



San Gabriel Valley Council of Governments

AGENDA AND NOTICE OF THE MEETING OF THE WATER POLICY COMMITTEE & WATER TECHNICAL ADVISORY COMMITTEE (TAC)

Tuesday, August 10, 2021, 10:00 AM

Zoom Link: <https://us06web.zoom.us/j/86362186407>

Livestream Link: <https://youtu.be/2Gj7V-4jpEA>

Water Policy Chair
Gloria Crudgington
City of Monrovia

Vice-Chair
Jennifer Stark
City of Claremont

MEMBERS
Claremont
Glendora
Monrovia
Rosemead
San Gabriel
Sierra Madre
South Pasadena

Water TAC Chair
Alex Tachiki
City of Monrovia

Vice Chair
Tom Love
Upper San Gabriel Valley
Municipal Water District

MEMBERS
Alhambra
Bradbury
Covina
Duarte
Glendora
Monrovia
Pomona
Sierra Madre
LA County DPW
Upper San Gabriel Valley
MWD

EX-OFFICIO
LA County Sanitation
Districts
SG Basin Watermaster

Thank you for participating in today’s meeting. The Water Committee encourages public participation and invites you to share your views on agenda items.

MEETINGS: *Regular Meetings of the Water Committee are held on the second Tuesday of each month at 10:00 AM at the Upper San Gabriel Valley Municipal Water District Offices (602 E. Huntington Drive, Suite B Monrovia, CA 91016).* The agenda packet is available at the San Gabriel Valley Council of Government’s (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, www.sgvkog.org. Copies are available via email upon request (sgv@sgvcog.org). Documents distributed to a majority of the Committee after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

PUBLIC PARTICIPATION: Your participation is welcomed and invited at all Water Committee and Water TAC meetings. Time is reserved at each regular meeting for those who wish to address the Committee. SGVCOG requests that persons addressing the Committee refrain from making personal, slanderous, profane or disruptive remarks.

TO ADDRESS THE COMMITTEE: At a regular meeting, the public may comment on any matter within the jurisdiction of the Committee during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The Water Committee and Water TAC may not discuss or vote on items not on the agenda.**

AGENDA ITEMS: The Agenda contains the regular order of business of the Water Committee and the Water TAC. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Committee/TAC can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Committee member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Committee.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



MEETING MODIFICATIONS DUE TO THE STATE AND LOCAL STATE OF EMERGENCY RESULTING FROM THE THREAT OF COVID-19:

On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 authorizing a local legislative body to hold public meetings via teleconferencing and allows for members of the public to observe and address the meeting telephonically or electronically to promote social distancing due to the state and local State of Emergency resulting from the threat of the Novel Coronavirus (COVID-19).

To follow the new Order issued by the Governor and ensure the safety of Committee Members and staff for the purpose of limiting the risk of COVID-19, in-person public participation at the Water Policy Committee and Technical Advisory Committee (TAC) meeting scheduled for August 10, 2021 at 10:00 a.m. will not be allowed. To allow for public participation, the Water Police Committee and TAC will conduct its meeting through Zoom Video Communications. To participate in the meeting, download Zoom on any phone or computer device and copy and paste the following link into your browser to access the live meeting: <https://us06web.zoom.us/j/86362186407>. You may also access the meeting via the livestream link on the front of the agenda page.

Submission of Public Comments: For those wishing to make public comments on agenda and non-agenda items you may submit comments via email or by phone.

- Email: Please submit via email your public comment to Samantha Matthews at smatthews@sgvcog.org at least 1 hour prior to the scheduled meeting time. Please indicate in the Subject Line of the email “FOR PUBLIC COMMENT.” Emailed public comments will be part of the recorded meeting minutes. Public comment may be summarized in the interest of time, however the full text will be provided to all members of the Committee prior to the meeting.
- Zoom: Through Zoom, you may speak by using the web interface “Raise Hand” feature. Wait to be called upon by staff, and then you may provide verbal comments for up to 3 minutes. Public comment is taken at the beginning of the meeting for items not on the agenda. Public comment is also accepted at the beginning of each agenda item.

Any member of the public requiring a reasonable accommodation to participate in this meeting should contact Samantha Matthews at least 48 hours prior to the meeting at (626) 457-1800 or email smatthews@sgvcog.org.

PRELIMINARY BUSINESS

1. Call to Order
2. Roll Call
3. Public Comment (*If necessary, the Chair may place reasonable time limits on all comments*).
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting.

CONSENT CALENDAR (*It is anticipated that the Water Committee/TAC may act on the following matters*)

5. Water Committee/TAC Meeting Minutes – Page 1
Recommended Action: Approve June 29, 2021 Water Committee/TAC meeting minutes.

PRESENTATION (*It is anticipated that the Water TAC may act on the following matters*)

6. Introductory Remarks from SGVCOG President Becky Shevlin
Recommended Action: For information only.
7. Water Supply Update – Demetri Polyzos, Senior Engineer, Metropolitan Water District of Southern California; Tom Love, General Manager, Upper San Gabriel Valley Municipal Water District; Kelly Gardner, Assistant Executive Officer, Main San Gabriel Basin Watermaster – Page 4
Recommended Action: For information only.

