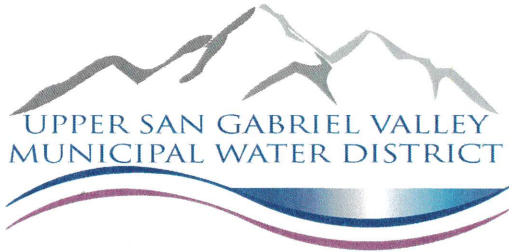


**GOVERNMENT AFFAIRS AND  
COMMUNITY OUTREACH  
COMMITTEE MEETING  
AND  
SPECIAL MEETING OF THE  
BOARD OF DIRECTORS**

**Monday, June 03, 2024  
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](http://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.
  - b. Sacramento
4. Federal Bill Summaries and Positions (*staff memorandum attached*)
5. Professional Services Agreement with G3LA, LLC (*staff memorandum attached*)
6. Professional Services Agreement with 789 inc., (*staff memorandum attached*)

**Oral Reports**

7.

**Other Matters**

8.

**Adjournment**

**Next Meeting:** Monday, July 01, 2024 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](mailto:venessa@usgvmwd.org) at least 24 hours prior to meeting.

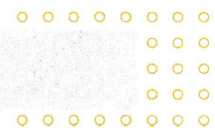


## Upper San Gabriel Valley Municipal Water District

May 23, 2024

Ana Schwab, Lowry Crook, Madeline Voitier, Chris Keosian, and Alex Dunn

### Congress



The end of 2023 and beginning of 2024 were defined in Congress by an unprecedented series of legislative, appropriative, and parliamentary challenges. Following an incredibly productive April and Speaker Mike Johnson's overwhelming survival of a Motion to Vacate vote brought by Rep. Marjorie Taylor Greene (R-GA-14), the 118<sup>th</sup> Congress has entered a period of relative regular order. This May, Congress is set to consider the 2024 Farm Bill; and begin consideration of FY25 appropriations.

#### Congress Passes Reauthorization of Federal Aviation Administration (FAA)

Following its overwhelmingly bipartisan passage in the Senate on May 9, 2024, the House of Representatives voted 387 to 26 on May 15, 2024, to reauthorize the FAA for an additional five years. President Joe Biden is expected to sign the legislation into law.

The legislation allocates an annual \$105 billion in funding for the FAA, and \$738 million for the National Transportation Safety Board (NTSB) for FY24 through FY28. In addition, the legislation includes provisions to hire and train more than 3,000 air traffic controllers to close a gap of vacancies, seeks to improve runway safety technology, institutes new regulation surrounding passenger refunds in the event of delayed or canceled flights, enhanced protections for airline employees in the event of an attack by an unruly passenger, lengthened the amount of time airline travel credits must be valid for to 5 years, and required cockpit voice recorders carry 25 hours of sound-up from the previously required 2 hours—in the hopes of aiding investigations.

The legislation was met with significant controversy which caused concern over the ability to pass the reauthorization before too much time lapsed in the authorization. It is a positive and significant sign that despite the bipartisan controversy, both chambers of Congress were able to pass the legislation with bipartisan support. This is a hopeful sign that



Congress will be able to come together in a bipartisan way to pass other critical legislation the remainder of this Congress, such as the FY25 appropriations.

### **Senate Committee on Environment and Public Works Unanimously Approves 2024 Water Resources Development Act**

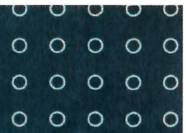
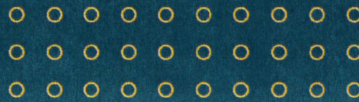
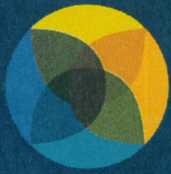
On May 22, 2024, the U.S. Senate Committee on Environment and Public Works (EPW) unanimously approved the *Thomas R. Carper Water Resources Development Act of 2024*, named in honor of the committee's retiring Chairman, Senator Tom Carper (D-DE). Traditionally passed every two years, the *Water Resources Development Act* (WRDA) is the regulatory vehicle which governs the nation's water infrastructure, and regulates the U.S. Army Corps of Engineers. While this year's WRDA bill does not contain major policy changes, its regulation of flood prevention, drought mitigation, and environmental restoration has taken up increased significance as natural disasters and drought have intensified in many parts of the nation in recent years, and more people are paying attention to the impacts of climate change.

Underscoring its importance, the bipartisan bill received over 1,200 requests from Members of Congress for policy language or projects to be included in the bill. However, Rep. Grace Napolitano's (D-CA-31) effort to include water supply as a "primary mission" of the U.S. Army Corps of Engineers—just as navigation, flood risk management, and aquatic ecosystem restoration are prioritized—was not included in the Senate version of the legislation.

The House will pass its own version of the WRDA bill this Summer, and the chambers will reconcile those versions before sending final legislation to the President to be signed into law.

### **House Passes H.R. 7525, *Special Districts Grant Accessibility Act***

On May 6, 2024, the U.S. House of Representatives passed the H.R. 7525, the *Special Districts Grant Accessibility Act*, garnering widespread support with a vote of 352-27 in the House. This legislation marks the first time a clear definition of "special district" would be established in federal law. Its aim is to ensure that special districts are consistently eligible for federal financial assistance. H.R. 7525 mandates the White House Office of Management and Budget to provide guidance to federal agencies, ensuring that special districts are recognized as local governments for the purpose of determining federal financial assistance.



