

**LAS VIRGENES - TRIUNFO
JOINT POWERS AUTHORITY
AGENDA**

4232 Las Virgenes Road, Calabasas, CA 91302

Members of the public wishing to address the Las Virgenes-Triunfo Joint Powers Authority (JPA) Board of Directors are advised that a statement of Public Comment Protocols is available from the Clerk of the Board. Prior to speaking, each speaker is asked to review these protocols, complete a speakers' card, and hand it to the Clerk of the Board. Speakers will be recognized in the order the cards are received.

The Public Comments agenda item is presented to allow the public to address the Board on matters not on the agenda. The public may also present comments on matters on the agenda; speakers for agendized items will be recognized at the time the item is called up for discussion.

Materials prepared by the JPA in connection with the subject matter on the agenda are available for public inspection at 4232 Las Virgenes Road, Calabasas, CA 91302. Materials prepared by the JPA and distributed to the Board during this meeting are available for public inspection at the meeting or as soon thereafter as possible. Materials presented to the Board by the public will be maintained as part of the records of these proceedings and are available upon request to the Clerk of the Board.

5:00 PM

October 7, 2019

PLEDGE OF ALLEGIANCE

1 CALL TO ORDER AND ROLL CALL

2 APPROVAL OF AGENDA

3 PUBLIC COMMENTS

Members of the public may now address the Board of Directors **ON MATTERS NOT APPEARING ON THE AGENDA**, but within the jurisdiction of the Board. No action shall be taken on any matter not appearing on the agenda unless authorized by Subdivision (b) of Government Code Section 54954.2

4 CONSENT CALENDAR

Matters listed under the Consent Calendar are considered to be routine, non-controversial and normally approved with one motion. If discussion is requested by a member of the Board on any Consent Calendar item, or if a member of the public wishes to comment on

an item, that item will be removed from the Consent Calendar for separate action.

A Minutes: Regular Meeting of September 3, 2019 (Pg. 4)

Approve.

B Tapia Water Reclamation Facility Mercury Spill Remediation: End of Emergency (Pg. 10)

End the declaration of emergency for remediation of a mercury spill at the Tapia Water Reclamation Facility.

5 ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Pure Water Project Las Virgenes-Triunfo: Update

6 ACTION ITEMS

A Pure Water Demonstration Garden Project: Construction Award (Pg. 13)

Award a construction contract to Terra Form, Inc., in the amount of \$423,000; reject the remaining bid for the Pure Water Demonstration Garden Project; authorize the Administering Agent/General Manager to approve a Scope Change to Carollo Engineers, in the amount of \$31,700, for engineering services during construction; and appropriate an additional \$987,917 to fund the remaining costs for the Pure Water Demonstration Project.

B Amendment No. 1 to Joint Exercise of Powers Agreement: Approval in Concept (Pg. 19)

Approve in concept Amendment No. 1 to the Joint Exercise of Powers Agreement, increasing the authority of the Administering Agent to process budgeted works of improvement without further JPA approval from \$25,000 to \$35,000, and request that the Las Virgenes Municipal Water District and Triunfo Water & Sanitation District consider approval of the amendment at upcoming meetings of their respective Boards.

7 BOARD COMMENTS

8 ADMINISTERING AGENT/GENERAL MANAGER REPORT

9 FUTURE AGENDA ITEMS

10 INFORMATION ITEMS

A State and Federal Legislative Update (Pg. 43)

11 PUBLIC COMMENTS

Members of the public may now address the Board of Directors **ON MATTERS NOT APPEARING ON THE AGENDA**, but within the jurisdiction of the Board. No action shall be taken on any matter not appearing on the agenda unless authorized by Subdivision (b) of Government Code Section 54954.2

12 CLOSED SESSION

A Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a)):

13 ADJOURNMENT

Pursuant to Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and applicable federal rules and regulations, requests for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the Executive Assistant/Clerk of the Board in advance of the meeting to ensure availability of the requested service or accommodation. Notices, agendas, and public documents related to the Board meetings can be made available in appropriate alternative format upon request.

**LAS VIRGENES – TRIUNFO
JOINT POWERS AUTHORITY
MINUTES
REGULAR MEETING**

5:00 PM

September 3, 2019

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Lynda Lo-Hill.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **5:00 p.m.** by Chair Orkney in the Conference Room at Oak Park Library at 899 N. Kanan Road, in Oak Park, California. Director Pan participated from the teleconference location at Ritz Plaza Conference Room, 500 Section 1, Donghua Street, Taipei, Taiwan. Josie Guzman, Clerk of the Board, conducted the roll call.

Present: Directors Caspary, Lewitt, Lo-Hill, Orkney, Pan, Polan, Renger, Shapiro, Tjulander, and Wall.

Absent: None.

Director Pan confirmed that she posted a copy of the agenda at the teleconference location 72 hours in advance.

Chair Orkney noted that all votes taking during the meeting would require a roll call vote due to Director Pan's participation by teleconference.

2. APPROVAL OF AGENDA

Director Renger moved to approve the agenda. Motion seconded by Director Polan. Motion carried unanimously upon roll call vote.

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

A Minutes: Regular Meeting of August 5, 2019

Director Caspary moved to approve the Consent Calendar. Motion seconded by Director Renger. Motion carried unanimously upon roll call vote.

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Pure Water Project Las Virgenes-Triunfo: Update

Joe McDermott, Director of Engineering and External Affairs, provided an update regarding the preconstruction meeting and contractor mobilization for the Pure Water Demonstration Project. He noted that the pre-purchased equipment for the project was beginning to arrive. He also noted that two pre-bid meetings were held for the Pure Water Demonstration Garden Project, and bids would be due in two weeks. He reported that staff was meeting with Tack Roberts from Astound on a biweekly basis to discuss the visitor experience and orientation video portion of the project. He also reported that the request for proposals was issued for the Pure Water Demonstration Project mural. He noted that staff was working on partnering with Pepperdine University to develop a community-wide survey for the project. He stated that students from the university would conduct the survey, analyze the survey results, and provide outreach ideas. He noted that requests for proposals would be forthcoming for environmental studies, preliminary engineering, a brine pipeline alignment study, equalization basin at Tapia Water Reclamation Facility, regulatory compliance, NPDES permitting, and discharge to Las Virgenes Reservoir. Lastly, he noted that staff was waiting on the status of the U.S. Bureau of Reclamation WaterSMART grant for planning and design of the project.

A discussion ensued regarding the Pure Water Demonstration Project construction schedule and training Pepperdine University students regarding the project prior to conducting the surveys.

6. ACTION ITEMS

A Tapia Water Reclamation Facility Mercury Spill Remediation: Emergency Declaration

Pass, approve, and adopt proposed Resolution No. 10, declaring an emergency due to a mercury spill at the Tapia Water Reclamation Facility; approve an additional appropriation, in the amount of \$100,000, for the Tapia Process Air Improvements Project for expenses related to the spill remediation; and ratify approval of a purchase order by the Administering Agent/General Manager to Patriot Environmental Services for the work.

RESOLUTION NO. 10

A RESOLUTION OF THE GOVERNING BOARD OF THE LAS VIRGENES – TRIUNFO JOINT POWERS AUTHORITY FINDING THAT AN EMERGENCY WILL NOT PERMIT A DELAY RESULTING FROM COMPETITITE

SOLICITATION FOR THE PROPER REMOVAL AND DISPOSAL OF MERCURY AT THE TAPIA WATER RECLAMATION FACILITY

(Reference is hereby made to Resolution No. 10 on file in the Joint Powers Authority's Resolution Book and by this reference the same is incorporated herein.)

John Zhao, Director of Facilities and Operations, presented the report. He responded to questions regarding the amount of mercury spilled and the method used to dispose of the spilled mercury.

Director Shapiro moved to approve Item 6A. Motion seconded by Director Tjulander. Motion carried unanimously upon roll call vote.

B Tapia Headworks Floor Rehabilitation Project: CEQA Determination and Call for Bids

Find that the work is exempt from the provisions of California Environmental Quality Act and authorize the issuance of a Call for Bids for the Tapia Headworks Floor Rehabilitation Project.

Administering Agent/General Manager David Pedersen presented the report.

Director Renger moved to approve Item 6B. Motion seconded by Director Polan.

Veronica Hurtado, Assistant Engineer, responded to questions regarding the age of the fiberglass floor and carbon steel airline, and the type of replacement materials for the airline and fiberglass floor panels.

Motion carried unanimously upon roll call vote.

C Digester No. 2 Rehabilitation Project: CEQA Determination, Approval of Design Scope Change and Call for Bids

Find that the work is exempt from the California Environmental Quality Act; authorize the Administering Agent/General Manager to execute Design Scope Change No. 2, in the amount of \$20,790, to Pacific Advanced Civil Engineering, Inc.; and authorize the issuance of a Call for Bids for the Digester No. 2 Rehabilitation Project.

Administering Agent/General Manager David Pedersen presented the report.

Director Lewitt moved to approve Item 6C. Motion seconded by Director Caspary. Motion carried unanimously upon roll call vote.

D Rancho Solar Generation Project Phase 2 Project: Amendment of Power, Cost Reimbursement and License Agreements

Authorize the Administering Agent/General Manager to execute proposed amendments to the Power Purchase, Cost Reimbursement and License Agreements with Borrego Solar, doing business as Las Virgenes Solar, LLC, to address high-than-anticipated costs for construction of the Rancho Solar Generation Project Phase 2 Project.

John Zhao, Director of Facilities and Operations, presented the report.

Director Polan moved to approve Item 6D. Motion seconded by Director Renger.

Mr. Zhao responded to questions regarding the Fire Department's requirement for a wider fire access road, the increased foundation depth and pile dimensions for the solar arrays, and Borrego Solar System's responsibility to bear the cost for the additional transformer.

Bob Jalalpour, representing Borrego Solar System, Inc., responded to questions regarding Borrego Solar System's responsibility for maintenance and repair of the solar arrays for the 25-year lifespan and annual vegetation management.

Motion carried unanimously upon roll call vote.

7. BOARD COMMENTS

Director Tjulander noted that he would be attending the WateReuse Symposium later in the month, and he inquired whether any other Board Members would be attending. Director Polan responded that he would be attending the tour of the San Diego Pure Water Project and Padre Dam's East County Advanced Water Purification Program.

Director Lo-Hill reported that she attended the California Association of Sanitation Agencies (CASA) Conference where a presentation was provided regarding Building a High Performance Culture.

8. ADMINISTERING AGENT/GENERAL MANAGER REPORT

Administering Agent/General Manager David Pedersen reported that he would be attending the WateReuse Symposium on September 10th. He announced that John Zhao was selected as the new Director of Facilities and Operations, and Eric Schlageter would be serving as the Interim Principal Engineer. He noted that as a result of Las Virgenes Municipal Water District's recent reorganization, the Technical Services Group would now report under the newly renamed Engineering and External Affairs Department.

9. FUTURE AGENDA ITEMS

Director Lewitt requested a future agenda item to consider increasing the Administering Agent/General Manager's approval authority to \$35,000.

10. INFORMATION ITEMS

A State and Federal Legislative Update

Director Polan referred to H.R. 2570, the PFAS User Fee Act of 2019, and inquired regarding possible impacts to water treatment and recycled water as well as discharge to Malibu Creek. Administering Agent/General Manager David Pedersen responded that according to data from the Metropolitan Water District of Southern California, per- and poly-fluoroalkyl substances (PFAS) have not been detected in the potable water; however, there is no data on PFAS for the Tapia's wastewater influent and effluent nor the biosolids. He noted that staff would be developing a plan to test the influent and effluent at the Tapia Water Reclamation Facility and would look into testing the biosolids. He also noted that not many laboratories are currently certified to conduct this type of testing. He also responded to a question regarding S. 1689 that would permit states to transfer certain funds from the clean water revolving fund to the drinking water revolving fund in certain circumstances by stating the staff would discuss the status of this proposed bill with the JPA's lobbyist.

Joe McDermott, Director of Engineering and External Affairs, responded to a question regarding S. 2013 involving the right of individuals to bear arms at water resources development projects by stating that he believed the bill referred to federal projects.

11. PUBLIC COMMENTS

None.

12. CLOSED SESSION

None.

13. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:12 p.m.**

Janna Orkney, Chair

ATTEST:

Jay Lewitt, Vice Chair

October 7, 2019 JPA Board Meeting

TO: JPA Board of Directors

FROM: Facilities & Operations

Subject : Tapia Water Reclamation Facility Mercury Spill Remediation: End of Emergency

SUMMARY:

On September 3, 2019, the JPA Board adopted an emergency declaration due to the discovery of a small, quarter-sized spill of mercury on a walkway adjacent to Aeration Basins Nos. 5 and 6 where construction of the Tapia Process Air Improvements Project was underway. Hazardous materials response teams were notified, appropriate safety measures were employed and an environmental services/remediation company was hired to clean up the affected area. The Hazardous Waste Unit of the Los Angeles County Fire Department assisted with the response and subsequently cleared the area of contamination.

The immediate emergency actions, in the amount of \$51,019.50, have been completed, so it is now appropriate to end the declaration of emergency.

RECOMMENDATION(S):

End the declaration of emergency for remediation of a mercury spill at the Tapia Water Reclamation Facility.

FISCAL IMPACT:

No

ITEM BUDGETED:

Yes

FINANCIAL IMPACT:

There is no financial impact associated with ending the emergency declaration. However, it is appropriate to report on the cost of the JPA's immediate emergency actions performed by Patriot Environmental Services, which total \$51,019.50. Staff is waiting for an additional invoice related to the disposal cost of collected mercury and contaminated tools and workers' clothing. On September 3, 2019, the JPA Board approved an additional appropriation, in the amount of \$100,000, for the Tapia Process Air Improvements Project for expenses related to the spill remediation. No additional appropriation is required.

DISCUSSION:

On August 2, 2019, the contractor for the Tapia Process Air Improvements Project discovered mercury on the walkway and pipe gallery between Aeration Basins Nos. 5 and 6 where installation of new air diffusers was underway at the Tapia Water Reclamation Facility. The contractor called in its safety team and confirmed that the identified substance was mercury, which is hazardous.

Once JPA staff at Tapia were informed of the mercury, they followed protocol and contacted the Los Angeles County Fire Department who dispatched its Hazardous Materials Response Team. Upon inspection, the Fire Department issued a Notice of Violation and Order to Comply on August 2, 2019. Also, the Fire Department tested the clothes, shoes and vehicles of both the contractor's and JPA's staff for the presence of mercury. Several people had their clothes, tools and/or shoes quarantined as a result of mercury detections.

The Fire Department directed the JPA to immediately engage a third party contractor to remove and remediate the mercury spill. Patriot Environmental Services was retained to immediately remove all mercury from the walkway and pipe gallery between Aeration Basins Nos. 5 and 6 and to perform an inspection of additional areas for potential mercury contamination. Mercury was detected in one of the construction waste roll-off bins. Rather than dispose the entire bin as hazardous waste, which would be very costly, staff worked with Fire Department staff to allow the mercury to vaporize and dissipate in the summer heat. The entire process was monitored by Fire Department. As of August 16, 2019, the construction waste bin had no detection of mercury vapor contamination and was certified by the Fire Department to be regular construction waste and was subsequently removed from the site.

The mercury is believed to have come from an old flow measuring device that was removed from service many years ago. Mercury was commonly used in flow measuring devices to indicate differential pressure that is used to determine the flowrate. Even though the flow measuring device was removed from service years ago, it is suspected that some of the mercury leaked from it into the piping which was exposed during construction. Given the incident, staff is currently performing a comprehensive inventory of all remaining mercury devices, if any, and plans to replace them with non-mercury models.

The vendor, Patriot Environmental Services, was retained under the Administering Agent/General Manager's emergency authority using pre-negotiated rates for an existing contract between Patriot and the Port of Los Angeles. The total cost of the work by Patriot is pending invoice upon final disposal of the contaminated clothes, tools and shoes from the incident.

In addition, the JPA received a claim from the contractor for the Tapia Process Air Improvements Project for expenses related to the incident. Staff is currently reviewing the details of the claim and anticipates settlement under the authority of the Administering Agent/General Manager in exchange for a release of all liability for the incident. The recommended appropriation is expected to be sufficient to settle the claim.

Given the need for an immediate response without delay, appropriate action was taken at the time of the event, and the JPA Board approved an emergency declaration on September 3, 2019, along with an appropriation of \$100,000 to fund the clean-up work.

Prepared by: Doug Anders, Administrative Services Coordinator

October 7, 2019 JPA Board Meeting

TO: JPA Board of Directors

FROM: Engineering and External Affairs

Subject : Pure Water Demonstration Garden Project: Construction Award

SUMMARY:

On August 5, 2019, the JPA Board approved the issuance of a Call for Bids for the Pure Water Demonstration Garden Project. Staff proactively reached out to local landscape contractors and offering pre-bid meetings that were held on August 21 and 27, 2019. A total of eight potential bidders attended the mandatory pre-bid meetings.

Two bids were received and publically opened on September 18, 2019. Staff evaluated the bids and determined that the lowest responsive bid was submitted by Terra Form, Inc., in the amount of \$423,000, which is approximately 3.7% below the Engineer's Estimate of \$439,452. After an evaluation of the bid by staff and the JPA's landscape architect, Urban Water Group, Inc., it was determined to be competitive and reflective of current market conditions. Therefore, staff recommends award of a construction contract to Terra Form, Inc., for the Pure Water Demonstration Garden Project.

RECOMMENDATION(S):

Award a construction contract to Terra Form, Inc., in the amount of \$423,000; reject the remaining bid for the Pure Water Demonstration Garden Project; authorize the Administering Agent/General Manager to approve a Scope Change to Carollo Engineers, in the amount of \$31,700, for engineering services during construction; and appropriate an additional \$987,917 to fund the remaining costs for the Pure Water Demonstration Project.

FISCAL IMPACT:

Yes

ITEM BUDGETED:

Yes

FINANCIAL IMPACT:

The cost of the construction contract for the Pure Water Demonstration Garden Project is \$423,000. The total estimated cost for the Pure Water Demonstration Project, including the

demonstration garden is \$4,765,049 (see attached Demonstration Project Cost Summary), which is offset by grant funding totaling \$1,818,969, for an estimated net project cost of \$2,946,080. An additional appropriation of \$987,917 is necessary to award the construction contract for the demonstration garden and provide funding for the remaining project costs as summarized below:

<u>Future Project Costs</u>	<u>Amount</u>
Demonstration Garden	\$423,000
Mural	\$20,000
G&A Estimate	\$175,721
District Labor	\$100,412
Construction Contact Contingency - Pacific Hydrotech (10%)	\$208,730
Construction Contact Contingency - Terra Form, Inc. (10%)	\$42,300
Carollo Scope Change	\$31,700
<i>Total Future Cost:</i>	<i>\$1,001,863</i>
<i>Remaining Appropriation:</i>	<i>\$13,946</i>
<i>Appropriation Required:</i>	<i>\$987,917</i>

DISCUSSION:

A demonstration garden is proposed as an integral component of the upcoming Pure Water Demonstration Project and will provide a complementary experience to thousands of visitors who are expected to tour the facility for years to come. Conceptual plans were presented to the JPA Board for feedback on July 1, 2019. The Urban Water Group completed the bidding documents for the proposed demonstration garden, incorporating feedback received from the JPA Board and staff. As a result, staff issued a Call for Bids for the project on August 5, 2019.