UPDATE ITEMS (*It is anticipated that the Water Committee/TAC may act on the following matters*)

8. Regional Phase I Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit – Page 6
9. State Water Resources Control Board Order on Approval of Watershed Management Programs (WMPs) and an Enhanced Watershed Management Program (EWMP)
10. Safe Clean Water Program – Page 11
11. Federal and State Budget and Legislative Updates – Page 13
12. Litigation Updates
13. E/WMP Updates
14. Water TAC Chair Report
15. Water Boards Update

CHAIR'S REPORT

ANNOUNCEMENTS

ADJOURN



**SGVCOG Joint Water Policy Committee/TAC Meeting
Unapproved Minutes**

Date: June 29, 2021
Time: 10:00 AM
Location: Zoom/YouTube teleconference meeting

PRELIMINARY BUSINESS

1. Call to Order: The meeting was called to order at 10:01 A.M.
2. Roll Call

Water Policy Committee Members Present

J. Stark; Claremont
G. Boyer; Glendora
G. Crudgington; Monrovia
C. Liao; San Gabriel
R. Arizmendi; Sierra Madre
D. Mahmud; South Pasadena

Water Policy Committee Members Absent

Rosemead

Water TAC Members Present

D. Dolphin; Alhambra
S. Costandi; Covina
S. Gallant; Covina
A. Sweet; Glendora
R. Wang; LA County Public Works
A. Tachiki; Monrovia
J. Carver; Pomona
J. Carlson; Sierra Madre
P. Cortez; USGVMWD

Water TAC Members Absent

Bradbury
Duarte
SGVMWD
South Pasadena

Ex Officio Members Present

K. Gardner; Watermaster

Ex Officio Members Absent

LA County Sanitation Districts

Guests

B. Datti; Craftwater
S. Armenta; Rubio's Staff

SGVCOG Staff

S. Matthews
C. Sims

3. Public Comment
There was no public comment.
4. Changes to Agenda Order.
No changes to agenda order.

CONSENT CALENDAR

5. Water Committee/TAC April Meeting Minutes

**There was a motion to approve the Water Committee/TAC May meeting minutes.
(M/S: J. Stark/G. Boyer)**

[MOTION PASSED]

AYES:	Committee – Claremont; Glendora; Monrovia; Sierra Madre TAC – Alhambra; Covina; Glendora; Monrovia; Pomona; Sierra Madre; LA County Public Works; USGVMWD
NOES:	
ABSTAIN:	
ABSENT:	Committee – Rosemead; San Gabriel; South Pasadena TAC – Bradbury; Duarte; South Pasadena; SGVMWD

6. Water Policy Committee Election

**There was a motion to approve the election of Gloria Crudgington as Chair and Jennifer Stark as Vice Chair of the Policy Committee.
(M/S: J. Stark/G. Boyer)**

[MOTION PASSED]

AYES:	Committee – Claremont; Glendora; Monrovia; Sierra Madre
NOES:	
ABSTAIN:	
ABSENT:	Committee – Rosemead; San Gabriel; South Pasadena

DISCUSSION ITEMS

7. Regional Phase I Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit

A. Tachiki provided an overview of the Revised Tentative Permit, the Regional Board workshop, and the Water TAC meeting. He provided an overview of the changes to the Revised Tentative Permit and announced that most of the SGVCOG substantive comments were not included. He provided an overview of the TAC meeting discussion and the strategy to focus on four key areas of comments at the public hearings including fiscal resources, compliance attainment, compliance schedules, and monitoring and reporting. G. Crudgington asked a clarifying question on the compliance schedules and time schedule orders (TSOs). C. Liao asked a question on Measure W funding availability and A. Tachiki provided an overview of the regional program opportunity. SGVCOG indicated that they will conduct outreach to Committee members, elected officials, and City staff to request volunteers to speak at the Regional Board public hearings using talking points that the consultant team led by Craftwater Engineering will provide.

UPDATE ITEMS

8. Los Angeles County Water Plan Development

C. Sims provided an update and announced that SGVCOG staff attended the LA County meeting on Water Plan Development and announced that little progress has been made on this effort.

9. State Water Resources Control Board Second Proposed Order on Approval of Watershed

Management Programs and an Enhanced Watershed Management Program
No updates.

10. Safe Clean Water Program

S. Matthews provided an update on the program and the recently released interim Disadvantaged Communities (DACs) programming guidelines. These guidelines clarify that the program goal of delivering is achieved by locating projects within a DAC or by providing a “direct benefit” to a DAC. There was a discussion on how this determination is not clear enough. In other program updates, the WASCs have been meeting to program Stormwater Investment Plans (SIPs). All SIPs were approved by the WASCs and the ROC will meet on June 29 to vote to send all SIPs to the Board of Supervisors.