## Congressional Farm Bill Discussions Take Shape

In early May, the Democratic controlled U.S. Senate Committee on Agriculture, Nutrition, and Forestry, and the Republican controlled U.S. House Committee on Agriculture each released their own framework for the quinquennial Farm Bill, which reflected different priorities in each chamber. The Farm Bill—which typically passes every five years—sets the primary agriculture, food, and nutrition policy of the federal government. Last passed in 2018, the Farm Bill regulates everything from agricultural commodity subsidies to food and nutrition assistance programs. The bill also features titles related to conservation, rural development, forestry, and energy.

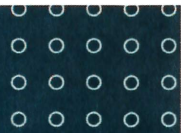
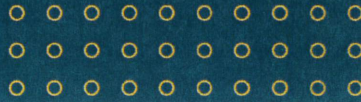
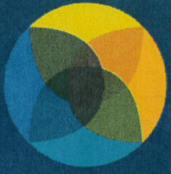
The House bill focuses on strengthening farmer safety net programs, and shifts Inflation Reduction Act (IRA) funds meant for conservation to the Farm Bill's conservation section. Moreover, the House bill makes changes to nutrition program eligibility. Meanwhile, the Senate bill prioritizes expanding the farmer safety net, and keeping nutrition assistance unchanged from the 2018 Farm Bill.

In the draft House and Senate package there is legislation to amend the Department of Agriculture (USDA) Circuit Rider Program to include cybersecurity technical assistance for rural water systems serving fewer than 10,000 people, legislation aimed at awarding grants to improve the quality of drinking water derived from wells in certain rural areas, and legislation to expand the Collaborative Forest Landscape Restoration program; which aims to reduce the risk of uncharacteristic wildfire, and increase ecological restoration activities, especially near areas of wildland-urban interface. In the Senate preview, scores of rural water development grant programs were highlighted.

Notably, the Senate version includes a section amending the Colorado River Basin Salinity Control Act to modify the reimbursable cost-share paid to the Basin State Program. This provision is not included in the House bill as it is not considered germane to the committee.

Once each chamber passes its respective bill, differences will be negotiated via Conference Committee. Final passage of the compromise 2024 Farm Bill will likely come towards the end of the year. However, extension of the 2018 Farm Bill is possible into 2025 if consensus cannot be reached.

Meanwhile, United States Secretary of Agriculture Tom Vilsack said prior to the House Agriculture Committee hearing that he had “deep concerns” about components of the draft legislation, solidifying doubts that the House draft of the Farm Bill would become law



without significant changes, and ultimately achieving a compromise bill closer to the Senate proposal.

### **Senator John Hickenlooper Introduces S.4242, the *Drought Preparedness Act***

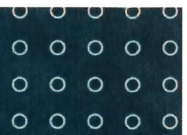
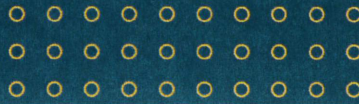
On May 2, 2024, Senator John Hickenlooper (D-CO) introduced the *Drought Preparedness Act*, which is a bill to reauthorize the Bureau of Reclamation's Drought Response Program. This program, whose funding lapsed in September 2023, is designed to minimize drought damages and losses and improve water availability for those affected by drought. The program supports the mitigation of drought by providing financial assistance to water managers for developing and updating comprehensive drought plans (Drought Contingency Planning) and implementing projects that will enhance long-term resilience to drought (Drought Resiliency Projects).

The legislation is the Senate companion to Representative Joe Neguse's (D-CO-02) House version of the bill, H.R. 4385, which passed the House via suspension on February 5, 2024, and has been awaiting consideration in the Senate.

### **House Passes Bills Aimed at Improving Wildfire and Weather Forecasting**

On April 29, 2024, the House of Representatives overwhelmingly passed Representative Mike Garcia's (R-CA-27) bill, H.R.4866, the *Fire Weather Development Act of 2023*, with 341 votes in favor and only 48 against. This bill aims to establish a modern program to improve the forecasting of weather and environmental conditions contributing to wildfires. The bill provides direction for enhanced emergency communications, streamlined data collection for local communities, and improved research and monitoring tools, including the utilization of unmanned drone technology. Additionally, it mandates the National Oceanic and Atmospheric Administration (NOAA) to establish multi-level government collaboration for wildfire management and enhance the accuracy of fire weather and fire environment forecasts and warnings, with the goal of reducing loss of life and protecting property.

On April 30, 2024, the House of Representatives passed House Science, Space, and Technology Committee Chairman Frank Lucas' (R-OK-03) bill, H.R.6093, the *Weather Act Reauthorization Act of 2023*, with 394 votes in favor and 19 against. This reauthorization legislation aims to enhance severe weather forecasting by modernizing research programs, supporting cutting-edge forecasting initiatives, expanding NOAA's access to private sector forecasting data, and providing farmers and ranchers with improved tools for agriculture and water management, including enhanced seasonal forecasting.