Due to higher than expected construction costs from tight labor and construction market conditions, staff structured the bidding documents with optional, alternative bid items to provide the JPA Board with flexibility when considering an award of a construction contract for the work. As a result, the JPA Board has the option to award all of the elements of the project or only those deemed most important and time-sensitive.

Due to the competitive pricing received, staff's recommendation is to award the demonstration garden inclusive of all areas and bid items. In the event that the JPA Board is sensitive to the total cost of the demonstration garden and seeks to reduce the extent of the work, staff has identified the elimination of Area D from the scope, which would reduce the construction cost by \$60,140. Area D consists of the northern-most section of the garden along the sloped portions up to the property line. Staff's goal is to have the demonstration garden completed at approximately the same time as the remainder of the Pure Water Demonstration Project to complement the visitor experience such that the facility is ready for public visits and tours in Spring 2020.

Staff presented the attached Demonstration Project Cost Summary to the JPA Board on August 5, 2019, including an estimated cost of \$500,000 for the demonstration garden. Staff has updated the Demonstration Project Cost Summary based on the actual costs anticipated and proposed in staff's recommendation.

A scope change to Carollo Engineers is necessary to allow their sub-consultants to provide

engineering services during construction in support of construction activities for the demonstration project. The scope includes landscape architectural support work for the demonstration garden, as well as engineering and architectural support for the demonstration facility.

On August 5, 2019, the JPA Board determined the work to be categorically exempt from the California Environmental Quality Act, pursuant to Section 15301(b) of the CEQA Guidelines because the project involves only minor alterations to an existing facility with no expansion of use

Prepared by: Eric Schlageter, P.E., Interim Principal Engineer

ATTACHMENTS:

Carollo Scope Change
Demonstration Project Cost Summary

September 27, 2019

Eric Schlageter
Las Virgenes Municipal Water District
4232 Las Virgenes Road
Calabasas, CA 91302

Subject: Amendment for Support During Construction

Dear Mr. Schlageter:

As the District’s Pure Water Demonstration proceeds into construction phase, we have identified a need for support services during construction from both the Landscape Architect and the Architect. These services were not in their original contracts.

We have developed an estimate for the following additional scope items:

- Landscape Architect:
 - Construction Observation and preconstruction conference, assumed 6 visits at 3 hours each
 - Review of submittals and approval of materials
 - Support for developing garden signage content, location and electronic mock up for 15 signs
- Architect:
 - Submittal and shop drawing review
 - Two site visits for one person
- Carollo:
 - Oversight and coordination with subconsultants
 - Support on project signage content development for building and garden

Budget

Table 1 summarizes additional budget requirements anticipated for the Carollo team to support the construction of the project. Given that it is unknown how many submittals will be generated by the contractor, we have also included an as needed support task for contingency. As shown, we are requesting an amendment of \$31,700.

Table 1 Anticipated Additional Budget - Carollo Engineers

Scope Item	Budget (\$)		Justification
Requested Changes:			
Landscaping ESDC	4,950		Review of submittals, up to 6 site visits
	4,000		Meetings to discuss signage, draft of copy and layouts, final copy and layouts (electronic mock up)
Architect ESDC	13,200		Review of submittals, up to 2 site visits
As Needed Additional ESDC Support	5,050		Additional as needed ESDC support
Carollo Coordination	2,000		Project management, invoicing, coordination with subs
	2,500		Assistance with signage, meetings to discuss
Total	\$31,700		

Eric Schlageter
Eric Schlageter
Las Virgenes Municipal Water District
September 27, 2019

Page 2

We request that Las Virgenes issue an Amendment to the existing Agreement for \$31,700. Let us know if you have any questions or require any further information. We look forward to continuing our relationship with the Las Virgenes team and for the successful completion of this important project.

Sincerely,

CAROLLO ENGINEERS, INC.

A handwritten signature in black ink that reads "Lydia Holmes". The signature is written in a cursive style with a large initial "L".

Lydia Holmes, P.E.
Vice President

PURE WATER DEMONSTRATION PROJECT BUDGET

October 7, 2019

PROJECT SUMMARY

Total Estimated Cost:	\$4,765,049
Total Grants:	<u>(\$1,818,969)</u>
Net Project Cost:	\$2,946,080
LVMWD Share (70.6%):	\$2,079,932
TWSD Share (29.4%):	\$866,148

PROJECT DETAILS

<u>Grant Awards</u>	<u>Amount</u>
Proposition 12 Santa Monica Bay Restoration Grant	\$925,720
SWRCB Water Recycling Funding Program Pilot Project Grant	\$893,249
	\$1,818,969

<u>Awarded Contracts</u>	<u>Amount</u>
Astound (Interpretive Materials)	\$189,844
CDM (Preliminary Design)	\$109,118
Carollo (Design and Construction Support)	\$611,723
Treatment Equipment	\$694,846
Global Visions (Orientation Video)	\$39,750
New Water Resources (Visitor Experience)	\$29,505
Pacific Hydrotech (Construction Contract)	\$2,087,300
Weck Lab (Water Quality Testing)	<u>\$1,100</u>
Total Contracts Awarded:	\$3,763,186

Current Appropriations	\$3,777,132
Remaining Appropriation	\$13,946

<u>Future Project Costs</u>	<u>Amount</u>
Demonstration Garden	\$423,000
Mural	\$20,000
G&A Estimate	\$175,721
District Labor	\$100,412
Construction Contact Contingency - Pacific Hydrotech (10%)	\$208,730
Construction Contact Contingency - Terra Form, Inc. (10%)	\$42,300
Carollo Scope Change	<u>\$31,700</u>
Total Future Cost:	\$1,001,863

October 7, 2019 JPA Board Meeting

TO: JPA Board of Directors

FROM: Finance & Administration

Subject : Amendment No. 1 to Joint Exercise of Powers Agreement: Approval in Concept

SUMMARY:

On September 3, 2019, JPA Board Vice Chair Jay Lewitt requested a future agenda item for the JPA to consider an amendment to its Joint Exercise of Powers Agreement (JPA), increasing the authority of the Administering Agent to process budgeted works of improvement without further JPA approval from \$25,000 to \$35,000.

RECOMMENDATION(S):

Approve in concept Amendment No. 1 to the Joint Exercise of Powers Agreement, increasing the authority of the Administering Agent to process budgeted works of improvement without further JPA approval from \$25,000 to \$35,000, and request that the Las Virgenes Municipal Water District and Triunfo Water & Sanitation District consider approval of the amendment at upcoming meetings of their respective Boards.

FISCAL IMPACT:

No

ITEM BUDGETED:

No

FINANCIAL IMPACT:

There is no financial impact associated with this action.

DISCUSSION:

Las Virgenes Municipal Water District (LVMWD) and Triunfo Water & Sanitation District are parties to the attached Joint Exercise of Powers Agreement dated January 26, 2009. The agreement details the powers and relationships of the JPA and LVMWD as the Administering Agent of the JPA. Section 11(a)(iii) establishes authority for the Administering Agent to process budgeted works of improvement estimated to \$25,000 or less without further JPA approval.

California Public Contract Code Section 20642 sets a limit of \$35,000 for formal bidding for works of improvement. On September 3, 2019, JPA Board Vice Chair Jay Lewitt requested a future agenda item for the JPA to consider an amendment to its Joint Exercise of Powers Agreement (JPA), increasing the authority of the Administering Agent to process budgeted works of improvement without further JPA approval such that it matches the statutory limit of \$35,000 for formal bidding.

Attached is proposed Amendment No. 1 to the JPA Agreement, increasing the authority of the Administering Agent to process budgeted works of improvement without further JPA approval from \$25,000 to \$35,000. Staff recommends that the JPA Board approve the amendment in concept and request that the JPA member agencies present it to their respective Boards for approval.

Prepared by: Donald Patterson, Director of Finance and Administration

ATTACHMENTS:

Joint Exercise of Powers Agreement
Proposed Amendment No. 1

JOINT EXERCISE OF POWERS AGREEMENT

This Agreement is entered into this 26th day of January 2009 by and between LAS VIRGENES MUNICIPAL WATER DISTRICT, a California municipal water district formed pursuant to Water Code Section 71000, hereinafter referred to as "Las Virgenes," and TRIUNFO SANITATION DISTRICT, a California sanitation district formed pursuant to Health and Safety Code Section 4700, hereinafter referred to as "Triunfo."

RECITALS

- A. The parties entered into a Joint Exercise of Powers Agreement dated July 1, 1982. The Agreement was amended on June 1, 1987 and March 26, 2003. The Agreement provides for the construction, operation and maintenance of a sewage collection, treatment and disposal system, recycled water system, and related ancillary facilities.
- B. The parties to this Agreement wish to revise the Joint Exercise of Powers Agreement, as amended, and provide further clarification for the exercise of powers between the parties.
- C. The purpose of this Agreement is to provide for the collection, treatment and disposal of sewage generated within the respective territorial limits of the parties. This Agreement replaces the prior Joint Exercise of Powers Agreement between the parties, and amendments thereto.

NOW, THEREFORE, it is agreed as follows:

ARTICLE ONE: GENERAL

1. **Purpose.** The purpose of this Article is to provide introductory terms applicable to the entire Agreement.
2. **Definitions.** The following terms are defined for the purposes of this Agreement:
 - a. "Administering Agent" means Las Virgenes Municipal Water District.
 - b. "Authority" means the separate entity created by this Agreement.
 - c. "Board" means the governing body of the Authority.

- d. "Joint System" means jointly owned facilities in Los Angeles and Ventura Counties presently as described in Exhibits A, B and C. Subsequently acquired joint facilities shall be identified in exhibits attached hereto.
3. **Responsibilities.** Each party must adopt and enforce regulations to comply with regulations adopted by State and Federal agencies, including, but not limited to, pretreatment regulations. Currently, a pretreatment program, a suitable revenue program, and a system of equitable user charges are required because the Authority has received Federal assistance for the so-called Clean Water Act grant projects.
4. **Authority Meetings.** Meetings of the Authority shall be held at times and places as determined by the Board. The Chairs of the two (2) parties' governing boards will alternate annually as Chair and Vice-Chair, respectively, of the meetings.
5. **Exercise of Power.** The Board of the Authority consists of the board of directors of each party. The decisions of the Authority shall be made at meetings of the Board. The quorum for such meeting shall consist of at least three (3) members of the board of directors of each party. Action by the Authority requires the affirmative vote of not less than three (3) members of each party's board of directors, acting as the governing Board of the Authority.
6. **Duty of Administering Agent.** The Administering Agent shall provide, arrange and contract for the operation and maintenance of the Joint System. The Administering Agent shall administer the Authority and execute agreements as the agent for the Authority. At meetings of the Board, the Administering Agent shall report on the status of agreements or actions taken on behalf of the Authority. The Administering Agent shall use its best efforts to keep the parties and their staff informed of actions taken on behalf of the Authority.
7. **Term.** The term of this Agreement shall be ten (10) years commencing on the date first above written and shall automatically renew for additional ten-year (10-year) terms unless terminated earlier as provided herein. The Agreement shall be reviewed by a

committee of the General Manager, General Counsel, and two (2) directors from the board of each party.

8. Ownership of Property.

- a. Real property necessary for the Joint System located in Ventura County shall be acquired by the joint partner and title shall be held in the name of Triunfo for the benefit of the Authority. Real property necessary for the Joint System and located in Los Angeles County shall be acquired by Las Virgenes and title shall be held in the name of Las Virgenes for the benefit of the Authority.
- b. Personal property necessary for the Joint System and the operation of the Authority shall be acquired and held in the name of the Administering Agent.

ARTICLE TWO: BUDGET AND FINANCE

9. Purpose. This Article sets forth the procedures for adoption of an annual budget and how the finances of the Authority shall be handled.

10. Budget Process.

- a. By February 10th of each year, each party may submit proposals to the Administering Agent for inclusion in the annual budget. The Administering Agent shall include proposals from both Districts in the proposed budget, covering the fiscal year commencing the next following July 1st. At a meeting in May of each year, the Administering Agent shall present such proposed budget directly to the Board at a meeting called and noticed for that purpose. The Chair and Vice Chair shall determine if more meetings are necessary prior to July 1st of each year.
- b. The proposed budget will include expected revenue and expense for administration, operations and maintenance, and works of improvement in sufficient detail to enable the Board to determine whether each budget item or proposal is reasonably necessary to fulfill the mission of the Authority. Proposals to expand or upgrade a facility shall be included in the budget process.
- c. If the budget has not been approved by the Board by July 1st of each year, the Administering Agent may expend monies for administration, operation, and

maintenance purposes. The expenditures for specific administration, operation and maintenance categories cannot be more than one hundred ten percent (110%) of the prior year's expenditures for the same category. The expenditures for capital projects approved during the prior year's budgets are also permitted.

11. Expenditures.

a. Budgeted.

- (i) The Administering Agent shall expend money in accordance with the budget and with requirements of all applicable laws.
- (ii) The Administering Agent shall present to the Authority a quarterly written report of budget expenditures with corresponding explanations as appropriate.
- (iii) The Administering Agent shall process budgeted works of improvement as follows:
 - (a) Work estimated to cost less than Twenty-Five Thousand Dollars (\$25,000) may be undertaken by the Administering Agent without further Authority approval.
 - (b) Work estimated to cost more than Twenty-Five Thousand Dollars (\$25,000) shall be presented to the Board for approval. No further Authority action will be required after a preliminary design report is accepted by the Authority and the Authority approves proceeding with the work described in the preliminary design report.

b. Unbudgeted.

The Administering Agent may not construct works of improvement to expand or enlarge the Joint System unless authorized in the approved budget or by subsequent action of the Authority. However, the Administering Agent may spend money during an emergency. The Administering Agent shall report such emergency or action and proposed response in writing immediately to the Board as soon as the situation has stabilized. An emergency means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring

immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services, and further includes orders of a regulatory agency requiring immediate action or response and events requiring immediate response to avoid or to minimize the consequences of being in violation of a regulation.

12. Funds.

- a. Operations Fund. An operations fund is established to provide for operation and replacement of the Joint System. Deposits to this fund shall be made by each party to provide for a three-month (3-month) working capital reserve. The Administering Agent shall provide monthly statements to the parties describing the amounts required for deposit in the fund to cover ongoing operating costs. Such amounts shall be submitted by the parties to the Administering Agent within thirty (30) days of the date of the statement.
- b. Construction Fund. A construction fund is established to provide for the expansion of the Joint System to meet new customer demands. Each party shall submit money for their respective share of estimated project costs. If the bids for the work indicate the deposits are insufficient, the Administering Agent shall notify the parties. The parties shall submit additional money so that the Administering Agent will have sufficient project funding to complete the work.

13. Allocation of Costs.

- a. Variable operation and maintenance costs shall be prorated between the parties based upon the average monthly sewage flow contributed to the Joint System by each party. As used herein, "variable operation and maintenance costs" means costs for sewage collection and treatment, solids and effluent disposal, which are a function of the amount of sewage entering the Joint System.
- b. Fixed operation and maintenance costs shall be prorated between the parties, based on the parties' respective capacity rights in the facility. As used herein, "fixed operation and maintenance costs" means costs for sewage collection and treatment, solids and effluent disposal costs, which are not a function of the amount of sewage entering the Joint System.

- c. Capital costs shall be prorated between the parties based upon the parties' respective capacity rights in the facility. As used herein, "capital costs" means costs of facilities or equipment to replace or augment existing capital improvements.
- d. Annual audit costs shall be shared equally.
- e. General and administrative costs shall be based upon the actual cost of labor. As used herein, "general and administrative costs" means accounting, personnel and general management expenses of the Administering Agent, and similar costs of each party approved in the annual budget.
- f. Land acquisition costs shall be shared based upon the capacity rights in the project for which the land is acquired. As used herein, "land acquisition costs" or "land costs" means costs associated with acquisition of land, including interests in land and any professional services necessary for land acquisition.

14. Income.

- a. The proceeds from the sale by the Authority of a commodity, including, but not limited to, compost/sludge, recycled water, or agricultural products, shall be credited to each party based upon the party's capacity rights in the facility or facilities producing the commodity.
- b. The price for the sale of such commodity shall be approved by the Authority. In determining the price, the Authority shall consider such expense as debt service, replacement service, capital recovery, operation and maintenance costs, cost of the commodity production, the cost of supplemental water, and the value of the product.
- c. Monies on deposit will be invested. Interest will be periodically credited to each party in proportion to each party's average monthly balance.

15. Surplus Property. The Authority may sell surplus real and personal property if the Board declares the property surplus. After other requirements of law concerning the disposal of surplus property are satisfied, the property shall be offered for sale to the highest bidder. Either party may purchase the property for the minimum price prior to the public sale. The Administering Agent shall remit the proceeds of the sale to each

party in proportion to each party's contribution to the initial purchase, or acquisition and replacement costs, if any.

16. Financial Records. The Administering Agent shall render an accounting of all funds and report on all receipts and expenditures for the review and audit of the parties. Annually the Administering Agent shall engage a certified public accountant, with the approval of the Authority, to perform an annual audit of the accounts and records for the operation and maintenance of the Joint System in accordance with generally accepted auditing principles and procedures. A copy of the Authority's annual audit shall be filed with the governing Boards of the parties within six (6) months of the end of the fiscal year under examination.

ARTICLE THREE: CAPACITY RIGHTS

17. Purpose. This Article allocates capacity between the parties for the use of the Joint System.
18. Capacity Rights. Each party may use a portion of the existing System. As of January 1, 2005, the Joint System, except for the sewer collection system, is apportioned between the parties with Las Virgenes having 70.6% and Triunfo having 29.4%. The joint sewer collection system capacity is apportioned between the parties as set forth in Exhibit A. If additional future collection, treatment or disposal facilities are constructed pursuant to this Agreement, the right to utilize capacity in those facilities shall be based upon the respective parties' contributions to the construction costs of the particular facility.
19. Use of Excess Capacity.
 - a. A party may use the other party's unused capacity on a month-to-month basis provided:
 - (i) The party using the other party's capacity shall pay: variable operation and maintenance costs based upon the amount of excess sewage contributed and the fair rental value of the part of the facility used.
 - (ii) Such excess capacity shall be transferred in minimal increments of 0.25 MGD, average dry weather flow.