11. Federal and State Budget and Legislative Updates

S. Matthews provided an update on the Whittier Narrows Dam project funding. President Biden included more than \$219 million in the 2022 budget for the project and Congresswoman Napolitano is leading the effort in Congress to have the appropriates provide this funding in the final appropriations bills. S. Matthews also provided an overview of legislation the Committees have been tracking. Four bills, SB 45 (Portantino, Allen, Hurtado, Stern), SB 230 (Portantino), SB 426 (Rubio), and AB 377 (Rivas) have become two-year bills and must pass the Senate by January 31, 2022.

12. Litigation Update

No updates.

13. E/WMP Updates

No updates.

14. Water TAC Chair Report

No updates.

15. Water Supply Update

K. Gardner provided a groundwater update. The key well is down to 191.3 feet, losing between one half foot and one foot per month. She also provided an update on a canyon restoration project with LA County to remove wildfire sediment.

16. Water Boards Update

No updates.

CHAIR’S REPORT

No report.

ANNOUNCEMENTS

No announcements.

ADJOURN

Meeting adjourned at 11:10 A.M.

DATE: August 10, 2021
TO: Water Policy Committee/TAC
FROM: Marisa Creter, Executive Director
RE: **WATER SUPPLY UPDATE**

RECOMMENDED ACTION

For information only.

BACKGROUND

In 2021, below average precipitation, below average snowmelt runoff, and above average spring temperatures regionwide have led to drought conditions in California. Expected water supply conditions significantly changed during April 2021 when very little precipitation and warm temperatures led to snowpack not producing expected runoff. Runoff in the Upper Colorado River Basin is projected to be the second driest on record, and runoff in the Sacramento River is projected to be the fourth driest on record. The United States Bureau of Reclamation (USBR) continues to project declining Lake Mead water elevation. As of June 20, the 8-Station Index, a measure of precipitation in the northern Sierras, is at 46% of average which is the third driest on record.

On April 21, Governor Newsom declared a State of Emergency Proclamation, which originally included Mendocino and Sonoma counties due to the drought conditions in the Russian River watershed. On May 10, the drought emergency was significantly expanded to 39 more counties within the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake watersheds. This expands the state of emergency to 41 of the state's 58 counties, which represent 30% of the state's population, or nearly 40 million people.

A drought emergency proclamation modifies requirements for reservoir releases and diversions to conserve water, improve water quality, and address salinity issues. It also allows water officials to expedite transfers of water to let available water be directed to where it is most needed.

On June 1, the California Department of Water Resources (DWR) and the USBR received conditional approval from State Water Resources Control Board (SWRCB) on a Temporary Urgency Change Petition. This includes temporary changes of standards for compliance with Delta water quality objectives with the goal to preserve storage in the Shasta, Folsom, and Oroville reservoirs and to preserve upstream storage for environmental protection, supplies for salinity control, and minimum health and safety water supplies.

On June 3, DWR began construction on a temporary barrier on the West False River in the Delta with construction expected to be completed by July 1 and to be removed no later than November 30. The barrier will help prevent saltwater contamination of water supplies and conserve critical water supplies in upstream reservoirs for later use by avoiding the need to send large volumes of water into the Delta to repel salinity.

Current operational conditions include a State Water Project (SWP) allocation of 5%. May 2021 deliveries of 140-thousand-acre fee (TAF) were 19 TAF higher than May 2020.

Moving forward, MWD will be implementing a Water Surplus and Drought Management (WSDM) Plan to satisfy the 2021 supply-demand gap and preserve SWP carryover storage for 2022. This plan includes drawing from dry-year storage, pursuing transfers to supplement limited SWP supply, and implementing operational actions to maximize use of Colorado River supplies.

Demetri Polyzos, Senior Engineer, at the Metropolitan Water District of Southern California (MWD) will present on California's water supply conditions, the State's drought actions, and MWD's drought operations.

Tom Love, General Manager, of the Upper San Gabriel Valley Municipal Water District and Kelly Gardner, Assistant Executive Officer at the Main San Gabriel Basin Watermaster will present on imported and local water supply.

Prepared by: 
Samantha Matthews
Management Analyst

Approved by: 
Marisa Creter
Executive Director

DATE: August 10, 2021
TO: Water Policy Committee/TAC
FROM: Marisa Creter, Executive Director
RE: **REGIONAL PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT**

RECOMMENDED ACTION

For discussion.

BACKGROUND

In December 2019, the Los Angeles Regional Water Quality Control Board (Regional Board) released the Working Proposal of the Regional Phase 1 Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit and in August 2020, released the Tentative Permit. For both the Working Proposal and the Tentative Permit, the Water Policy Committee and TAC developed comment letters that were submitted to the Regional Board. Further details on this process can be found in the June 2021 Water Policy Committee and TAC meeting staff report included as Attachment A.

On June 4, 2021, the Regional Board released the Revised Tentative Permit and a notice of public hearings for the issuance of the Permit scheduled for July 8, 9, 16, and 23. The Permit and an overview of all comments received can be found [here](#).

