

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

4232 Las Virgenes Road, Calabasas, CA 91302

May 3, 2021, 5:00 PM

Public Participation for Meetings of Las Virgenes - Triunfo Joint Powers Authority in Response to COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 (superseding the Brown Act-related provisions of Executive Order N-25-20 issued on March 12, 2020), which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that members of the Las Virgenes - Triunfo Joint Powers Authority Board of Directors will participate in meetings via teleconferencing.

PUBLIC PARTICIPATION: Pursuant to Executive Order N-29-20 and given the current health concerns, this meeting is being conducted via Zoom Webinar and all attendees are muted by default. To join via computer, please use the following Zoom Webinar ID:

Webinar ID: <https://us06web.zoom.us/j/85933852329>

To join by telephone, please dial (669) 900-6833 or (346) 248-7799 and enter Webinar ID: 859 3385 2329

For members of the public wishing to address the Board during Public Comment or during a specific agenda item, please press "Raise Hand" if you are joining via computer, or press *9 if you are joining via phone.

Members of the public can also access and request to speak at meetings live on-line, with audio and limited video, at www.LVMWD.com/JPALiveStream. In addition, members of the public can submit written comments electronically for consideration at www.LVMWD.com/JPALiveStream. To ensure distribution to the members of the Las Virgenes - Triunfo Joint Powers Authority Board of Directors prior to consideration of the agenda, please submit comments 24 hours prior to the day of the meeting. Those comments, as well as any comments received after 5:00 P.M., will be distributed to the members of the Board of Directors and will be made part of the official public record of the meeting. Contact Josie Guzman, Executive Assistant/Clerk of the Board at (818) 251-2123 or jguzman@lvmwd.com with any questions.

ACCESSIBILITY: If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, in order to observe and/or offer public comment may request such reasonable modification, accommodation, aid, or service by contacting the Executive Assistant/Clerk of the Board by telephone at (818) 251-2123 or via email to jguzman@lvmwd.com no later than 8:00 AM on the day of the scheduled meeting.

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.

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: Special Meeting of March 30, 2021 and Regular Meeting of April 5, 2021 (Pg. 4)

Approve.

5 ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Pure Water Project Las Virgenes-Triunfo: Update (Pg. 14)

B State and Federal Legislative Update (Pg. 18)

6 ACTION ITEMS

A Rancho Las Virgenes Composting Facility: Biofilter Maintenance (Pg. 49)

Authorize the Administering Agent/General Manager to approve a purchase order to Viramontes Express, in the amount of \$100,127.85, to supply new biofilter media and dispose of the old media at the Rancho Las Virgenes Composting Facility.

B Tapia Sodium Hypochlorite Tank and Piping Replacement Project: Final Acceptance (Pg. 51)

Approve the execution of a Notice of Completion and have the same recorded; in the absence of claims from subcontractors and others, release the retention, in the amount of \$25,858.33, thirty calendar days after filing the Notice of Completion; and authorize the Administering Agent/General Manager to approve Scope Change No. 1, in the amount of \$6,350, to Pacific Advanced Civil Engineering, Inc., for the Tapia Sodium Hypochlorite Tank and Piping Replacement Project.

7 BOARD COMMENTS

8 ADMINISTERING AGENT/GENERAL MANAGER REPORT

9 FUTURE AGENDA ITEMS

10 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

11 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
SPECIAL MEETING**

10:00 AM

March 30, 2021

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Lee Renger.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 10:00 a.m. by Chair Tjulander via teleconference in the Board Room at Las Virgenes Municipal Water District headquarters at 4232 Las Virgenes Road, Calabasas, CA 91302. The meeting was conducted via teleconference pursuant to the provisions of the Governor's Executive Order, N-29-20, which suspended certain requirements of the Ralph M. Brown Act to support social distancing guidelines associated with response to the coronavirus (COVID-19) outbreak. Josie Guzman, Clerk of the Board, conducted the roll call.

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

Absent: None.

2. APPROVAL OF AGENDA

Director Shapiro moved to approve the agenda. Motion seconded by Director Caspary. Motion carried unanimously by roll call vote.

3. PUBLIC COMMENTS

None.

4. PURE WATER PROJECT LAS VIRGENES-TRIUNFO ALTERNATIVE DELIVERY METHODS WORKSHOP

Administering Agent/General Manager David Pedersen introduced the Pure Water Program Manager and Owner-Advisor Team from Jacobs Engineering Group (Jacobs): Rich Nagel, Principal; Jennifer Phillips, Program Manager; and Phil Sudol, Director Design-Build.

Jennifer Phillips presented a PowerPoint presentation regarding the Project Delivery Models for the Pure Water Project Las Virgenes-Triunfo.

Phil Sudol continued the PowerPoint presentation regarding collaborative delivery and alternative delivery methods including benefits, risks, and comparisons of traditional design-bid-build to collaborative delivery models through construction management at risk, progressive-design-build, and fixed price design-build. He noted that the benefits and drivers of collaborative delivery models would include having early cost and schedule certainty, using technological innovations, engaging a contractor earlier, meeting regulatory deadlines, and managing risks and changes.

The Board engaged in discussion regarding the delivery models and provided feedback.

Administering Agent/General Manager stated that staff and Jacobs would recommend that the pipelines and conveyance system be constructed through a traditional design-bid-build process, and a collaborative delivery model such as progressive-design-build would be considered for the advanced water treatment plant. He also stated that staff and Jacobs would bring back additional information at the Program Implementation Plan Workshop on April 28th, and would subsequently present the draft Program Implementation Plan at the June 1st Board meeting for approval.

5. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **12:02 p.m.**

Ray Tjulander, Chair

ATTEST:

Jay Lewitt, Vice Chair

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

5:00 PM

April 5, 2021

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Jane Nye.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **5:00 p.m.** by Chair Tjulander via teleconference in the Board Room at Las Virgenes Municipal Water District headquarters at 4232 Las Virgenes Road, Calabasas, CA 91302. The meeting was conducted via teleconference pursuant to the provisions of the Governor’s Executive Order, N-29-20, which suspended certain requirements of the Ralph M. Brown Act to support social distancing guidelines associated with response to the coronavirus (COVID-19) outbreak. Josie Guzman, Clerk of the Board, conducted the roll call.

Present: Directors Caspary, Lo-Hill, Nye, Orkney, Polan, Renger (connected to the teleconference at 5:25 p.m.), Shapiro, Tjulander, and Wall.
Absent: Lewitt

2. APPROVAL OF AGENDA

Director Caspary moved to approve the agenda. Motion seconded by Director Polan. Motion carried by the following roll call vote:

AYES: Caspary, Lo-Hill, Nye, Orkney, Polan, Shapiro, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Lewitt, Renger

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

A Minutes: Special Meeting of February 22, 2021 and Regular Meeting of March 1, 2021: Approve

Director Orkney moved to approve the Consent Calendar. Motion seconded by Director Polan. Motion carried by the following roll call vote:

AYES: Caspary, Lo-Hill, Nye, Orkney, Polan, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Lewitt, Renger

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Pure Water Project Las Virgenes-Triunfo: Update

Joe McDermott, Director of Engineering and External Affairs, reported that online registration would soon be available at www.ourpureh2o.com for the first *Taste the Water, Explore the Garden* event scheduled on May 1st at the Pure Water Demonstration Facility. He also reported that a cable was installed from the demonstration facility to Headquarters to connect the equipment to the District's network and allow staff to remotely monitor and control the treatment process.

Dave Roberts, Resource Conservation Manager, shared renderings of the garden directional and water drop signage for the Pure Water Sustainability Garden. He responded to a question regarding whether there were any plans to include purple in the signage color palette by stating that the sign renderings included colors from the demonstration facility; however, he explained that purple could be added.

Director Lo-Hill suggested adding that the M.A.S.H. site was located four miles away on the directional signage as a tribute to the inspiration for the signage.

Eric Schlageter, Principal Engineer, presented the monthly update from Jacobs Engineering Group (Jacobs). He noted that Jacobs would present the draft Program Implementation Plan (PIP) at the April 28th Workshop, and the final PIP would be presented for adoption at the June 1st JPA Board meeting. He explained that the PIP would establish the foundation for the program with the processes, tools, program projects, readiness assessment recommendations, baseline cost-loaded master schedule, proposed delivery methods, environmental and regulatory strategies, and approach for public outreach. He stated that Jacobs would present the initial cost-loaded schedule and financial model in the next few months.

Director Orkney referred to alternative discharge options for accepting flows above the capacity of the advanced water treatment facility and suggested water storage for stormwater and the possibility of a shallow water bird habitat at the Las Virgenes Farm Sprayfields as alternatives to discharging to the Los Angeles River.

Mr. Schlageter responded to a question regarding whether there would be value in analyzing the cost of the Camarillo Desalter Project when developing cost projections for the Pure Water Project by stating that Jacobs would have an independent process of evaluating project costs and would consider the cost of other comparable local projects.

B State and Federal Legislative Update

Director Renger connected to the teleconference at 5:25 p.m.

Ana Schwab, federal lobbyist for the JPA with Best Best & Krieger LLP (BBK), presented the federal legislative update, and noted that several letters were sent to legislators on behalf of the JPA. She stated that the letters included support for advanced refunding of municipal bonds and Title XVI reauthorization. She noted that the Administration introduced its Infrastructure Plan, including: \$111 billion for clean water and drinking water; \$56 billion for upgrading wastewater, stormwater, and drinking water systems through grants and low cost loans; \$35 billion towards removing 100 percent of lead service pipes; and \$10 billion for per- and polyfluoroalkyl substances (PFAS) monitoring and remediation. She noted that the Senate and House of Representatives were advancing legislation that would address water and wastewater infrastructure. She also noted that Senator Dianne Feinstein would be introducing the Title XVI reauthorization, which would address water and wastewater infrastructure. She stated that a bill to extend NPDES permit terms from five years to ten years was reintroduced; however, the bill was continuing to receive opposition from environmental advocates.

Joe McDermott, Director of Engineering and External Affairs, mentioned that staff was scheduling teleconference meetings with federal legislators for the week of May 17th. He stated that typically the Las Virgenes Municipal Water District Board President and the Triunfo Water & Sanitation District (TWSD) Board Chair would designate two directors to participate in these meetings. Ms. Schwab added that BBK was working on scheduling meetings with staff from Congresswoman Julia Brownley, Congressman Brad Sherman, Congressman Ted Lieu, Senator Dianne Feinstein, and Senator Alex Padilla. She stated that BBK would determine whether to reach out to the Bureau of Reclamation and the U.S. Environmental Protection Agency, as well as consider scheduling meetings with key committee staff to highlight the JPA's issues and support its positions on several bills. Following a brief discussion, Directors Shapiro and Orkney volunteered to participate on behalf of TWSD.