- (iii) The party providing the excess capacity may terminate the other party's use upon the giving of thirty (30) days' prior written notice that capacity is no longer surplus.
 - (iv) Upon termination of the temporary capacity rights, the party using the temporary capacity must reduce its flow to within its permanent capacity limits, or shall fully indemnify the other party for all costs, liabilities, damages and expenses incurred as a result of the usage of the other party's capacity.
 - b. Capacity rights shall not be assigned, conveyed or transferred by either party without the express written consent of the other party. Capacity rights may be permanently transferred from one party to the other party upon mutually agreeable terms and conditions.
- 20. **Importation of Sewage.** Sewage shall not be accepted from additional areas outside the service boundaries of the parties without the prior written approval of the other party, which approval shall not be unreasonably withheld. The areas served outside the boundaries of the Districts are shown on Exhibit D attached hereto. A party responsible for the importation of such sewage shall be solely liable for any financial or legal liabilities arising by reason of the importation of such sewage.
- 21. **Single-User Facility.**
 - a. The parties will make every effort to expand Authority facilities to meet new demands represented by additional sewage flow generated within the service areas of the parties by more stringent regulatory requirements. The preference of the parties is to construct new Authority facilities to meet the new demands. However, the parties might not agree on precisely how to meet emerging demands. When this occurs, a party may construct a "single-user facility" as set forth in this section.
 - b. The parties may construct, operate and maintain a single-user facility if: (1) the single-user facility does not interfere with the operation of the Authority facilities; (2) the single-user facility does not increase the cost of the existing Authority facilities; and (3) the proposed single-user facility does not increase a party's

share of the burden of the existing Authority facilities. In determining whether a proposed single-user facility will interfere with the operations and maintenance of the Authority facilities, the parties shall consider the current and future uses of the Authority facilities in relation to the single-user facility. In determining whether the single-user facility will increase the cost of the existing Authority facilities, the parties shall consider capital costs, operation and maintenance costs, and the value of the property. In determining whether a proposed single-user facility increases a party's share of the burden of the existing Authority facilities, the parties shall consider shared responsibilities such as the capacity, environmental impact, liability, and permits.

- c. The parties are unable to describe every possible future single-user facility. However, the parties can establish the following procedure for evaluating a proposed single-user facility:
 - (i) Parties are expected to recommend the construction of Authority facilities for consideration by the Board of Directors of each party. A party which has suggested a facility rejected by the other party may then cause the project to be evaluated as a single-user facility.
 - (ii) The Administering Agent shall prepare a report describing whether the proposed single-user facility will impact the Authority facilities, whether it is possible to apportion the costs of a single-user facility in a way which does not impact the Authority facilities, and the impact on shared burden. The report shall be provided to the joint partner in a reasonable period of time prior to consideration by the Boards of Directors of Las Virgenes and Triunfo, but in no event, no less than thirty (30) days' advance notice.
 - (iii) The Boards of Directors of the Districts shall consider the report on the single-user facility at a joint meeting. The Boards shall also consider such other information as a party wishes to submit. The Boards shall decide whether a single-user facility can be constructed, operated and maintained in accordance with this provision and what, if any, arrangements must be made concerning apportionment of costs and capacity.

22. Allocation Upon Partial or Total Termination.

- a. If the parties mutually agree to terminate the use of a portion of the Joint System or equipment, the Administering Agent may be directed to dispose of the property. The proceeds from the sale, if to a third party, shall be distributed to the parties in a proportion which reflects each party's contribution to the cost of the Joint System or the equipment being sold. The Joint System or equipment shall not be sold without making provision for repayment of any outstanding obligations on the Joint System or equipment.
- b. If there is a total termination of the Joint System, or if there is a dispute between the parties as to the value of the property to be disposed, the value of a party's interest in the property shall be determined by appraisal as follows:
 - (i) Within five (5) days after the event requiring appraisal, the parties shall jointly appoint an appraiser for that purpose, or failing this joint action, each shall separately designate an appraiser, and within fifteen (15) days after their appointment, the two (2) designated appraisers shall jointly designate a third appraiser. The failure of either party to appoint an appraiser within the time allowed shall be deemed equivalent to appointing the appraiser appointed by the other party. No persons shall be appointed or designated an appraiser unless he is an M.A.I., S.R.A. appraiser or registered engineer having expertise in costing these types of facilities.
 - (ii) Within thirty (30) days after the appointment of all appraisers, a majority of the appraisers concur on the value of the interest being appraised, the appraisal shall be binding and conclusive. If a majority of the appraisers does not concur within that period, the determination of the appraiser whose appraisal is neither the highest nor the lowest shall be binding and conclusive.
 - (iii) The parties will share the appraisal expenses equally.

ARTICLE FOUR: EFFLUENT DISPOSAL

23. Purpose. This Article describes how the Authority will dispose of treated effluent or raw sewage. Disposal methods include: discharge to a public watercourse, distribution as recycled water, spray irrigation or injection on public and private lands, or transfer to another agency.
24. Ownership of Treated Effluent. The minimum each party is entitled to receive from the Joint System is the amount of treated effluent equivalent to the sewage contribution from its county. If demand for treated effluent exceeds the available supply, costs for supplementing the treated effluent supply with potable water shall be charged to the retail water agency exceeding the party's entitlement. If a party's demand for treated effluent is less than the available supply, either party may use the other party's unused entitlement and pay the appropriate operation and maintenance costs.
25. System Alteration or Expansion.
- a. Nothing contained herein is intended to limit or govern the rights of either party to regulate the extent or method of treated effluent distribution or sale of the party to others in its own territory.
 - b. A party may construct and, thereafter, shall solely own a recycled water distribution system extension without the participation of the other party if the other party is offered the option to participate in the extension on the same basis as the party's then-current capacity to distribute water to land from the treatment plant(s) from which the effluent is generated, in which event, the addition shall become a part of the Joint System. If a party elects not to participate in the extension, that party shall sell recycled water to the party proposing the extension at the recycled water rate described herein, in which event, the extension shall not be part of the Joint System.
 - c. All parties must participate in the expansion of the treated effluent disposal facilities required to maintain pressure and flow for effluent disposal.
 - d. The parties shall meet and confer in good faith if a party wishes to divert a significant portion of its untreated influent. For purposes of this Agreement,

significant portion shall mean ten percent (10%) or more of that party's contributed flow of raw sewage into the collection system.

ARTICLE FIVE: MISCELLANEOUS

26. Dispute Resolution.

- a. Disputes can be best avoided by full, fair and complete communication. The parties will do everything reasonably possible to undertake and foster such communication. Directors and staff of both parties are permitted and encouraged to address one another during regular business hours and during meetings. The procedures in this section may be invoked when disputes arise despite the best efforts of the parties, their officers, agents and employees. This provision anticipates disputes will be divided into two categories. A "budget dispute" arises when (1) a party wishes to contest expenditures for administration, operation or maintenance in the absence of a budget, or when (2) a party disputes whether a project may be constructed as a "single user facility." A "general dispute" arises when a party disputes any other decision of the governing body, or Administering Agent, or interpretation of this agreement. This provision provides a different alternate dispute resolution process depending on whether a budget dispute or a general dispute has arisen.
- b. A party may invoke dispute resolution for a budget dispute by serving a written statement on the chairs of the two districts. The statement shall identify the issues to be resolved, the position of the petitioner, the apparent position of the respondent, and a summary of anticipated evidence. The districts are required to use dispute resolution strictly in the following order: (1) through mediation with a neutral mediator or fact-finder; and (2) if still needed, by binding arbitration. If arbitration becomes necessary, each district will select a neutral arbitrator (a neutral arbitrator, technically qualified for the specific issue, if possible), and the two arbitrators so selected shall select a third neutral arbitrator (also technically qualified, if possible) to chair the three-person arbitration. The arbitrators shall conduct the arbitration as expeditiously as possible according to the appropriate

laws and rules regarding arbitrations in California. The arbitration panel shall limit its award to a determination of reasonableness and need, and to a determination of whether the petition of the petitioner or the respondent is most appropriate for projects that one district refuses to approve. Each party shall pay its own attorneys fees and costs of dispute resolution, but the prevailing party as determined by the arbitrator shall be entitled to recover attorneys fees and costs.

- c. A party may invoke this subsection to deal with a general dispute by filing a written request with the president of the board of the other party. At the next regular meeting occurring at least four days after the filing of the request, the governing board of each district shall appoint two of its members to serve on a committee. The committee members shall meet forthwith to receive and consider the reports of each district on the subject matter of the dispute. The committee will report its findings at the next scheduled meeting of the joint districts to occur at least thirty (30) days after the appointments of the committees.

If the dispute is not resolved after the committees have met and conferred, either party may press the appointment of a mediator. If the parties are unable to select a mutually agreeable mediator, the mediator shall be selected by using the procedures specified for the appointment of a mediator by a court.

If the dispute is not resolved as a result of mediation, a party may request advisory arbitration. If the parties cannot select an arbitrator by mutual agreement, the process for selecting an arbitrator in a court proceeding shall be followed. After appointment of an arbitrator, either party may obtain copies of records in the possession of the other party at no cost by written request. Witnesses may be deposed, but the record of the deposition shall be a videotape record. The record of the arbitration shall also be videotaped. The decision of the arbitration shall be written and transmitted simultaneously to the president of each board.

27. **Supplemental Operational Agreements.** The parties recognize that certain technical and detailed operational agreements in the form of memorandums of understanding will need to be negotiated by the General Managers. The General Managers shall meet and

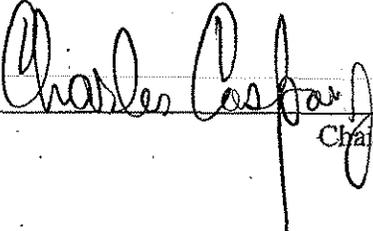
confer in good faith in developing those memorandums of understanding which will become addendums to this Agreement.

28. **Insurance.** The Administering Agent shall maintain, during the life of this Agreement, property damage and liability insurance to protect parties from claims for damages or personal injury, death, as well as from claims for accidental property damage, which may arise from its operation under this Agreement, whether such operations shall be by the Administering Agent or by any contractor or subcontractor or by anyone directly or indirectly employed by the Administering Agent. The amount of such insurance shall be as from time to time determined by the parties.
29. **Inurement.** The provisions of this Agreement shall inure to the benefit of, and be binding upon, each of the parties and their successors and assigns.
30. **Prior Agreements.** This Agreement supersedes the prior agreements of the parties and is a substitute therefor; provided, however, that all apportionment of costs, expenses or liability heretofore made or incurred shall not be affected by terms hereof.
31. **Mutual Consent.** This Agreement shall continue in full force and effect until terminated by the mutual consent of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement or caused it to be executed as of the date first written.

LAS VIRGENES MUNICIPAL WATER
DISTRICT

By _____


Chair

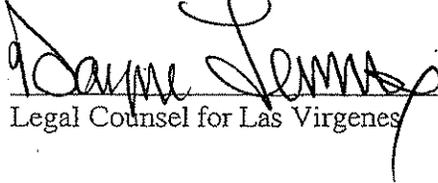
ATTEST:

By _____


Secretary

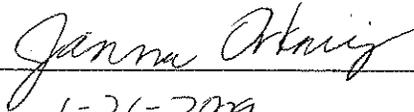
(SEAL)

Approved as to Form:



Legal Counsel for Las Virgenes

TRIUNFO SANITATION DISTRICT

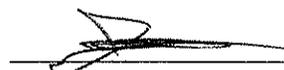
By 

1-26-2009 Chair

ATTEST:


By _____
Clerk of the Board
(SEAL)

Approved as to Form:



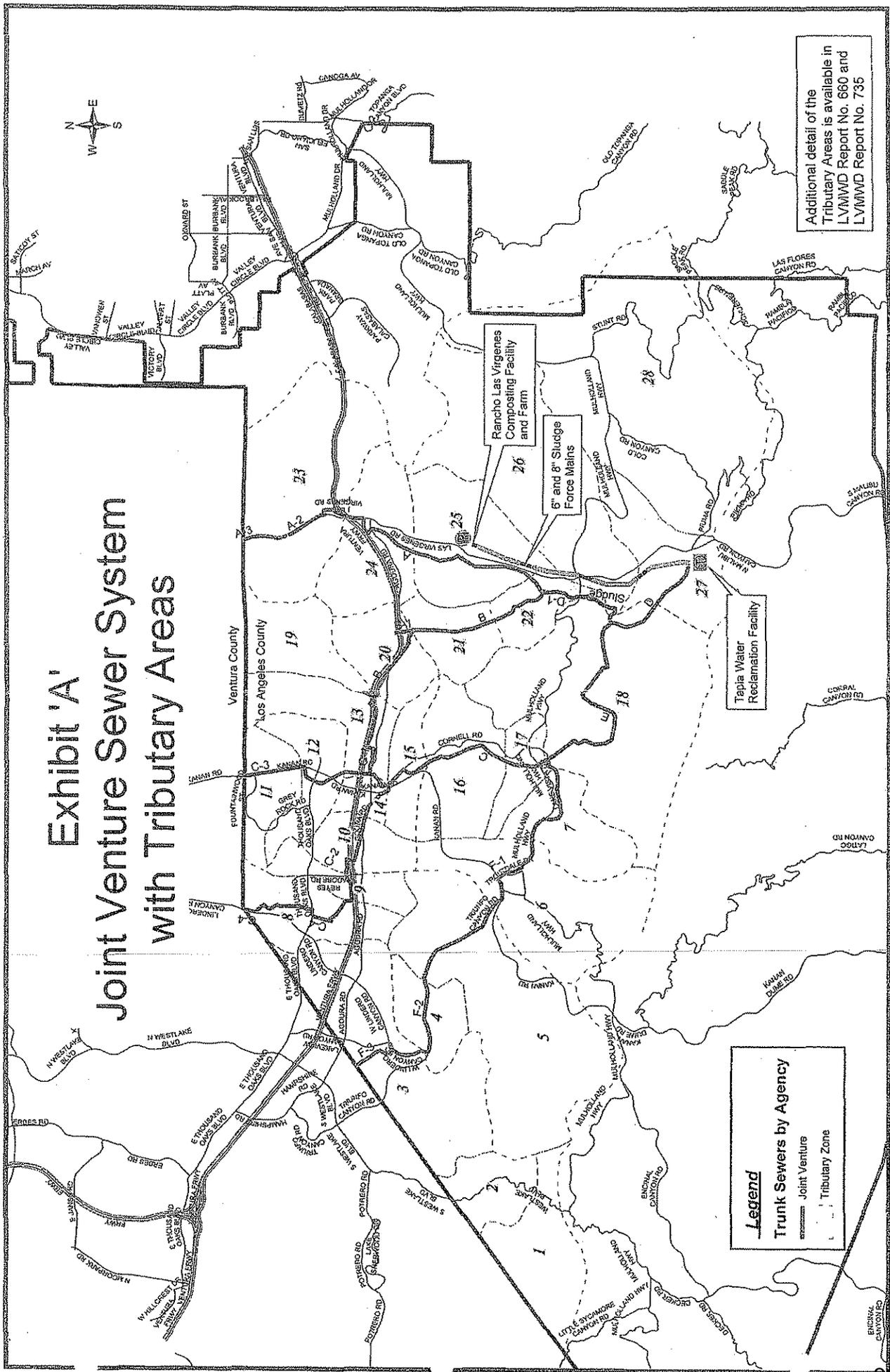
Legal Counsel for Triunfo

Exhibit 'A'

Joint Venture Sewer System with Tributary Areas



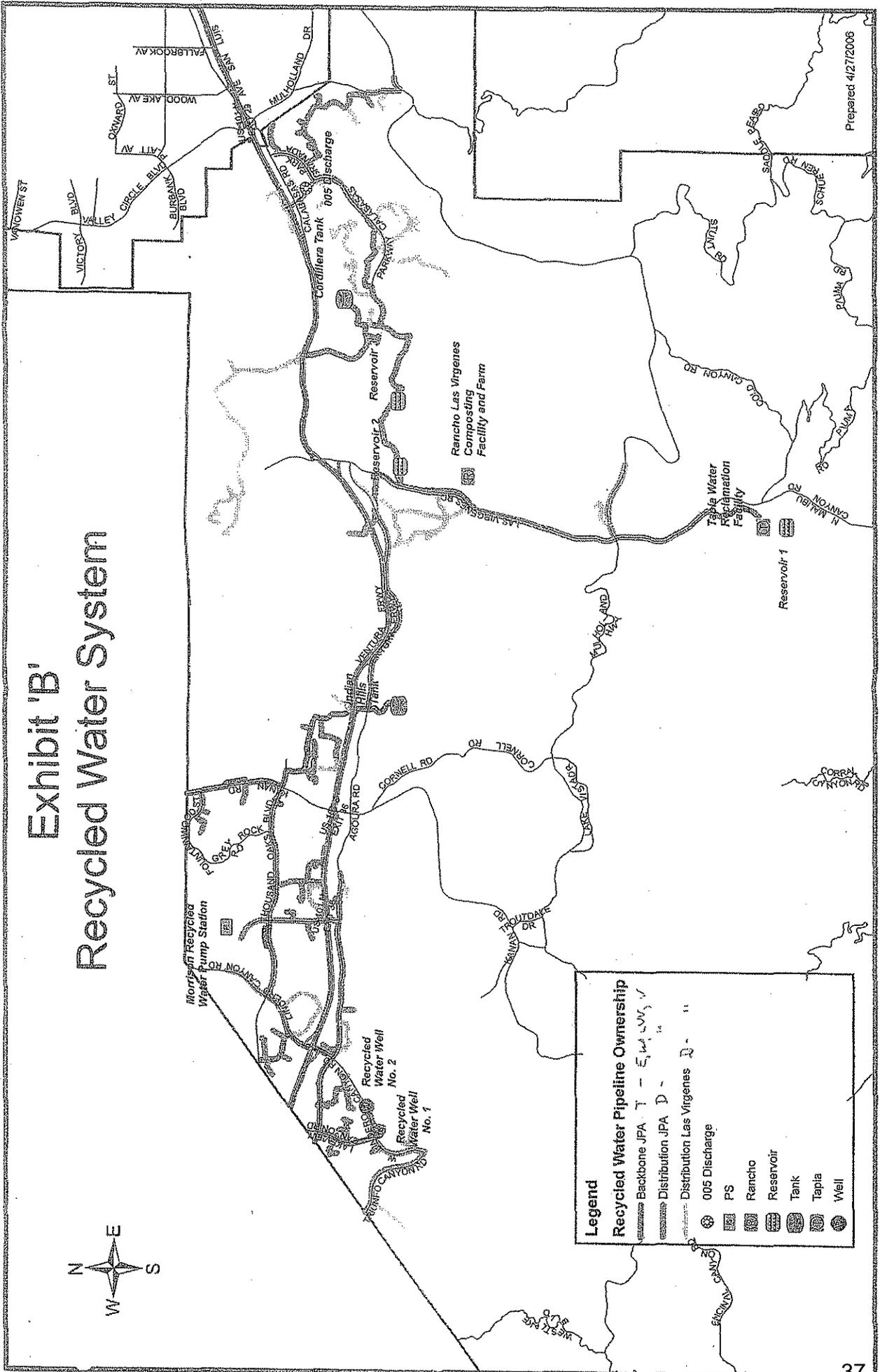
Additional detail of the
Tributary Areas is available in
LVWMD Report No. 660 and
LVWMD Report No. 735