Additionally, the bill includes Representative Mike Garcia’s (R-CA-27) bill, H.R.3966, the *Improving Atmospheric River Forecasts Act*, which establishes the Atmospheric Rivers Forecast Improvement Program, to enhance forecasting of severe flooding and snowfall events associated with atmospheric rivers, and ensure readiness of water storage capabilities. Both bills now await consideration in the Senate ahead of final passage into law.

**Senators Introduce *Water, Sanitation, and Hygiene Access Data Collection Act of 2024***

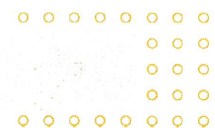
On May 1, 2024, U.S. Senators Ron Wyden (D-OR), Jeff Merkley (D-OR), Ben Ray Lujan (D-NM) and Martin Heinrich (D-NM) introduced the *Water, Sanitation, and Hygiene Access Data Collection Act of 2024* (WASH Access Data Collection Act). The legislation seeks to address the lack of comprehensive data on the water and sanitation needs. more than two million Americans who live without reliable access to running water, indoor plumbing, or adequate sanitation systems. Specifically, the legislation is targeted to address the lack of these vital resources vulnerable communities, including communities of color, low income communities, rural areas, and Tribal reservations..

Moreover, the legislation seeks to establish dedicated federal collection of data on water access needs across the U.S., and an interagency Water and Sanitation Needs Working Group to survey households that do not have complete access to water and sanitation services. In doing so, the bill sponsors say the federal government will collect the data and information necessary to appropriately target resources at closing the “water access gap.”

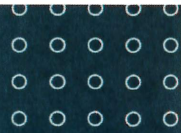
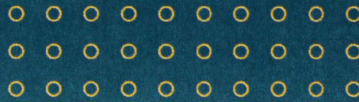
The bill authorizes \$10 million in annual appropriations for FY25 to FY29.. Senator Wyden previously introduced similar legislation to the *WASH Access Data Collection Act* in the 117<sup>th</sup> Congress, but it was not considered in the Senate Committee on Environment and Public Works – where it will once again has been referred.

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**Federal Budget/Appropriations**



On May 16, 2024, the FY25 Appropriations process formally kicked off, as the newly-minted House Appropriations Committee Chairman Tom Cole (R-OK-04) previewed subcommittee allocations, and announced the Appropriations Committee schedule of markups on the FY25 bills. The subcommittee markup process will begin this month, with the full-



committee markups expected to be concluded by mid-July, and for consideration on the House Floor prior to the August Recess.

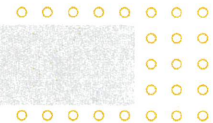
Chairman Cole’s preview indicated a significant increase, upwards of \$9 billion increase in funding for the Department of Defense, while also indicating that the Department of Homeland Security will also be funded above President Biden’s requested amount. The Department of Veterans Affairs is expected to be fully funded. However, Chairman Cole is also proposing a not-evenly-distributed 6% cut to non-defense programs, including a 10% or greater cut to the Labor-Health and Human Services-Education, Financial Services-General Government, and State-Foreign Operations bills. The committee is once again poised to consider Members requests for Community Project Funding during the appropriations process.

Given the political dynamics of an election year, and Democratic control of the Senate and White House, these Appropriations measures will receive significant pushback, but will serve as the House Republican’s starting point in negotiations. Moreover, Republicans will endeavor to use these bills to highlight fiscal constraint headed into the November election, and leverage their ability to decide where to allocate funding as a means to highlight their priorities.

Final FY25 Appropriations negotiations are likely to occur after the November election, which is considered the lame duck session. The federal government is currently funded through September 30, 2024. It is expected that Congress will work hard to pass a Continuing Resolution to avoid a government shutdown, however a shutdown is not entirely off the table.

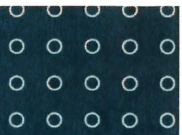
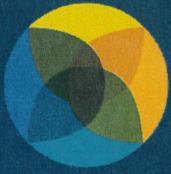
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## Administration/Agency



### EPA Issues Alert on Cybersecurity Threats to Drinking Water Systems

On May 20, 2024, the U.S. Environmental Protection Agency (EPA) released an enforcement alert highlighting the critical cybersecurity threats facing community drinking water systems and detailing necessary compliance measures under the Safe Drinking Water Act. Recent EPA inspections have revealed that over 70 percent of inspected water systems do not fully comply with the Safe Drinking Water Act's requirements and would be susceptible to a cyber-attack. To address these vulnerabilities, the EPA will enhance and



increase their inspection and enforcement activities under the Safe Drinking Water Act section 1433.

In addition to enforcement, the EPA, CISA, and the FBI are advising system operators to implement measures outlined in the "Top Actions for Securing Water Systems" guidance. These measures include reducing exposure to public-facing internet, conducting regular cybersecurity assessments, changing default passwords, inventorying OT/IT assets, backing up OT/IT systems, developing and testing incident response and recovery plans, mitigating vulnerabilities, and conducting cybersecurity awareness training.

EPA Administrator Michael S. Regan and National Security Advisor Jake Sullivan have also communicated the urgency of these threats to the nation's governors, urging state collaboration to develop strategies that address cybersecurity vulnerabilities in water and wastewater systems. States are encouraged to submit action plans by late June outlining their strategies to mitigate these risks.