Syrus Devers, state lobbyist for the JPA with Best Best & Krieger LLP (BBK), presented the state legislative update, and noted that AB 1195 (Garcia) would have created a new water agency within the Central and West Coast Basins; however, it was likely that the bill would be amended to create a new administrative process. He noted that AB 818 (Bloom), Solid Waste Pre-Moistened Nonwoven Disposal Wipes, would be considered by the Committee on Environmental Safety

and Toxic Materials as a consent calendar item on April 7th and would likely move forward. He referred to an article in the *Los Angeles Times* regarding Senate President Pro Tempore Toni Atkins' proposal to swiftly spend \$2 billion on strategic, non-controversial water projects. He noted that he was unable to identify any legislation or language for a budget trailer bill. He also reported that there was much discussion regarding water supply and drought conditions.

Administrative Agent/General Manager David Pedersen noted that WaterReuse California was in discussion with Senate President Pro Tempore Atkins' office to suggest funding for water recycling projects.

Mr. Devers responded to a question regarding SB 323 (Caballero), Local Government Water or Sewer Service Legal Actions, related to statute of limitation on water and sewer rates by stating that the bill would set a period of 120 days for anyone to litigate against historically published water and sewer rates.

C Public Outreach Strategy: Review of Tools and Tactics

Mike McNutt, Public Affairs and Communications Manager, presented a PowerPoint presentation on the strategies used for public outreach.

6. ACTION ITEMS

A Rancho Solar Field Facility Landscaping Project: Final Acceptance

Authorize the Administering Agent/General Manager to execute a Notice of Completion and have the same recorded; and, in the absence of claims from subcontractors or others, release the retention, in the amount of \$3,500.88, 30-calendar days after filing the Notice of Completion for the Rancho Solar Field Facility Landscaping Project.

Administering Agent/General Manager David Pedersen presented the report.

Director Shapiro moved to approve Item 6A. Motion seconded by Director Renger. Motion carried by the following roll call vote:

AYES: Caspary, Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Lewitt

B 2020 Bioassessment Monitoring Report: Approval of Purchase Order

Authorize the Administering Agent/General Manager to approve a purchase order to Aquatic Bioassay Consulting Laboratories, Inc., in the amount of \$49,843, for the 2020 Bioassessment Monitoring Report.

John Zhao, Director of Facilities and Operations, presented the report. He responded to a question regarding the possibility of the report being challenged by stating that there was sufficient data available to support the report.

Director Orkney moved to approve Item 6B. Motion seconded by Director Caspary. Motion carried by the following roll call vote:

AYES: Caspary, Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Lewitt

C **Tapia WRF Summer Season TMDL Compliance Project: Approval of Scope Change No. 4**

Authorize the Administering Agent/General Manager to execute Scope Change No. 4 with Stantec Consulting Services, Inc., in the amount of \$17,892, for additional design and professional services associated with the Tapia WRF Summer Season TMDL Compliance Project.

Veronica Hurtado, Assistant Engineer, presented the report. She responded to a question regarding the timeline for the County of Los Angeles to replace the bridge.

Director Caspary lost connection to the teleconference at 6:15 p.m.

Director Polan moved to approve Item 6C. Motion seconded by Director Shapiro. Motion carried by the following roll call vote:

AYES: Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Caspary, Lewitt

D **Multi-Site Battery Energy Storage System Project: Authorization for SGIP Funding Application Deposit**

Ratify the Administering Agent/General Manager's execution of a Memorandum of Understanding and Non-Disclosure Agreement with Tesla, Inc., to secure Self-Generation Incentive Program (SGIP) funding; authorize the Administering Agent/General Manager to deposit a 5% refunding SGIP funding application fee, in the estimated amount of \$168,645, with Tesla, Inc.; and approve an additional appropriation, in the amount of \$50,000, for the Multi-Site Battery Energy Storage System Project.

Doug Anders, Administrative Services Coordinator, presented the report.

Director Caspary reconnected to the teleconference at 6:19 p.m.

John Zhao, Director of Facilities and Operations, responded to questions regarding battery storage capabilities, project payback period, and estimated cost-savings over the project lifespan.

Director Polan moved to approve Item 6D. Motion seconded by Director Lo-Hill. Motion carried by the following roll call vote:

AYES: Caspary, Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Lewitt

7. BOARD COMMENTS

Director Lo-Hill congratulated the JPA on receiving the Transformational Innovation Award by the WaterReuse Association. Administering Agent/General Manager David Pedersen stated that he would share an article from the *Las Virgenes and Calabasas Enterprise* announcing the award.

8. ADMINISTERING AGENT/GENERAL MANAGER REPORT

Administering Agent/General Manager David Pedersen reminded the Board of the workshop scheduled for April 28th from 9:00 a.m. to 12:00 p.m. for the Pure Water Project Las Virgenes-Triunfo Program Implementation Plan. He acknowledged Mike McNutt, Public Affairs and Communications Manager, on his Public Outreach Strategy presentation, and he also acknowledged staff on their public outreach efforts for the compost giveaway program. He noted that demand for compost had significantly increased, and there was no need to have dewatered biosolids hauled offsite. However, he explained that dewatered biosolids would need to be hauled offsite when the fire damage repair work begins on the interior of the amendment building.

9. FUTURE AGENDA ITEMS

None.

10. PUBLIC COMMENTS

None.

11. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:31 p.m.**

Ray Tjulander, Chair

ATTEST:

Jay Lewitt, Vice Chair



To: Las Virgenes-Triunfo JPA Board of Directors
 From: Jennifer Phillips, Jacobs Engineering Group Inc.
 Date: April 22, 2021
 Re: Pure Water Project JPA Board Monthly Update

Pure Water Project Overview

The Pure Water Project (PWP) is an opportunity to proactively address three major challenges facing the Las Virgenes-Triunfo JPA:

- comply with more stringent regulatory requirements for discharging to Malibu Creek,
- balance seasonal variation of recycled water demand, and
- create a valuable resource to supplement the region's water supplies, enabled by California's cutting-edge reservoir water augmentation program.

By 2030, the innovative plan is to have an operational advanced water treatment facility (AWTF) to treat tertiary effluent from the Tapia Water Reclamation Facility for indirect potable reuse, and convey the product water to the Las Virgenes Reservoir, where it will be blended with Metropolitan Water District (MWD) supply. The current phase (Phase 1) of the project provides the programmatic process to manage such a large, complicated project, focusing on the technical, regulatory, environmental, financial, and procurement strategies to provide a foundation with more cost and project delivery clarity. Each month the Project team will provide a status report to communicate major milestones, accomplishments for the previous month, planned work for the next month, and potential challenges.

Monthly Major Milestones

- Conducted a Collaborative Delivery Model Workshop on March 30, 2021, JPA Board Special Session. The proposed delivery model selection for each major project will be summarized in the Project Implementation Plan (PIP), based on the input received.
- Developed independent cost estimates for the AWTF, conveyance lines, and reservoir improvements for the baseline project and additional costs for the recommendations identified in the readiness assessment.
- Conducted the 3rd Risk Assessment Workshop on April 5, 2021 with the PWP team to confirm the potential external, internal, supplier, technical, financial, and management risks in the PWP's Risk Register, and complete the qualitative assessment of the impacts, benefits and mitigation needs. With the input from the workshop, the PWP team conducted a quantitative cost risk assessment (QCRA) on all 62 threats and 11 opportunities identified. The results of this assessment will help confirm the contingency to be assumed to cover uncertainty on the project and to track each risk over its lifecycle.

Key Program Accomplishments Last Month

Following is a summary of key April 2021 program accomplishments. Many PWP team meetings occurred in April to plan, coordinate and implement the following activities:

March Accomplishments:

Programmatic:

- **Risk Assessment and Management Workshop 3** on April 5, 2021 with LVMWD and Triunfo staff. The workshop purpose was to assess potential financial impact or benefit for each risk and opportunity that quantifies the PWP's overall delivery contingency needs.
- Developing an “independent” PWP's overall budgetary **cost estimate** with recommendations from the Readiness Assessment Workshop for development of the PWP budget.
- Finalizing the draft **Program Management Plan (PMP)** for PWP delivery team review. The PMP documents clarifies and standardizes project delivery related processes, procedures, team roles and responsibilities, to manage this program effectively and efficiently.
- Developing a “working” **Document Management Portal and PWP Performance Tracking Dashboard**. Dashboards provide a near real-time PWP program and project costs and schedule status with actual spending, estimated cost to complete, earned value status, and needed cash flow projections for planning purposes and spending accountabilities. The dashboards are updated monthly and are based on actual invoices and each project's delivery status.

Technical:

- Identified **recommended additional testing at the Demonstration Facility** to inform design decisions and regulatory strategy discussions. Recommendations came from the Readiness Assessment Report. The existing Demonstration Facility will be leveraged to better define and supply data for specific treatment needs that supports specific real-time data and information required by regulators to meet PWP goals, permitting requirements and demonstrate compliance.
- Discussing current **Reservoir Operation** with LVMWD staff to understand current algal blooms and existing constraints to help guide modeling efforts, design strategies, and regulatory strategy of the reservoir operation under the PWP delivery.
- Continuing development of **Emergency Discharge Options and Strategies** for overall operating considerations. Inputs are needed to evaluate alternate discharge capacity options for accepting flows above the capacity of the AWTF, or during an emergency condition for off-spec performance. In April, PWP team conducted a Recycled Water Operations meeting with LVMWD staff to better understand seasonal operation of the recycled water system.
- Provided assumptions and process in developing the PWP's independent cost estimates, including considering reliability and process modifications, upgrades or new considerations to meet regulatory requirements and operational goals.

Regulatory/Environmental:

- Conducted Regulatory Strategy Kick-off Meeting with LVMWD staff on April 1, 2021 to present approach and gain insights on discussions to date with regulators.
- Finalizing the regulatory strategy that will be included in the Program Implementation Plan (PIP).
- Finalizing the Programmatic CEQA environmental strategy that will be included in the PIP.

