriations Ranking Member Susan Collins (R-ME) has floated the idea of tying Ukraine aid to the annual defense spending bill, but this could complicate passage of a normally bipartisan bill at a time when both chambers are struggling with the appropriations process.

Following the October 7th attack on Israel by Hamas, President Joe Biden has pledged to bolster military support for Israel. This promise has raised questions about whether Washington can ramp up defense aid to Israel without jeopardizing aid for Ukraine, especially given the current state of disarray in the Republican-controlled House of Representatives. Congress could consider a standalone spending bill combining aid for Ukraine and Israel, or include both in an Omnibus Appropriations package or CR, which Congress must pass to keep the federal government open before the current CR measure expires midnight on November 17th.

On October 20th, President Joe Biden unveiled a comprehensive emergency funding request totaling nearly \$106 billion. The request includes \$61.4 billion for a year's worth of

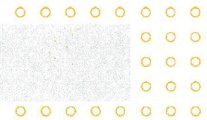


assistance for Ukraine to counter Russia's invasion. It also seeks \$14.3 billion to bolster Israel's defenses and \$10 billion for humanitarian efforts, including assistance for Palestinian civilians. Additionally, the request includes \$13.6 billion to enhance the US-Mexico border security and combat fentanyl trafficking, along with \$7.4 billion for various national security priorities, including support for allies in the Indo-Pacific like Taiwan. The proposal faces a challenging political climate in Congress, with divisions over Ukraine aid and the selection of a new House Speaker.

Disaster Aid and Domestic Spending Supplemental Funding Package

President Biden on October 25th sent an ask to Congress for a \$56 billion dollar domestic spending package. This request includes funds for a broad range of domestic needs, including \$23.5 billion for disaster relief, \$6 billion towards communications infrastructure resiliency and domestic energy independence, as well as \$220 million for wildland firefighter pay. The fate of President Biden's supplemental funding requests on Capitol Hill remains uncertain, particularly following the election of Representative Mike Johnson as House Speaker.

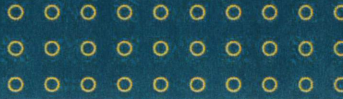
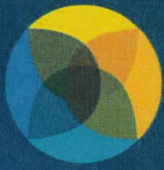
Administration/Agency



Bureau of Reclamation Releases Draft Supplement Environmental Impact Study

On October 25th the Bureau of Reclamation released a draft Supplemental Environmental Impact Statement (SEIS) to update near-term Colorado River operations. An initial draft SEIS was issued in April 2023 to protect dam operations, system integrity, and public safety through 2026. The Bureau of Reclamation withdrew the April draft SEIS following widespread consensus with the Colorado River states and the Administration for a commitment to conserve at least 3 million acre-feet of Colorado River water through the end of 2026.

The revised draft SEIS includes two key components: the Lower Basin states' proposal as an action alternative and improved hydrology and hydrologic data. The Proposed Federal Action seeks to develop additional operational tools for Lake Powell and Lake Mead to ensure continued operations. To do so, the Bureau is proposing to revise the 2007 Interim



Guidelines for the near-term operation for Glen Canyon and Hoover Dams to account for low-runoff.

Biden Administration Unveils Post 2026 Protection Plan for Colorado River

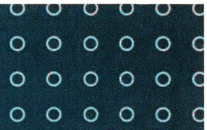
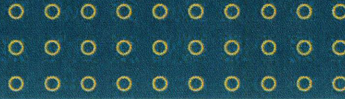
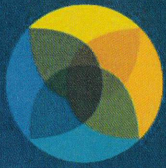
On October 19th, the Biden administration unveiled new guidelines and strategies for safeguarding the Colorado River system and bolstering water security in the Western United States. These guidelines, set to be implemented in 2027, will replace the 2007 Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead, which are set to expire at the end of 2026.

This planning process, unveiled by the Department of the Interior's Bureau of Reclamation, will be separate from ongoing efforts to protect the Colorado River Basin through 2026. The post-2026 planning process is a comprehensive, multi-year endeavor aimed at exploring various alternatives and establishing long-term operational strategies for Lake Powell, Lake Mead, and other water management actions in the Colorado River Basin. This process will extend potentially for decades into the future. The Bureau of Reclamation will work on a draft environmental impact statement (EIS) to assess how future operational guidelines and strategies can be resilient and adaptable, capable of withstanding a wide range of hydrological conditions.