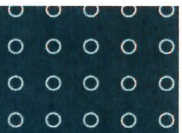
### **President Biden Expands San Gabriel Mountains National Monument**

On Thursday, May 2, 2024, President Joe Biden formally designated 106,000 acres of new land to the San Gabriel Mountains National Monument, following months of advocacy by local organizations, Tribes, Congresswoman Judy Chu (D-CA-28), and Senator Alex Padilla (D-CA). The expansion area contains mountain ranges north of Sylmar, Burbank, and Pasadena; including the Arroyo Seco Tributary and Big Tujunga Reservoir, which convey and store a significant amount of water which beliefs the Los Angeles region. Under the Antiquities Act, the President can designate existing federal lands as National Monuments to preserve areas of cultural, historic or scientific interest. The original 346,000-ares of the San Gabriel Monument was initially designated by President Obama in 2014.

Although all of the proposed expansion land is currently part of either the Angeles National Forest or the San Bernadino National Forest. Proponents of the designation suggest expanding the monument would increase access to parks and the outdoors for the millions of individuals who live near the parks proposed boundaries in population dense Los Angeles, . Additionally, advocates say the expansion will protect watersheds that supply a significant amount of the region's non-imported drinking water. Annual visitation to the Monument could surpass that of Yellowstone National Park, which hosted 4.5 million visitors in 2023, and was the nation's 4th most visited National Park.

Moreover, the designation is consistent with President Biden's effort to preserve 30% of Federal lands and waters by 2030, part of this Administrations ongoing efforts to mitigate





the impacts of climate change. President Biden has already used the Antiquities Act to designate more Federal Lands during his first term than any President since President Jimmy Carter, and is poised to designate several more before the November election.

### **Biden Administration Releases National Security Memorandum on Critical Infrastructure**

*Memorandum covers 16 critical infrastructure sectors including drinking water and wastewater systems*

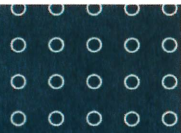
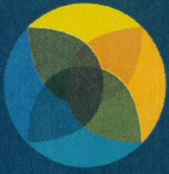
On April 30, 2024, the White House released a new National Security Memorandum (NSM) on Critical Infrastructure Security and Resilience. The effort employs a whole government approach to protect vital U.S. infrastructure from both physical and cybersecurity threats, as well as climate change impacts.

The memorandum lays out requirements and recommend practices for federal agencies operating critical infrastructure. Specifically, the NSM:

- Designates the Cybersecurity and Infrastructure Security Agency (CISA) as the National Coordinator for the effort;
- Requires the Secretary of Homeland Security to submit a National Risk Management Plan every two years ;
- Elevates the importance of minimum security and resilience requirements within and across critical infrastructure sectors; and
- Establishes a federal department or agency responsible for managing risk for each of the 16 designated critical infrastructure sectors, known as a Sector Risk Management Agency (SRMA).

SRMAs will lead efforts for their designated critical infrastructure sector and conduct sector-specific risk management efforts in coordination with DHS. The Environmental Protection Agency (EPA) is the designated SRMA for the water sector.

The release of the NSM aligns with the Biden Administration's larger efforts to increase focus on cybersecurity threats in the water sector.



## Ongoing efforts

On January 18, 2024, just weeks after a Pennsylvania utility was hacked by an Iranian backed foreign terrorist organization, the EPA and several security agencies issued joint guidance urging water and wastewater utilities to enhance their cybersecurity defenses. While not mandatory, the guidance laid out steps for water agencies regarding how to build cyber-security defenses, and create a robust incident response plan; including steps to detect threats, report and contain incidents, collect data, and mitigate long term damage following an incident. Furthermore, the agencies aim is to enhance wastewater cybersecurity by connecting utilities with federal resources. The Biden Administration has also called on Congress to pass legislation which would allow the EPA to mandate cybersecurity improvements in the water sector.

## Funding

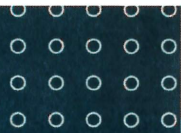
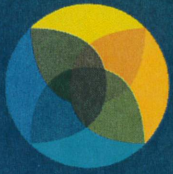
The Biden Administration has announced nearly \$50 billion in water infrastructure investments nationwide. This funding includes over \$23 billion in the drinking water and clean water State Revolving Funds that can be used for cybersecurity threats.

To learn about funding available for cybersecurity improvements, click [HERE](#).

## U.S. Bureau of Reclamation Announced \$9 Million to Repair Glen Canyon Dam

The U.S. Bureau of Reclamation's (USBR) announced on May 16, 2024, that it would invest \$9 million to restore the River Outlet Works of Glen Canyon Dam to full operational capacity. This comes, following the USBR's discovery this April that the River Outlet Works of the Glen Canyon Dam had been damaged last year during a high-flow sandbar mitigation experiment. The announcement comes as part of a larger \$520 million funding package distributed to over 57 water infrastructure projects.

The work is critical to Colorado River Lower Basin States, as the River Outlet Works are the last available point for water from Lake Powell to flow through the Glen Canyon Dam. Should water levels in the Lake ever drop below the level required to produce hydropower, the River Outlet Works ensure water deliveries can be made to those who depend on it in the Lower Basin. While USBR requires that water levels in Lake Powell not drop below 3,490 feet in elevation, the minimum required for hydropower production, the River Outlet Works represent an important precautionary measure. As of May 15, 2024, Lake Powell is sitting at 3,562 feet in elevation—well below its all-time average, but well above the hydropower minimum. Repair work is scheduled to begin later this year.