Financial:

- Presented initial independent project cost estimates for two schemes - the baseline projects from the Title XVI Plan; and the Readiness Assessment Recommendations to LVMWD staff. Both estimates were reviewed and a series of follow-up actions and information requests to further define these planning-level cost estimates were made by LVMWD. Current plan is to present to the JPA Board on May 25, 2021 both the PWP's conceptual planning cost estimates and corresponding risk based projects and Program-level contingency. Once the PWP Team and key Stakeholders agree on these planning level project costs, this will then establish **PWP's Cost Loaded Master Schedule and Baseline Cost.**

Public Outreach:

- Reviewed public outreach scoped activities and additional recommended activities to enhance the public support of the PWP. Determined priority activities to support CEQA as originally defined.
- Conducted regular check-ins for public outreach related to the PWP vision and mission to forecast outreach needs as the program is being implemented and moving towards key conceptual design decisions that may require community awareness and outreach activities.

Key Considerations

- **Reservoir Operation** – assessing approaches to mitigate algal blooms to allow the reservoir to operate closer to anticipated flows. LVMWD Operations is developing a flow implementation plan to ascertain impacts on the Westlake Filtration Plant under current conditions, to be carried out in the Summer of 2021.
- **Water Augmentation and Integration Plan** – finding and securing viable supplemental water sources, and establishing MOUs/Agreements with regional parties and partners over the life of the project.
- **Minimizing disinfection byproducts** – developing cost effective treatment strategies to mitigate formation and achieve regulatory compliance using the Demonstration Plant over the next year.
- **Conveyance Coordination** – initiating early discussions with cities and agencies in the alignment corridors to understand desire to work together to minimize schedule impacts. Looking to propose Memorandums of Understanding (MOUs), JPAs, or other commitment-level approaches as conveyance alignment is finalized and developed over the next year.
- **Brine Management** – establishing MOUs/Agreements with regional parties and partners for brine disposal to the Calleguas Regional Salinity Management Pipeline over the next 18 months.
- **Review of budgetary costs for the Pure Water Project** – addressing total costs to deliver the PWP as envisioned by the JPA in today's market, supply chain, regulatory requirements, and optimized project delivery for conveyance alignments and treatment approaches.

Look Ahead

The Project Team is finalizing main components of the draft Program Implementation Plan (PIP) for LVMWD staff agreement and JPA Board informational presentation scheduled for May 25, 2021 Special Session Workshop. The PIP sets the PWP's delivery execution roadmap that considers and implements Readiness Assessment Recommendations, project delivery approaches, regulatory permitting strategy, environmental compliance strategy, financial cash flow needs scenarios, baseline cost-loaded schedule, and proposed public outreach communication plan. This provides a clear path forward for PWP delivery and management over the next 18 months. This is a key milestone deliverable for the PWP and will be finalized after the Special Session for approval at a JPA Board Meeting.

Upcoming JPA Board Meetings:

- a. TBD Special Session – Program Implementation Plan



BEST BEST & KRIEGER ☰
ATTORNEYS AT LAW

To:	Las Virgenes-Triunfo JPA
From:	Syrus Devers, Best Best & Krieger
Date:	May 3rd, 2021
Re:	State Legislative Report

Legislature:

April 30th was the deadline to move a fiscal bill out of all assigned policy committees. The overwhelming majority of bills are fiscal, and all bills that are of interest to the JPA are fiscal. Any bill that has not moved beyond the policy committee stage is now a two-year bill and cannot be considered again until next January.

A pattern has developed in the Legislature similar to how it was before term limits were first imposed, which is that very few bills authored by Democrats are killed in the first policy committee. Two important bills opposed by the JPA were spared an early death by “courtesy votes” from a member following initial opposition but who then gave the final vote to let the bill out of committee. The result is that most successful opposition efforts will be in the second house.

The following is the current status of all bills where the JPA expressed an opinion, but not necessarily every bill where the JPA took a position. (AB 59 (Gabriel) dealing with mitigation fees, for example, is an opposed bill but it never got a hearing so the JPA never engaged.)

AB 377 (Rivas): OPPOSE. Sweeping changes to the NPDES permit process. This is one of two bills that was about to be held in committee but Assembly Member Al Muratsuchi (D-Long Beach) then gave it a “courtesy vote” to let it out. Although the bill has been substantially reduced since the JPA adopted an oppose position, the bill is still problematic and opposed by numerous cities and water agencies including MWD.

AB 818 (Bloom): SUPPORT. Proper labeling of flushable waste products. The third time must be a charm for Assembly Member Bloom because AB 818 is moving on consent, which means it has no opposition and is voted on as a block with other bills receiving unanimous support.

AB 1434 (Friedman): OPPOSE. Lowers the indoor water use efficiency levels established in 2018. This is the other bill that was about to die until Assembly Member Muratsuchi gave it the dreaded courtesy vote. BB&K staff will discuss this bill in greater detail at the board meeting.



The two bond bills, SB 45 (Portantino) and AB 1500 (Garcia): SUPPORT IF AMENDED. Both bills are advancing but the serious work has yet to begin since the eventual bond is slated for November of 2022.

SB 230 (Portantino): SUPPORT. Base regulations for constituents of emerging concern (CECs) on sound science. This MWD sponsored bill will have to identify an acceptable funding source before it will be allowed to move. The SWRCB indicated the Drinking Water Fund would be the likely source of funding if the bill did not identify an alternate source, and put a high price tag on the bill. MWD will have until January to figure out a way forward.

SB 323(Caballero): SUPPORT. Statute of limitations for challenging water rate changes. Despite some serious opposition from consumer attorneys the bill is doing very well. It was eligible for a floor vote at the time this report was prepared.

Administration:

Governor's Drought Proclamation: As the board has no doubt heard, Governor Newsom declared a drought emergency for parts of Northern California. Although limited in scope, it suggests Newsom will adopt a command-and-control approach if extreme drought conditions expand to other areas of the state.

The Department of Water Resources "previewed" the draft of their recommendations for indoor water use efficiency. This appears to be tied to the effort to pass AB 1434 so BB&K staff will cover this in greater detail at the board meeting.

Recall--It's official; we're having one. Enough signatures have been validated to trigger an election, but Newsom is still at or above a 50% approval rating and that's expected to climb once COVID-19 restrictions are lifted in June.

Las Virgenes-Triunfo JPA

Bill Matrix, May 2021

Prepared by Best Best & Krieger

A. Priority Support/Oppose

Measure	Author	Topic	Status	Brief Summary	Position	Priority
AB 59	Gabriel D	Mitigation Fee Act: fees: notice and timelines.	1/11/2021- Referred to Coms. on L. GOV. and H. & C.D.	Current law authorizes any party to protest the imposition of a fee, dedication, reservation, or other exactions imposed on a development project within 90 or 120 days of the imposition of the fee, as applicable, and specifies procedures for those protests and actions. The Mitigation Fee Act imposes the same requirements on a local agency for a new or increased fee for public facilities. Current law, for specified fees, requires any judicial action or proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion adopting a new fee or service charge or modifying an existing fee or service charge to be commenced within 120 days of the effective date of the ordinance, resolution, or motion. Current law also provides that, if an ordinance, resolution, or motion provides for an automatic adjustment in a fee or service charge and the adjustment results in an increase in the fee or service charge, that any action to attack, review, set aside, void, or annul the increase to be commenced within 120 days of the increase. This bill would increase, for fees and service charges and for fees for specified public facilities, the time for mailing the notice of the time and place of the meeting to at least 45 days before the meeting.	Opposition	A. Priority Support/Oppose
AB 377	Rivas, Robert D	Water quality: impaired waters.	4/21/2021- From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 3.) (April 21). Re-referred to Com. on APPR.	Would require, by January 1, 2023, the State Water Resources Control Board and regional boards to prioritize enforcement of all water quality standard violations that are causing or contributing to an exceedance of a water quality standard in a surface water of the state. The bill would require the state board and regional boards, by January 1, 2025, to evaluate impaired state surface waters and report to the Legislature a plan to bring all water segments into attainment by January 1, 2050. The bill would require the state board and regional boards to update the report with a progress summary to the Legislature every 5 years. The bill would create the Waterway Recovery Account in the Waste Discharge Permit Fund and would make moneys in the Waterway Recovery Account available for the state board to expend, upon appropriation by the Legislature, to bring impaired water segments into attainment in accordance with the plan.	Opposition	A. Priority Support/Oppose
AB 442	Mayes I	Surface Mining and Reclamation Act of 1975: exemption: Metropolitan Water District of	3/25/2021- From committee: Do pass and re-refer to Com. on	The Surface Mining and Reclamation Act of 1975 exempts certain activities from the provisions of the act, including, among others, emergency excavations or grading conducted by the Department of Water Resources or the Central Valley Flood Protection Board for the specified purposes; surface mining operations	Support	A. Priority Support/Oppose

		Southern California: single master reclamation plan.	W.P., & W. with recommendation: To Consent Calendar. (Ayes 11. Noes 0.) (March 24). Re-referred to Com. on W.P., & W.	conducted on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the Department of Water Resources for the purpose of the State Water Resources Development System or flood control; and surface mining operations on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the Central Valley Flood Protection Board for the purpose of flood control. This bill would additionally exempt from the provisions of the act emergency excavations or grading conducted by the Metropolitan Water District of Southern California (MWD) for its own operations and infrastructure for specified purposes.		
AB 818	Bloom D	Solid waste: premoistened nonwoven disposable wipes.	4/13/2021- From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 11. Noes 0.) (April 13). Re-referred to Com. on APPR.	Would require, except as provided, certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022, to be labeled clearly and conspicuously with the phrase “Do Not Flush” and a related symbol, as specified. The bill would prohibit a covered entity, as defined, from making a representation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes, as provided. The bill would establish enforcement provisions, including authorizing a civil penalty not to exceed \$2,500 per day, up to a maximum of \$100,000 per violation, to be imposed on a covered entity who violates those provisions.	Support	A. Priority Support/Oppose
AB 1434	Friedman D	Urban water use objectives: indoor residential water use.	4/20/2021- Re-referred to Com. on W.P., & W.	Would establish, beginning January 1, 2023, until January 1, 2025, the standard for indoor residential water use as 48 gallons per capita daily. The bill would establish, beginning January 1, 2025, the standard as 44 gallons per capita daily and, beginning January 1, 2030, 40 gallons per capita daily.	Opposition	A. Priority Support/Oppose
AB 1500	Garcia, Eduardo D	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.	4/15/2021- Re-referred to Com. on NAT. RES.	Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,955,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.	Support if amended	A. Priority Support/Oppose
SB 45	Portantino D	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.	4/21/2021- Set for hearing May 3.	Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,595,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.	Support if amended	A. Priority Support/Oppose
SB 222	Dodd D	Water Rate Assistance Program.	4/21/2021- Set for hearing April 29.	would establish the Water Rate Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to low-income ratepayers and ratepayers experiencing economic hardship in California. The bill	Out for Analysis	A. Priority Support/Oppose