DISCUSSION

With the release of the Revised Tentative Permit and announcement of public hearings, the Water TAC held a special meeting on June 21 and the Water Policy Committee and TAC held a special meeting on June 29 to develop a strategy for developing comments and talking points and established four key areas of comments: fiscal resources, compliance attainment, compliance schedule, and monitoring and reporting. After the meeting, SGVCOG staff conducted outreach to Committee members, Governing Board members, other elected officials, and City staff to request volunteers to provide public comments at the Regional Board hearings.

SGVCOG staff also engaged a consultant team led by Craftwater Engineering to develop the talking points to be used by elected officials and technical City staff and to provide technical support at the public hearings.

At the July 8 hearing on the issuance of the Permit, 12 elected officials, including 10 from the San Gabriel Valley, provided coordinated policy statements. Regional Board members acknowledged the strong engagement of elected officials. At the July 16 hearing, staff of nine municipalities, including four from the San Gabriel Valley, provided coordinated technical comments.

REPORT

On July 23, the Regional Board adopted a final Permit with changes from the Revised Tentative Permit. Some of those changes include requiring semi-annual report and posting reports on a website. While NGO commenters had strongly opposed deemed compliance pathways, these provisions remained in the Permit.

At this meeting, the Water Policy Committee and TAC will discuss and provide further details on the final adopted Permit, and will discuss ways Committee members and elected officials can stay engaged on stormwater issues.

Prepared by: 
Samantha Matthews
Management Analyst

Approved by: 
Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – June 2021 Water Policy Committee/TAC Meeting Staff Report on MS4 Permit

DATE: June 29, 2021
TO: Water Policy Committee/TAC
FROM: Marisa Creter, Executive Director
RE: **REGIONAL PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT**

RECOMMENDED ACTION

For discussion.

BACKGROUND

In December 2019, the Los Angeles Regional Water Quality Control Board (Regional Board) released the “Working Proposal” of the Regional Phase 1 Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. The SGVCOG Water Policy Committee and Water Technical Advisory Committee (TAC) reviewed that Working Proposal and, in February 2020, submitted a comment letter to the Regional Board. In August 2020, the Regional Board released the draft Tentative MS4 Permit (Tentative Permit).

In September 2020, the SGVCOG engaged a consultant to provide technical and negotiation support for the MS4 Permit. At the October 2020 Water Policy Committee/TAC meeting, the consultant team led by Craftwater Engineering reviewed and received feedback on the SGVCOG’s previously submitted comments on the Working Proposal, detailed comments and recommendations on the Tentative Permit, additional areas of concern around the State Water Resources Control Board Order on Watershed Management Programs (WMPs), and recommendations on how to better integrate the Safe Clean Water Program into the Permit.

On November 10, 2020, the Water Policy Committee and TAC discussed the final draft of a comment letter and voted to recommend the SGVCOG Governing Board direct staff to submit the comment letter to the Regional Board.

On November 19, 2020, the Governing Board met and held a robust discussion on the comment letter. The Board voted to submit the comment letter as approved by the Water Policy Committee and TAC with the removal of a reference to a 2002 University of Southern California study, “An Economic Impact Evaluation of Proposed Storm Water Treatment for Los Angeles County,” as it was considered outdated. SGVCOG staff submitted the comment letter, included as Attachment A, to Regional Board staff ahead of the December 7, 2020 public comment deadline.

REVISED TENTATIVE PERMIT

On June 4, the Regional Board released the Revised Tentative Permit and a notice of public hearings for the issuance of the Permit scheduled for July 8, 9, 16, and 23. That notice is included as Attachment B. The Permit and an overview of all comments received can be found [here](#).

[This link](#) also includes responses from the Regional Board on each comment. For each SGVCOG comment, the Regional Board has indicated whether a change was made in relation to that comment. Per these response to comments documents, changes were made in response to the SGVCOG's comments in the following categories: Discharge Prohibition, TMDLs, Monitoring and Reporting, Minimum Control Measures, Watershed Management Program, Compliance Determination, Unfunded State Mandates, and Other. Changes were not made in the Trash Provision category.

The SGVCOG comment letter included as Attachment B includes Appendix A, a table of detailed comments and recommendations. Staff has updated that appendix to include the Regional Board's response of whether a change was made in relation to that comment. The Regional Board's responses to the SGVCOG's key areas of comments (included in the body of the comment letter) are included as Attachment C.

In general, the SGVCOG's key comments were not included in the Revised Tentative Permit. While the Regional Board may have noted that changes were made, those changes may not include the actual SGVCOG-requested change. The change may have been to clarify intent or to update the Fact Sheet. The Regional Board's responses to our comments generally note that no change was needed. For example, in response to our comments on the need to better define compliance attainment, the lack of available funding, and the need for flexibility, the Regional Board has indicated that no change is needed because a time schedule order (TSO) can be issued.