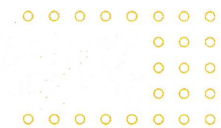
## EPA Delivers Report to Congress Detailing \$630 Billion in Clean Water Infrastructure Needs Over Next 20 Years

On May 13, 2024, the Environmental Protection Agency (EPA) submitted a report to Congress detailing the necessary investments for upgrading clean water infrastructure over the next 20 years, and estimated a cost of \$630 billion to make the needed upgrades.

The report is derived from data collected in the 2022 Clean Watersheds Needs Survey, which gathers information on current clean water infrastructure and future investment needs to meet the Clean Water Act's objectives. Directed by Congress, the survey compiles information on projects eligible for Clean Water State Revolving Fund loans across four categories: wastewater, stormwater, decentralized wastewater treatment, and nonpoint source control. The Biden administration secured \$50 billion within the Bipartisan Infrastructure Law to address aging water infrastructure needs, with \$13 billion allocated to wastewater and stormwater management. Based on the survey's data, California alone is expected to require over \$40 billion in funds over the next 20 years to meet its water infrastructure needs.

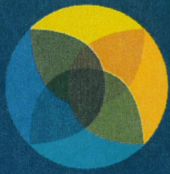
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### **Funding Opportunities**



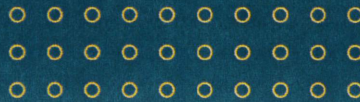
#### FY24 Sewer Overflow and Stormwater Reuse Municipal Grants Program

The Environmental Protection Agency (EPA) has now opened their Sewer Overflow and Stormwater Reuse Municipal Grants Program for FY24. This is a government initiative aimed at addressing the challenges associated with sewer overflows and stormwater management in municipalities. This program focuses on providing financial assistance and resources to local governments and communities to implement effective solutions for controlling and mitigating sewer overflows, as well as promoting the sustainable reuse of stormwater. California received an allocation of \$4.31 million from the total pool of funding. Regions must obligate funds under interagency agreements or direct grants to state entities by **September 30, 2025**, or the funds may be subject to Congressional rescission. More information can be found [here](#).



# BBK

BEST BEST & KRIEGER LLP  
ATTORNEYS AT LAW



## FEDERAL REPORT



**DIRECTOR OF  
GOVERNMENT AFFAIRS**

**Ana D. Schwab**

☎ (202) 370-5311

✉ ana.schwab@bbklaw.com

📍 Washington, D.C.



**PARTNER**

**Lowry A. Crook**

☎ (202) 370-5328

✉ lowry.crook@bbklaw.com

📍 Washington, D.C.



**ASSISTANT DIRECTOR OF  
GOVERNMENT AFFAIRS\***

**Christopher Keosian**

☎ (202) 370-5297

✉ christopher.keosian@bbklaw.com

📍 Washington, D.C.

*\*Not admitted to the practice of law*



**LEGISLATIVE COORDINATOR\***

**Alex Dunn**

☎ (202) 370-5308

✉ alex.dunn@bbklaw.com

📍 Washington, D.C.

*\*Not admitted to the practice of law*



May 13, 2024

TO: Government Affairs and Community Outreach Committee, Upper San Gabriel  
Valley Municipal Water District  
FROM: Steve Baker  
SUBJECT: May 13, 2024, Legislative Update

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As reported previously, the biggest issue Legislators and the Governor have to deal with in 2024 is a significant budget deficit. In January, The Governor projected a shortfall of \$38 billion and has proposed addressing the deficit by dipping into the state's rainy day fund, using \$13 billion of the \$30 billion available. The Governor also proposed a variety of cuts and deferrals to make up the shortfall. The Legislative Analyst Office projected a deficit of \$73 billion as a result of the economic downturn. The difference between LAO and the Governor is the result of a difference of opinion on revenue projections as well as some difference on accounting methodologies. The Legislature has now taken early action on the budget, and cut \$16 billion from the budget. The early action budget also provides the Department of Finance the ability to cut more. In the meantime, tax revenues continue to come in slightly lower than forecast. On Friday, May 10, the Governor released a Summary of the May Revise. The Administration said revenues are \$10 billion less than projected and the 2024 deficit has increased by \$7 billion, making the total deficit \$27.6 billion this year and \$30 billion in 2025. The Governor proposes to address the deficit with a combination of reserves, reductions, delays, borrowing and fund shifts. The reductions impact virtually every area of the budget including core programs in healthcare, homelessness, and the environment. The Governor is proposing a reduction of \$500 million at the Department of Water Resources for water storage in 2025-2026.

The legislature has been busy over the past month considering hundreds of policy bills before the April 26 deadline. They will now have until May 17 to consider the fiscal impact of legislation. Authors have been warned that bills with significant costs will have a hard time moving forward.

