

**Metropolitan Water District of Southern California
State Legislative Matrix
September 13, 2021 – First Year of Legislative Session**

Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
Metropolitan-sponsored bills	AB 442 Mayes (I) Sponsor: Metropolitan	Amended 8/16/2021 Enrolled	Surface Mining and Reclamation Act of 1975: exemption: Metropolitan Water District of Southern California: single master reclamation plan Amends the Surface Mining and Reclamation Act of 1975 (SMARA) to prepare a master reclamation plan for emergency excavations or grading on lands owned, leased, or with easements for repairs and maintenance of pipelines, infrastructure, or related transmission systems used to distribute water in Metropolitan’s service area.	SPONSOR Based on October 2019 Board Action	Maintaining critical water infrastructure requires coordinated regulatory compliance. Metropolitan is proposing legislation to allow it to develop a master reclamation plan for each surface mining site to consistently administer and enforce SMARA compliance for responding to emergencies and repairing, maintaining or replacing any pipelines, infrastructure, or related transmission systems used to distribute water in Southern California. The July 12 amendments clarify that the master reclamation plan satisfies all reclamation plan requirements for each individual surface mining site and the role of the State Mining and Geology Board as lead agency for surface mining operations, including the ability to conduct site inspections and collect fees.
Metropolitan-sponsored bills	SB 230 Portantino (D) Sponsors: Metropolitan and the California Municipal Utilities Association (CMUA)	Introduced 1/19/2021 Senate Appropriations Committee Two-year bill	State Water Resources Control Board: Constituents of Emerging Concern Program Seeks to create a statewide program to identify and evaluate Constituents of Emerging Concern (CECs) in drinking water sources.	CO-SPONSOR Based on October 2019 Board Action	Metropolitan and CMUA are co-sponsoring legislation in response to growing public concern about CECs in drinking water. The bill would establish a CEC Drinking Water Program at the State Water Resources Control Board. The program would set up a consistent and science-based approach for assessing the public health and drinking water consequences of CECs, with the

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					intent to improve knowledge and future regulatory determinations.
Drinking Water	AB 588 Garcia, E. (D) Sponsors: Association of California Water Agencies California Association of Mutual Water Companies	Amended 3/30/2021 Two-year bill	California Safe Drinking Water Act: compliance Would allow the State Water Resources Control Board to approve a compliance period of not less than 30 days and no more than 6 months for new primary drinking water standards and would allow an additional 12 months on a case-by-case basis.	SUPPORT Based upon Board-adopted 2021 State Legislative Priorities and Principles	The bill would create flexibility for water agencies to comply with new primary drinking water standards. Metropolitan supports granting more time to comply if a contaminant requires extensive treatment and capital investments. Large water agencies with adequate resources may be able to comply sooner with new MCLs, but smaller systems may need longer lead times to invest in routine monitoring and treatment. Water agencies granted longer compliance periods would have to report on progress.
Water Quality and Treatment	AB 377 Rivas, R. (D) Sponsor: California Coastkeeper Alliance	Amended 4/13/2021 Assembly Appropriations Committee Suspense File	Water quality: impaired waters Would require the State Water Resources Control Board and Regional Water Quality Control Boards to evaluate impaired surface waters and report to the Legislature a plan to bring them in to attainment by January 1, 2050. Requires by January 1, 2023 the State Water Board and Regional Boards prioritize enforcement of surface water quality standards and creates the Waterway Recovery Account to provide funding to bring impaired	WATCH Based upon Board-adopted 2021 State Legislative Priorities and Principles	The April 13 amendment substantively revised the bill. The blanket prohibitions on the issuance of new, renewed, or remodified NPDES waivers, waste discharge requirements, and permits with best management practices have been removed. There is still language with provisions pertaining to new enforcement procedures for discharges that are “causing or contributing to an exceedance of water quality standard in a surface water of the state.” However, it is too early to assess how, or if, the State and Regional boards will take enforcement action on low-threat drinking water