DISCUSSION

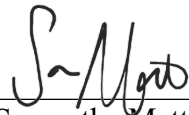
The SGVCOG Water TAC met on Monday, June 21 to develop a strategy for developing comments and talking points. TAC members volunteered to review sections of the Revised Tentative Permit and to develop 4 to 5 priority comments. There was also a discussion on the need to coordinate with other cities in LA County and with the League of California Cities.

The Regional Board held a public workshop on Tuesday, June 22 to discuss Permittee and stakeholder comments. LA County spoke in support of trying to align the available fiscal resources in the Safe Clean Water Program and available resources mentioned in the permit. Alex Tachiki, Water TAC Chair, spoke on behalf of the SGVCOG and provided the following comments:

- Support LA County on the alignment of Safe Clean Water Program language and available fiscal resources;
- Grant programs mentioned in the response to comments are all competitive and are not guaranteed which must be kept in mind when thinking of implementation schedules. In addition, these grants are very time intensive and either require staff to invest heavily or hire consultants; and
- Cities are struggling financially in the short term due to COVID and we do not know the long-term impacts of COVID on municipal budgets.

The Regional Board will consider adoption of the Permit during public hearings scheduled for July 8, 9, 16, and 23. SGVCOG staff is working to engage a consultant to assist in identifying areas to emphasize during the public hearings of the Regional Board, preparing talking points to be used by city council members, city managers, and other non-technical staff, and providing technical support at the public hearings.

At this meeting, the Water Policy Committee and TAC will discuss priority comments and talking points for the Regional Board public hearings.

Prepared by: 
Samantha Matthews
Management Analyst

Approved by: 
Marisa Creter
Executive Director

DATE: August 10, 2021
TO: Water Policy Committee/TAC
FROM: Marisa Creter, Executive Director
RE: **SAFE CLEAN WATER PROGRAM**

RECOMMENDED ACTION

For information only.

COMMITTEE AND WATERSHED AREA STEERING COMMITTEE (WASC) UPDATES

The following activities have happened since the last Water Committee/TAC meeting.

Regional Oversight Committee (ROC)

- Met on June 29, 2021 to review and discuss the Fiscal Year (FY) 2021-2022 Stormwater Investment Plan (SIP) submittals. The ROC voted to approval all nine SIPs for advancement to the Board of Supervisors (BOS).

Scoring Committee

- Will meet on August 3, 2021 to select Chair, Vice-Chair, or Co-Chairs and to discuss a summary of Year 2 Stormwater Investment Plans, the status of Year 3 applications to the Infrastructure Program, and a Work Plan for Year 3 Scoring of Feasibility Studies and Projects.

Upper Los Angeles River (ULAR) WASC

- Did not meet.

Upper San Gabriel River (USGR) WASC

- Did not meet.

Rio Hondo WASC

- Did not meet.

FY 21-22 REGIONAL PROGRAM STORMWATER INVESTMENT PLANS (SIPS)

Following approval by the ROC on June 29, final recommendations for all nine Watershed Areas are expected to be before the Board of Supervisors late summer 2021. Upon approval of the SIPS, Transfer Agreements for the Infrastructure Program and Scientific Studies will be prepared and distributed to the recipients, and Technical Resources Program recipients will be contacted by the District.

FY 21-22 MUNICIPAL PROGRAM

Each municipality must submit a FY 21-22 Annual Plan to receive the annual portion of the Municipal Program revenue. These plans are being posted on the [Safe Clean Water Program webpage](#) for access by the public. The District currently intends to disburse the Municipal Program revenue by August 2021.

ROUND 3 PROJECTS


The deadline for consideration in FY 22-23 was July 31, 2021. This call for regional projects solicited applications in three categories: Infrastructure Program, Technical Resources Program, and Scientific Studies Program. The Scoring Committee will begin scoring projects in fall 2021.


WATERSHED COORDINATORS

The District has onboarded all Watershed Coordinators who are currently developing the Strategic Outreach and Engagement Plans. Richard Watson and Associates was selected for the Rio Hondo WASC. Day One was selected for the USGR WASC. The ULAR WASC will have three Coordinators, two from the Council of Watershed Health and one from Environmental Outreach Strategies.

UPCOMING MEETINGS

- Regional Oversight Committee – TBD
- Scoring Committee – Tuesday, August 3, 2021, 9:00 am – 12:00 pm; Tuesday, September 7, 2021, 9:00 am – 12:00 pm; Tuesday, October 5, 2021; 9:00 am – 12:00 pm
- Upper Los Angeles River WASC – Wednesday, September 1, 2021, 2:00 – 4:00 pm; Wednesday, October 6, 2021, 2:00 – 4:00 pm
- Upper San Gabriel River WASC – Every 4th Thursday of the Month, 1:00 – 3:00 pm
- Rio Hondo WASC – Every 3rd Tuesday of the Month, 1:00 – 3:00 pm

Prepared by: 
Samantha Matthews
Management Analyst

Approved by: 
Marisa Creter
Executive Director

DATE: August 10, 2021

TO: Water Policy Committee/TAC

FROM: Marisa Creter, Executive Director

RE: **FEDERAL AND STATE BUDGET AND LEGISLATIVE UPDATES**

RECOMMENDED ACTION

For information only.