There have been numerous bills introduced that would place a bond on the ballot to fund a variety of water/climate/resources projects. At the same time, other interests are advocating for housing and education bonds. The Speaker and Pro Tem have said the total bonding capacity they are willing to consider for all bonds in November is \$10 billion. The Governor has said he is open to bonded indebtedness of an additional \$20 billion. A variety of water interests are seeking a total of \$8 billion just for water projects. It will now be up to legislative leaders, individual Legislators, and the various interest groups to negotiate a package of bonds with the Governor before the June 27 deadline. This is all overshadowed by the very narrow passage of Proposition 1 in March.

**Bills of Interest**

AB 1827 (Papan, D-San Mateo). This bill makes it easier for water agencies to adjust rates under Proposition 218 by allowing a calculation based on higher water usage demand of parcels. Upper District is in support. The bill is pending on the Assembly floor.

AB 2257 (Wilson, D-Suisun City). This bill limits challenges to water rates under Proposition 218 unless a person has filed a timely appeal. The bill has other provisions. Upper District is in support. The bill is pending in the Assembly Local Government Committee.

SB 366 (Caballero, D-Merced). This bill would require a variety of state agencies to develop a comprehensive water plan for California. Upper District is in support. The bill is pending in the Assembly Water, Parks and Wildlife Committee.

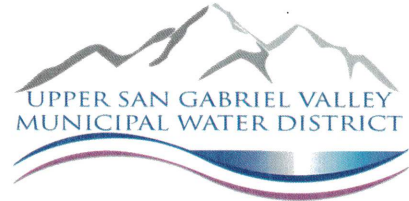
SB 903 (Skinner, D-Berkeley). This bill would ban the manufacture or sale of PFAS in California after January 1, 2032. Upper District is in support. This bill is pending in the Senate Appropriations Committee.

SB 1169 (Stern, D-Los Angeles). This bill would allow the Los Angeles County Flood Control District to borrow more money and pay it off over a longer period of time, thus allowing them to complete more projects. Upper District is in support. The bill is pending in the Senate Local Government Committee.

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2.034.24



# MEMORANDUM



## ITEM 4.

**DATE:** June 3, 2024  
**TO:** Government and Community Affairs Committee and Board of Directors  
**FROM:** General Manager  
**SUBJECT:** Federal Legislative Summaries

### **RECOMMENDATION**

Approve staff recommendation for the following federal bills: S. 3127, S.4172, S. 4220, S. 4242, H.R. 4385, H.R. 6053, H.R. 7922, and H.R. 7944, which are consistent with Upper District’s 2023-2024 Legislative Policy Principles adopted by the Board in January 2023.

### **Federal Bill Analysis**

#### **S. 3127 (Merkley-OR): Break Free From Plastic Pollution Act of 2023**

**Introduced:** 10/25/2023; **Status:** Committee on Environment and Public Works.

**Summary:** This bill would amend the Solid Waste Disposal Act to reduce the production and use of certain single-use plastic products and packaging, to improve the responsibility of producers in the design, collection, reuse, recycling, and disposal of consumer products and packaging, to prevent pollution from consumer products and packaging from entering into animal and human food chains and waterways, and for other purposes. The bill proposes aggressive targets for reducing single-use plastic products, mandates that all single-use beverage containers be reusable, recyclable, or compostable, and calls for a nationwide beverage container refund program. The Act is designed to shift the burden of plastic waste management from consumers and communities to the corporations responsible for producing plastic products.

**Analysis:** The U.S. faced critical issues with ineffective recycling systems, health and environmental hazards from plastic production, overreliance on single-use plastics, and lack of corporate accountability for plastic waste. The plastics industry continued to grow, contributing to pollution and conflicting with clean energy efforts. Additionally, significant amounts of plastic waste were exported to countries with inadequate waste management systems, exacerbating global pollution. Public demand for action was rising, highlighting the need for comprehensive measures to address plastic pollution and its impacts on health, environment, and communities. This legislation aims to address the escalating plastic pollution crisis through several key measures. It seeks to reduce the production and use of single-use plastics, enhance producer responsibility for plastic waste, and improve the overall management of plastic pollution. The bill acts as the House companion to Congressman Jared Huffman’s (CA-2) H.R. 6053.

**STAFF RECOMMENDATION:** Support

**S. 4172 (Kelly-AZ): Drought Resilient Infrastructure Act of 2024**

**CoSponsors: Senators Padilla, Sinema, Heinrich, Rosen**

**Introduced:** 4/18/2024; **Status:** Committee on Environment and Public Works.

**Summary:** This bill would direct the U.S. Army Corps of Engineers (Army Corps) to prioritize water conservation or storage efforts at Corps facilities and directs the Army Corps to prioritize these conservation efforts above other Corps missions (like flood control or combating invasive species) during times of drought. The bill provides new Army Corps infrastructure programs to help states, counties, cities, tribes, and other water users construct projects that respond to or prevent worsening drought conditions. Currently, the Army Corps lacks the authority to modify their water operations for conservation purposes.