The anticipated timeline for this process includes the completion of the draft EIS by the end of 2024, which will be followed by a public comment period. Reclamation expects to have the final EIS ready in late 2025, with a Record of Decision to be issued in early 2026.

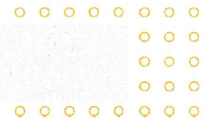
EPA Mandates PFAS Data Reporting for Community Protection

On September 28th, U.S. Environmental Protection Agency (EPA) finalized a rule to collect comprehensive data on per- and polyfluoroalkyl substances (PFAS) in the United States. This significant development is a part of the Biden-Harris Administration's ongoing efforts to address PFAS pollution and prioritize public health and environmental justice. Under the Toxic Substances Control Act (TSCA), manufacturers and importers of PFAS and PFAS-containing articles since 2011 are required to report information related to these substances, including their uses, volumes, environmental impacts, and more to the EPA. This data will greatly enhance the understanding of PFAS usage and facilitate the formulation of policies to safeguard the public from these persistent chemicals.



The final rule expands the definition of PFAS to include 41 additional substances of concern and is expected to cover at least 1,462 PFAS used in the U.S. since 2011. It also simplifies reporting requirements, lessening the burden on small-scale research and development users and importers of PFAS-containing articles. The data must be submitted to the EPA within 18 months of the rule's effective date, with a six-month extension for small businesses.

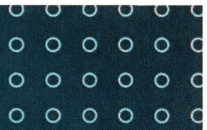
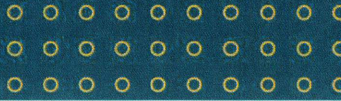
Judicial/Courts



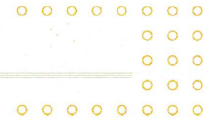
3M Set to Oppose Approval of Huge Class in PFAS Case at 6th Circuit

The Sixth Circuit Court of Appeals is set to hear oral arguments in a case that challenges the approval of what's described as one of the largest class actions in history, with potentially 11.8 million Ohio residents involved. The class action, *Kevin Hardwick v. 3M Co.* involves 3M, DuPont, and eight other PFAS (per- and polyfluoroalkyl substances) producers and seeks to examine the health effects of PFAS through a scientific panel. The appeals court's decision is expected to have significant implications for PFAS lawsuits across the United States, regardless of the outcome. If the court upholds the class designation, it may lead to additional appeals and encourage similar lawsuits. If the court rejects the class designation, it could provide insights for plaintiffs on how to reshape proposed classes in the future.

The case is characterized by the use of a 0.05 parts-per-trillion (ppt) threshold for PFAS in blood serum, which the Sixth Circuit has noted is virtually undetectable with current technology. Additionally, the court expressed concerns about the class's cohesion and the potential for massive liability for defendants. This case will be closely watched as it could have a significant impact on the handling of PFAS-related litigation and class actions in the United States.



Funding Opportunities



Bureau of Reclamation

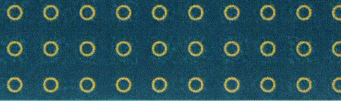
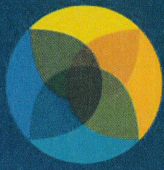
The Bureau of Reclamation opened the funding opportunity for the WaterSMART Drought Response Program. This opportunity is available to increase water management resiliency, and to address the impacts of water supply shortages. Projects should increase reliability of water supply, improve water management, or construction of water supply projects. Applications are due **November 7, 2023**. More information can be found [here](#).

The Bureau of Reclamation opened the funding opportunity for the Large-Scale Water Recycling Projects for Fiscal Years 2023 and 2024. Through this program, the Bureau of Reclamation will provide a 25% cost share for projects with a cost greater or equal to \$500 million dollars. Large-scale water recycling projects will help to mitigate drought and develop new sources of water supply for communities in need. The deadline for Phase I is **November 21, 2023**. More information can be found [here](#).

The Bureau of Reclamation opened the funding opportunity for the WaterSMART Cooperative Watershed Management Grant program. This program will promote the development of a watershed group, and watershed restoration and management. The deadline for Phase I projects is **December 5, 2023**. More information can be found [here](#).