BUDGET UPDATES

2021-22 State Budget

On July 12, 2021, the Governor signed SB 129 (Skinner) which is the “Budget Bill Junior.” This follows previous action by the Governor on June 28 to approve the main budget bill AB 128 (Ting). These budget bills comprise the major provisions of the Fiscal Year 2021-22 State Budget for which the Governor and legislative leaders have so far agreed upon. These bills and accompanying budget “trailer bills” implement an unprecedented level of state economic stimulus to accelerate the state’s recovery from the pandemic. The \$262.6 billion spending plan is the largest budget ever adopted by the state and is fueled by a \$76 billion state surplus and \$27 billion in federal aid.

The so-called California Comeback plan includes \$5.1 billion for drought preparedness and response and a \$1.3 billion climate resilience package to prepare for extreme heat, sea level rise, and environmental justice priorities. The \$5.1 billion package addresses immediate, emergency needs and aims to build regional capacity to manage droughts and safeguard water supplies. The package also includes \$211.5 million over two years to protect communities from sea-level rise and flooding through coastal wetland restoration; \$140 million for flood risk and reductions efforts for 1.1 million people; and \$200 million for habitat restoration and multi-benefit projects.

2022 Appropriations Act – Whittier Narrows Dam Funding

On June 1, President Biden included more than \$219 million in the 2022 budget for the Whittier Narrows Dam Safety project. Allocations must now be approved by the U.S. House of Representatives and the Senate. Last year’s budget included approximately \$192.5 million for the project. At that time, the total cost was expected to be about \$385 million. Congressman Grace Napolitano, who has led the effort to make the Whittier Narrows Dam a top budget priority, sent a letter to the House Appropriations Subcommittee on Energy and Water Development requesting a \$219 million budget. That letter is included as Attachment A.

On July 31, the House passed the Minibus Appropriations Bill that includes the \$219 million in Army Corps funding to finish the project. This will then need to pass the Senate and be signed by the President.

Senate Budget Plan on Drought, Safe Drinking Water, Water Supply Reliability, and Ratepayer Assistance

On April 29, the State Senate Budget Subcommittee #2 met to consider the Senate Budget Plan on Drought, Safe Drinking Water, Water Supply Reliability, and Ratepayer Assistance. The plan includes \$3.41 billion in one-time state and federal funds (Federal “American Rescue Plan”) funds, one-time state General Fund, and appropriation of general obligation bonds (Propositions 1 and 68) for the following allocations:

- Immediate Community Assistance for Water and Drought Relief: \$500 million
- Emergency Drought Water-Use Efficiency: \$500 million
- Sustainable Groundwater Management: \$350 million
- Resilient Water Infrastructure Projects: \$200 million
- Recycled Water: \$200 million
- Stormwater Management: \$200 million
- Protecting Fish & Wildlife from Drought Impacts: \$285 million
- Water Quality: \$100 million
- Water Data and Forecast Improvement: \$75 million
- Helping Ratepayers, Community Water Systems, Wastewater Treatment Works, and Public Utilities Recover from COVID-19 Economic Impacts: \$1 billion

On June 14, two provisions for this funding were included in the budget bill AB 128. On June 28, this bill was approved by the Governor.

LEGISLATIVE UPDATES

Below is an overview of federal and state legislation that the Water Committee and Water TAC are currently tracking.

S. 914 – Safe Drinking Water and Wastewater Infrastructure Act of 2021

- **Summary:** Would reauthorize many federal water infrastructure funding programs and includes several new programs that will help communities address water infrastructure challenges. The reauthorizations and changes include the following:
 - The Clean Water State Revolving Fund (SRF), which would get \$14.65 billion over the next five years and allow a greater percentage of loans to be forgiven or other favorable loan terms.
 - The Water Infrastructure Finance and Innovation Act, which would get \$250 million over the next five years and require only one ratings agency opinion letter instead of two.
 - EPA Sewer Overflow & Stormwater Reuse Municipal Grant Program, which would get \$1.4 billion over the next five years.
 - The Alternative Source Water Pilot Program, which would get \$125 million over the next five years.

New programs include:

- The Rural and Low-Income Water Assistance Pilot Program, which would establish a new EPA program to provide 40 grants per year to utilities to assist low-income ratepayers.

- The Wastewater Energy Efficiency Grant Pilot Program, which would get \$100 million over the next five years.
- The Clean Water Infrastructure Resiliency and Sustainability Grant Program, which would get \$125 million over the next five years.
- The Small Publicly Owned Treatment Works Efficiency Grant Program, which would be established with funding levels to be determined.
- The Connection to Publicly Owned Treatment Works Grant Program, which would get \$200 million over the next five years.
- The Water Infrastructure and Workforce Investment Grant Program, which would get \$25 million over the next five years.
- The Stormwater Infrastructure Technology Program, which would get \$25 million to create five Stormwater Centers of Excellence and \$50 million for stormwater infrastructure planning/development and implementation grants.
- PFAS treatment grants
- **Status:** Passed in the U.S. Senate on April 29 and sent to the U.S House.