Legend

- Trunk Sewers by Agency
- Joint Venture
- Tributary Zone

Exhibit 'B' Recycled Water System



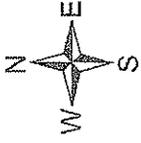
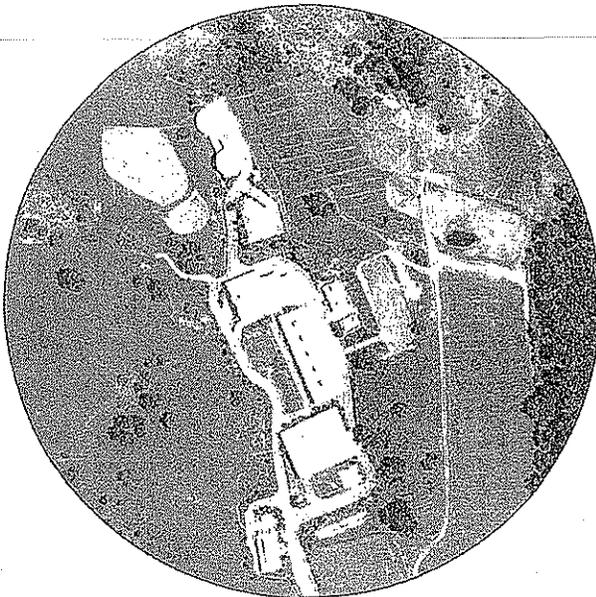
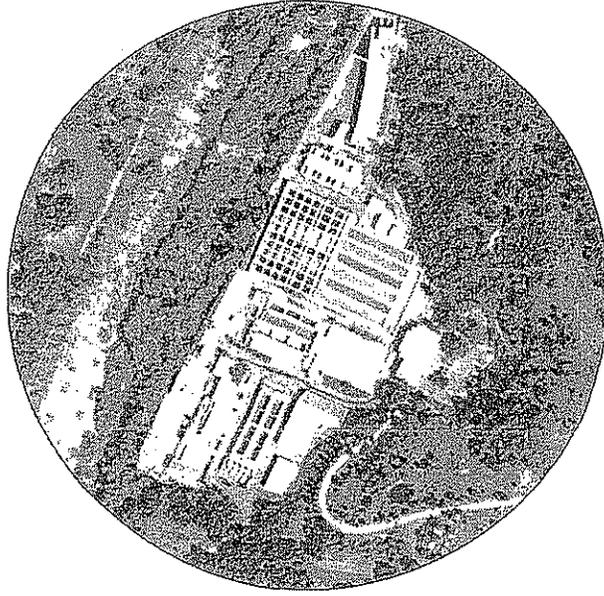
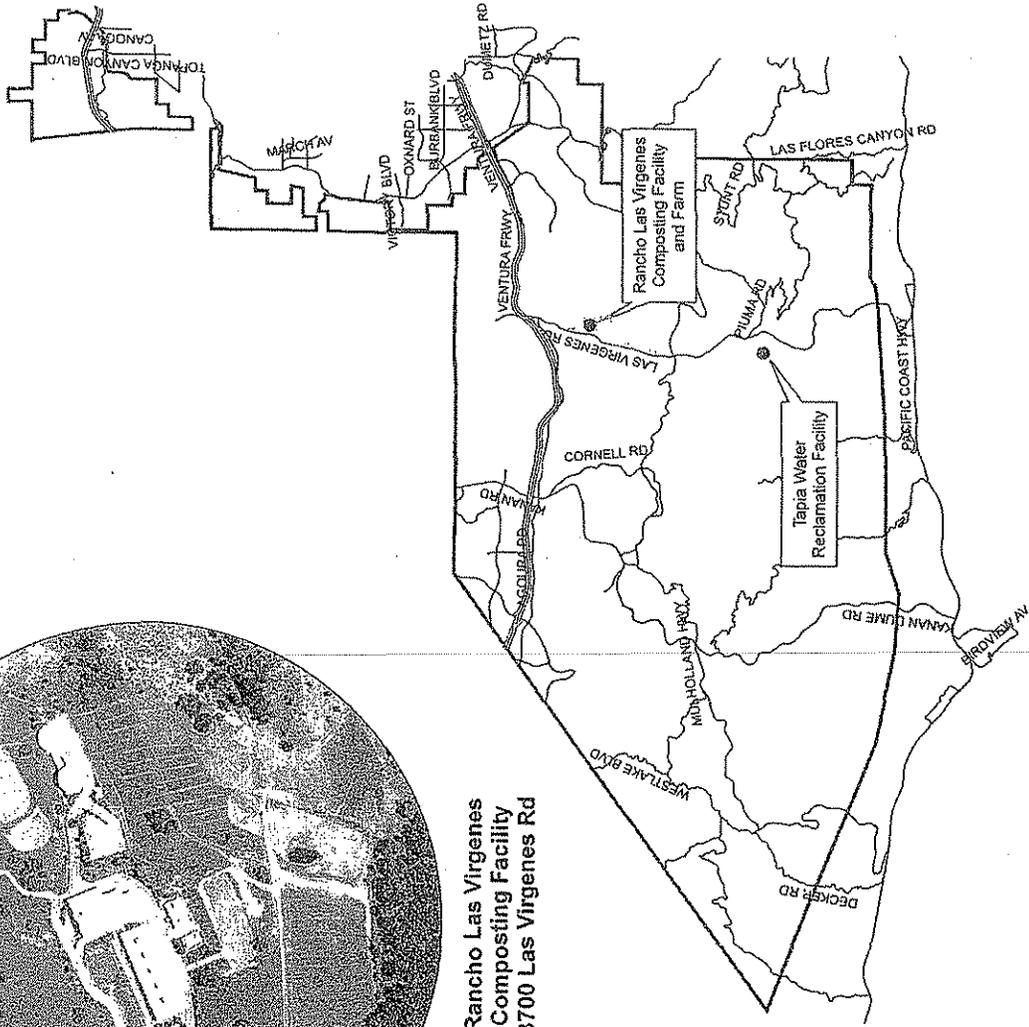


Exhibit 'C' Plant Facilities



**Rancho Las Virgenes
Composting Facility
3700 Las Virgenes Rd**



**Tapia
Water Reclamation Facility
731 Malibu Canyon Rd**

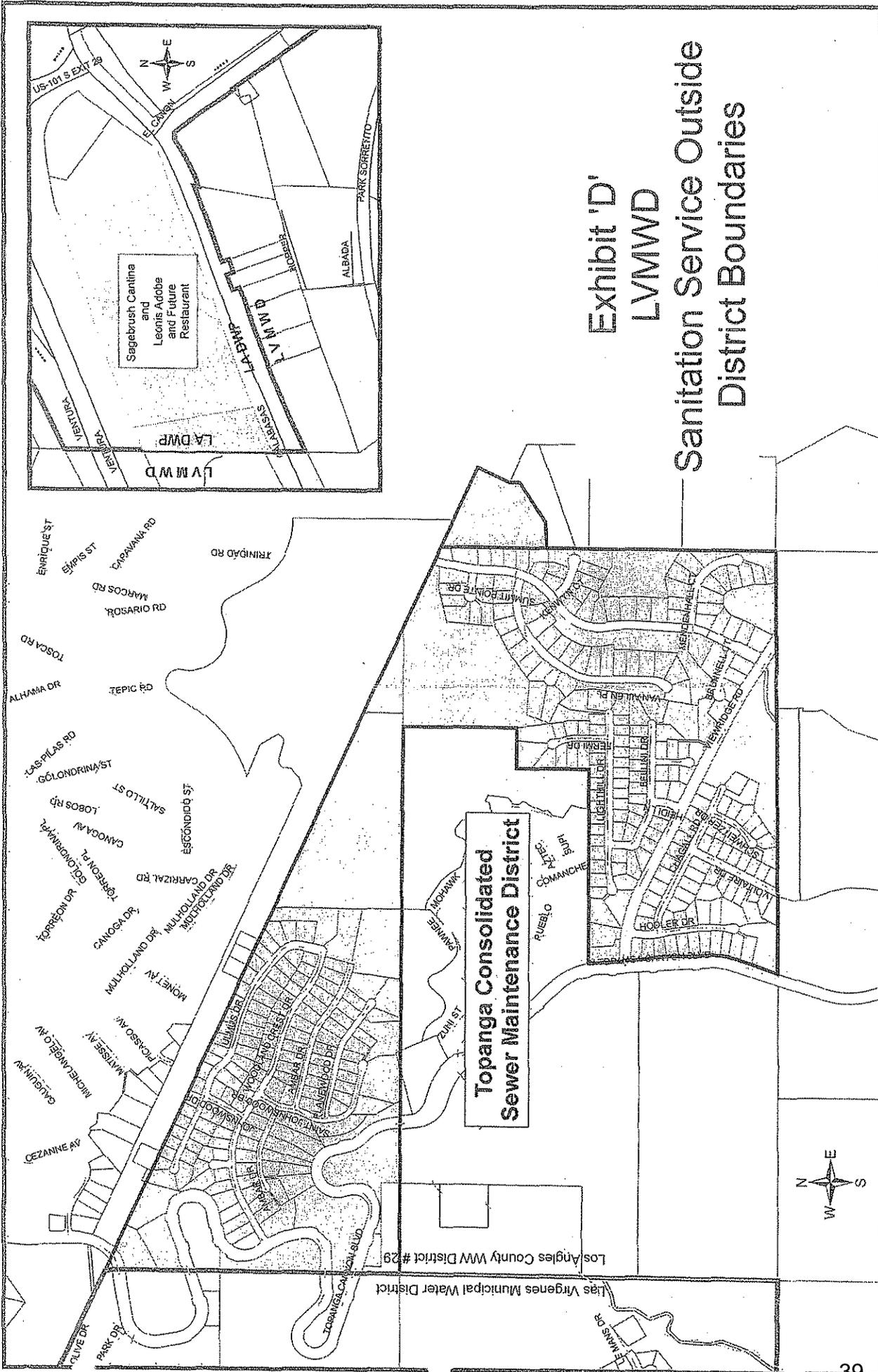
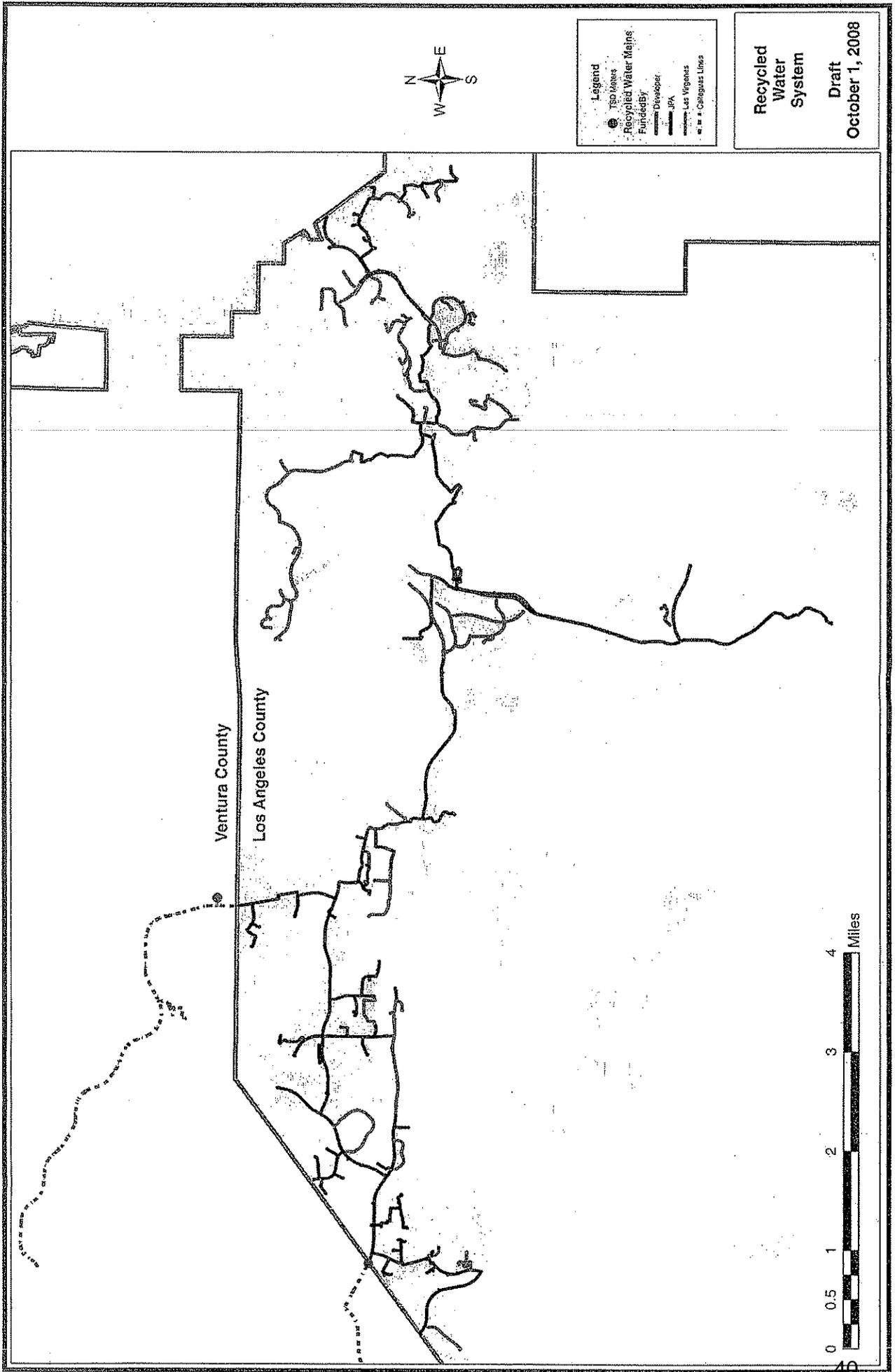


Exhibit 'D'
LVMWD
Sanitation Service Outside
District Boundaries

**Topanga Consolidated
 Sewer Maintenance District**



Legend

- To Be Recycled Water Mains
- Funded By Developer
- JPA
- Los Angeles
- Collegiate Lines

Recycled Water System
Draft
October 1, 2008



AMENDMENT NO. 1 TO JOINT EXERCISE OF POWERS AGREEMENT

This Amendment No. 1 to Joint Exercise of Powers Agreement (this “Amendment”) is made and entered into effective as of _____, 2019, between LAS VIRGENES MUNICIPAL WATER DISTRICT (“Las Virgenes”), and the TRIUNFO WATER & SANITATION DISTRICT (“Triunfo”). Las Virgenes and Triunfo are collectively referred to herein as “Parties” and individually as “Party.”

RECITALS

WHEREAS, Las Virgenes and Triunfo entered into that certain Joint Exercise of Powers Agreement dated as of January 26, 2009 (the “Agreement”); and

WHEREAS, Las Virgenes and Triunfo desire to amend the Agreement as set forth herein.

NOW, THEREFORE, in consideration of the promises and the mutual benefits from the covenants hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, Las Virgenes and Triunfo hereby agree as follows:

1. Amendment.

Section 11(a)(iii) of the Agreement is hereby deleted and replaced in its entirety with the following:

- “(iii) The Administering Agent shall process budgeted works of improvement as follows:
- (a) Work estimated to cost Thirty-Five Thousand Dollars (\$35,000) or less may be undertaken by the Administering Agent without further Authority approval.
 - (b) Work estimated to cost more than Thirty-Five Thousand Dollars (\$35,000) shall be presented to the Board for approval. No further Authority action will be required after a preliminary-design report is accepted by the Authority and the Authority approves proceeding with the work described in the preliminary design report.”

2. No Further Amendments; Ratification; Conflicts.

Except as specifically modified herein, the Agreement shall remain in full force and effect and no provision hereof shall be deemed a waiver of any other provision of the Agreement. The Agreement, as amended hereby, is hereby ratified and confirmed by the Parties hereto. In case of any inconsistencies between the terms and conditions contained in the Agreement and the terms and conditions of this Amendment, the terms and conditions of this Amendment shall control.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the date set forth above.

Las Virgenes:

Las Virgenes Municipal Water District

By: _____

Name: Jay Lewitt

Title: Chair

Triunfo:

Triunfo Water & Sanitation District

By: _____

Name: Janna Orkney

Title: Chair



Memorandum

To: Las Virgenes-Triunfo JPA
 From: Syrus Devers, Best Best & Krieger
 Date: September 23, 2019
 Re: Monthly State Political Report

End of Session Report

The first year of the biennial session concluded on September 13th. Ordinarily this wrap up of legislative activities happens in October, but this year was a bit unusual in that all but a few bills related to water were dispensed with well before the end of session. The only outstanding bill at the time this report was prepared was SB 1 (Atkins), which the Governor has said he'll veto. Despite the relatively calm end of session for water policy issues, the year in general was a busy one for the water lobbyists. BB&K tracked almost as many water bills as it did during the height of the drought when water conservation was the dominant policy issue in the Capitol. As detailed in this report, the wins outnumbered the losses by a wide margin but the losses were not trivial.

The Losses

AB 756 (C. Garcia): PFAS/PFOS will be regulated in standalone regulations with little to no science supporting the effort. The bill itself was not the real problem so much as what will follow. The bill set notification levels for PFAS at incredibly low levels. For practical purposes the limit is the same as detection limits, but it is widely assumed that the Maximum Contaminant Levels (MCLs) will soon follow suit and be similarly lacking in scientific support. This was a no-win situation for the water industry because opposing the bill looked like defending contaminated water and public transparency. Arguing that a bill lacks a scientific basis hardly raises an eyebrow in Sacramento. This is not to say the bill wasn't lobbied aggressively. PFAS manufacturers hired big-name firms and did what they could to point out the unintended consequences of not following established procedures for identifying pollutants, but there was never any traction.