				would require the Department of Community Services and Development to develop and administer the Water Rate Assistance Program established by the bill.		
SB 223	Dodd D	Discontinuation of residential water service.	4/21/2021-Set for hearing April 29.	Current law prohibits an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, from discontinuing residential water service for nonpayment until a payment by a customer has been delinquent for at least 60 days. Current law requires an urban and community water system to have a written policy on discontinuation of residential service for nonpayment, including, among other things, specified options for addressing the nonpayment. Current law requires an urban and community water system to provide notice of that policy to customers, as provided. This bill would apply those provisions, on and after July 1, 2022, to a very small community water system, defined as a public water system that supplies water to 200 or fewer service connections used by year long residents.	Out for Analysis	A. Priority Support/Oppose
SB 230	Portantino D	State Water Resources Control Board: Constituents of Emerging Concern Program.	3/22/2021-March 22 set for first hearing canceled at the request of author.	Would require the State Water Resources Control Board to establish, maintain, and direct an ongoing, dedicated program called the Constituents of Emerging Concern Program to assess the state of information and recommend areas for further study on, among other things, the occurrence of constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The bill would require the state board to convene, by an unspecified date, the Science Advisory Panel to review and provide recommendations to the state board on CEC for further action, among other duties. The bill would require the state board to provide an annual report to the Legislature on the ongoing work conducted by the panel.	Support	A. Priority Support/Oppose
SB 273	Hertzberg D	Water quality: municipal wastewater agencies.	4/22/2021-Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.	Support	A. Priority Support/Oppose
SB 323	Caballero D	Local government: water or sewer service: legal actions.	4/22/2021-Read second time. Ordered to third reading.	Current law prohibits a local agency from imposing fees for specified purposes, including fees for water or sewer connections, as defined, that exceed the estimated reasonable cost of providing the service for which the fee is charged, unless voter approval is obtained. Current law provides that a local agency levying a new a water or sewer connection fee or increasing a fee must do so by ordinance or resolution. Current law requires, for specified fees, including water or sewer connection fees, any judicial action or	Support	A. Priority Support/Oppose

				proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion adopting a new fee or service charge or modifying an existing fee or service charge to be commenced within 120 days of the effective date of the ordinance, resolution, or motion according to specified procedures for validation proceedings. This bill would apply the same judicial action procedure and timelines, as stated above, to ordinances, resolutions, or motions adopting, modifying, or amending water or sewer service fees or charges adopted after January 1, 2022, except as provided.		
SB 403	Gonzalez D	Drinking water: consolidation.	4/26/2021-From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 3. Noes 1.) (April 22).	The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would authorize the state board to also order consolidation where a water system serving a disadvantaged community is at risk of failing to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that are at risk of failing to provide an adequate supply of safe drinking water.	Out for Analysis	A. Priority Support/Oppose

B. Watch

Measure	Author	Topic	Status	Brief Summary	Position	Priority
AB 100	Holden D	Drinking water: pipes and fittings: lead content.	4/14/2021-In committee: Set, first hearing. Referred to suspense file.	The California Safe Drinking Water Act prohibits, with certain exceptions, the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. The act defines "lead free" for purposes of conveying or dispensing water for human consumption to mean not more than 0.2% lead when used with respect to solder and flux and not more than a weighted average of 0.25% lead when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. This bill would additionally define "lead free," with respect to endpoint devices, as defined, to mean that the devices do not leach more than one microgram of lead under certain tests and meeting a specified certification.	Watch	B. Watch
AB 339	Lee D	Local government: open and public meetings.	4/19/2021-Re-referred to Com. on L. GOV.	The Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require all meetings to include an opportunity for members of the public to attend via a telephonic option and an internet-based service option. The bill would require all meetings to include an in-person public comment opportunity, except in		B. Watch

				specified circumstances during a declared state or local emergency. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic and an internet-based service option, as provided, and would specify requirements for public comment registration.		
AB 361	Rivas, Robert D	Open meetings: local agencies: teleconferences.	4/7/2021-Re-referred to Com. on L. GOV.	Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state of emergency or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote. The bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment.	Watch	B. Watch
AB 703	Rubio, Blanca D	Open meetings: local agencies: teleconferences.	2/25/2021-Referred to Com. on L. GOV.	Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the requirements of the act particular to teleconferencing and allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment. The bill would require that, in each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the local agency also give notice of the means by which members of the public may observe the meeting and offer public comment and that the legislative body have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act, as provided.	Watch	B. Watch
SB 55	Stern D	Very high fire hazard severity zone: state responsibility area: development prohibition: supplemental height and density bonuses.	4/15/2021-April 15 set for first hearing. Testimony taken. Further hearing to be set.	Would, in furtherance of specified state housing production, sustainability communities strategies, greenhouse gas reduction, and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area unless there is substantial evidence that the local agency has adopted a comprehensive, necessary, and appropriate wildfire prevention and community hardening strategy to mitigate significant risks of loss, injury, or death, as	Watch	B. Watch

				specified. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program.		
SB 274	Wieckowski D	Local government meetings: agenda and documents.	4/22/2021- Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	The Ralph M. Brown Act requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.	Watch	B. Watch
SB 351	Caballero D	Water Innovation Act of 2021.	4/20/2021- Read second time and amended. Re-referred to Com. on APPR.	Current law establishes the State Water Resources Control Board for the purposes of providing for the orderly and efficient administration of the water resources of the state. This bill, the Water Innovation Act of 2021, would create the Office of Water Innovation at the California Water Commission for the furtherance of new technologies and other innovative approaches in the water sector. The bill would require the office, by December 31, 2023, to take specified measures to advance innovation in the water sector. The bill would make findings and declarations regarding the need for water innovation.	Watch	B. Watch
SB 552	Hertzberg D	Drought planning: small water suppliers: nontransient noncommunity water systems.	4/26/2021- From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (April 22).	Would require small water suppliers, as defined, and nontransient noncommunity water systems that are schools, no later than December 31, 2022, to develop and submit to the Division of Drinking Water for the State Water Resources Control Board an Emergency Response Plan that includes specified drought-planning elements. The bill would require these water systems to report specified water supply condition information to the state board through the state board's Electronic Annual Reporting System, and to include water system risk and water shortage information in the water systems' Consumer Confidence Reports, as provided.		B. Watch
SB 559	Hurtado D	Department of Water Resources: water conveyance systems: Canal Conveyance Capacity Restoration Fund.	4/19/2021- From committee with author's amendments. Read second time and amended.	Would establish the Canal Conveyance Capacity Restoration Fund in the State Treasury to be administered by the Department of Water Resources. The bill would require all moneys deposited in the fund to be expended, upon appropriation by the Legislature, in support of subsidence repair costs, including environmental planning, permitting, design, and construction and necessary road and bridge upgrades required to accommodate capacity improvements. The bill would require the department to expend from the	Watch	B. Watch

			Re-referred to Com. on N.R. & W.	fund, upon appropriation by the Legislature, specified monetary amounts to restore the capacity of 4 specified water conveyance systems, as prescribed, with 2 of those 4 expenditures being in the form of a grant to the Friant Water Authority and to the San Luis and Delta-Mendota Water Authority. The bill would make these provisions inoperative on July 1, 2030, and would repeal the provisions as of January 1, 2031.		
--	--	--	----------------------------------	---	--	--

Total Measures: 22

Total Tracking Forms: 22



To: Las Virgenes-Triunfo JPA Board of Directors and Staff
From: John Freshman, Ana Schwab, and Lowry Crook
Date: April 22, 2021
RE: Federal Report

Bi-Partisan Support to End SALT Caps

House Democrats and Republicans have joined together to create a bipartisan House caucus to push for a repeal of the \$10,000 cap on state and local tax deductions, also known as the SALT cap. So far, there are 21 Democrats and nine Republicans in the caucus. Members of both parties have introduced bills that would repeal and/or reform the SALT restriction. The group is pushing for the deduction to be included as part of President Biden’s infrastructure package payment proposal. So far, neither President Biden nor Speaker Nancy Pelosi has committed to the repeal of the SALT cap. In the Senate, Majority Leader Chuck Schumer introduced legislation that would repeal the cap from the 2017 tax law. Some members have gone so far to say they will not support the President’s infrastructure package unless the deduction elimination is included. Part of the issue for leadership is that the repeal of the cap will mostly aid households that earn more than \$1 million a year. However, some progressive members are in support of the measure. It will likely play a prominent role in the infrastructure package negotiations over the upcoming months.

Legislation

SALT Cap Bills

Majority Leader Chuck Schumer (D-NY) and Representative Thomas Suozzi (D-NY) introduced identical companion bills in their respective chambers — S.85 and H.R.613. The twin proposals, titled “The SALT Deductibility Act,” would allow taxpayers to fully deduct their state and local taxes on their federal income returns as they did prior to the enactment of the 2017 tax reform. The House version of the bill is heavily supported with bipartisan cosponsors totaling 106 members. The Senate version has 12 Democrats as cosponsors.

Representative Mike Garcia (R-CA) introduced H.R. 202, SALT Fairness Act. This bill repeals the temporary restrictions in taxable years 2018 through 2025 on the deductibility of state and local taxes. The bill has two Republican cosponsors.

Representative Bill Pascrell (D-NJ) introduced a larger tax bill, H.R.946, SALT Act, which would also repeal the limitation on the deductibility of state and local taxes during 2018-2025. The bill also expands individual income tax brackets and increases the top income tax rate for individual taxpayers to 39.6%. The bill currently has bipartisan support with 14 cosponsors.

Drinking Water and Wastewater Infrastructure Act of 2021



On April 14, the Senate Environment and Public Works Committee voted to amend the bipartisan Drinking Water and Wastewater Infrastructure Act of 2021, S. 914, and advance it to the Senate for a full vote. The legislation, sponsored by Senator Tammy Duckworth (D-IL), would invest more than \$35 billion in water resource development projects over the next five years. Many of the authorized programs in the bill highlight lawmaker’s commitment to supplementing the water sector comprehensively—program authorizations highlight drinking water, wastewater, lead contamination, stormwater, sewer overflow, desalination, and water reuse as critical water issues. In addition, the bill provides funding for low-income and disadvantaged communities, Native American communities, and small and large water and wastewater public agencies.