The Bureau of Reclamation opened the funding opportunity for the Title XVI WIIN Act Water Reclamation and Reuse Projects for Fiscal Years 2023 and 2024. Through this program, the Bureau of Reclamation will provide a 25% cost share up to \$30 million for projects that will provide supplemental water supplies by recycling/reusing agricultural drainage water, wastewater, brackish surface and groundwater, and other sources of contaminated water. The deadline for the first application period is **December 7, 2023**. More information can be found [here](#).

The Bureau of Reclamation opened the funding opportunity for the Title XVI Congressionally Authorized Water Reclamation and Reuse Project for Fiscal Years 2023 and 2024. Through this program, the Bureau of Reclamation will provide a 25% cost share up to \$20 million for projects that will provide supplemental water supplies by recycling/reusing agricultural drainage water, wastewater, brackish surface and groundwater, and other sources of contaminated water. Authorized projects must be



approved by Congress. The deadline for the first application period is **December 7, 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, 2024**. More information can be found [here](#).

The Bureau of Reclamation opened their funding opportunity for WaterSMART: Planning and Project Design. This grant opportunity is available to assist in improving water management operations, and planning activities related to water supply. This includes water access for disadvantaged communities, project-specific design elements, and comprehensive drought contingency plans. Proposals received before **April 2, 2024**, at 4:00 p.m. (MT) will be considered for FY 2024 funding, contingent on appropriations. More information can be found [here](#).

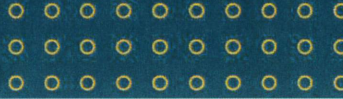
Environmental Protection Agency

The EPA opened their funding opportunity for the Drinking Water System Infrastructure Resilience and Sustainability Program. This program is specific to underserved and disadvantaged communities to promote the resiliency of drinking water systems, to provide clean and reliable water. This includes buildings, equipment, personnel, and other operational items needed to secure and deliver safe drinking water to communities. The deadline for applications is **November 6, 2023**. More information can be found [here](#).

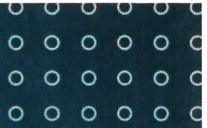
The EPA opened their opportunity for Sewer Overflow and Stormwater Reuse Grant Program. This program provides assistance for projects that address sewer overflow, and improve stormwater and subsurface drainage water. Each state receives an allotment of funding, which is then distributed to municipalities for use. Applications are due **September 30, 2024**. More information can be found [here](#).



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FEDERAL REPORT



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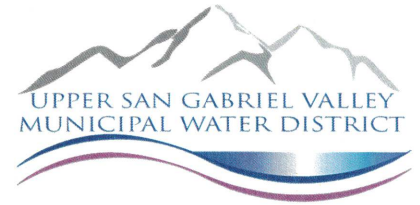
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MEMORANDUM



ITEM 4.

DATE: November 6, 2023
TO: Government and Community Affairs Committee and Board of Directors
FROM: General Manager
SUBJECT: End of Session – State Legislative Review

Of the 21 bills that Upper District took positions on this legislative session, nine bills have been chaptered, one bill has been placed in the inactive file, and two bills have been vetoed by the Governor. The other nine bills 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

ACA 1 (Aguiar-Curry): Local government financing: affordable housing and public infrastructure: voter approval – **WATCH**

This constitutional amendment, subject to voter approval, allows a city, county, or special district, with 55% voter approval, to incur bonded indebtedness or impose specified special taxes to fund projects for affordable housing, permanent supportive housing, or public infrastructure, as specified.

ACA 13 (Ward): Voting thresholds – **SUPPORT**

This measure places an initiative on the ballot that would amend the Constitution to increase the voter approval requirement to adopt any state or local measure would be approved by the voters only if the proportion of votes cast in favor of the initiative measure is equal to or greater than the highest voter approval requirement that the initiative measure would impose. Guarantees in the state constitution the ability of local governments to submit advisory questions to voters.

AB 30 (Ward): Atmospheric Rivers: Research, Mitigation and Climate Forecasting – **SUPPORT**

This bill requires Department of Water Resources (DWR) to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailor decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.

AB 279 (Rubio): San Gabriel Basin Water Quality Authority: annual pumping assessment - **SUPPORT**

This bill allows for the increase of the maximum allowable annual pumping right assessment to \$20 per acre-foot.