WaterFix: No, the WaterFix isn't dead, but for all practical purposes we're starting over...again. One of Governor Newsom's first acts was to undercut the Brown administration's two-tunnel proposal in favor of a smaller single tunnel. That wasn't necessarily the end, but later it was made

clear that all new environmental impact reports would be pursued, with a first draft proposed for some time in 2020. At this time it's unclear what size tunnel Newsom would support, and his top appointees have indicated that they'll be open to including an even wider range of issues going forward—as if it wasn't already complicated enough. A tunnel may be built one day, but it's hard not to view this as a significant setback.

The Wins

Water Tax: The scope of this win cannot be overstated. Water purveyors faced a coordinated effort by two successive administrations and Assembly leadership to impose a tax on water agencies. The year began with bills in both houses that looked ominous: AB 217 (Garcia), AB 134 (Bloom), and SB 200 (Monning). As is the case more often than is recognized, the win came about from surviving long enough to get lucky; the water industry's opposition held on long enough for larger political forces in the Senate to overtake the issue. In the end, it came down to Senate Pro Tem Atkins not wanting a tax bill on the Senate Floor that would be bad for new members she needed to protect. But what came out of the clash of forces was a surprisingly good solution—a dedicated source of funding and a decent road map for a program to get clean drinking water to California's disadvantaged communities. It wasn't just a win for water agencies—the people of California won this time as well.

WaterFix: Yep, it's both a loss and a win. The project itself may have suffered a setback under the new administration, but that doesn't mean water industry lobbyists weren't on the job. Assembly Member Frazier (AB 1194) and Senator Dodd (SB 204) pursued bills that were indirect attacks on the WaterFix and both got blocked. AB 1194 was batted down in what has become an annual tradition, and SB 204 was amended into an arguably good bill on transparency. A third bill may have been intended to be a hurdle for the WaterFix although it wasn't entirely clear. AB 1580 (Levine) would have imposed additional administrative hurdles on large-scale “publicly funded” projects. Assembly Member Levine is a vocal opponent of the Delta tunnels so it was assumed he meant it to apply to the WaterFix, but the bill was unclear if it applied or not. As a precaution MWD opposed it just in case it did and the bill was held on suspense.

Accessory Dwelling Units: Although this wasn't a major focus of Las Virgenes and Triunfo, at least a half dozen bills related to the housing crises touched upon water agencies being able to charge fees for new units. Water industry lobbyists quietly worked to make it clear that water agencies weren't part of the problem and that they can only charge fees for the cost of the services they provide. In the end, none of the housing bills significantly impinged on water agency's ability to provide service.

BB&K
BEST BEST & KRIEGER 
ATTORNEYS AT LAW

SB 134 (Hertzberg): Water loss enforcement. The water conservation bill package from last year had an unresolved issue in that both it and prior legislation established fines for excessive water loss by water providers. It was understood that there would be clean up legislation this year that was supposed to be noncontroversial, but some environmental groups got greedy and lobbied to let the SWRCB choose which scheme it wanted to enforce. This effort was successfully fended off and SB 134 went on to put limits on the Board as to when it can impose fines for water losses.

Several other bills are in the “win” column for water interests that are listed in the Bill Matrix, such as AB 402 (Quirk) and SB 233 (Hertzberg). The only loss that can be fairly laid at the doorstep of the lobbyists in Sacramento is AB 756 on PFAS. But when compared to the wins, 2019 is being scored as a great year for water policy.

Final Note: At the start and end of every session, BB&K encourages you to look over the “Watch” list of bills one more time. LVMWD staff and BB&K work hard to anticipate the interests of the board, and we think we do a pretty good job of it, but we’re always looking to improve. If there are bills on the “Watch” list that you think should have been brought to your attention, now would be a great time to point them out so that we can do an even better job next session.

Las Virgenes-Triunfo JPA

Prepared by Best Best & Krieger LLP, September 27, 2019

A. Priority Support/Oppose

Measure	Author	Topic	Status	Location	Brief Summary	Position
AB 292	Quirk D	Recycled water: raw water and groundwater augmentation.	9/15/2019-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 8/30/2019)(May be acted upon Jan 2020)	9/15/2019-S. 2 YEAR	Current law requires the State Water Resources Control Board, on or before December 31, 2023, to adopt uniform water recycling criteria for direct potable reuse through raw water augmentation, as specified. Current law defines “direct potable reuse” and “indirect potable reuse for groundwater recharge” for these purposes. This bill would eliminate the definition of “direct potable reuse” and instead would substitute the term “groundwater augmentation” for “indirect potable reuse for groundwater recharge” in these definitions. The bill would revise the definition of “treated drinking water augmentation.”	Support-Sent letter to Quirk and members of the Environmental Safety and Toxic Materials Committee on 3/5/19. Sent support letter to Senator Allen, Chair of the Senate Env. Qual Committee on 5/22/19.
AB 402	Quirk D	State Water Resources Control Board: local primacy delegation: funding stabilization program.	8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/12/2019)(May be acted upon Jan 2020)	8/30/2019-S. 2 YEAR	The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adopting implementing regulations, and conducting studies and investigations to assess the quality of water in private domestic water supplies. This bill would authorize the state board to delegate partial responsibility for the act’s administration and enforcement by means of a local primacy delegation agreement. The bill would authorize the state board, for counties that have not been delegated primary responsibility as of January 1, 2020, to offer an opportunity for the county to apply for partial or primary responsibility if the state board determines that it needs assistance in performing administrative and enforcement activities, as specified.	Oppose unless amended-Sent oppose letter to Sen. Stern on June 11.
AB 756	Garcia, Cristina D	Public water systems: perfluoroalkyl substances and polyfluoroalkyl substances.	7/31/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 162, Statutes of 2019.	7/31/2019-A. CHAPTERED	Would authorize the State Water Resources Control Board to order a public water system to monitor for perfluoroalkyl substances and polyfluoroalkyl substances. The bill would require a community water system or a nontransient noncommunity water system, upon a detection of these substances, to report that detection, as specified. The bill would require a community water system or a nontransient noncommunity water system where a detected level of these substances exceeds the response level to take a water source where the detected levels exceed the response level out of use or provide a prescribed public notification.	

AB 1180	Friedman D	Water: recycled water.	9/19/2019-Enrolled and presented to the Governor at 3:30 p.m.	9/19/2019-A. ENROLLED	The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law requires, on or before January 1, 2020, the state board to adopt standards for backflow protection and cross-connection control through the adoption of a policy handbook, as specified. This bill would require that handbook to include provisions for the use of a swivel or changeover device to supply potable water to a dual-plumbed system during an interruption in recycled water service.	Support-Sent letter to Assembly member Friedman and Quirk, Chair of the Environmental Safety and Toxic Materials Committee on 3/19/19.
SB 1	Atkins D	California Environmental, Public Health, and Workers Defense Act of 2019.	9/17/2019-Enrolled and presented to the Governor at 2 p.m.	9/17/2019-S. ENROLLED	Current state law regulates the discharge of air pollutants into the atmosphere. The Porter-Cologne Water Quality Control Act regulates the discharge of pollutants into the waters of the state. The California Safe Drinking Water Act establishes standards for drinking water and regulates drinking water systems. The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species, and generally prohibits the taking of those species. This bill would, until January 20, 2025, require specified agencies to take prescribed actions regarding certain federal requirements and standards pertaining to air, water, and protected species, as specified. By imposing new duties on local agencies, this bill would impose a state-mandated local program.	Oppose unless amended-Letter sent to to Assembly Appropriations and the author on August 5. Bill in current form disrupts voluntary settlement agreements/ does not support sound scientific evidence.
SB 134	Hertzberg D	Water conservation: water losses: enforcement.	8/30/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 203, Statutes of 2019.	8/30/2019-S. CHAPTERED	Current law requires the State Water Resources Control Board, no earlier than January 1, 2019, and no later than July 1, 2020, to adopt rules requiring urban retail water suppliers to meet performance standards for the volume of water losses. This bill would prohibit the board from issuing an information order, written notice, or conservation order to an urban retail water supplier that does not meet its urban water use objective if the board determines the urban retail water supplier is not meeting its urban water use objective solely because the volume of water loss exceeds the urban retail water supplier's standard for water loss and the board is taking enforcement action against the urban retail water supplier for not meeting the performance standards for the volume of water losses.	Support via CMUA. Avoids duplicative fines under water conservation regs., although there's disagreement over the meaning of the recent amendment.
SB 200	Monning D	Drinking water.	7/24/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 120, Statutes of 2019.	7/24/2019-S. CHAPTERED	Would establish the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and the long terms. The bill would authorize the State Water Resources Control Board to provide for the deposit into the fund of certain moneys and would continuously appropriate the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients.	Support

SB 204	Dodd D	State Water Project: contracts.	7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was W.,P. & W. on 6/6/2019)(May be acted upon Jan 2020)	7/10/2019-A. 2 YEAR	Would require the Department of Water Resources to provide at least 10 days' notice to the Joint Legislative Budget Committee and relevant policy and fiscal committees of the Legislature before holding public sessions to negotiate any potential amendment of a long-term water supply contract that is of projectwide significance with substantially similar terms intended to be offered to all contractors. The bill would require the department, before the execution of a specified proposed amendment to a long-term water supply contract and at least 60 days before final approval of such an amendment, to submit to the Joint Legislative Budget Committee and relevant policy and fiscal committees of the Legislature certain information regarding the terms and conditions of a proposed amendment of a long-term water supply contract and to submit a copy of the long-term contract as it is proposed to be amended.	Oppose-Coalition letter mailed out 4/24/19. Amended and no longer threatens to delay the Delta tunnels. A mended and no longer threatens to delay the Delta tunnels.
SB 332	Hertzberg D	Wastewater treatment: recycled water.	5/17/2019-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/13/2019)(May be acted upon Jan 2020)	5/17/2019-S. 2 YEAR	Would declare, except in compliance with the bill's provisions, that the discharge of treated wastewater from ocean outfalls is a waste and unreasonable use of water. The bill would require each wastewater treatment facility that discharges through an ocean outfall and affiliated water suppliers to reduce the facility's annual flow as compared to the average annual wastewater discharge baseline volume, as prescribed, by at least 50% on or before January 1, 2030, and by at least 95% on or before January 1, 2040. The bill would subject the owner or operator of a wastewater treatment facility, as well as the affiliated water suppliers, to a civil penalty of \$2,000 per acre-foot of water above the required reduction in overall volume discharge for the failure to meet these deadlines.	Oppose – no letter issued yet
SB 414	Caballero D	Small System Water Authority Act of 2019.	8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/21/2019)(May be acted upon Jan 2020)	8/30/2019-A. 2 YEAR	Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.	Support - Sent letters to Caballero, Eastern Municipal WD (sponsor) and Senator Allen, Chair of the Environmental Quality Committee on 3/19/19. Letter to Assembly Chair Quirk on 6/20/19 and Assembly Local Government Committee 6/20/19.

B. Watch

Measure	Author	Topic	Status	Location	Brief Summary	Position
AB 382	Mather	Integrated regional water management plans: grant funding: upper watershed health.	5/17/2019-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 3/20/2019)(May be acted upon Jan 2020)	5/17/2019-A. 2 YEAR	Current law provides that an integrated regional water management plan is eligible for funding allocated specifically for implementation of integrated regional water management. Current law requires certain state agencies to include in any set of criteria used to select projects and programs for funding, a criterion that provides a preference for regional projects or programs. This bill would require the department to include in any criteria used to select a project or program for grant funding authorized on or after January 1, 2020 a criterion that provides a preference for a regional water management group undertaking a project improving upper watershed health upstream and outside of the defined geographical area covered by the group's plan.	Watch
AB 405	Rubio, Blanca	Sales and use taxes: exemption: water treatment.	5/16/2019-Joint Rule 62(a), file notice suspended. In committee: Held under submission.	5/15/2019-A. APPR. SUSPENSE FILE	Would, on and after January 1, 2020, and before January 1, 2025, exempt from that Sales and Use Tax the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, chemicals used by a city, county, public utility, and sanitation district to treat water, recycled water, or wastewater regardless of whether those chemicals or other agents become a component part thereof and regardless of whether the treatment takes place before or after the delivery to consumers.	Watch
AB 441	Eggman	Water: underground storage.	5/17/2019-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/24/2019)(May be acted upon Jan 2020)	5/17/2019-A. 2 YEAR	Under current law, the right to water or to the use of water is limited to that amount of water that may be reasonably required for the beneficial use to be served. Current law provides for the reversion of water rights to which a person is entitled when the person fails to beneficially use the water for a period of 5 years. Current law declares that the storing of water underground, and related diversions for that purpose, constitute a beneficial use of water if the stored water is thereafter applied to the beneficial purposes for which the appropriation for storage was made. This bill would instead provide that any diversion of water to underground storage constitutes a diversion of water for beneficial use for which an appropriation may be made if the diverted water is put to beneficial use, as specified.	Watch
AB 508	Chud	Drinking water: consolidation and extension of service: domestic wells.	9/11/2019-Enrolled and presented to the Governor at 3:30 p.m.	9/11/2019-A. ENROLLED	The California Safe Drinking Water Act requires the state board, before ordering consolidation or extension of service, to, among other things, obtain written consent from any domestic well owner for consolidation or extension of service. The act makes any domestic well owner within the consolidation or extended service area that does not provide written consent ineligible, until consent is provided, for water-related grant funding, as specified. The act also requires the state board, before ordering consolidation or extension of service, to make a finding that consolidation of the receiving water system and subsumed water system or extension of service to the subsumed water system is appropriate and technically and economically feasible. The act defines "subsumed water system" for these purposes as the public water system, state small water system, or affected	Watch

					residences consolidated into or receiving service from the receiving water system. This bill would modify the provision that authorizes consolidation or extension of service if a disadvantaged community is reliant on a domestic well described above to instead authorize consolidation or extension of service if a disadvantaged community, in whole or in part, is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water.	
AB 591	Garcia, Cristina D	Central Basin Municipal Water District: board of directors.	7/30/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 124, Statutes of 2019.	7/30/2019-A. CHPTERED	The Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Current law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. Current law requires the board of directors of the Central Basin Municipal Water District to be composed of 8 directors until the directors elected at the November 8, 2022, election take office, when the board would be composed of 7 directors, as prescribed. Current law requires the 3 directors appointed by the water purveyors, as specified, to live or work within the district and requires the term of an appointed director to be terminated if the appointed director no longer is employed by or a representative of the appointing entity. This bill would define representative for these purposes to be a consultant to or contractor of an entity, or a governing board member of a mutual water company.	
AB 636	Gray D	State Water Resources Control Board: water quality objectives.	4/26/2019-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.S. & T.M. on 3/14/2019)(May be acted upon Jan 2020)	4/26/2019-A. 2 YEAR	Would prohibit the State Water Resources Control Board from implementing water quality objectives for which the state board makes a certain finding relating to environmental quality until it has submitted the water quality objectives and a statement of that finding to the appropriate policy committees of the Legislature and each committee has held a hearing on these matters.	Watch
AB 637	Gray D	State Water Resources Control Board: disadvantaged communities: drinking water.	5/17/2019-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2019)(May be acted upon Jan 2020)	5/17/2019-A. 2 YEAR	Would require the State Water Resources Control Board, before taking an action that significantly impacts drinking water, to use existing information to identify impacted disadvantaged communities and to seek to reduce impacts to those communities to the greatest extent practicable. The bill would also require the board to ensure that disadvantaged communities are provided an opportunity to participate in the public process for a decision that significantly impacts drinking water by holding a public hearing in or near an impacted community.	Watch
AB 638	Gray D	Department of Water Resources: water storage: climate change impacts.	9/12/2019-Enrolled and presented to the Governor at 3:30 p.m.	9/12/2019-A. ENROLLED	Current law requires the Department of Water Resources to gather and correlate information and data pertinent to an annual forecast of seasonal water crop, as specified. Current law also requires the department to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state, which is known as the California Water Plan. This bill would require the department, as part of the update to the California Water Plan every 5 years, to identify water storage facilities vulnerable to climate	Watch

					change impacts and the mitigation strategies for anticipated adverse impacts, as provided.	
AB 658	Arabella D	Water rights: water management.	9/24/2019-Enrolled and presented to the Governor at 3:30 p.m.	9/24/2019-A. ENROLLED	Would authorize a groundwater sustainability agency or local agency to apply for, and the State Water Resources Control Board to issue, a conditional temporary permit for diversion of surface water to underground storage for beneficial use that advances the sustainability goal of a groundwater basin, as specified. This bill contains other related provisions and other existing laws.	Watch
AB 722	Bigelow R	Water: dams: fees.	7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 5/29/2019)(May be acted upon Jan 2020)	7/10/2019-S. 2 YEAR	Current law requires the Department of Water Resources to adopt, by regulation, a schedule of fees to cover the department's costs in carrying out the supervision of dam safety. Existing law limits the total annual fee for a dam or reservoir located on a farm or ranch property or a privately owned dam with less than 100 acre-feet of storage capacity to no more than 20% of the fees assessed pursuant to the schedule of fees. This bill would limit the total annual fee for a dam operated by certain irrigation districts to no more than 20% of the fees assessed pursuant to the schedule of fees.	Watch
AB 841	Ting D	Drinking water: contaminants: perfluoroalkyl and polyfluoroalkyl substances.	7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 5/29/2019)(May be acted upon Jan 2020)	7/10/2019-S. 2 YEAR	Would require the Office of Environmental Health Hazard Assessment to adopt and complete a work plan within prescribed timeframes to assess which substances in the class of perfluoroalkyl and polyfluoroalkyl substances should be identified as a potential risk to human health, as provided. The bill would require the office, as part of those assessments, to determine which of the substances are appropriate candidates for notification levels to be adopted by the state board. The bill would require the Office of Environmental Health Hazard Assessment, by January 1, 2022, to provide to the Legislature an update on the assessment.	Watch
AB 955	Gipson D	Water replenishment districts: water system needs assessment program.	8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/12/2019)(May be acted upon Jan 2020)	8/30/2019-S. 2 YEAR	Would authorize a water replenishment district, pursuant to an agreement with the State Water Resources Control Board, to offer to conduct a needs assessment program for water systems serving disadvantaged communities within the district, as specified. The bill would make a water system's participation in the program voluntary. The bill would authorize the district, upon completion of the needs assessment, to develop and evaluate options to address the findings and recommendations in the needs assessment and prepare an implementation plan for recommendation to the water system.	Watch
AB 1204	Rubio, Blanca D	Public water systems: primary drinking water standards: implementation date.	4/26/2019-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.S. & T.M. on 3/11/2019)(May be acted upon Jan 2020)	4/26/2019-A. 2 YEAR	Would require the adoption or amendment of a primary drinking water standard for a contaminant in drinking water not regulated by a federal primary drinking water standard or that is more stringent than a federal primary drinking water standard to take effect 3 years after the date on which the state board adopts or amends the primary drinking water standard. The bill would authorize the state board to delay the effective date of the primary drinking water standard adoption or amendment by no more than 2 additional years as necessary for capital improvements to comply with a maximum contaminant level or treatment technique.	Watch
AB 1220	Garcia.	Metropolitan water districts.	7/10/2019-Approved by the	7/10/2019-A. CHAPT	Under the Metropolitan Water District Act, the board of a metropolitan water district is required to consist of	Watch