The bill would reauthorize both the Drinking Water State Revolving Fund and the Clean Water State Revolving Fund through fiscal year 2026. Both the Drinking Water State Revolving Fund and the Clean Water State Revolving Fund would receive gradual authorization increases, each starting at \$2.40 billion for fiscal year 2022, \$2.75 billion for fiscal year 2023, \$3.00 billion for fiscal year 2024, and \$3.25 billion for each fiscal years 2025 and 2026.

The legislation would also authorize the Water Infrastructure Finance and Innovation Act (WIFIA) through 2026 at its current funding level of \$50 million per year.

RENEW WIIN

The Responsible, No-Cost Extension of Western Water Infrastructure Improvements Act (RENEW WIIN) Act, sponsored by Representative David Valadao (R-CA) would extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 (WIIN) to provide more flexibility and water resources for California. The bill would extend the authorizations of section 4007, which provides funding for water storage projects, to January 1, 2031. Section 4007 authorized discretionary appropriations for federal and state owned water projects. Prior to the WIIN Act, state-led water storage projects were not authorized to be fund by the Bureau of Reclamation.

Additionally, the entirety of WIIN Act subsection that provides authorizations for the State of California would be authorizes for an additional ten years, to December 31, 2031. The bill also extends the Section 4004 cooperation requirements between federal agencies and water operators, including the Central Valley Project and the State Water Project, to December 31, 2036. Section 4004 of the WIIN Act targets the coordination efforts for the preparation of biological opinions.

WIIN Act Improvement

Representative Mike Garcia (R-CA) introduced H.R.1563 to reauthorize water programs in the 2016 WIIN Act for another seven years, through fiscal year 2028. The Bureau of Reclamation’s Title XVI program would be authorized \$20 million for each fiscal years 2022 through 2028,



totaling \$140 million over seven years. The bill would promote desalination projects by authorizing \$12 million for each fiscal year, totaling \$84 million over the next seven years.

The bill is supported by the entire House Republican Californian delegation, including Minority Leader Kevin McCarty (R-CA).

PFAS Action Act

Representatives Debbie Dingell (D-MI) and Fred Upton (R-MI) introduced the PFAS Action Act of 2021, a new version of the PFAS legislation passed by the House last year. The bill would require the EPA to designate PFAS compounds as hazardous substances under CERCLA and develop national drinking water regulations for two of the most common compounds, known as PFOS and PFOA.

Among the provisions, the EPA administrator would be required to issue a health advisory within one year of enactment and a proposed drinking water regulations within two years of the law's enactment. Monitoring requirements would be set for public water systems. In addition, the bill would authorize \$200 million per year for wastewater treatment and require the EPA to set discharge limits industrial releases of PFAS.

The legislation would create a grant program for water systems affected by PFAS. The program would establish a program to award grants to affected community water systems to pay for capital costs associated with the implementation of eligible treatment technologies. The bill authorizes \$125 million for each fiscal years 2022 and 2023, and \$100 million for each fiscal year 2024 through 2026.

PFAS Registry Act

Senators Jeanne Shaheen (D-NH) and Mike Rounds (R-SD) reintroduced the “PFAS Registry Act,” which would create a national database for service members and veterans who have been exposed to PFAS. The registry would provide updates on recent scientific developments on PFAS research and treatment options. The registry would include any information the Department of Veterans Affairs deems necessary to ascertain and monitor the health effects of the exposure of members of the Armed Forces. Within two years after the creation of the registry, the Secretary of Veterans Affairs is required to submit a report to Congress with an assessment of the effectiveness of actions taken by the Department to monitor and update exposed service members. Within five years, the Secretary of Defense, Secretary of Veterans Affairs, and the EPA Administrator are to submit a report to Congress with recommendations for additional chemicals which individuals have been exposed that should also be included in the registry.



The Administration’s Topline FY2022 Budget

President Biden has released his discretionary topline FY2022 budget request. The request proposes \$769 billion in non-defense discretionary funding in FY 2022, a 16 percent increase over the FY 2021 enacted level, and \$753 billion for national defense programs, a 1.7 percent increase.

The House and Senate Appropriations Committees have not released their respective topline FY2022 budget. House Appropriations Chair Rosa DeLauro(D-CT) said the House’s bills will be ready for the House floor by July.

2022 Discretionary Request by Major Agency
(Budget authority in billions of dollars)

Base Discretionary Funding:

Cabinet Departments	<u>2021 Enacted</u>	<u>2022 Request</u>	<u>Dollar Change</u>	<u>Percent Change</u>
Interior	15.0	17.4	+2.4	+16.3%
Health and Human Services	108.6	133.7	+25.1	+23.1%
Housing and Urban Development	59.6	68.7	+9.0	+15.1%
Major Agencies:				
Army Corps of Engineers (Corps)	7.8	6.8	-1.0	-12.9%
Environmental Protection Agency	9.2	11.2	+2.0	+21.3%

Budget Request: Environmental Protection Agency

The President’s 2022 discretionary request includes \$11.2 billion for EPA, a \$2 billion or 21.3-percent increase from the 2021 enacted level. The increase is due in part to a broad, overall prioritization of climate change initiatives and environmental issues.

- The discretionary request invests over \$110 million to restore EPA’s critical staff capacity and to rebuild programmatic capabilities that focus on protecting clean air, land, and water.



- \$30 million to improve knowledge of the impacts of climate change on human health and the environment, which would more than double EPA’s climate change research budget.
- The discretionary request invests \$936 million toward a new Accelerating Environmental and Economic Justice initiative that would help create good-paying jobs, clean up pollution, implement Justice40 and advance racial equity, and secure environmental justice for communities who too often have been left behind, including rural and tribal communities.
- The discretionary request provides a total of \$3.6 billion for water infrastructure, an increase of \$625 million over the 2021 enacted level.
- The discretionary request provides approximately \$75 million to accelerate toxicity studies and research to inform the regulatory development of designating PFAS as hazardous substances and setting enforceable limits for PFAS under the Safe Drinking Water Act.

Budget Request: Department of Interior

The President’s 2022 discretionary request includes \$17.4 billion for the Department of Interior, a \$2.4 billion or 16-percent increase from the 2021 enacted level. The package specifically listed western water as a focus area that will receive increased consideration and attention.

- The discretionary request provides an additional \$550 million over the 2021 enacted level to decrease climate pollution, accelerate clean energy deployment, and expand efforts around climate adaptation and ecosystem resilience among all the Department’s land management agencies.
- The discretionary request provides an additional \$200 million for science-driven conservation to align management of the Nation’s natural resources with America’s climate, biodiversity, and clean energy needs. This investment would support the goal of conserving 30 percent of land and water by 2030, including through voluntary actions and incentives that support the stewardship efforts of farmers, ranchers and other private landowners.
- Conserves Western Water - The discretionary request provides funding for programs, such as WaterSMART grants, to improve water conservation and energy efficiency.

An Update on Community Project Funding

The House Appropriations Subcommittees have set their deadlines starting on April 28 to April 30. There are select programs that will be eligible for Community Project Funding requests. Each respective subcommittee has set its rules and guidelines for submitting requests. Members are allowed to submit a maximum of ten projects in total, and will submit those requests to the appropriate subcommittee. These submitted projects will then be posted online and considered by the subcommittee.



The Republicans in the Senate have not yet announced whether they will use earmarks. Senate Appropriations Chair Patrick Leahy (D-VT) stated he would be willing to split the funding evenly between Democrats and Republicans. Senate Appropriations Chair Richard Shelby (R-AL) stated he wants to ensure that an adoption of earmarks would be fair and transparent. Senate Republicans should make their decision in the upcoming weeks. Senator Feinstein has preemptively begun a Community Project Funding submission application.

This week, House Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OR) said all House members will have the chance to direct up to \$15-\$20 million in earmarks for infrastructure projects in the upcoming surface transportation authorization bill. Each member will receive the same amount of funding, regardless of seniority or district size. This is the first time in 15 years that the five-year authorization bill will include member-directed spending.

The Administration's Sweeping Infrastructure Package

On March 31, President Biden released a \$2.5 trillion infrastructure package. The package addresses typical surface transportation, like roads, bridges, and highways, while also including investments in water, broadband, and the electric grid. The plan aims to designate 40 percent of climate and clean infrastructure investments to disadvantaged communities. In response, Senator Republicans are countering with a package that will be somewhere between \$600-\$800 billion. The Senate Democrats may decide to move forward with their own infrastructure package via the reconciliation process, which would only require a simple majority.

The plan invest \$111 billion in water infrastructure to ensure clean, safe drinking water. A central goal is to replace 100 percent of the country's lead pipes and service lines. President Biden wants Congress to invest \$45 billion in the EPA Drinking Water State Revolving Fund (SRF). The investment would result in reduced lead exposure in over 400,000 schools and childcare facilities. In order to upgrade drinking water, wastewater, and stormwater systems, the plan provides \$56 billion in grants and low-cost flexible loans to states, Tribes, territories, and disadvantaged communities. Notably, the plan includes \$10 billion in funding to monitor and remediate PFAS in drinking water.

Prior to the package's release, during a hearing before the House Transportation and Infrastructure Committee, Secretary Buttigieg committed to a broad infrastructure package that will be in unison with the Administration's plans to reinvest in the economy and county as part of the "Build Back Better" plan. Transportation Secretary Pete Buttigieg said that discussions with lawmakers are welcomed already underway and he does not want to wait until the September deadline.

Lawmakers are now focusing on the next surface transportation bill, which is set to expire at the end of September. In the House, House Speaker Nancy Pelosi told her caucus members that she aims to move forward with the infrastructure bill the first week of July, which would provide



enough time for the Senate to move forward with the package and subsequent negotiations. Lawmakers in both chambers are committed to making major investments in broadband and aiding rural communities that are struggling with aged infrastructure. The House and Senate have already held several hearings on infrastructure issues, including water and wastewater infrastructure. Lawmakers have demonstrated a commitment to helping their constituents, which will be realized through targeted financial support through Community Project Funding, also known as earmarks, opportunities.