SB 37 (Cortese) – Contaminated Sites: the Dominic Cortese “Cortese List” Act of 2021

- **Summary:** Would require the State Water Resources Control Board, instead of the State Department of Health Care Services, to compile and update a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis by local health officers.
- **Status:** On June 30, read second time, amended, and re-referred to Committee on Natural Resources. On July 7, passed and re-referred to Committee on Appropriations.
- **SGVCOG Position:** Watch

SB 45 (Portantino, Allen, Hurtado, and Stern) – Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022

- **Summary:** Would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program. This bill would provide for the submission of these provisions to the voters at the November 8, 2022, statewide general election.
- **Status:** Set for hearing May 20. On May 20, passed, read second time, and ordered to third reading. On June 1, ordered to inactive file on request of Senator Portantino. bills are 2-year bills at the request of the authors. The bill is now a two-year bill and will have to pass the Senate by January 31, 2022.
- **SGVCOG Position:** Watch

SB 230 (Portantino) – Constituents of Emerging Concern Program

- **Summary:** Would require the State Water Board to establish, maintain, and direct an ongoing, dedicated program called the Constituents of Emerging Concern Program to assess the state of information and recommend areas for further study on the occurrence of constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The bill would require the state board to convene the Science Advisory Panel to review and provide recommendations to the state board on CEC for further action, among other duties. The bill would require the state board to provide an annual report to the

Legislature on the ongoing work conducted by the panel. The bill would authorize the State Board, upon appropriation by the Legislature, to provide financial assistance to certain public water systems upon a showing that the costs of testing drinking water in compliance with CEC monitoring requirements based on the recommendations of the panel would impose a financial hardship.

- **Status:** March 22 set for first hearing canceled at the request of author. The bill is now a two-year bill and will have to pass the Senate by January 31, 2022.
- **SGVCOG Position:** Support

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

- **Summary:** Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency’s existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provision.
- **Status:** On June 21, amended and re-referred to Committee on Environmental Safety & Toxic Materials. On June 30, passed and re-referred to Committee on Appropriations. On July 7, passed and on July 8, read second time and ordered to third reading.
- **SGVCOG Position:** Watch

SB 351 (Caballero) – Water Innovation Act of 2021

- **Summary:** Would create the Office of Water Innovation at the California Water Commission for the furtherance of new technologies and other innovative approaches in the water sector. Would require the office to take specified measures to advance innovation in the water sector and would make findings and declarations regarding the need for water innovation. Would create the Water Innovation Fund, with all moneys available, upon appropriation, to the department, the state board, or other state agencies for the furtherance of water innovation.
- **Status:** Set for hearing May 10. On May 10, placed on Appropriations suspense file. Set for hearing on May 20. On May 20, held in committee and under submission. Bill is dead.
- **SGVCOG Position:** Watch

SB 426 (Rubio) – Financial Capability Analysis

- **Summary:** Would require the State Water Resources Control Board (State Board) to develop Financial Capability Assessment (FCA) guidelines for cities and counties (permittees) seeking to comply with the Federal Clean Water Act (CWA). FCA guidelines would provide a uniform, equitable and transparent methodology for assessing the financial

capability of communities to afford the cost of compliance with municipal separate storm sewer system (MS4) permits.

- **Status:** On June 1, ordered to inactive file on request of Senator Rubio. The bill is now a two-year bill and will have to pass the Senate by January 31, 2022.
- **SGVCOG Position:** Sponsor and support

AB 100 (Holden) – Drinking Water: Pipes and Fittings: Lead Content

- **Summary:** Would amend Sections 25214.4.3 and 116875 of the Health and Safety Code, relating to drinking water. This bill would additionally define “lead free,” with respect to endpoint devices, as defined, to mean that the devices do not leach more than one microgram of lead under certain tests and meeting a specified certification. would require the department, when evaluating an endpoint device’s compliance with the above-specified definition of “lead free” The bill would also establish, to base its evaluation upon specified documentation that demonstrates certification that the endpoint device does not leach more than one microgram of lead under certain tests.
- **Status:** On June 24, read second time, amended, and re-referred to Committee on Environmental Quality. On July 7, passed and re-referred to Committee on Appropriations with recommendation: To Consent Calendar.
- **SGVCOG Position:** Watch