**Analysis:** The Army Corps operates more than 700 dams, maintains 900 harbors, and 12,000 miles of inland waterways. As various regions of the country experience drought conditions, the Army Corps is well-positioned to play an important role to help better store sources of drinking water, manage navigable waterways during times of drought, and fund infrastructure improvements that help communities and water users better prepare for and respond to drought conditions. Yet in many instances, the Army Corps of Engineers lacks the necessary authorities to modify the operation of existing Corps facilities or invest in infrastructure improvements in response to drought conditions. The *Drought Resilient Infrastructure Act* gives the Army Corps of Engineers the necessary tools to respond to drought conditions and better manage scarce water resources. The Santa Fe Dam and Whittier Narrows Dam are both operated by the Army Corps, having this flexibility to store water behind these dams for water conservation would provide regional benefits to Upper District's service area.

**STAFF RECOMMENDATION:** Support

**S. 4220 (Wyden-OR): Water, Sanitation, and Hygiene Access Data Collection Act of 2024 (WASH Access Data Collection Act)**

**Summary:** The legislation aims to address the lack of comprehensive data on water and sanitation needs for more than two million Americans who lack reliable access to running water, indoor plumbing, or adequate sanitation systems. It specifically targets vulnerable communities, including communities of color, low-income areas, rural regions, and Tribal reservations.

The bill proposes the establishment of a federal data collection initiative on water access needs across the U.S. and an interagency Water and Sanitation Needs Working Group to survey households without complete water and sanitation services. This effort will enable the federal government to gather the necessary data to effectively close the "water access gap." The bill authorizes \$10 million in annual appropriations for FY25 to FY29.

**Analysis:** Currently in the United States, there is no comprehensive data collected to accurately measure the water and sanitation access gap across the country. Current federal data undercounts vulnerable communities, underrepresents wastewater services, and contains inconsistencies. As a result, there are not enough investments in critical water service and delivery infrastructure for communities that have suffered from water insecurity, poverty, and health disparities.

**STAFF RECOMMENDATION:** Support

**S. 4242 (Hickenlooper-CO): Drought Preparedness Act**

**Introduced:** 5/2/2024; **Status:** Committee on Energy and Natural Resources.

**Summary:** This bill reauthorizes through FY2028 the Reclamation States Emergency Drought Relief Act of 1991, which allows the Bureau of Reclamation to provide drought assistance to certain western states. Specifically, the *Drought Preparedness Act* would:

- Reauthorize the Reclamation States Emergency Drought Relief Act through 2028
- Continue authorities for DOI to prepare drought contingency plans and provide technical assistance to State, local, and Tribal governments on their drought contingency plans.
- Maintain authorities for DOI loans to water users for drought mitigation projects.



- Support emergency response actions to minimize damages from drought.

**Analysis:** The West faces severe water reliability challenges due to climate change, persistent drought, and increasing water scarcity. The changing climate in the West highlights the need for thoughtful planning and work to ensure our infrastructure is more resilient and that planning for changes in land use is considered over the long-term. Reclamation's Drought Response Program is an important program by which Reclamation helps with drought planning and mitigation. If enacted, this bill would extend the Act through 2028.

S.4242 serves as the companion to Representative Joe Neguse's (CO) House bill, H.R. 4385, which passed the House on February 5, 2024, and is now awaiting Senate consideration. The Reclamation States Emergency Drought Relief Act of 1991 is set to expire at the end of Fiscal Year 2023.

**STAFF RECOMMENDATION:** Support

**H.R. 4385 (Neguse-CO): Drought Preparedness Act**

**Introduced:** 6/27/23; **Status:** Passed the House; Senate Committee on Energy and Natural Resources

**Summary:** Companion bill to Senator Hickenlooper's S.4242. Please refer to bill summary above.

**STAFF RECOMMENDATION:** Support

**H.R. 6053 (Huffman-CA): Break Free From Plastic Pollution Act of 2023**

**Introduced:** 10/25/2023; **Status:** Subcommittee on Conservation, Research, and Biotechnology.

**Summary:** Companion bill to Senator Merkley's S. 3127. Please refer to bill summary above.

**STAFF RECOMMENDATION:** Support

**H.R. 7922 (Crawford-AR): Water Risk and Resilience Organization (WRRO) Establishment Act**

**Introduced:** 4/10/2024; **Status:** Subcommittee on Environment, Manufacturing, and Critical Materials.

**Summary:** This legislation establishes a new governing body, the WRRO, with cyber and water-system expertise to develop and enforce cybersecurity requirements for drinking and wastewater systems. The WRRO will work in partnership with the U.S. Environmental Protection Agency (EPA) to ensure cybersecurity measures are both practical and beneficial.

**Analysis:** The U.S. water infrastructure faced significant vulnerabilities to cyber threats. Hackers increasingly targeted critical infrastructure, including water treatment plants, essential for public health and safety. The federal government, including the FBI and EPA, repeatedly warned about these threats, stressing the need for enhanced cybersecurity measures to protect water systems from potential disruptions and contamination resulting from cyberattacks. The legislation would authorize a WRRO, a sector-led entity, to develop, implement and enforce cybersecurity risk and resilience requirements for drinking and wastewater systems. The WRRO was inspired by the successful model implemented in the U.S. electric sector.