Low Income Housing Water Assistance Program

The Department of Health and Human Services has officially created the Low Income Housing Water Assistance Program (LIHWAP), which is based on the Low Income Housing Energy and Assistance Program (LIHEAP). LIHWAP was created to provide funds to assist low-income households with water and wastewater bills. Similar to LIHEAP, the program will administer grant funds to states, D.C., Puerto Rico, U.S. Territories, and federally and state-recognized Indian Tribes and tribal organizations. The grant recipients will then be able to administer the funds by their own discretion, whether that be similar to their existing LIHEAP administrative mechanisms or an unique LIHWAP administrative division.

Currently, the Division of Energy Assistance is reviewing the grantee applications. Once the applications are approved, funds will be administered, which is expected to be by the end of May. The speed of which grants funds are administered at the local level will depend on the grantees. The program is providing a long window for grant fund obligation – LIHWAP funding must be obligated by the grantees by September 30, 2023. The funding must be expended by December 30, 2023.

On December 27, 2020, the Consolidated Appropriations Act of 2021, included \$638 million in emergency spending to assist low-income households with water and wastewater bills. Additionally, on March 11, 2021, the American Rescue Plan Act of 2021 appropriated an additional \$500 million to the LIHWAP program.

Grant Opportunity: WaterSMART: Title XVI WIIN Water Reclamation and Reuse Projects

Through the Title XVI Water Reclamation and Reuse Program (Title XVI), authorized by Public Law (P.L.) 102-575 in 1992, Reclamation provides financial and technical assistance to local water agencies for the planning, design, and construction of water reclamation and reuse projects. Water recycling is a tool in stretching the limited water supplies in the Western United States. Title XVI projects develop and supplement urban and irrigation water supplies through water reuse—thereby improving efficiency, providing flexibility during water shortages, and diversifying the water supply. These projects provide growing communities with new sources of clean water which increases water management flexibility and makes our water supply more



reliable. Title XVI water projects are an important part of the WaterSMART Program. For further information on the WaterSMART Program, see <https://www.usbr.gov/watersmart/>.

The Water Infrastructure Improvements for the Nation Act (WIIN), P.L. 114-322, was enacted in December 2016 to address water resources infrastructure that is critical to the Nation's economic growth, health, and competitiveness. Section 4009(c) of Subtitle J of WIIN includes amendments to Reclamation's Title XVI Program. Prior to the enactment of WIIN, funding for water recycling project construction could only be provided for congressionally authorized Title XVI projects. The WIIN amendments allow new water recycling projects to be eligible to receive Federal funding.

The objective of this Funding Opportunity Announcement (NOFO) is to invite sponsors of projects eligible under section 4009(c) of the WIIN Act (Projects) to request cost-shared funding for planning, design, and/or construction of those Projects. An NOFO for congressionally authorized Title XVI projects is being released separately.

The notice of the funding opportunity is available on [grants.gov](https://www.grants.gov) by searching for opportunity number R21AS00429.

**LAS VIRGENES-TRIUNFO - HIGH PRIORITY LEGISLATION IN THE 117TH CONGRESS
THROUGH APRIL 22, 2021**

LEGISLATION	SUMMARY	STATUS	POSITION
<u>H.R.202</u> <u>SALT Fairness Act of 2021</u>	To amend the Internal Revenue Code of 1986 to repeal the limitation on deduction for State and local taxes, and for other purposes.	Introduced by Rep. Mike Garcia (R-CA) – January 5, 2021	
<u>S.29</u> <u>Local Water Protection Act</u>	A bill to amend the Federal Water Pollution Control Act to reauthorize certain programs relating to nonpoint source management, and for other purposes.	Introduced by Sen. Amy Klobuchar (D-MN) – January 22, 2021	
<u>S.Res.17</u> <u>A resolution expressing the sense of the Senate that clean water is a national priority and that the April 21, 2020, Navigable Waters Protection Rule should not be withdrawn or vacated.</u>	Expressing the sense of the Senate that clean water is a national priority and that the April 21, 2020, Navigable Waters Protection Rule should not be withdrawn or vacated.	Introduced by Sen. Joni Ernst (R-IA) – January 27, 2021	
<u>H.R.616</u> <u>Emergency Water is a Human Right Act</u>	To prohibit water shutoffs during the COVID-19 emergency period, provide drinking and waste water assistance to households, and for other purposes.	Introduced by Rep. Rashida Tlaib (D-MI) – January 28, 2021	
<u>S.85</u> <u>SALT Deductibility Act</u>	To amend the Internal Revenue Code of 1986 to repeal the limitation on the deduction for certain taxes, including State and local property and income taxes.	Introduced by Sen. Chuck Schumer (D-NY) – January 28, 2021	
<u>H.R.613</u> <u>SALT Deductibility Act</u>	<i>(Companion bill to S.85).</i>	Introduced by Rep. Thomas Suozzi (R-NY) – January 28, 2021	

LEGISLATION	SUMMARY	STATUS	POSITION
S.101 Environmental Justice Mapping and Data Collection Act of 2021	To establish the Environmental Justice Mapping Committee, and for other purposes.	Introduced by Sen. Edward Markey (D-MA) – January 28, 2021	
H.R.516 Environmental Justice Mapping and Data Collection Act of 2021	<i>(Companion bill to S.101).</i>	Introduced by Rep. Cori Bush (D-MO) – January 28, 2021	
H.R.535 Special District Provide Essential Services Act	The bill would require the state’s to direct at least five percent of future Coronavirus Relief Fund (CRF) allocations to special districts within their state.	Introduced by Rep. John Garamendi (D-CA) – January 28, 2021	<i>SUPPORT</i>
S.91 Special Districts Provide Essential Services Act	<i>(Companion bill to H.R. 535)</i>	Introduced by Sen. Kyrsten Sinema (D-AZ) – January 28, 2021	<i>SUPPORT</i>
H.R.737 RENEW WIIN Act	The RENEW WIIN Act would extend the general and operations provisions of Subtitle J of the WIIN Act and extend the provision requiring consultation on coordinated operations of the Central Valley Project and State Water Project. The legislation would also extend the authorization of appropriations for water storage projects that the Secretary of the Interior finds feasible.	Introduced by Rep. David Valadao (R-CA) – February 2, 2021	<i>SUPPORT</i>
H.R. 692 Recognition of Local Interests in NEPA Decision Making	To amend the National Environmental Policy Act of 1969 to provide a rule to determine venue for a proceeding for judicial review of certain agency actions.	Introduced by Rep. Liz Cheney (R-WY) – February 2, 2021	
H.R.848 GREEN Act of 2021	To amend the Internal Revenue Code of 1986 to provide incentives for renewable energy and energy efficiency, and for other purposes.	Introduced by Rep. Mike Thompson (D-CA) – February 4, 2021	

LEGISLATION	SUMMARY	STATUS	POSITION
<u>H.Res.104</u> <u>Recognizing the duty of the Federal Government to implement an agenda to Transform, Heal, and Renew by Investing in a Vibrant Economy ("THRIVE")</u>	Recognizing the duty of the Federal Government to implement an agenda to Transform, Heal, and Renew by Investing in a Vibrant Economy ("THRIVE").	Introduced by Rep. Debbie Dingell (D-MI) – February 5, 2021	
<u>S.Res.43</u> <u>A resolution recognizing the duty of the Federal Government to implement an agenda to Transform, Heal, and Renew by Investing in a Vibrant Economy ("THRIVE")</u>	Recognizing the duty of the Federal Government to implement an agenda to Transform, Heal, and Renew by Investing in a Vibrant Economy ("THRIVE").	Introduced by Rep. Edward Markey (D-MA) – February 8, 2021	
<u>H.R.946</u> <u>SALT Act</u>	To amend the Internal Revenue Code of 1986 to repeal the dollar limitation on deduction of State and local taxes, and for other purposes.	Introduced by Rep. Bill Pascrell (D-NJ) – February 8, 2021	
<u>H.R.1015</u> <u>Water Recycling Investment and Improvement Act</u>	To extend the authorization of the Bureau of Reclamation – Title XVI competitive grants program and increase the authorized funding level from \$50 million to \$500 million. Further, the legislation expands the geographic scope requirement that projects be located in sustained drought or disaster areas. The legislation also removes the requirement that Congress sign-off on each selected project, and modernizes the individual program funding cap from \$20 million to \$30 million.	Introduced by Rep. Grace Napolitano (D-CA) – February 11, 2021	<i>SUPPORT</i>
<u>H.R.988</u> <u>Recreational Lands Self-Defense Act of 2021</u>	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.	Introduced by Rep. Bob Gibbs (R-OH) – February 11, 2021	
<u>H.R.1066</u> <u>Wildfire Recovery Act</u>	To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide flexibility with the cost share for fire management assistance, and for other purposes.	Introduced by Rep. Joe Neguse (D-CO) – February 15, 2021	

LEGISLATION	SUMMARY	STATUS	POSITION
<u>S.421</u> <u>Western Tribal Water Infrastructure Act of 2021</u>	To amend the America's Water Infrastructure Act of 2018 to expand the Indian reservation drinking water program, and for other purposes.	Introduced by Sen. Ron Wyden (D-OR) – February 24, 2021 Ordered to be reported by the Committee on Indian Affairs– March 24, 2021	
<u>H.R.1319</u> <u>American Rescue Plan Act of 2021</u>	To provide for reconciliation pursuant to title II of S. Con. Res. 5.	Introduced by Rep. John Yarmuth (D-KY) – February 24, 2021 Became Public Law No: 117-2 – March 11, 2021	<i>SUPPORT</i>
<u>H.R.1352</u> <u>Water Affordability, Transparency, Equity, and Reliability Act of 2021</u>	To establish a trust fund to provide for adequate funding for water and sewer infrastructure, and for other purposes.	Introduced by Rep. Brenda Lawrence (D-MI) – February 25, 2021	
<u>S.479</u> <u>Lifting Our Communities through Advance Liquidity for Infrastructure (LOCAL Infrastructure) Act of 2021</u>	A bill to amend the Internal Revenue Code of 1986 to reinstate advance refunding bonds.	Introduced by Sen. Roger Wicker (R-MS) – February 25, 2021	<i>SUPPORT</i>
<u>H. R. 1438</u> <u>FLOODS Act</u>	To establish a national integrated flood information system within the National Oceanic and Atmospheric Administration, and for other purpose	Introduced by Rep. Mikie Sherrill (D-NJ) – February 26, 2021	