	Cristina D		Governor. Chaptered by Secretary of State - Chapter 71, Statutes of 2019.	ERED	at least one representative from each member public agency, as prescribed. The act authorizes each member public agency to appoint additional representatives not exceeding one additional representative for each 5% of the assessed valuation of property taxable for district purposes within the entire district that is within the boundaries of that member public agency. This bill would prohibit a member public agency from having fewer than the number of representatives it had as of January 1, 2019.	
AB 1414	Friedman D	Urban retail water suppliers: reporting.	9/5/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 239, Statutes of 2019.	9/5/2019-A. CHAPTERED ERED	Would require each urban retail water supplier to submit a completed and validated water loss audit report as prescribed by the Department of Water Resources on or before October 1 of each year until October 1, 2023, if reporting on a calendar year basis and on or before January 1 of each year until January 1, 2024, if reporting on a fiscal year basis. The bill would require on or before January 1, 2024, and on or before January 1 of each year thereafter, each urban retail water supplier to submit a completed and validated water loss audit report for the previous calendar year or previous fiscal year as part of an existing report relating to its urban water use.	Watch
AB 1432	Dahler R	Water shortage emergencies: declarations: wildfires.	6/26/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 19, Statutes of 2019.	6/26/2019-A. CHAPTERED ERED	Would authorize a public water supplier to declare a water shortage emergency condition without holding a public hearing in the event of a wildfire.	Watch
AB 1588	Gloria D	Drinking water and wastewater operator certification programs.	9/11/2019-Enrolled and presented to the Governor at 3:30 p.m.	9/11/2019-A. ENROLLED	Current law requires the State Water Resources Control Board to issue a water treatment operator certificate and water distribution operator certificate by reciprocity to any person holding a valid, unexpired, comparable certification issued by another state, the United States, prescribed territories or tribal governments, or a unit of any of these. Current law requires the board to classify types of wastewater treatment plants for the purpose of determining the levels of competence necessary to operate them. This bill would require the board to evaluate opportunities to issue a water treatment operator certificate or water distribution operator certificate by reciprocity, or a wastewater certificate by examination waiver, to persons who performed duties comparable to those duties while serving in the United States military, as specified.	Watch
AB 1694	O'Donnell D	San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy: territory: Dominguez Channel watershed and Santa Catalina Island.	8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/12/2019)(May be acted upon Jan 2020)	8/30/2019-S. 2 YEAR	Current law establishes the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy in the Natural Resources Agency and prescribes the functions and duties of the conservancy with regard to the protection, preservation, and enhancement of specified areas of the Counties of Los Angeles and Orange located along the San Gabriel River and the lower Los Angeles River and tributaries along those rivers. Current law, for purposes of those provisions, defines "territory" to mean the territory of the conservancy that consists of those portions of the Counties of Los Angeles and Orange located within the San Gabriel River and its tributaries, the lower Los Angeles River and its tributaries, and the San Gabriel Mountains, as described. This bill would additionally	Watch

					include the Dominguez Channel watershed and Santa Catalina Island, as described, within that definition of territory.	
SB 19	Dod D	Water resources: stream gages.	9/17/2019-Enrolled and presented to the Governor at 2 p.m.	9/17/2019-S. ENROL LED	Would require the Department of Water Resources and the State Water Resources Control Board, upon an appropriation of funds by the Legislature, to develop a plan to deploy a network of stream gages that includes a determination of funding needs and opportunities for modernizing and reactivating existing gages and deploying new gages, as specified. The bill would require the department and the board, in consultation with the Department of Fish and Wildlife, the Department of Conservation, the Central Valley Flood Protection Board, interested stakeholders, and, to the extent they wish to consult, local agencies, to develop the plan to address significant gaps in information necessary for water management and the conservation of freshwater species.	Watch
SB 45	Allen D	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.	9/10/2019-Senate Rule 29.3(b) suspended. (Ayes 29. Noes 8.) From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.	4/25/2019-S. APPR.	Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,189,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.	Watch
SB 205	Hertzberg D	Business licenses: stormwater discharge compliance.	9/18/2019-Enrolled and presented to the Governor at 4 p.m.	9/18/2019-S. ENROL LED	Would require, when applying to a city or a county for an initial business license or business license renewal, a person who conducts a business operation that is a regulated industry to demonstrate enrollment with the NPDES permit program by providing specified information, under penalty of perjury, on the application, including, among other things, the Standard Industrial Classification Code for the business. The bill would apply to all applications for initial business licenses and business license renewals submitted on and after January 1, 2020.	Watch
SB 307	Roth D	Water conveyance: use of facility with unused capacity.	7/31/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 169, Statutes of 2019.	7/31/2019-S. CHAPTERED	Current law prohibits the state or a regional or local public agency from denying a bona fide transferor of water from using a water conveyance facility that has unused capacity for the period of time for which that capacity is available, if fair compensation is paid for that use and other requirements are met. This bill would, notwithstanding that provision, prohibit a transferor of water from using a water conveyance facility that has unused capacity to transfer water from a groundwater basin underlying desert lands, as defined, that is in the vicinity of specified federal lands or state lands to outside of the groundwater basin unless the State Lands Commission, in consultation with the Department of Fish and Wildlife and the Department of Water Resources, finds that the transfer of the water will not adversely affect the natural or cultural resources of those federal or state lands, as provided.	Watch

C. Spot Bill

Measure	Author	Topic	Status	Location	Brief Summary	Position
AB 1439	Melendez R	State policy for water quality control.	5/3/2019-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/22/2019)(May be acted upon Jan 2020)	5/3/2019-A. 2 YEAR	Under current law, the Porter-Cologne Water Quality Control Act, the state policy for water quality control is required to consist of water quality principles and guidelines for long-range resource planning, water quality objectives, and other principles and guidelines deemed essential by the State Water Resources Control Board for water quality control. This bill would make nonsubstantive changes to that provision.	
SB 762	Jones R	Groundwater storage: beneficial use.	3/14/2019-Deferred to Com. on RLS.	2/22/2019-S. RLS.	Current law specifies that the storing of water underground, including the diversion of streams and the flowing of water on lands necessary to the accomplishment of that storage, constitutes a beneficial use of water if the water so stored is thereafter applied to the beneficial purposes for which the appropriation for storage was made. This bill would make a nonsubstantive change in those provisions.	

Dead Bill

Measure	Author	Topic	Status	Location	Brief Summary	Position
AB 129	Blom D	Microfiber pollution.	4/26/2019-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.S. & T.M. on 3/25/2019)(May be acted upon Jan 2020)	4/26/2019-A. 2 YEAR	Would require the State Water Resources Control Board to take specified actions relating to microfiber pollution on or before July 1, 2020, and would require the state board to identify best practices for clothing manufacturers to reduce the amount of microfibers released into the environment. The bill would require, on or before January 1, 2020, a public entity that uses a laundry system, and a private entity that contracts with a state agency for laundry services, to install a filtration system to capture microfibers that are shed during washing.	
AB 223	Stone. Mark D	California Safe Drinking Water Act: microplastics.	4/26/2019-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.S. & T.M. on 2/4/2019)(May be acted upon Jan 2020)	4/26/2019-A. 2 YEAR	The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law requires the state board, on or before July 1, 2020, to adopt a definition of microplastics in drinking water and, on or before July 1, 2021, to adopt a standard methodology to be used in the testing of drinking water for microplastics and requirements for 4 years of testing and reporting of microplastics in drinking water, including public disclosure of those results. This bill would require the state board, to the extent possible, and where feasible and cost effective, to work with the State Department of Public Health in complying with those requirements.	
AB 231	Mathis R	California Environmental Quality Act: exemption: recycled water.	5/9/2019-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 2/7/2019)(May be acted upon	2/7/2019-A. 2 YEAR	Would exempt from CEQA a project to construct or expand a recycled water pipeline for the purpose of mitigating drought conditions for which a state of emergency was proclaimed by the Governor if the project meets specified criteria. Because a lead agency would be required to determine if a project qualifies for this exemption, this bill would impose a state-mandated local program. The bill would also exempt from CEQA the development and approval of	

			Jan 2020)(Recorded 4/26/2019)		building standards by state agencies for recycled water systems.	
AB 1672	Blom D	Solid waste: flushable products.	5/17/2019-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2019)(May be acted upon Jan 2020)	5/17/2019-A. 2 YEAR	The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. This bill would, among other things, on or after January 1, 2021, prohibit a covered entity, as defined, from labeling a covered product as safe to flush, safe for sewer systems, or safe for septic systems, unless the product is a flushable wipe that meets certain performance standards. The bill would require nonflushable products to be labeled clearly and conspicuously to communicate that they should not be flushed, as specified.	

Not Moving

Measure	Author	Topic	Status	Location	Brief Summary	Position
AB 134	Blom D	Safe Drinking Water Restoration.	7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 6/12/2019)(May be acted upon Jan 2020)	7/10/2019-S. 2 YEAR	Would require the State Water Resources Control Board to report to the Legislature by July 1, 2025, on its progress in restoring safe drinking water to all California communities and to create an internet website that provides data transparency for all of the board's activities described in this measure. The bill would require the board to develop metrics to measure the efficacy of the fund in ensuring safe and affordable drinking water for all Californians.	
AB 533	Holden D	Income taxes: exclusion: turf removal water conservation program.	5/16/2019-In committee: Hearing postponed by committee.	5/1/2019-A. APPR. SUSPENSE FILE	Current law, for taxable years beginning on or after January 1, 2014, and before January 1, 2019, excludes from gross income under both laws any amount received as a rebate, voucher, or other financial incentive issued by a local water agency or supplier for participation in a turf removal water conservation program. Current law limits the collection and use of taxpayer information and provides that any unauthorized use of this information is punishable as a misdemeanor. This bill would extend the operative date of the provisions excluding from gross income specified amounts received in a turf removal water conservation program to taxable years beginning before January 1, 2024.	
AB 1194	Frazier D	Sacramento-San Joaquin Delta: Delta Stewardship Council.	4/26/2019-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/11/2019)(May be acted upon Jan 2020)	4/26/2019-A. 2 YEAR	Would increase the membership of the Delta Stewardship Council to 13 members, including 11 voting members and 2 nonvoting members, as specified. By imposing new duties upon local officials to appoint new members to the council, the bill would impose a state-mandated local program.	Oppose-True purpose is to stop or delay the WaterFix. Signed onto coalition letter via Metropolitan on 3/27/19
ACA 3	Mathis R	Clean Water for All Act.	4/30/2019-In committee: Set, first hearing. Failed passage. Reconsideration granted.	4/30/2019-A. W.,P. & W.	This measure, the Clean Water for All Act, would additionally require, commencing with the 2021-22 fiscal year, not less than 2% of specified state revenues to be set apart for the payment of principal and interest on bonds authorized pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014; water supply, delivery, and quality projects	

					administered by the department, and water quality projects administered by the state board, as provided.	
SB 669	Caballerod	Water quality: Safe Drinking Water Fund.	5/16/2019-May 16 hearing: Held in committee and under submission.	5/13/2019-S. APPR. SUSPENSE FILE	Would establish the Safe Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the State Water Resources Control Board. The bill would require the state board to administer the fund to assist community water systems in disadvantaged communities that are chronically noncompliant relative to the federal and state drinking water standards and do not have the financial capacity to pay for operation and maintenance costs to comply with those standards, as specified.	Support-Sent letter to Committee Chair Senator Allen and Caballero on 3/7/19
Total Measures: 43						
Total Tracking Forms: 43						



To: Las Virgenes – Triunfo JPA Board of Directors
From: John Freshman and Ana Schwab
Date: September 20, 2019
RE: Federal Report

Federal Appropriations

Congress returned from August recess the week of September 9th with funding on top of its agenda in order to keep the government funded and operating after the fiscal year ends on September 30th. On August 2nd, President Donald Trump signed the bipartisan \$2.7 trillion budget deal. Before the August recess, the House passed 10 out of 12 spending bills. The Senate began its first markups the week of September 10th. Once the Senate passes its version of the 12 individual spending bills, the House and Senate will need to negotiate in order to present a common set of allocations proposal for the President’s approval.

The new fiscal year starts on October 1st, and lawmakers are planning on passing a short-term budget extension in order to prevent a partial government shutdown. On September 19th, the House passed a short-term spending bill to provide that will fund agencies through November 21st, while the FY2020 appropriations are being finalized. Senate Appropriations Chairman Richard Shelby (R-AL) supports the continuing resolution. The Senate plans to vote on a short-term extension the week of September 23rd.

The Senate Appropriations Committee is moving forward with FY2020 subcommittee allocation proposals. The Senate Appropriations Committee approved its Energy and Water spending bill by a 31-0 vote. Chairman Shelby said the Energy and Water bill might be on the Senate floor this week. The House Agriculture Appropriation bill has \$3.943 billion for the Rural Development Office and the Senate Appropriation bill has \$3.1 billion for the Rural Development Office – these programs have water and wastewater project funding streams. A potential delay in appropriations agreements is the desire of the White House’s requests, which may include additional border wall fencing, a nonnegotiable for Democrats.

Appropriations Comparisons Fiscal Year 2020

Appropriations Bill	Senate	House
Agriculture – FDA	\$23.1	\$24.3
Energy and Water	\$48.9	\$46.4
Interior-Environment	\$35.8	\$37.3

Source: Senate Appropriations Committee and House Appropriations Committee



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Appropriations Comparisons Fiscal Year 2019 and Fiscal Year 2020

Appropriations Bill	FY 2019 enacted	Senate FY 2020	House FY 2019
Agriculture – FDA	\$23 B	\$23.1 B (\$58M increase)	\$24.3 B (\$1 B increase)
Rural Development and Infrastructure	\$3 B	\$3.1 B (\$200 M increase)	\$3.9 B (\$900 M increase)
Energy and Water	\$44.6 B	\$48.9 B (\$4.21 B increase)	\$46.4 B (\$2.01 B increase)
Army Corps of Engineers	\$7 B	\$7.75 B (\$750 M increase)	\$7.3 B (\$357 M increase)
U.S. Bureau of Reclamation	\$1.47 B	\$1.75 B (\$185 M increase)	\$1.63 B (\$83 M increase)
Interior-Environment	\$35.6 B	\$35.8 B (\$200 M increase)	\$37.3 B (\$1.7 B increase)
Environmental Protection Agency	\$8.85 B	(To Be Determined)	\$9.53 B (\$1 B increase)

Water Policy – Reuse

On September 10th, the Environmental Protection Agency (EPA) released an action plan for a meaningful increase of water reuse in the nation. The plan, “National Water Reuse Plan”, was built upon extensive research and engagement with the water sector . The plan sets goals to compile national estimates of available water and reuse needs, establishes goals for the extent of water reuse, and commits to lead/partner/collaborate on the implementation of actions to accomplish those goals.

David Ross, the EPA Water chief, said, “Diversifying our nation's water portfolio must be a nationwide priority, and water reuse has the potential to ensure the viability of our water economy for generations to come.”

Comments are due on or before December 16, 2019.

WOTUS

On September 12th, the Trump administration revoked the Waters of the United States rule (WOTUS). An immediate effect of the repeal is that polluters will no longer need a permit to discharge potentially harmful substances into bodies of water. The EPA and the Army Corps of Engineers plan to release a looser replacement of this rule within the upcoming weeks. The new rule will follow a more narrow definition of the U.S. Supreme Court’s legal definition of “waters of the United States.” The final rule will go into effect 60 days after publication in the Federal Register.



The release of this rule prior to the Supreme Court hearing on *County of Maui v. Hawai'i Wildlife Fund* was previously reported.

PFAS

The Senate Defense Appropriations Subcommittee approved spending legislation for the Department of Defense which includes \$250 million to combat PFAS that have contaminated hundreds of military bases. The spending bill provides nearly \$200 million for investigations and remediation for affected bases and adjacent communities. An additional \$43 million would go to the disposing and replacing of firefighting foam, which contains PFAS. The remaining \$10 million will fund a Center for Disease Control and Prevention study on the chemical aimed to better understand its health impacts.

On September 10th, the House Committee on Oversight and Management Subcommittee on Environment held a hearing on PFAS measures, witnesses included executives from three major chemical manufacturers, 3M, Chemours, and DuPont, and attorneys who litigated in related class-action suits. In the testimony, DuPont endorsed legislative proposals in the spending bill or introduced in Congress, including requiring the EPA to set drinking-water regulations within two years and listing PFAS as hazardous substances CERCLA within one year. This is a departure from the stances of 3M and Chemours, who support more science-based proposals and research.

Endangered Species Act

Last month, the Department of Interior and Department of Commerce announced revisions to the Endangered Species Act regulations. A significant change is that the government will now have an economic cost on listing a species. The Department of the Interior has said that it will be listing species based on biological science but would like information on the cost of their decisions. There is concern that the cost information will play heavily in the listing decisions.

The changes also removes automatic protections for threatened species. The Fish and Wildlife Service must now adopt a separate rule for every threatened species on a case-by-case basis – but this does not apply to species that are already on the threatened list.

The Administration's changes include concerns regarding climate change – currently the ESA defines “threatened species” as a species that is likely to become endangered in the “foreseeable future.” The new regulations would narrow this definition to conditions that are “probable” extinction threats.

A number of House and Senate members have introduced pieces of legislation to halt the changes proposed by the Administration.



Proposed Rule 84 FR 44080 – Updating Regulations on Water Quality Certification

The EPA is publishing for public comment a proposed rule providing updates and clarifications to the substantive and procedural requirements for water quality certification under CWA section 401. CWA section 401 is a direct grant of authority to states (and tribes that have been approved for “treatment as a state” status) to review for compliance with appropriate federal, state, and tribal water quality requirements any proposed activity that requires a federal license or permit and may result in a discharge to waters of the United States. This proposal is intended to increase the predictability and timeliness of section 401 certification by clarifying timeframes for certification, the scope of certification review and conditions, and related certification requirements and procedures.

Submit comments, identified by Docket ID No. EPA-HQ-OW-2019-0405, at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

Specific Legislation

HR 2570: Who would be considered the “polluter” - a water agency that “gets stuck” with PFAS or the original manufacturer (i.e. non-stick pan makers)?

H.R. 2570 would not impose a fee or liability on water agencies for PFAS in their biosolids or effluent streams. The fee applies to “each person manufacturing PFAS.” “Manufacture” is given the same meaning as under the Toxics Substances Control Act (TSCA), 15 U.S.C. 2602(9).