AB 297 (Fong): Wildfires: local assistance grant program: advance payments – **SUPPORT**

This bill changes the definition of fire prevention activities to include prescribed grazing, expand allowable public education outreach activities to include training on prescribed grazing, and indefinitely extend the director’s

authority to authorize advance payments under the Fire Prevention Grants program.

AB 557 (Hart): Open meetings: local agencies: teleconferences - **SUPPORT**

This bill revises the authority of a legislative body to hold a teleconference meeting under abbreviated teleconferencing procedures when a declared state of emergency is in effect.

AB 1572 (Friedman): Potable water: nonfunctional turf - **NEUTRAL**

This bill would direct all appropriate state agencies to encourage and support the elimination of irrigation of nonfunctional turf with potable water. Language pertaining to the definition of “non-functional turf” on multi-family properties was removed from the bill.

SB 389 (Allen): State Water Resources Control Board: determination of water right – **NEUTRAL**

This bill would authorize the board to investigate and ascertain whether or not a water right is valid.

SB 676 (Allen): Local ordinances and regulations: drought-tolerant landscaping – **SUPPORT**

The bill would specify that drought-tolerant landscaping does not include the installation of synthetic grass or artificial turf.

Vetoed by the Governor

AB 676 (Bennett): Water: general state policy – **NEUTRAL**

This bill 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 a purpose determined to be a domestic purpose as established by the common law.

AB 1423 (Shiavo): Product safety: perfluoroalkyl and polyfluoroalkyl substances: artificial turf or synthetic surfaces - **SUPPORT**

This bill would prohibit, except as provided and commencing January 1, 2026, a public entity, including a charter city, charter county, city, or county, any public or private school serving pupils in kindergarten or any of grades 1 to 12, inclusive, a public institution of higher education, other than the University of California, or a private institution of higher education from purchasing or installing a covered surface containing regulated PFAS.

2-Year Bills

AB 62 (Mathis): Statewide water storage expansion – **SUPPORT**

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.

AB 422 (Alanis): Natural Resources Agency: statewide water storage: tracking – **SUPPORT**

This bill would require the 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.

AB 460 (Bauer-Kahan): State Water Resources Control Board: water rights and usage: interim relief: procedures – **NEUTRAL**

This bill would authorize the State Water Resources Control Board to conduct specified investigations or proceedings to inspect the property or facilities of a person or entity, as specified.

AB 1337 (Wicks): State Water Resources Control Board: water shortage enforcement – **NEUTRAL**

This bill would require the 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.

AB 1567 (Garcia): Safe Drinking Water, Wildlife Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act Of 2024 – **SUPPORT UNLESS AMENDED**

This bill would enact the 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. This bill is supported unless amended by the Metropolitan Water District of Southern California.

SB 23 (Caballero): Water supply and flood risk reduction projects: expedited permitting – **SUPPORT**

This bill would require a project proponent, if already required to submit a notification to the Department of Fish and Wildlife, to submit to the department the certified or adopted environmental review document, as applicable, for the activity in the notification.

SB 366 (Caballero): The California Water Plan: long-term supply targets – **SUPPORT**

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. This bill is supported unless amended by the Metropolitan Water District of Southern California.

SB 687 (Eggman): Water Quality Control Plan: Delta Conveyance Project – **OPPOSE**

This bill would require the 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. This bill is supported by the Metropolitan Water District of Southern California.

SB 867 (Allen): 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 – **SUPPORT UNLESS AMENDED**

This 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. This bill is supported unless amended by the Metropolitan Water District of Southern California.

Inactive File

AB 1573 (Friedman): Water conservation: landscape plants: nonfunctional turf – **OPPOSE UNLESS AMENDED**

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. This bill is supported by the Metropolitan Water District of Southern California.



September 6, 2023

TO: Government Affairs and Community Outreach Committee, Upper San Gabriel
Valley Municipal Water District
FROM: Steve Baker
SUBJECT: October 2, 2023 Legislative Update

The Legislature completed its business on Thursday, September 14th, and will return January 3rd for the second year of the two-year session. In the meantime, there will be a variety of legislative oversight and informational hearings. This year's End of Session went smoothly, and the Legislature passed approximately 1,000 bills in the last two weeks. The Governor has until October 14th to sign or veto bills.