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			surface water segments into compliance		discharges to bring “all water segments” into attainment by the 2050 target date.
Water Governance and Funding	AB 1195 C. Garcia (D) Sponsor: Author	Amended 5/24/2021 Two-year bill	Drinking water. Requires the State Water Resources Control Board (State Water Board) to appoint a commissioner to implement the Safe and Affordable Fund for Equity and Resilience Program (SAFER Program) in Southern Los Angeles County.	OPPOSE UNLESS AMENDED Based upon May 2021 Board Action	Seeks to address the needs of public water systems in Southern Los Angeles County struggling to provide safe and affordable retail water. The May 24 amendments limit the role of the commissioner to focus on implementation of the SAFER Program and create a pilot program with Los Angeles County LAFCO to extend service or consolidate struggling systems. Metropolitan is seeking additional amendments to further clarify the role of the commissioner; strike a provision that grants the commissioner the authority to audit public water systems and bypass the public process created by the Legislature; and strike a section that would grant the State Water Board jurisdiction over decisions to transfer or abandon groundwater rights.
Delta/State Water Project	SB 369 Pan (D) Sponsor: Sacramento Area Flood Control Agency	Amended 6/14/2021 Enrolled	Flood control: Yolo Bypass Cache Slough Partnership Multi-Benefit Program Codifies State recognition and support for the Yolo Bypass Partnership and its efforts to advance coordinated master planning and accelerate restoration activities for	SUPPORT Based upon Board-adopted 2021 State Legislative Priorities and Principles	The 2020 Water Resources Development Act authorized a comprehensive study of the Yolo Bypass and its future role in regional flood control. A state master plan for the Yolo Bypass-Cache Slough would similarly advance multi-benefit restoration projects and encourage state and federal agencies to coordinate regulatory compliance and funding for

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			the Yolo Bypass-Cache Slough region.		flood control, water supply, habitat and recreation. The June 14 amendments support work by the city of West Sacramento in collaboration with state and federal agencies.
Delta/State Water Project	SB 626 Dodd (D) Sponsor: Author	Amended 6/21/2021 Enrolled	Construction Manager/General Contractor Procurement Method: Department of Water Resources Authorizes the Department of Water Resources (DWR) to use the Construction Manager/General Contractor (CM/GC) procurement method for construction contracts.	SUPPORT Based upon Board-adopted 2021 State Legislative Priorities and Principles	The State Water Contractors (SWCs) fund all State Water Project capital and operations and maintenance (O&M) projects. Projects that use the CM/GC or design build procurement method can begin earlier and take less time because of overlapping design and construction phases. This will reduce the overall cost of capital infrastructure, public safety and habitat restoration projects. The bill requires an annual report to the Legislature regarding the use of these procurement methods and sets a limit of no more than seven projects per procurement method. The June 21 amendments clarify the construction manager/general contractor procurement method process.
Delta/State Water Project	AB 979 Frazier (D) Sponsor: Author	Amended 4/13/2021 Assembly Appropriations Committee	Sacramento-San Joaquin Delta: projects: sea level rise analysis report Requires a local or state agency and private developers undertaking a project in the San Joaquin-	OPPOSE Based upon Board-adopted 2021 State Legislative	The bill as amended on April 13 would apply to Metropolitan as owners of Delta islands and the Department of Water Resources as operator of the State Water Project. A SLR analysis be required using Ocean Protection Council scenarios from a 2018 guidance document including one

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		Suspense File	Sacramento Delta to complete and submit to the Delta Stewardship Council, Delta Protection Commission and Legislature a report that analyzes the impact of sea-level rise (SLR) on the project.	Priorities and Principles	projecting a 22 additional feet of rise at the Golden Gate bridge. It could add significant costs and delays to Delta levees or habitat restoration projects including the DCP, an action covered under the Delta Reform Plan. Any updates to the plan already require the Delta Stewardship Council to consider sea level rise.
Water/Energy Nexus	AB 1161 E. Garcia (D) Sponsor: Author	Amended 4/13/2021 Two-year bill	Electricity: eligible renewable energy and zero-carbon resources: state agencies: procurement Requires the Department of Water Resources (DWR) to procure newly eligible renewable energy resources or zero-carbon resources, and associated energy storage, for state agencies to satisfy their 100% renewable energy goals by December 31, 2030.	OPPOSE Based upon Board-adopted 2021 State Legislative Priorities and Principles	SB 100 (DeLeon, 2018) set a state goal for 100% carbon-free resources for all state agencies by 2045. Staff have concerns that this bill misplaces the burden of procuring renewable and carbon-free resources and associated storage onto DWR. Procuring energy for other state agencies is outside DWR’s purpose and core expertise. Moreover, accelerating the state’s goal of 100% renewable and carbon-free energy resources for all state agencies by 2045 to 2030 could dramatically increase Metropolitan’s retail electricity rates above what is mandated by SB 100.
Water Bond Infrastructure Funding	AB 1500 Garcia, E. (D) and Mullin (D) Sponsor:	Amended 5/18/2021 Two-year bill	Safe Drinking Water, Wildlife Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022	SUPPORT AND SEEK AMENDMENTS	Would provide funding for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.