LEGISLATION	SUMMARY	STATUS	POSITION
<p>S.498 A bill to amend title 54, United States Code, to limit the authority to reserve water rights in designating a national monument</p>	<p>To amend title 54, United States Code, to limit the authority to reserve water rights in designating a national monument.</p>	<p>Introduced by Sen. Mike Lee (R-UT) – March 1, 2021</p>	
<p>S.558 FLOODS Act</p>	<p>To establish a national integrated flood information system within the National Oceanic and Atmospheric Administration, and for other purposes.</p>	<p>Introduced by Sen. Roger Wicker (R-MS) – March 3, 2021</p>	
<p>H.R.1563 To extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Rep. Mike Garcia (R-CA) – March 3, 2021</p>	
<p>H.R.1679 To prohibit the Secretary of the Interior and the Secretary of Agriculture from conditioning any permit, lease, or other use agreement on the transfer of any water right to the United States, and for other purposes.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Rep. Lauren Boebert (R-CO) – March 9, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p>H.R.1804 To amend the public participation requirements of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Rep. Earl Carter (R-GA) – March 11, 2021</p>	
<p>H.R.1844 To amend the Federal Water Pollution Control Act to ensure that publicly owned treatment works monitor for and report sewer overflows, and for other purposes.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Rep. Seth Moulton (D-MA) – March 11, 2021</p>	
<p>H.R.1804 To amend the public participation requirements of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Rep. Earl Carter (R-GA) – March 11, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p>H.R.1848 To rebuild and modernize the Nation's infrastructure to expand access to broadband and Next Generation 9-1-1, rehabilitate drinking water infrastructure, modernize the electric grid and energy supply infrastructure, redevelop brownfields, strengthen health care infrastructure, create jobs, and protect public health and the environment, and for other purposes.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Rep. Frank Pallone (D-NJ) – March 11, 2021</p>	
<p><u>S.715</u> <u>NEPA Data Transparency and Accountability Act</u></p>	<p>To amend the National Environmental Policy Act of 1969 to require the submission of certain reports, and for other purposes.</p>	<p>Introduced by Sen. Mike Lee (R-UT) – March 11, 2021</p>	
<p><u>S.716</u> <u>NEPA Legal Reform Act</u></p>	<p>To amend the National Environmental Policy Act of 1969 to provide for legal reform, and for other purposes.</p>	<p>Introduced by Sen. Mike Lee (R-UT) – March 11, 2021</p>	
<p><u>S.717</u> <u>UNSHACKLE Act</u></p>	<p>To amend the National Environmental Policy Act of 1969 to impose time limits on the completion of certain required actions under the Act, and for other purposes.</p>	<p>Introduced by Sen. Mike Lee (R-UT) – March 11, 2021</p>	
<p><u>S.718</u> <u>NEPA Agency Process Accountability Act</u></p>	<p>To amend the National Environmental Policy Act of 1969 to reform agency process requirements, and for other purposes.</p>	<p>Introduced by Sen. Mike Lee (R-UT) – March 11, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p>S.719 NEPA State Assignment Expansion Act</p>	<p>To amend the National Environmental Policy Act of 1969 to provide for project delivery programs, and for other purposes.</p>	<p>Introduced by Sen. Mike Lee (R-UT) – March 11, 2021</p>	
<p>H.R.1820 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><i>Text is not yet available.</i></p>	<p>Introduced by Rep. Bob Gibbs (R-OH) – March 11, 2021</p>	
<p>H.R.1881 To amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Rep. John Garamendi (D-CA) – March 12, 2021</p>	<p><i>SUPPORT</i></p>
<p>H.R. 1821 To amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Rep. Bob Gibbs (R-OH) – March 11, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
H.R.1889 To require the Administrator of the Environmental Protection Agency to continue to carry out certain programs relating to environmental justice, and for other purposes.	<i>Text is not yet available.</i>	Introduced by Rep. Raul Ruiz (D-CA) – March 12, 2021	
<u>H.R.1915</u> <u>Water Quality Protection and Job Creation Act of 2021</u>	To amend the Federal Water Pollution Control Act to reauthorize certain water pollution control programs, and for other purposes.	Introduced by Rep. Peter DeFazio (D-OR) – March 16, 2021	
<u>S.804</u> <u>SALT Deduction Fairness Act</u>	To amend the Internal Revenue Code of 1986 to increase the limitation on the amount individuals filing jointly can deduct for certain State and local taxes.	Introduced by Rep. Susan Collins (D-ME) – March 17, 2021	
H.R.2021 To restore, reaffirm, and reconcile environmental justice and civil rights, and for other purposes.	<i>Text is not yet available.</i>	Introduced by Rep. Raul Grijalva (D-AZ) – March 18, 2021	
<u>S.855</u> <u>Water Rights Protection Act of 2021</u>	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 Secretary of the Interior and the Secretary of Agriculture, and for other purposes.	Introduced by Sen. John Barrasso (R-WY) – March 18, 2021	
S.872 A bill to restore, reaffirm, and reconcile environmental justice and civil rights, and for other purposes.	<i>(Companion bill to H.R.2021)</i>	Introduced by Sen. Tammy Duckworth (D-IL) – March 18, 2021	

LEGISLATION	SUMMARY	STATUS	POSITION
<p>H.R.2095 To require the Secretary of the Army to conduct a study to determine the costs for the Corps of Engineers to ensure that certain project activities authorized under Nationwide Permit 14 comply with public safety conditions, and for other purposes.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Rep. Billy Long (R-MO) – March 22, 2021</p>	
<p><u>H.R.2008</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, and for other purposes.</p>	<p>Introduced by Rep. Angie Craig (D-MN) – March 24, 2021</p> <p>Ordered to be reported by the Committee on Transportation and Infrastructure – March 24, 2021</p>	
<p><u>S.914</u> <u>Drinking Water and Wastewater Infrastructure Act of 2021</u></p>	<p>To amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to reauthorize programs under those Acts, and for other purposes.</p>	<p>Introduced by Sen. Tammy Duckworth (D-IL) – March 24, 2021</p> <p>Placed on Senate Legislative Calendar – April 14, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p>H.R.2173 To amend the Federal Water Pollution Control Act with respect to wastewater infrastructure workforce development, and for other purposes.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Rep. Greg Stanton (D-AZ) – March 23, 2021</p>	
<p>S.939 A bill to encourage the research and use of innovative materials and associated techniques in the construction and preservation of the domestic transportation and water infrastructure system, and for other purposes.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Sen. Sheldon Whitehouse (D-RI) – March 24, 2021</p>	
<p>S.953 A bill to provide for drought preparedness and improved water supply reliability.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Sen. Ron Wyden (D-OR) – March 24, 2021</p>	
<p>H.R.2197 To encourage the research and use of innovative materials and associated techniques in the construction and preservation of the domestic transportation and water infrastructure system, and for other purposes.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Rep. David Cicilline (D-RI) – March 26, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p>H.R.2397 To advance environmental justice by addressing cumulative impacts and underenforcement, and for other purposes.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Diana DeGette (D-CO) – April 8, 2021</p>	
<p>H.R.2434 To require Federal agencies to address environmental justice, to require consideration of cumulative impacts in certain permitting decisions, and for other purposes.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Rep. Raul Ruiz (D-CA) – April 8, 2021</p>	
<p>H.R.2442 To require the Administrator of the Environmental Protection Agency to carry out a grant program for projects and activities to address climate justice concerns of environmental justice communities, and for other purposes.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Rep. Nanette Diaz Barragan (D-CA) – April 12, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p>H.R.2467 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><i>Text is not yet available.</i></p>	<p>Introduced by Rep. Debbie Dingell (D-MI) – April 13, 2021</p>	
<p>H.R.2468 To ensure that certain materials used in carrying out Federal infrastructure aid programs are made in the United States, and for other purposes.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Rep. John Garamendi (D-CA) – April 13, 2021</p>	
<p><u>H.Res.318</u> <u>Expressing the sense of the House of Representatives that clean water is a national priority and that the April 21, 2020, Navigable Waters Protection Rule should not be withdrawn or vacated.</u></p>	<p>Expressing the sense of the House of Representatives that clean water is a national priority and that the April 21, 2020, Navigable Waters Protection Rule should not be withdrawn or vacated.</p>	<p>Introduced by Rep. Mariannette Miller-Meeks (R-IA) – April 14, 2021</p>	

LEGISLATION	SUMMARY	STATUS	POSITION
<p>S. 1121 A bill to require the Secretary of Veterans Affairs to establish and maintain a registry for certain individuals who may have been exposed to per- and polyfluoroalkyl substances due to the environmental release of aqueous film-forming foam on military installations.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Sen. Jeanne Shaheen (D-NH) – April 14, 2021</p>	
<p>H.R.2467 PFAS Action Act</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) – April 15, 2021</p>	
<p>H.R.2660 To amend the Federal Water Pollution Control Act to codify the definition of the term "waters of the United States", and for other purposes.</p>	<p><i>Text is not yet available.</i></p>	<p>Introduced by Rep. Robert Latta (R-OH) – April 19, 2021</p>	
<p><u>H.Res.332</u> <u>Recognizing the duty of the Federal Government to create a Green New Deal</u></p>	<p>Recognizing the duty of the Federal Government to create a Green New Deal.</p>	<p>Introduced by Rep. Alexandria Ocasio-Cortez (D-NY) – April 21, 2021</p>	

May 3, 2021 JPA Board Meeting

TO: JPA Board of Directors

FROM: Facilities & Operations

Subject : Rancho Las Virgenes Composting Facility: Biofilter Maintenance

SUMMARY:

The biofilters at the Rancho Las Virgenes Composting Facility require the replacement of the wood chip media regularly to meet air quality permit requirements and prevent odors from migrating offsite. Biofiltration uses the wood chip media as a substrate for organisms that remove ammonia and volatile organic compounds from the foul air generated by the composting process. The media breaks down over time and needs to be replaced. Normally, the media is replaced annually, but the media in Biofilter Zone Nos. 1 to 4 has not been replaced since early 2018 due to the facility being out of service after the Woolsey Fire. With the composting facility back in full operation, it is necessary to replace the media.

Bids were requested from suppliers and contractors with the specialized equipment to remove the old biofilter media and place new media without causing damages. Three bids, ranging from \$123,927.85 to \$222,545.00, were received from qualified firms for the supply and placement of biofilter media. The lowest responsible bid was submitted by Viramontes Express, in the amount of \$100,127.85, to supply new media and dispose of the old media. Additionally, the Gradall Rental Company provided a proposal, in the amount of \$23,800, to remove and replace the media supplied by Viramontes Express, for a total cost of \$123,927.85. Staff recommends that the Board authorize a purchase order to Viramontes Express.