Bills of Interest

- **Bond**

Over the past several months, we have been reporting on activity to pass a climate/resources/water bond. The Governor has now informed the Legislature his top priority is to pass mental health bond on the March 2024 ballot. The Governor has indicated he would like to push other bond proposals to November 2024 including a climate/resources/water bond. We anticipate that negotiations will continue over the legislative interim and into 2024. The deadline to pass a November 2024 bond measure will be in June.

- **Water Rights**

In previous reports, we have informed you of numerous water rights bills that Upper District opposed. All of those measures are dead for the year. The only outstanding water rights bill is SB 389 (Allen, D-Santa Monica). The bill would allow the State Water Resources Control Board to determine the validity of water rights. The bill has passed the Senate and Assembly, and is pending on the Governor's desk.

- **Vote Threshold Issues**

The California Business Roundtable has qualified an initiative for the November 2024 ballot that would increase the vote threshold on tax and fees. The measure would require that all new taxes passed by the Legislature appear on the California ballot for voter approval. At the local level, any special tax would need to be approved by two-thirds of the voters instead of the current 50% plus

one. As written, the ballot measure would impact any taxes, fees and charges approved after January 1, 2022, that did not receive at least two-thirds of the vote. Many local governments as well as public employee labor unions are opposed to the measure. As a result of the Business Roundtable successful qualification of their measure, the Legislature is proposing ACA 13 (Ward, D-San Diego). The measure would provide that an initiative measure that amends the constitution to increase the voter approval requirement meant to adopt any state or local measure would be approved by the voters only if the proportion of votes cast in favor of the initiative measure is equal to or greater than the highest voter approval requirement that the initiative measure would impose. The measure passed both houses of the Legislature and will be on the November 2024 ballot.

The Legislature is also considering ACA 1 by Assemblymember Aguiar-Curry (D-Winters). It proposes to amend the constitution to allow a city, county, or Special District to incur bonded indebtedness or impose special taxes for public infrastructure projects with a 55% vote threshold. The measure has passed the Assembly and the Senate and will also be on the ballot.

Another bill that changes vote thresholds is AB 399 (Boerner, D-San Diego). This bill enacts the “Water Ratepayer Protection Act of 2023” which requires a member agency to receive majority voter approval of its electorate and the entire county Water Authority’s electorate before it can detach from a county water authority. This measure is the result of two San Diego County Water Authority member agencies’ (Fallbrook Public Utilities District and Rainbow Municipal Water District) desire to detach from SDCWA. SDCWA and others in San Diego are pushing this measure to make it more difficult for the two agencies to depart. This bill was a Gut and Amend in the Senate where it passed onto the Governor’s desk. Upper District is watching the measure.

Other Bills of Interest

Senator Blanca Rubio (D-Baldwin Park) has authored AB 279 which allows the San Gabriel Basin Water Quality Authority to impose an annual pumping right assessment in an amount not to exceed \$10/acre foot, increasing to \$20/acre foot. The bill is pending on the Governor’s desk.

AB 557 (Hart, D-Santa Barbara). This bill would revise the authority of a legislative body to hold a teleconference meeting under abbreviated teleconferencing procedures when a declared state of emergency is in effect. The bill is pending on the Governor’s desk.

AB 1423 (Schiavo, D-San Fernando Valley). This bill would prohibit the use of installing carpet or astroturf containing PFAS after January 1, 2026. The bill is pending on the Governor’s desk.

AB 1572 (Friedman, D-Burbank). This bill revises the terms and conditions of nonfunctional turf. At Upper District’s request, Assemblymember Friedman amended the bill to exclude multifamily homes.

With that amendment, Upper District changed its position from Oppose Unless Amended to Neutral. The bill is pending on the Governor's desk.

AB 30 (Ward, D-San Diego). This bill updates DWR's Atmospheric River Program and requires new research and predictive models on atmospheric river events. The bill has been signed by the Governor. Upper District supports.

AB 279 (Rubio, D-Baldwin Park). This bill would increase the maximum allowable pumping right assessment for San Gabriel Basin Water Quality Authority to \$20/acre foot. The bill passed the Legislature and is pending with the Governor. Upper District is in support.

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