



July 18, 2022

The Honorable Robert Rivas
California State Assembly
1021 O Street, Suite 5110
Sacramento, CA 95814

RE: AB 2108 (R. Rivas): Water policy: environmental justice: disadvantaged and tribal communities – **As amended 6/16/22 – SUPPORT IF AMENDED**

Senate Appropriations Committee – August 1, 2022

Dear Assembly Member Rivas:

On behalf of The Metropolitan Water District of Southern California (Metropolitan), we are writing to support your bill, AB 2108, so long as it is amended to clarify the bill's intent is to address environmental justice, racial inequities, and tribal community impacts in adopting or updating regional and statewide water quality control plans and policies and not by seeking to reallocate water rights.

Metropolitan is a regional wholesaler that delivers water to 26 member agencies in a service area of about 19 million people living in Los Angeles, Orange, Riverside, San Bernardino, San Diego and Riverside counties. Our mission is to provide our service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Assembly Bill 2108 requires that at least one member of each water board be qualified in water supply and water quality relating to disadvantaged or tribal communities and to promote the meaningful engagement of disadvantaged and tribal communities in water quality policymaking and permitting are consistent with Metropolitan's board-adopted policy to support administrative and legislative actions that prioritize providing safe and affordable drinking water to disadvantaged communities. Furthermore, the intent of AB 2108 is consistent with our overarching integrated "One Water" collaborative approach to managing Southern California's watersheds, water resources, and water infrastructure to ensure long-term resilience and reliability for communities and ecosystems.

While the bill's objectives are laudable, some provisions in the bill are ambiguous in ways that could be interpreted to authorize and require the State Water Board to reallocate water rights, including in the Bay-Delta watershed, to remedy past injustices or inequities, jeopardizing the current and future Bay-Delta Water Quality Control Plan update processes and potentially diminishing State Water Project supplies. Such broad authority and mandate could affect the Department of Water Resources' State Water Project water rights, which are junior to many water rights in the Bay-Delta watershed.

For these reasons, we respectfully request amendments to AB 2108 to address the potential impacts to water rights throughout the state, including the Department of Water Resources' State Water Project rights. Our proposed amendments include:

1. Amend the Section 1 findings to avoid suggesting the bill's intent is to reallocate water rights and to acknowledge that public water agencies must serve all people within their service areas regardless of economic status, race, or cultural heritage and must meet state and federal drinking water quality requirements.
2. In Section 3, strike and replace broad, ambiguous language requiring water boards to "address" issues of environmental justice and social equity with language focusing on the mandate to conduct outreach and engagement to identify such issues early in water quality permitting and rulemaking processes.
3. In Section 4, amend language to avoid requiring water boards to base findings on all comments, even if comments are factually inaccurate, and instead require the boards to consider all comments in regulatory and permitting processes.
4. In Section 4, add reference to State and Regional Board's existing authority under the Porter-Cologne Water Quality Control Act (Water Code Division 7, commencing with Section 13000) to clarify that AB 2108 creates no new regulatory or permitting authority.
5. Make conforming amendments as needed to address the concerns outlined above.

We appreciate your consideration of our proposed amendments, which we have shared with the sponsors of AB 2108. If you have questions regarding our position and proposed amendments, please contact our Executive Legislative Representative, Kathy Viatella, at (916) 650-2614 or kviatella@mwdh2o.com.

Sincerely,



Adel Hagekhalil
General Manager

cc: Senator Anthony Portantino
Members of the Senate Appropriations Committee
Ashley Ames, Consultant, Senate Appropriations Committee
Todd Moffitt, Consultant, Senate Republican Caucus