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	Author		Places a \$6.995 billion wildfire and water bond on the 2022 ballot for voter approval.	Based upon Board adopted 2021 State Legislative Priorities and Principles and Board action on AB 3256 (Garcia, 2020) 06/09/2020	Metropolitan is seeking amendments to ensure adequate funding for recycled water projects, water quality monitoring and treatment, and subsidence repairs to conveyance infrastructure projects.
Water Bond Infrastructure Funding	SB 45 Portantino (D) Sponsor: Author	Amended 4/8/2021 Two-year bill	Wildfire, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022 Places a \$5.595 billion wildfire and water bond on the 2022 ballot for voter approval.	SUPPORT AND SEEK AMENDMENTS Based upon Board adopted 2021 State Legislative Priorities and Principles and Board action on SB 45 (Allen, 2018) 6/11/19	Would provide funding to restore areas damaged by wildfires, mitigate future wildfires, create healthy forests and watersheds, protect water supplies and water quality, and protect and restore rivers, streams and lakes. Metropolitan is seeking amendments to ensure adequate funding for recycled water projects, water quality monitoring and treatment, and subsidence repairs to conveyance infrastructure projects.
Water Bond Infrastructure Funding	SB 559 Hurtado (D) Sponsors:	Amended 8/30/2021 Two-year bill	Department of Water Resources: water conveyance systems: Canal Conveyance Capacity Restoration Fund	WATCH Based upon Board adopted 2021 State Legislative	Portions of the California Aqueduct, the Friant Kern Canal and the Delta Mendota Canal have lost capacity due to subsidence. The Fund would upon appropriation provide funding to DWR to support a 10-year program to restore the

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	Friant Water Authority, San Luis & Delta Mendota Water Authority, and State Water Contractors		Establishes the Canal Conveyance Capacity Restoration Fund that would upon appropriation provide up to \$785 million in funding for the Department of Water Resources (DWR) to help pay for subsidence repairs to the State Water Project and Central Valley Project water conveyance systems and for necessary road and bridge upgrades.	Priorities and Principles	capacity of the canals and ensure a more secure water supply. Funds could be used to cover one-third of the cost to restore the capacity of the canals. A federal companion bill is envisioned that would provide one-third the cost and local partners would contribute the remaining one-third of the cost. The creation of the Fund is contingent upon all the following: an appropriation of funds; an agreement is executed to provide for local cost share; and the provision of adequate cost share as determined by the DWR Director. The August 8 Assembly Amendments are problematic causing the State Water Contractors and Metropolitan to withdraw support for the bill.
Innovation	SB 351 Caballero (D) Sponsor: California Municipal Utilities Association	Amended 4/20/2021 Senate Appropriations Committee Suspense File	Water Innovation Act of 2021 Would create the Office of Water Innovation at the California Water Commission to foster the adoption of new technologies and other innovative approaches in the water sector. Creates the Water Innovation Fund, with monies available upon appropriation, to the Department of Water Resources and State Water Resources Control Board to support water innovation.	SUPPORT Based upon Board adopted 2021 State Legislative Priorities and Principles	The water sector is facing a myriad of challenges from climate change, aging infrastructure, groundwater contamination, subsidence and freshwater ecosystems vulnerable to climate change. Innovative technologies and approaches are needed to ensure a reliable water supply while trying to address the challenges. An Office of Water Innovation could increase collaboration among state agencies on innovative approaches, engage stakeholders, and review regulations that may inhibit

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					innovation in order to recommend regulatory reforms.
Governance	AB 361 R. Rivas (D) Sponsor: California Special Districts Association	Amended 9/3/2021 Senate Floor (as of Sept 9)	Open meetings: local agencies: teleconferences Authorizes local agencies to use teleconferencing during state emergencies and when social distancing guidelines have been imposed without complying with physical noticing or quorum requirements under the Ralph M. Brown Act.	SUPPORT Based upon Board Action on 3/9/2021	Codifies Executive Order N-29-20 that allows local agencies to hold public meetings virtually during state emergencies. Metropolitan currently hosts teleconferencing public meetings in accordance with the Executive Order. AB 361 allows Metropolitan to maintain transparency and public participation in public meetings during current and future state declared emergencies until January 1, 2024. The September 3 amendments extend to certain state agencies the ability to meet virtually during state declared emergencies until January 31, 2022.
Governance	AB 703 B. Rubio (D) Sponsor: Three Valleys Municipal Water District	Amended 04/29/2021 Two-year bill	Open meetings: local agencies: teleconferences Amends the Ralph M. Brown Act to allow a local agency to use teleconferencing and removes certain noticing provisions for each teleconferencing location, requires the local agency to allow all members of the public to observe the meeting and address the legislative body in person and remotely by teleconference or internet option, and requires a quorum of members	SUPPORT Based upon Board Action on 3/9/2021	Metropolitan currently hosts teleconferencing public meetings in accordance with Executive Order, N-29-20. AB 703 allows the option to hold teleconferenced meetings into the future after the COVID-19 public health emergency is over and the Executive Order is lifted as long as a quorum of the Board’s directors participate in person, give notice and post agendas as prescribed, and the public can address the Board in person or by teleconference.

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			participate in person from a location noticed in the meeting agenda.		