**STAFF RECOMMENDATION:** Support

**H.R. 7944 (Curtis-UT): Water Systems PFAS Liability Protection Act**

**Introduced:** 4/11/2024; **Status:** Committee on Energy and Commerce; Committee on Transportation and Commerce

**Summary:** This bill would exempt certain entities from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) with respect to releases of perfluoroalkyl and polyfluoroalkyl substances. The bipartisan bill would exempt various water-related entities, such as public water systems, water treatment facilities, municipalities with stormwater discharge authorization, and political subdivisions or special districts acting as wholesale water agencies, from CERCLA cleanup liabilities

**Analysis:** In 2022, the EPA formally announced plans to designate two of the most common perfluoroalkyl and polyfluoroalkyl substances (PFAS) (PFOA), as hazardous substances under the CERCLA. If finalized, this

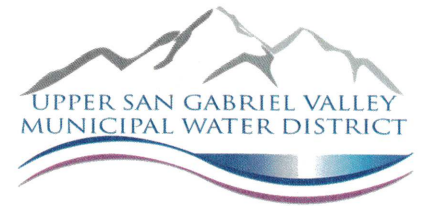
designation could put drinking water utilities at risk of incurring cleanup liability when they take necessary steps to remove and dispose of PFAS deposited into water supplies by upstream polluting industries. In addition, wastewater and stormwater utilities could also be put at risk as they receive PFAS chemicals through the raw water inflows that arrive at treatment plants or through municipal stormwater runoff.

This bill would provide an exemption to designated water agencies as the EPA is set to soon designate PFAS as a hazardous substance under CERCLA and ensures that eligible entities are safeguarded from cost or damage recovery. resulting from the release of CERCLA covered PFAS substances into the environment. The bill acts as the House companion to Senator Cynthia Lummis' (R-WY) S. 1430, which was introduced on May 3, 2023.

**STAFF RECOMMENDATION:** Support



# MEMORANDUM



## ITEM 5.

**DATE:** June 3, 2024  
**TO:** Government and Community Affairs Committee and Board of Directors  
**FROM:** General Manager  
**SUBJECT:** Professional Service Agreement with G3LA, LLC

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### **RECOMMENDATION**

Authorize the General Manager to amend the professional services agreement with G3LA, LLC (DBA G3, Green Gardens Group), for the administration of Upper District’s landscape workshop programs and extend the term to June 30, 2026, increasing the contract amount by \$40,000 with a not to exceed total contract amount of \$140,000.

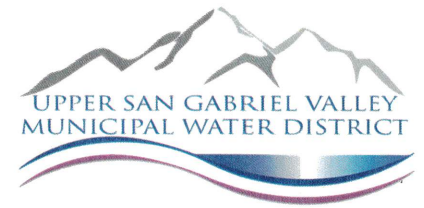
### **Background**

Since October 2020, Upper District has utilized the services of G3LA, LLC (G3), for the administration of landscape workshops and virtual web seminars. During this time, G3 has administered 41 virtual landscape workshops to over 1,500 participants in conjunction with Upper District. G3 provided one-on-one free landscape consultations to Upper District residents at WaterFest in May 2024. These consultations were very well received, and staff anticipates continuing this benefit to Upper District residents at future community events and at WaterFest 2025.

G3 creates educational content and flyers, manages registrations, performs the workshop, handles questions and answers, and executes polls to guide future landscape workshops for the region. Upper District staff attend the workshops to provide a brief explanation of the purpose and vision for the District and is also available to assist with questions that may arise about rebates, water efficiency opportunities, and future events. G3 also meets with Upper District staff twice a year to create innovative workshop content and cater the presentations to the needs and desires of the District. Their understanding of the drought, watering restrictions, and irrigation issues within the District is extensive and their content reflects that expertise.

Staff requests that the agreement be increased by \$40,000 to cover the use of enhanced workshops, in-person opportunities, and highly requested on-demand options for participants. The contract increase and 2-year term extension coincides with the Board’s adoption of a biannual budget for FY24-25 and FY25-26.

# MEMORANDUM



## ITEM 6.

**DATE:** June 3, 2024  
**TO:** Government and Community Affairs Committee and Board of Directors  
**FROM:** General Manager  
**SUBJECT:** Professional Services Agreement with 789 inc.,

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### **RECOMMENDATION**

Authorize the General Manager to amend the professional services agreement with 789 Inc., for public relations services for a one-year term ending on July 30, 2025, increasing the contract by \$66,900 with a not-to-exceed total contract amount of \$133,800.

### **Background**

Since March of 2022, Upper District has utilized the services of 789 inc., to assist in the development and production of Upper District's regional drought messaging campaign, branding and updating marketing materials, website, and social media. 789 inc. provided Upper District with the successful "Thank U" messaging campaign that not only raised awareness of the drought but challenged the consumer to value the water we drink by conserving and saving for future use. Additionally, the rollout of this campaign led to Upper District's largest advertising buy in its history, totaling \$100,000 of paid advertisements across the service area.

In recent months, staff have worked closely with 789 inc. to implement a branding refresh campaign for the agency. In the coming weeks, a full presentation will be provided to the Board with new concepts for the Board to consider and approve. The next phase of branding will consist of updating the Upper District's website, marketing materials and program fact sheets. In addition, having the talent and services of 789 inc., available to staff is a great resource for keeping agency communications on trend as we continually strive to connect and engage with residents.

Staff recommends the Board consider the approval of a one-year term contract extension with 789 Inc. and increase the contract by \$66,900 with a not-to-exceed total contract amount of \$133,800.