AB 377 (Rivas) – Water quality: impaired waters

- **Summary:** Would require all California surface waters to be fishable, swimmable, and drinkable by January 1, 2050. The bill would prohibit the state board and regional boards from authorizing an NPDES discharge, waste discharge requirement, or waiver of a waste discharge requirement that causes or contributes to an exceedance of a water quality standard, or from authorizing a best management practice permit term to authorize a discharge that causes or contributes to an exceedance of a water quality standard in receiving waters. The bill would prohibit, on or after January 1, 2030, a regional water quality control plan from including a schedule for implementation for achieving a water quality standard that was adopted as of January 1, 2021 and would prohibit a regional water quality control plan from including a schedule for implementation of a water quality standard that is adopted after January 1, 2021, unless specified conditions are met. The bill would prohibit an NPDES permit, waste discharge requirement, or waiver of a waste discharge requirement from being renewed, reissued, or modified to contain effluent limitations or conditions that are less stringent than those in the previous permit, requirement, or waiver. This bill would require, by January 1, 2030, the State Board and regional boards to develop an Impaired Waterways Enforcement Program to enforce all remaining water quality standard violations that are causing or contributing to an exceedance of a water quality standard.
- **Status:** On May 19, referred to Appropriations suspense file. On May 20, hearing postponed by Committee. The bill is now a two-year bill and will have to pass the Senate by January 31, 2022.
- **SGVCOG Position:** Oppose.

AB 652 (Friedman) – Product Safety: PFAS

- **Summary:** Would, on and after July 1, 2023, prohibit a person, including a manufacturer, from selling or distributing in commerce in the state any new, not previously owned, juvenile product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS) at a detectable level above an unspecified amount. Would establish requirements for manufacturers when replacing PFAS chemicals in juvenile products.
- **Status:** On June 23, read second time, amended, and re-referred to Committee on Environmental Quality. On July 12, amended and passed as amended. On July 13, read second time, amended, and ordered to third reading.
- **SGVCOG Position:** Watch

AB 818 (Bloom) – Solid Waste: Premoistened Nonwoven Disposable Wipes

- **Summary:** Would require certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022, to be labeled clearly and conspicuously with the phrase “Do Not Flush” and a related symbol. The bill would prohibit a covered entity from making a representation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes. The bill would establish enforcement provisions, including authorizing a civil penalty not to exceed \$2,500 per day, up to a maximum of \$100,000 per violation, to be imposed on a covered entity who violates those provisions. The bill would establish, until January 1, 2027, the California Consumer Education and Outreach Program, under which covered entities would be required to participate in a collection study conducted in collaboration with wastewater agencies for the purpose of gaining understanding of consumer behavior regarding the flushing of premoistened nonwoven disposable wipes and to conduct a comprehensive multimedia education and outreach program in the state.
- **Status:** On June 30, amended, passed, and re-referred to Committee on Appropriations with recommendation: To Consent Calendar. On July 1, read second time, amended, and re-referred to Committee on Appropriations. On July 15, ordered to second reading and ordered to Consent Calendar.
- **SGVCOG Position:** Support

AB 1195 (Garcia) – Southern Los Angeles County Regional Water Agency

- **Summary:** Would create the Southern Los Angeles County Regional Water Agency as a regional water agency serving the drinking water needs of the cities, unincorporated areas, and residents in the communities overlying the Central Basin and West Coast Basin aquifers in southern Los Angeles County. The bill would require the agency to serve the region as the leader in interagency collaboration on water resource issues and to be governed by a 5-member board of locally elected officials in the agency’s jurisdiction, each appointed by a specified state or local entity. The bill would authorize the agency to serve the water needs of its region through specified activities, including, among others, operating public water systems or other water infrastructure and integrating other water systems in the region into its operations, as prescribed. The bill would authorize the agency to finance its operations through specified means, including, among others, collecting water rates, charges, fees, or established parcel charges previously charged by a water system for which the agency has assumed control.


- **Status:** On May 28, in Senate, read first time and sent to Committee on Rules for assignment. On June 9, referred to Committees on Environmental Quality, Governance and Finance, and Natural Resource. On June 17, hearing cancelled at request of author. Bill is dead.
- **SGVCOG Position:** Watch

AB 1200 (Ting) – Plant-based food packaging

- **Summary:** Would prohibit, beginning January 1, 2023, any person from distributing, selling, or offering for sale in the state any food packaging that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances or PFAS. Would require a manufacturer to use the least toxic alternative when replacing PFAS chemicals. The bill would define “food packaging,” in part, to mean a nondurable package, packaging component, or food service ware that is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers.
- **Status:** On June 28, read second time, amended, and re-referred to Committee on Environmental Quality. On July 7, amended and passed as amended. On July 8, read second time, amended, and ordered to third reading.
- **SGVCOG Position:** Watch

AB 1428 (Quirk) – Safe Drinking Water Act: Applicability

- **Summary:** Under existing law, a water district existence prior to May 18, 1994, that provides primarily agricultural services through a piped water system with only incidental residential or similar uses is not considered to be a public water system under specified conditions, including the system certifying that it is providing alternative water for residential or similar uses for drinking water and cooking to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulations. This bill would remove the provision authorizing those water districts to certify that they are providing alternative water for residential or similar uses to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulations.
- **Status:** On July 9, approved by the Governor.
- **SGVCOG Position:** Watch

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