TSCA defines “manufacture” as “to import into the customs territory of the United States (as defined in general note 2 of the Harmonized Tariff Schedule of the United States), produce, or manufacture.” TSCA also defines the act of processing, as opposed to manufacturing, as “the preparation of a chemical substance or mixture, after its manufacture, for distribution in commerce . . . as part of an article containing the chemical substance or mixture.”

EPA historically has not regulated water agencies as manufacturers or processors under TSCA of chemicals in their effluents or biosolids. The risk of HR 2570, as written, prompting EPA to impose fees on water agencies for their water treatment effluents or biosolids is very low.

S 1689: Any new developments since June 19 on this bill?

This bill passed on September 9, 2019 and passed out of the House on September 17, 2019.

S 2013: does the right to bear arms apply to only federal water facilities (not LVMWDs)?

No – this is with regards to Army Corps of Engineers facilities and projects.

**LAS VIRGENES TRIUNFO - HIGH PRIORITY LEGISLATION IN THE 116TH CONGRESS
THROUGH SEPTEMBER 13, 2019**

LEGISLATION	SUMMARY	STATUS	POSITION
<p><u>H.R. 34</u> Energy and Water Research Integration Act of 2019</p>	<p>To ensure consideration of water intensity in the Department of Energy’s energy research, development, and demonstration programs to help guarantee efficient, reliable, and sustainable delivery of energy and clean water resources.</p>	<p>Introduced by Rep. Eddie Bernice Johnson (D-TX) – January 3, 2019</p>	
<p><u>S. 40</u> Bureau of Reclamation Transparency Act</p>	<p>To require the Secretary of the Interior to submit to Congress a report on the efforts of the Bureau of Reclamation to manage its infrastructure assets.</p>	<p>Introduced by Sen. John Barrasso (R-WY) – January 8, 2019</p>	
<p><u>S. 47</u> Natural Resources Management Act</p>	<p>This bill sets forth provisions regarding various programs, projects, activities, and studies for the management and conservation of natural resources on federal lands.</p> <ul style="list-style-type: none"> • Specifically, the bill addresses, among other matters • land conveyances, exchanges, acquisitions, withdrawals, and transfers; • national parks, monuments, memorials, wilderness areas, wild and scenic rivers, historic and heritage sites, and other conservation and recreation areas; • wildlife conservation; • helium extraction; • small miner waivers of claim maintenance fees; • wildland fire operations; • the release of certain federal reversionary land interests; • boundary adjustments; • the Denali National Park and Preserve natural gas pipeline; • fees for medical services in units of the National Park System; • funding for the Land and Water Conservation Fund; • recreational activities on federal or nonfederal lands; • a national volcano early warning and monitoring system; • federal reclamation projects; and • search-and recovery-missions. <p>In addition, the bill reauthorizes the National Cooperative Geologic Mapping Program.</p>	<p>Introduced by Sen. Lisa Murkowski (R-AK) – January 8, 2019</p> <p>Signed into law on March 12, 2019</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><u>H.R. 357</u> <u>Sacramento-San Joaquin Delta National Heritage Area Act</u></p>	<p>To establish the Sacramento-San Joaquin Delta National Heritage Area. The boundaries of the Heritage Area shall be in the counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo in the State of California, as generally depicted on the map entitled "Sacramento-San Joaquin Delta National Heritage Area Proposed Boundary", numbered T27/105,030, and dated October 2012.</p>	<p>Introduced by Rep. John Garamendi (D-CA) – January 9, 2019</p> <p>Signed into law on March 12, 2019 as part of S. 47 – Natural Resources Management Act</p>	
<p><u>H.R. 535</u> <u>PFAS Action Act of 2019</u></p>	<p>To require the Administrator of the Environmental Protection Agency to designate per- and polyfluoroalkyl substances as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.</p>	<p>Introduced by Rep. Debbie Dingell (D-MI) – January 14, 2019</p>	
<p><u>H.R. 579</u> <u>Water Rights Protection Act of 2019</u></p>	<p>To prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretaries of the Interior and Agriculture, and for other purposes.</p>	<p>Introduced by Rep. Scott Tipton (R-CO) – January 15, 2019</p>	
<p><u>H.R. 664</u> <u>Recreational Lands Self-Defense Act of 2019</u></p>	<p>To protect the right of individuals to bear arms at water resources development projects administered by the Secretary of the Army, and for other purposes</p>	<p>Introduced by Rep. Bob Gibbs (D-OH) – January 17, 2019</p>	
<p><u>H.R. 667</u> <u>Regulatory Certainty for Navigable Waters Act</u></p>	<p>To repeal the Waters of the United States rule and amend the Federal Water Pollution Control Act</p>	<p>Introduced by Rep. Jamie Herrera Beutler (R-WA) – January 17, 2019</p>	
<p><u>H.R. 658</u> <u>National Infrastructure Development Bank Act of 2019</u></p>	<p>To facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Development Bank, and for other purposes. Highlighting environmental infrastructure projects which include drinking water, waste water treatment facility, and stormwater management system.</p>	<p>Introduced by Rep. Rosa DeLauro (D-CT) – January 17, 2019</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p>H.R. 807 Water and Agriculture Tax Reform Act of 2019</p>	<p>To amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.</p>	<p>Introduced by Rep. Ken Buck (R-CO) – January 28, 2019</p>	
<p>H.R. 843 Reform EPA Act</p>	<p>To amend the Federal Water Pollution Control Act to clarify when the Administrator of the Environmental Protection Agency has the authority to prohibit the specification of a defined area, or deny or restrict the use of a defined area for specification, as a disposal site under section 404 of such Act, and for other purposes.</p>	<p>Introduced by Rep. Bob Gibbs (R-OH) – January 29, 2019</p>	
<p>H.R. 855 STRONG Act</p>	<p>To minimize the economic and social costs resulting from losses of life, property, well-being, business activity, and economic growth associated with extreme weather events by ensuring that the United States is more resilient to the impacts of extreme weather events in the short- and long-term, and for other purposes. Key sectors shall include water management, including supply and treatment; infrastructure, including natural and built forms of water and wastewater services;</p>	<p>Introduced by Rep. Scott Peters (D-CA) – January 29, 2019</p>	
<p>S. 308 Santa Ana River Wash Plan Land Exchange Act</p>	<p>A bill to direct the Secretary of the Interior to convey certain Federal lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain non-Federal lands, and for other purposes</p>	<p>Introduced by Sen. Dianne Feinstein (D-CA) – January 31, 2019</p>	
<p>S. 361 Water and Agriculture Tax Reform Act of 2019</p>	<p>A bill to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.</p>	<p>Introduced by Sen. Cory Gardner (R-CO) – February 6, 2019</p>	
<p>H.R. 1067 Santa Ana River Wash Plan Land Exchange Act</p>	<p>To direct the Secretary of the Interior to convey certain Federal lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain non-Federal lands, and for other purposes.</p>	<p>Introduced by Rep. Pete Aguilar (D-CA) – February 7, 2019</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><u>S. 376</u> <u>Defense of Environment and Property Act of 2019</u></p>	<p>A bill to amend the Federal Water Pollution Control Act to clarify the definition of navigable waters, and for other purposes.</p>	<p>Introduced by Sen. Rand Paul (R-KY) – February 7, 2019</p>	
<p><u>H.R. 1137</u> <u>To amend the Water Resources Development Act of 1986 to repeal the authority relating to reprogramming during national emergencies.</u></p>	<p>To amend the Water Resources Development Act of 1986 to repeal the authority relating to reprogramming during national emergencies.</p>	<p>Introduced by Rep. John Garamendi (D-CA) – February 11, 2019</p>	
<p><u>H.R. 1162</u> <u>Water Recycling Investment and Improvement Act</u></p>	<p>To extend the authorization of the Bureau of reclamation’s Title XVI competitive grants program, and increases the authorized funding levels from \$50 million to \$500 million. Further the legislation expands the geographic scope of the program by removing a requirement that projects be located in sustained drought or disaster areas, makes the program truly competitive by removing a requirement that Congress sign off on each selected project, and modernizes the individual program funding cap from \$20 million to \$30 million.</p>	<p>Introduced by Rep. Grace Napolitano (D-CA) – February 13, 2019 Subcommittee on Water, Oceans, and Wildlife hearing - June 13, 2019</p>	<p><i>Support</i></p>
<p><u>H.R. 1334</u> <u>Outdoor Recreation Legacy Partnership Grant Program Acts</u></p>	<p>To provide grants for projects to acquire land and water for parks and other outdoor recreation purposes and to develop new or renovate existing outdoor recreation facilities.</p>	<p>Introduced by Rep. Nanette Barragan (D-CA) – February 25, 2019</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><u>H.R. 1331</u> <u>Local Water Protection Act</u></p>	<p>To amend Section 319(j) of the Federal Water Pollution Control Act (33 U.S.C. 1329 (j)) is amended by striking “subsections (h) and (i) not to exceed” and all that follows through “fiscal year 1991” and inserting “subsections (h) and (i) \$200,000,000 for each of fiscal years 2020 through 2024”.</p>	<p>Introduced by Rep. Annie Craig (D-MN) – February 26, 2019</p> <p>Passed/agreed to in House - April 8, 2019. Introduced in the Senate.</p>	
<p><u>H.R. 1429</u> <u>Drinking Water Infrastructure for Job Creation Act</u></p>	<p>Making supplemental appropriations, of \$7,500,000,000, for fiscal year 2019 for the Drinking Water State Revolving Funds, and for other purposes.</p>	<p>Introduced by Rep. Maxine Waters (D-CA) – February 28,2019</p>	
<p><u>S. 611</u> <u>Water Affordability, Transparency, Equity, and Reliability Act of 2019</u></p>	<p>To establish a trust fund, of \$34,850,000,000, to provide for adequate funding for water and sewer infrastructure, and for other purposes.</p>	<p>Introduced by Sen. Bernie Sanders (I-VT) – February 28, 2019</p>	
<p><u>H.R. 1417</u> <u>Water Affordability, Transparency, and Reliability Act of 2019</u></p>	<p>To establish a trust fund, of \$34,850,000,000, to provide for adequate funding for water and sewer infrastructure, and for other purposes.</p>	<p>Introduced by Rep. Brenda Lawrence (D-MI) – March 1, 2019</p>	
<p><u>H.R. 1497</u> <u>Water Quality Protection and Job Creation Act of 2019</u></p>	<p>To amend the Federal Water Pollution Control Act to reauthorize certain water pollution control programs, and for other purposes. The legislation would authorize \$120,000,000 for each of fiscal years 2020 through 2024.”.</p>	<p>Introduced by Rep. Pete DeFazio (D-OR) – March 6, 2019</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><u>H.R. 1621</u> <u>Water Supply Permitting Coordination Act</u></p>	<p>To authorize the Secretary of the Interior to coordinate Federal and State permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing, and for other purposes.</p>	<p>Introduced by Rep. Tom McClintock (R-CA) – March 7, 2019</p>	
<p><u>H.R. 1764</u> <u>To amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes.</u></p>	<p>To extend the NPDES permit period from 5 years to 10 years.</p>	<p>Introduced by Rep. John Garamendi (D-CA) – March 14, 2019</p>	<p><i>Support (with condition of needing Napolitano's support on the bill as well)</i></p>
<p><u>H.R. 2030</u> <u>Colorado River Drought Contingency Plan Authorization Act</u></p>	<p>This bill requires the Department of the Interior to carry out the Colorado River Drought Contingency Plan which was submitted to Congress on March 19, 2019, by Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. Interior must execute the plan without delay and operate applicable Colorado River System reservoirs accordingly.</p>	<p>Introduced by Rep. Raul Grijalva (D-AZ) – April 2, 2019</p> <p>Signed into law on April 16, 2019</p>	
<p><u>S. 1057</u> <u>Colorado River Drought Contingency Plan Authorization Act</u></p>	<p>This bill requires the Department of the Interior to carry out the Colorado River Drought Contingency Plan which was submitted to Congress on March 19, 2019, by Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. Interior must execute the plan without delay and operate applicable Colorado River System reservoirs accordingly</p>	<p>Introduced by Sen. Martha McSally (R-AZ) – April 8, 2019</p> <p>Passed the Senate on April 9, 2019</p>	
<p><u>S. 1087</u> <u>Water Quality Certification Improvement Act of 2019</u></p>	<p>To amend the Federal Water Pollution Control Act to make changes with respect to water quality certification, and for other purposes.</p>	<p>Introduced by Sen. John Barrasso (R-WY) – April 9, 2019</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><u>H.R. 2215</u> <u>San Gabriel</u> <u>Mountains Foothills</u> <u>and Rivers</u> <u>Protections Act</u></p>	<p>The legislation would designate over 30,000 acres of protected wilderness and 45.5 miles of protected rivers and expand the San Gabriel Mountains National Monument, establish a National Recreation Area along the foothills and the San Gabriel Corridor. The bill would expand the borders of the monument to include the western Angeles National Forest</p>	<p>Introduced by Rep. Judy Chu (D-CA) – April 10, 2019</p> <p>Subcommittee on Natural Parks, Forests, and Public Lands hearing held - July 10, 2019</p>	
<p><u>S. 1109</u> <u>San Gabriel</u> <u>Mountains Foothills</u> <u>and Rivers</u> <u>Protection Act</u></p>	<p>To establish as a unit of the National Park System the San Gabriel National Recreation Area in the State of California, and for other purposes.</p>	<p>Introduced by Sen. Kamala Harris (D-CA) – April 10, 2019</p>	
<p><u>H.R. 2205</u> <u>Water Quality</u> <u>Certification</u> <u>Improvement Act of</u> <u>2019</u></p>	<p>To amend the Federal Water Pollution Control Act to make changes with respect to water quality certification, and for other purposes.</p>	<p>Introduced by Rep. David McKinley (R-WV) – April 11, 2019</p>	
<p><u>H.R. 2287</u> <u>Federal Regulatory</u> <u>Certainty for Water</u> <u>Act</u></p>	<p>This bill nullifies the Clean Water Rule that was issued on May 27, 2015, by the Environmental Protection Agency and the U.S. Army Corps of Engineers. The rule describes the scope of the Clean Water Act.</p> <p>Under this bill, the Clean Water Act applies to waters of the United States that are (1) navigable-in-fact; or (2) permanent or continuously flowing bodies of water that form geographical features commonly known as streams, oceans, rivers, and lakes that are connected to waters that are navigable-in-fact.</p> <p>Under this bill, the Act does not apply to (1) waters that do not physically abut those waters of the United States through an actual and continuous surface water connection; (2) man-made or natural structures or channels through which water flows intermittently or ephemerally; or (3) wetlands (including playa lakes, prairie potholes, wet meadows, wet prairies, and vernal pools) that lack that continuous surface water connection.</p> <p>The aggregation of wetlands or waters may not be used to determine whether the wetlands or waters are navigable waters.</p>	<p>Introduced by Rep. Mac Thornberry (R-TX) – April 11, 2019</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><u>H.R. 2313</u> <u>Water Conservation Rebate Tax Parity Act</u></p>	<p>To amend the Internal Revenue Code of 1986 to expand the exclusion for certain conservation subsidies to include subsidies for water conservation or efficiency measures and storm water management measures.</p>	<p>Introduced by Rep. Jared Huffman (D-CA) – April 12, 2019</p>	
<p><u>H. Res. 324</u> <u>Recognizing the importance of the United States-Israel economic relationship and encouraging new areas of cooperation</u></p>	<p>(1) affirms that the United States-Israel economic partnership has achieved great tangible and intangible benefits to both countries and is a foundational component of the strong alliance; (2) recognizes that science and technology innovation present promising new frontiers for United States-Israel economic cooperation, particularly in light of widespread drought, cybersecurity attacks, and other major challenges impacting the United States; (3) encourages the President to regularize and expand existing forums of economic dialogue with Israel and foster both public and private sector participation; and (4) expresses support for the President to explore new agreements with Israel, including in the fields of energy, water, agriculture, medicine, neurotechnology, and cybersecurity.</p>	<p>Introduced by Rep. Ted Lieu (D-CA) – April 18, 2019</p>	
<p><u>H.R. 2377</u> <u>Protect Drinking Water from PFAS Act of 2019</u></p>	<p>To amend the Safe Drinking Water Act to require the Administrator of the Environmental Protection Agency to publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for total per- and polyfluoroalkyl substances, and for other purposes.</p>	<p>Introduced by Rep. Brendan Boyle (D-PA) – April 29, 2019</p>	
<p><u>S. 1251</u> <u>Safe Drinking Water Assistance Act of 2019</u></p>	<p>A bill to improve and coordinate interagency Federal actions and provide assistance to States for responding to public health challenges posed by emerging contaminants, and for other purposes.</p>	<p>Introduced by Sen. Jeanne Shaheen (D-NH) – April 30, 2019</p>	
<p><u>S. 1245</u> <u>All-of-the-Above Federal Building Energy Conservation Act of 2019</u></p>	<p>A bill to improve energy performance in Federal buildings, including water usage.</p>	<p>Introduced by Sen. John Hoeven (R-ND) – April 30, 2019 Ordered to be reported with an amendment favorably.</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><u>H.R. 2462</u> <u>Flood Mapping</u> <u>Modernization and</u> <u>Homeowner</u> <u>Empowerment Pilot</u> <u>Program Act of 2019</u></p>	<p>To establish a pilot program to enhance the mapping of urban flooding and associated property damage and the availability of such mapped data to homeowners, businesses, and localities to help understand and mitigate the risk of such flooding, and for other purposes.</p>	<p>Introduced by Rep. Mike Quigley (D-IL) – May 2, 2019</p>	
<p><u>S. 1276</u> <u>Flood Mapping</u> <u>Modernization and</u> <u>Homeowner</u> <u>Empowerment Pilot</u> <u>Program Act of 2019</u></p>	<p>To establish a pilot program to enhance the mapping of urban flooding and associated property damage and the availability of such mapped data to homeowners, businesses, and localities to help understand and mitigate the risk of such flooding, and for other purposes.</p>	<p>Introduced by Sen. Dick Durbin (D-IL) – May 2, 2019</p>	
<p><u>H.R. 2458</u> <u>Water Infrastructure</u> <u>Sustainability and</u> <u>Efficiency Act</u></p>	<p>To amend the Federal Water Pollution Control Act to require a certain percentage of funds appropriated for revolving fund capitalization grants be used for green projects, and for other purposes.</p>	<p>Introduced by Rep. Debbie Mucarsel-Powell (D-FL) – May 2, 2019</p>	