RECOMMENDATION(S):

Authorize the Administering Agent/General Manager to approve a purchase order to Viramontes Express, in the amount of \$100,127.85, to supply new biofilter media and dispose of the old media at the Rancho Las Virgenes Composting Facility.

FISCAL IMPACT:

Yes

ITEM BUDGETED:

Yes

FINANCIAL IMPACT:

The total cost of this action is \$123,927.85, including a purchase order for the Gradall rental that can be approved by the Administering Agent/General Manager. Sufficient funds for the work are available in the adopted Fiscal Year 2020-21 JPA Budget. The cost of the work will be allocated 70.6% to LVMWD and 29.4% to Triunfo Water & Sanitation District.

DISCUSSION:

In early 2018, Viramontes Express successfully supplied new media and disposed of the old media for Biofilter Zone Nos. 1 to 4 at the Rancho Las Virgenes Composting Facility. At that time, the cost of the work was \$84,204.80, not including the Gradall rental.

Replacement of the biofilter media assures proper function and compliance with regulatory standards.

Prepared by: Brett Dingman, Water Reclamation Manager

May 3, 2021 JPA Board Meeting

TO: JPA Board of Directors

FROM: Engineering and External Affairs

Subject : Tapia Sodium Hypochlorite Tank and Piping Replacement Project: Final Acceptance

SUMMARY:

On October 5, 2020, the JPA Board awarded a construction contract to James C. Cushman, Inc., in the amount of \$489,140, for the Tapia Sodium Hypochlorite Tank and Piping Replacement Project. The project consisted of replacing three sodium hypochlorite tanks with four smaller tanks that were placed in the existing chemical storage buildings. The work is now complete, and there are no significant outstanding issues to prevent final acceptance of the project.

Pacific Advanced Civil Engineering, Inc. (PACE), completed design plans for the project and supported the JPA with engineering services during construction. PACE provided additional design follow-up, clarifications and direction in response to the contractor's requests for information beyond that budgeted in the original scope of work. As a result, PACE has requested approval of Scope Change No. 1, in the amount of \$6,350, for additional engineering services during construction.

Staff recommends execution of a Notice of Completion and release of the retention as stipulated in the contract documents. Additionally staff recommends authorization to approve Scope Change No. 1 to PACE, in the amount of \$6,350.

RECOMMENDATION(S):

Approve the execution of a Notice of Completion and have the same recorded; in the absence of claims from subcontractors and others, release the retention, in the amount of \$25,858.33, thirty calendar days after filing the Notice of Completion; and authorize the Administering Agent/General Manager to approve Scope Change No. 1, in the amount of \$6,350, to Pacific Advanced Civil Engineering, Inc., for the Tapia Sodium Hypochlorite Tank and Piping Replacement Project.

FISCAL IMPACT:

Yes

ITEM BUDGETED:

Yes

FINANCIAL IMPACT:

The total cost of the project is \$618,911.35. Sufficient funding is available in the adopted Fiscal Year 2020-21 JPA Budget. No additional appropriation is required.

DISCUSSION:

On October 5, 2020, the JPA Board awarded a construction contract to James C. Cushman, Inc., in the amount of \$489,140, for the Tapia Sodium Hypochlorite Tank and Piping Replacement Project. The scope of work generally consisted of replacing three sodium hypochlorite tanks with four smaller tanks that were placed in the existing chemical storage buildings (see attached photos). Replacement of the chemical storage tanks became an urgent maintenance matter and operational concern due to the deteriorating condition of the previous tanks. During the course of the work, a total of four change orders, in the aggregate amount of \$28,026.63 or 5.7% of the original contract, were administratively approved.

Following is a summary of construction change orders:

- Change Order No. 1, approved on December 12, 2020; cost to supply and install three additional valve control stations.
- Change Order No. 2, approved on February 24, 2021; costs to furnish new pipe material and modify bollard installation due to unforeseen field conditions.
- Change Order No. 3, approved on March 9, 2021; costs to rotate a chemical tank 180° and modify piping, furnish PVC pipe, and complete electrical rewiring.
- Change Order No. 4, approved on March 30, 2021; credit for shade cover and cost to install wall penetrations for new pipe.

PACE completed the design plans for the project and provided engineering services during construction. Due to unforeseen challenges that arose during construction, PACE provided coordination, clarifications, and responses to contractor requests for information beyond that originally estimated in the scope of work. As a result, PACE has requested Scope Change No. 1, in the amount of \$6,350, for additional engineering design services during construction. Staff recommends authorization to approve Scope Change No. 1.

Following is a summary of the final project costs:

Description	Cost
<u>Professional Services:</u>	
Design & Bidding – PACE Inc.	\$33,415.00
- Scope Change No. 1	\$6,350.00
<u>Construction:</u>	
James C. Cushman, Inc.	\$489,140.00
- Change Order No. 1	\$5,796.84
- Change Order No. 2	\$4,234.06
- Change Order No. 3	\$13,675.63
- Change Order No. 4	\$4,320.10
<u>Administrative:</u>	

District Labor	\$9,253.07
G&A	\$52,726.65
Total Project Cost	\$618,911.35
Existing Appropriations	\$727,993.80

Staff recommends execution of a Notice of Completion and to have the same recorded; and in the absence of claims from subcontractors and others, release of the retention, in the amount of \$25,858.33, thirty calendar days after filing of the Notice of Completion for the Tapia Sodium Hypochlorite Tank and Piping Replacement Project.

Prepared by: Veronica Hurtado, Assistant Engineer

ATTACHMENTS:

- Photos of Completed Project
- Notice of Completion

Attachment 1



Figure 1: Lower Chemical Room Tanks 1 and 2; Replaced bollards



Figure 2: Upper Chemical Room Tanks 3 and 4

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

Name
Street
Address
City &
State
Zip

SPACE ABOVE THIS LINE FOR RECORDER'S USE

T 420 LEGAL (9-94)

Notice of Completion

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the owner of the interest or estate stated below in the property hereinafter described.
2. The full name of the undersigned is _____ (NAME).
3. The full address of the undersigned is _____

 (NUMBER AND STREET, CITY, STATE, ZIP).
4. The nature of the title of the undersigned is OWNER IN FEE
 (E.G., owner in fee OR vendee under contract of purchase OR lessee OR OTHER APPROPRIATE DESIGNATION).
5. The full names and full addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are:

Names	Addresses
_____	_____
_____	_____
6. The names of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work of improvement herein referred to are (OR IF NO TRANSFER WAS MADE, INSERT THE WORD "none"):

Names	Addresses
_____	_____
_____	_____
7. A work of improvement on the property hereinafter described was completed on _____ (DATE).
8. The name of the original contractor, if any, for the work of improvement was _____
 (NAME OF CONTRACTOR, OR IF NO CONTRACTOR FOR THE WORK OF IMPROVEMENT AS A WHOLE, INSERT THE WORD "none"). [IF NOTICE COVERS COMPLETION OF CONTRACT FOR ONLY PART OF THE WORK OF IMPROVEMENT, ADD: The kind of work done or material furnished was _____
 (GIVE GENERAL STATEMENT, E.G., furnishing of concrete for sidewalks].
9. The property on which the work of improvement was completed is in the City of _____, County of _____, State of California, and is described as follows: _____

 (set forth description of jobsite sufficient for identification, using legal description if possible).
10. The street address of the said property is _____
 (NUMBER AND STREET, OR, IF THERE IS NO OFFICIAL STREET ADDRESS, INSERT THE WORD "none".)

Dated: _____, _____ Las Virgenes Municipal Water District

(SIGNATURE)

(TYPED NAME)

VERIFICATION

I, the undersigned, say:
 I am the person who signed the foregoing notice. I have read the above notice and know its contents, and the facts stated therein are true of my own knowledge.
 I declare under penalty of perjury that the foregoing is true and correct.

Executed at _____, California, this _____ day of _____,
 _____ (SIGNATURE)

DO NOT RECORD

Recommended Procedure in the Preparation of a Notice of Completion

A notice of completion must be filed for record *within 10 days* after completion of the work of improvement (to be computed exclusive of the day of completion), as provided in section 3093, Civil Code.

The "owner" who must file for record a notice of completion of a building or other work of improvement means the owner (or his successor in interest at the date of notice is filed) on whose behalf the work was done, though his ownership is less than the fee title. For example, if A is the owner in fee, and B, lessee under a lease, causes a building to be constructed, then B, or whoever has succeeded to his interest at the date the notice is filed, must file the notice.

If the ownership is in *two or more persons as joint tenants or tenants in common*, the notice may be signed by any one of the co-owners (in fact, the foregoing form is designed for giving of the notice by only one co-tenant), but the names and addresses of the other co-owners must be stated in paragraph 5 of the form.

In paragraphs 3 and 5, the full address called for should include street number, city, county and state.

As to paragraph 6, insert the date of completion of the work of improvement as a *whole* if applicable. However, if the notice is to be given only of completion of a particular contract, where work of improvement is made pursuant to two or more original contracts, strike the words "a work of improvement" and insert a general statement of the kind of work done or materials furnished pursuant to such contract (e.g. "The foundations for the improvements").

If the notice is to be given as a notice of completion of the work of improvement as a *whole*, insert the name of the prime contractor, if any, in paragraph 7. No contractor's name need be given if there is no general contractor, e.g., on so-called "owner-builder jobs". However, if the notice is to be given only of completion of a particular contract, where work of improvement is made pursuant to two or more original contracts, insert the name of the contractor who performed that particular contract.

Paragraph 8 should be completed only where the notice is signed by a successor in interest of the owner who caused the improvement to be constructed.

In paragraph 9, insert the *full legal* description, not merely a street address or tax description. Refer to deed or policy of title insurance. If the space provided for description is not sufficient, a rider may be attached.

In paragraph 10, show the street address, if any, assigned to the property by any competent public or governmental authority.

**NOTICE
OF COMPLETION**

CHICAGO TITLE COMPANY



WESTERN DIVISION HEADQUARTERS
245 S. LOS ROBLES AVENUE, SUITE 105
PASADENA, CALIFORNIA 91101-2820
(818) 432-7600

CHICAGO TITLE COMPANY