<p><u>H.R. 2473</u> <u>Securing Access for</u> <u>the central Valley and</u> <u>Enhancing (SAVE)</u> <u>Water Resources Act</u></p>	<p>To promote water supply reliability and improved water management for rural communities, the State of California, and the Nation, and for other purposes.</p>	<p>Introduced by Rep. Josh Harder (D-CA) – May 2, 2019 Subcommittee on Water, Oceans, and Wildlife hearing held - June 13, 2019</p>	
<p><u>H.R. 2470</u> <u>Clean Water</u> <u>Infrastructure</u> <u>Resilience and</u> <u>Sustainability Act</u></p>	<p>To direct the Administrator of the Environmental Protection Agency to establish a program to make grants to eligible entities to increase the resilience of publicly owned treatment works to natural disasters.</p>	<p>Introduced by Rep. Salud Carbajal (D-CA) – May 3, 2019</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><u>S. 1372</u> <u>PFAS</u> <u>Accountability Act</u> <u>of 2019</u></p>	<p>To encourage Federal agencies to expeditiously enter into or amend cooperative agreements with States for removal and remedial actions to address PFAS contamination in drinking, surface, and ground water and land surface and subsurface strata, and for other purposes.</p>	<p>Introduced by Sen. Debbie Stabenow (D-MI) – May 8, 2019</p>	
<p><u>H.R. 2570</u> <u>PFAS User Fee Act</u> <u>of 2019</u></p>	<p>To ensure that polluters pay ongoing water treatment costs associated with contamination from perfluoroalkyl and polyfluoroalkyl substances, and for other purposes.</p>	<p>Introduced Rep. Harley Rouda (D-CA) – May 9, 2019</p>	
<p><u>H.R. 2665</u> <u>Smart Energy and</u> <u>Water Efficiency</u> <u>Act of 2019</u></p>	<p>To direct the Secretary of Energy to establish a smart energy and water efficiency program, and for other purposes.</p>	<p>Introduced Rep. Jerry McNerney (D-CA) – May 13, 2019</p> <p>Ordered to be Reported (Amended) by Voice Vote – July 17, 2019</p>	
<p><u>H.R. 2705</u> <u>Water Infrastructure</u> <u>Trust Fund Act of</u> <u>2019</u></p>	<p>To establish a Water Infrastructure Trust Fund through the Treasury Department - 50% of the fund shall be available to the EPA for capitalization grants under §601 of the Federal Water Pollution Control Act and 50% of the fund shall be available to the EPA for capitalization grants under §1452 under the Safe Drinking Water Act.</p>	<p>Introduced by Rep. Earl Blumenauer (D-OR) – May 14, 2019</p>	
<p><u>S. 1473</u> <u>Protect Drinking</u> <u>Water from PFAS</u> <u>Act of 2019</u></p>	<p>To amend the Safe Drinking Water Act to require the Administrator of the Environmental Protection Agency to set maximum contaminant levels for certain chemicals, and for other purposes.</p>	<p>Introduced by Sen. Kirsten Gillibrand (D-NY) – May 15, 2019</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><u>H.R. 2800</u> <u>PFAS Monitoring Act of 2019</u></p>	<p>To amend the Safe Drinking Water Act to require continued and expanded monitoring of perfluoroalkyl and polyfluoroalkyl substances in drinking water, and for other purposes.</p>	<p>Introduced by Rep. Elissa Slotkin (D-MI) – May 16, 2019</p>	
<p><u>S. 1507</u> <u>PFAS Release Disclosure Act</u></p>	<p>To include certain perfluoroalkyl and polyfluoroalkyl substances in the toxics release inventory, and for other purposes.</p>	<p>Introduced by Sen. Shelley Moore Capito (R-WV) – May 16, 2019</p>	
<p><u>H.R. 2776</u> <u>Stop Sewage Overflow Act</u></p>	<p>To make certain municipalities eligible for grants under the Federal Water Pollution Control Act. Grant cost shares would be applicable as follows:</p> <ul style="list-style-type: none"> • Not less than 55 percent for municipalities the affected residents of which pay, on average, 2.0 percent or less of their household income for sewer service. • Not less than 60 percent for municipalities the affected residents of which pay, on average, more than 2.0 percent, but not more than 2.5 percent, of their household income for sewer service. • Not less than 65 percent for municipalities the affected residents of which pay, on average, more than 2.5 percent, but not more than 3.0 percent, of their household income for sewer service. • Not less than 70 percent for municipalities the affected residents of which pay, on average, more than 3.0 percent, but not more than 3.5 percent, of their household income for sewer service. • Not less than 75 percent for municipalities the affected residents of which pay, on average, more than 3.5 percent of their household income for sewer service. 	<p>Passed the Senate Committee on Environment and Public Works and placed on the Senate Calendar for a full vote – June 19, 2019</p>	
		<p>Introduced by Rep. Lori Trahan (D-MA) – May 16, 2019</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><u>H.R. 2871</u> <u>Aquifer Recharge Flexibility Act</u></p>	<p>To provide flexibility to allow greater aquifer recharge. Eligible land, with respect to a Reclamation project, means land that is authorized to receive water under State law and shares a groundwater source with land located in the service area of the Reclamation project.</p>	<p>Introduced by Rep. Russ Fulcher (R-ID) – May 21, 2019</p>	
<p><u>S. 1604</u> <u>Local Water Protection Act</u></p>	<p>To amend the Federal Water Pollution Control Act to reauthorize certain programs relating to nonpoint source management – specifically authorization appropriations of \$7,500,000 per year for FY2020 through FY2024.</p>	<p>Introduced by Sen. Amy Klobuchar (D-MN) - May 22, 2019</p>	
<p><u>S. 1689</u> <u>A bill to permit States to transfer certain funds from the clean water revolving fund of a State to the drinking water revolving fund of the State in certain circumstances, and for other purposes.</u></p>	<p>To permit States to transfer certain funds from the clean water revolving fund of a State to the drinking water revolving fund of the State in certain circumstances, and for other purposes.</p>	<p>Introduced by Sen. Cory Booker (D-NJ) – May 23, 2019</p> <p>Passed Senate without amendment by Voice Vote – September 9, 2019. Received in the House.</p>	
<p><u>S. Res. 213</u> <u>A resolution designating the week of May 19 through May 25, 2019 as “National Public Works Week.”</u></p>	<p>This resolution designates the week of May 19-May 25, 2019, as National Public Works Week.</p>	<p>Introduced by Sen. Jim Inhofe (R-OK) – May 23, 2019</p> <p>Passed the Senate – May 23, 2019</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><u>S. 1811</u> <u>A bill to make technical corrections to the America's Water Infrastructure Act of 2018</u></p>	<p>To make technical corrections to the America's Water Infrastructure Act of 2018. Corrections include:</p> <ul style="list-style-type: none"> • Extending the Non-Federal Implementation Pilot Program from five to ten years; and • Amending the local government reservoir permit review to remove the limitation of those only owned and operated by the Secretary. 	<p>Introduced by Sen. John Barrasso (R-WY)</p> <p>Passed the Senate – July 10, 2019</p>	
<p><u>S. 1857</u> <u>Federal Energy and Water Management Performance Act of 2019</u></p>	<p>To amend the National Energy Conservation Policy Act to improve Federal energy and water performance requirements for Federal buildings and establish a Federal Energy Management Program. The program is to exist from 2020-2030. One area addressed is to improve water use efficiency and management, including stormwater management, at facilities of the agency by reducing agency potable water consumption intensity (as measure in galls per gross square food) by 54% by FY2030, relative to the water consumption of the agency in FY2007 and through reductions of 2% each fiscal year.</p>	<p>Introduced by Sen. Lisa Murkowski (R-AK) – June 13, 2019</p> <p>Passed out of Committee on Energy and Natural Resources – July 16, 2019</p>	
<p><u>H.R. 3254</u> <u>PIPE Act</u></p>	<p>To require the Administrator of the Environmental Protection Agency to establish a discretionary grant program for drinking water and wastewater infrastructure projects, and for other purposes. Priority of the grant program would be to help bring public water systems into compliance with the Safe Drinking Water Act or for publicly owned treatment works into compliance with the Federal Water Pollution Control Act. The federal cost share of projects under this program will not exceed 100%. The grants program is to be authorized for \$500,000,000 a year for fiscal years 2020 through 2029.</p>	<p>Introduced by Rep. Antonio Delgado (D-NY)</p>	
<p><u>S. 1932</u> <u>Drought Resiliency and Water Supply Infrastructure Act</u></p>	<p>To support water infrastructure in Reclamation states and for other purposes. The bill includes a 5-year, \$100 million reauthorization of the Bureau of Reclamation's Title XVI Water Reclamation and Reuse competitive grant program, originally authorized in the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act (Title XVI-WIIN). In addition to the key Title XVI-WIIN Competitive Grant Program, the legislation includes \$60 million for desalination, additional funding for surface and groundwater storage, and a new low-interest loan program for the financing of a range of water infrastructure projects.</p>	<p>Introduced by Sen. Cory Gardner (RCO) – June 20, 2019</p> <p>Subcommittee Hearing Held in the Senate – July 18, 2019</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><u>H.R. 3423</u> <u>National Green Bank Act of 2019</u></p>	<p>To amend title 31, United States Code, to provide for the issuance of Green Bonds and to establish the United States Green Bank, and for other purposes.</p>	<p>Introduced by Rep. Jim Himes (D-CT) – June 21, 2019</p>	
<p><u>H.R. 3521</u> <u>Wastewater Infrastructure Workforce Investment Act</u></p>	<p>To amend the Federal Water Pollution Control Act with respect to wastewater infrastructure workforce development, and for other purposes. Amends the language from manpower to workforce. Gives the states the ability to reserve up to 1% of the sums allotted to the state under this section for the fiscal year to carry out workforce development, training, and retraining.</p>	<p>Introduced Rep. Greg Stanton (D-AZ) – June 26, 2019</p>	
<p><u>H.R. 3510</u> <u>Water Resources Research Amendments Act</u></p>	<p>To amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act.</p>	<p>Introduced by Rep. Josh Harder (D-CA) – June 26, 2019</p>	
<p><u>S. 2044</u> <u>Water Supply Infrastructure Rehabilitation and Utilization Act</u></p>	<p>To amend the Omnibus Public Land Management Act of 2009 to establish an Aging Infrastructure Account, to amend the Reclamation Safety of Dams Act of 1978 to provide additional funds under that Act, to establish a review of flood control rule curves pilot project within the Bureau of Reclamation, and for other purposes.</p>	<p>Introduced by Sen. Martha McSally (R-AZ) – June 27, 2019 Subcommittee Hearing Held in the Senate – July 18, 2019</p>	
<p><u>S. 2013</u> <u>A bill to protect the right of individuals to bear arms at water resources development projects</u></p>	<p>To protect the right of individuals to bear arms at water resources development projects.</p>	<p>Introduced by Sen. Mike Crapo (R-ID) – June 27, 2019</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p>H.R. 3616 Clean Water Standards for PFAS Act of 2019</p>	<p>To require the Administrator of the Environmental Protection Agency to designate per- and polyfluoroalkyl substances as toxic pollutants under the Federal Water Pollution Control Act, and for other purposes.</p>	<p>Introduced by Rep. Chris Pappas (D-NH) – July 2, 2019</p>	
<p>S. 2056 Build America, Buy America Act</p>	<p>To ensure that certain Federal infrastructure programs require the use of materials produced in the United States, and for other purposes.</p>	<p>Introduced by Sen. Sherrod Brown (D-OH) – July 8, 2019</p>	
<p>H.R. 3723 Desalination Development Act</p>	<p>To promote desalination project development and drought resilience, and for other purposes.</p>	<p>Introduced by Rep. Mike Levin (D-CA) – July 11, 2019</p> <p>Subcommittee on Waters, Oceans, and Wildlife hearing held July 25, 2019.</p>	
<p>H.R. 3779 Resilience Revolving Loan Fund Act of 2019</p>	<p>To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to allow the Administrator of the Federal Emergency Management Agency to provide capitalization grants to eligible entities to establish revolving funds to provide assistance to reduce disaster risks, and for other purposes.</p>	<p>Introduced by Rep. Angie Craig (D-MN) – July 16, 2019</p>	
<p>H.R. 3844 Farmer Fairness Act</p>	<p>To amend the Federal Water Pollution Control Act to require all persons exercising substantial operational control over a concentrated animal feeding operation to jointly obtain a permit for certain discharges, and for other purposes.</p>	<p>Introduced by Rep. Ro Khanna (D-CA) – July 18, 2019</p>	
<p>S. 2187 National Flood Insurance Program Reauthorization and Reform Act of 2019</p>	<p>To reauthorize the National Flood Insurance Program, and for other purposes.</p>	<p>Introduced by Sen. Robert Menendez (D-NJ) – July 18, 2019</p>	
<p>S. 2164 Water Resources Research Amendments Act</p>	<p>To amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act.</p>	<p>Introduced by Sen. Ben Cardin (D-MD) – July 18, 2019</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><u>S.2239</u> <u>A bill to codify an Executive order preparing the United States for the impacts of climate change, and for other purposes</u></p>	<p>To codify an Executive order preparing the United States for the impacts of climate change, and for other purposes.</p>	<p>Introduced by Sen. Amy Klobuchar (D-MN) – July 23, 2019</p>	
<p><u>H.R. 3944</u> <u>To amend the Water Resources Reform and Development Act of 2014 to modify the procedure for communicating certain emergency risks, and for other purposes.</u></p>	<p>To amend the Water Resources Reform and Development Act of 2014 to modify the procedure for communicating certain emergency risks, and for other purposes.</p>	<p>Introduced by Rep. Kevin Hern (R-OK) – July 24, 2019</p>	
<p><u>H.R.3949</u> <u>Safe Drinking Water in Playgrounds and Parks Act</u></p>	<p>To amend the Safe Drinking Water Act to provide for drinking water fountain replacement in playgrounds and parks, and for other purposes.</p>	<p>Introduced by Rep. Grace Meng (D-NY) – July 24, 2019</p>	
<p><u>H.R.4050</u> <u>ZERO WASTE Act</u></p>	<p>To direct the Administrator of the Environmental Protection Agency to award grants for projects that are consistent with zero-waste practices, and for other purposes.</p>	<p>Introduced by Rep. Ilhan Omar (D-MN) – July 25, 2019</p>	
<p><u>H.R.4033</u> <u>Water Justice Act</u></p>	<p>To provide supplemental appropriations for safe and secure water, and for other purposes.</p>	<p>Introduced by Rep. Daniel Kildee (D-MI) – July 25, 2019</p>	
<p><u>H.R.4006</u> <u>CLEANER Act of 2019</u></p>	<p>To require regulation of wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy under the Solid Waste Disposal Act, and for other purposes.</p>	<p>Introduced by Rep. Matt Cartwright (D-PA) – July 26, 2019</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p><u>H.R.4007</u> <u>Focused Reduction of Effluence and Stormwater runoff through Hydrofracking Environmental Regulation Act of 2019</u></p>	<p>To amend the Federal Water Pollution Control Act and direct the Secretary of the Interior to conduct a study with respect to stormwater runoff from oil and gas operations, and for other purposes.</p>	<p>Introduced by Rep. Matt Cartwright (D-PA) – July 26, 2019</p>	
<p><u>S.2302</u> <u>America’s Transportation Infrastructure Act of 2019</u></p>	<p>To amend title 23, United States Code, to authorize funds for Federal-aid highways and highway safety construction programs, and for other purposes.</p>	<p>Introduced by Sen. John Barrasso (R-WY) – July 29, 2019</p> <p>Placed on Senate Legislative Calendar under General Orders. Calendar No. 170</p>	
<p><u>S.2325</u> <u>Super Pollutants Act</u></p>	<p>To establish a task force to review policies and measures to promote, and to develop best practices for, reduction of short-lived climate pollutants, and for other purposes.</p>	<p>Introduced by Sen. Murphy (D-CT) – July 30, 2019</p>	
<p><u>S. 2353</u> <u>Protecting Firefighters from Adverse Substances Act of 2019</u></p>	<p>To direct the Administrator of the Federal Emergency Management Agency to develop guidance for firefighters and other emergency response personnel on best practices to protect them from exposure to PFAS and to limit and prevent the release of PFAS into the environment, and for other purposes.</p>	<p>Introduced by Sen. Gary Peters (D-MI) – July 31, 2019</p>	
<p><u>S.2410</u> <u>Flood Reduction, Wildlife Habitat, and Water Quality Improvement Act of 2019</u></p>	<p>To amend the Federal Water Pollution Control Act to modify the requirements for permits for dredged or fill material, and for other purposes.</p>	<p>Introduced by Sen. Cindy Hyde-Smith (R-MS) – July 31, 2019</p>	
<p><u>S.2404</u> <u>Build Local, Hire Local Act</u></p>	<p>To establish an expansive infrastructure program to create local jobs and raise the quality of life in every community, to launch middle class career pathways in infrastructure, and to invest in high-quality American jobs, and for other purposes.</p>	<p>Introduced by Sen. Kirsten Gillibrand (D-NY) – July 31, 2019</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<u>H.R.4143</u> <u>Super Pollutants Act of 2019</u>	To establish a task force to review policies and measures to promote, and to develop best practices for, reduction of short-lived climate pollutants, and for other purposes.	Introduced by Rep. Scott Peters (D-CA) – August 2, 2019	
<u>H.R. 4149</u> <u>REGION Act</u>	To prohibit the closure, consolidation, or elimination of offices of the Environmental Protection Agency.	Introduced by Rep. Debbie Dingell (D-MI) – August 2, 2019	
<u>H.R. 4205</u> <u>FLARE Act</u>	To require the Secretary of Agriculture to reimburse sponsors for certain costs of emergency water protection measures, and for other purposes.	Introduced by Rep. John Curtis (R-UT) – August 23, 2019	
<u>H.R. 4266</u> <u>Clean Water Through Green Infrastructure Act</u>	To establish centers of excellence for innovative stormwater control infrastructure, and for other purposes.	Introduced by Rep. Denny Heck (D-WA) – September 10, 2019	
<u>H.R. 4269</u> <u>Climate Stewardship Act of 2019</u>	To provide incentives for agricultural producers to carry out climate stewardship practices, to provide for increased reforestation across the United States, to establish the Coastal and Estuary Resilience Grant Program, and for other purposes.	Introduced by Rep. Debra Haaland (D-NM) – September 10, 2019	
<u>S. 2456</u> <u>Clean Water Through Green Infrastructure Act</u>	To establish centers of excellence for innovative stormwater control infrastructure, and for other purposes.	Introduced by Sen. Tom Udall (R-NM) – September 10, 2019	
<u>H.R.4273</u> <u>Transit to Trails Act of 2019</u>	To establish a program to award grants to entities that provide transportation connectors from critically underserved urban communities and rural communities to green spaces.	Introduced by Rep. Jimmy Gomez (D-CA) – September 10, 2019	
<u>S. 2466</u> <u>Water Justice Act</u>	To provide supplemental appropriations for safe and secure water, and for other purposes.	Introduced by Sen. Kamala Harris (D-CA) – September 11, 2019	