



**COMMUNITY AND LEGISLATIVE AFFAIRS  
COMMITTEE MEETING  
OF THE BOARD OF DIRECTORS  
INLAND EMPIRE UTILITIES AGENCY\***

**WEDNESDAY, JUNE 10, 2020  
9:00 A.M.**

**INLAND EMPIRE UTILITIES AGENCY\*  
Telecon: (415) 856-9169/Conference ID: 149 948 917#**

PURSUANT TO THE PROVISIONS OF EXECUTIVE ORDER N-25-20 ISSUED BY GOVERNOR GAVIN NEWSOM ON MARCH 12, 2020, AND EXECUTIVE ORDER N-29-20 ISSUED BY GOVERNOR GAVIN NEWSOM ON MARCH 17, 2020 ANY BOARD MEMBER MAY CALL INTO THE BOARD MEETING WITHOUT OTHERWISE COMPLYING WITH ALL BROWN ACT'S TELECONFERENCE REQUIREMENTS.

**TELECONFERENCE ACCESSIBILITY FOR THE GENERAL PUBLIC:**

In all efforts to prevent the spread of COVID-19, until further notice, the Inland Empire Utilities Agency will be holding all Board and Committee meetings by teleconferencing.

The meeting will be accessible at: (415) 856-9169 / Conf Code: 149 948 917#

This meeting is being conducted virtually by video and audio conferencing. There will be no public location available to attend the meeting; however, the public may participate and provide public comment during the meeting by calling into the number provided above. The public may also view the meeting live through the Agency's website. Alternatively, you may email your public comments to the Board Secretary/Office Manager April Woodruff at [awoodruff@ieua.org](mailto:awoodruff@ieua.org) no later than 24 hours prior to the scheduled meeting time. Your comments will then be read into the record during the meeting.

**CALL TO ORDER**

**PUBLIC COMMENT**

Members of the public may address the Board on any item that is within the jurisdiction of the Board; however, no action may be taken on any item not appearing on the agenda unless the action is otherwise authorized by Subdivision (b) of Section 54954.2 of the Government Code. Those persons wishing to address the Board on any matter, whether or not it appears on the agenda, are requested to email the Board Secretary no later than 24 hours prior to the scheduled meeting time or address the Board during the public comments section of the meeting. Comments will be limited to three minutes per speaker. Thank you.

**ADDITIONS TO THE AGENDA**

In accordance with Section 54954.2 of the Government Code (Brown Act), additions to the agenda require two-thirds vote of the legislative body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted.

1. **PRESENTATION**

A. **FEDERAL LEGISLATIVE REPORT AND MATRIX – presented by INNOVATIVE FEDERAL STRATEGIES**

2. **ACTION ITEMS**

A. **MINUTES**

The Committee will be asked to approve the May 13, 2020 Community and Legislative Affairs Committee meeting minutes.

3. **INFORMATION ITEMS**

A. **PUBLIC OUTREACH AND COMMUNICATION (WRITTEN)**

B. **STATE LEGISLATIVE REPORT AND MATRIX – WEST COAST ADVISORS (WRITTEN)**

C. **CALIFORNIA STRATEGIES MONTHLY REPORT (WRITTEN)**

4. **GENERAL MANAGER'S COMMENTS**

5. **COMMITTEE MEMBER COMMENTS**

6. **COMMITTEE MEMBER REQUESTED FUTURE AGENDA ITEMS**

7. **ADJOURN**

\*A Municipal Water District

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Board Secretary (909-993-1736), 48 hours prior to the scheduled meeting so that the Agency can make reasonable arrangements.

Proofed by: *shl*

**DECLARATION OF POSTING**

I, April Woodruff, Board Secretary/Office Manager of the Inland Empire Utilities Agency, A Municipal Water District, hereby certify that a copy of this agenda has been posted by 5:30 p.m. in the foyer at the Agency's main office, 6075 Kimball Avenue, Building A, Chino on Thursday, June 4, 2020.



April Woodruff

# **PRESENTATION**

# **1A**

# INNOVATIVE FEDERAL STRATEGIES, LLC

*Comprehensive Government Relations*

## MEMORANDUM

**To:** IEUA Community & Legislative Affairs Committee

**From:** Letitia White, Jean Denton, Drew Tatum, and Shavenor Winters

**Date:** June 1, 2020

**Re:** May Monthly Legislative Update

---

### *House Releases Revised Summer Schedule*

On Friday, May 29, House Majority Leader Steny Hoyer (D-MD) released an updated summer schedule for the House in light of the ongoing coronavirus pandemic. Since the pandemic began, the House has largely been in recess only coming back during weeks that they plan to consider coronavirus response legislation.

As the schedule stands, the House is not scheduled to vote again until the week of June 29 with votes occurring June 30 – July 2. The House was originally scheduled to be in session for the majority of June with the last week scheduled as a district work period.

Days that the House is not scheduled to hold votes are being called “Committee Work Days” during the months of June and July. Leader Hoyer has noted that committee work will be the primary focus of the House during June. He further notes that he expects “must pass” legislation will be advanced during the months of June and July out of committee, including:

- FY21 Appropriations bills,
- the FY21 National Defense Authorization Act;
- the Water Resources Development Act; and
- legislation to strengthen and expand the Affordable Care Act.

The House is scheduled to return the last two weeks of July before taking its previously scheduled August recess / district work period. Hoyer notes that the June and July voting weeks may be longer than normal with votes occurring as early as 10am on the first day of the week and into the evening of the last day of the week.

The schedule for post-August appears to be unchanged.

Hoyer noted in a Dear Colleague to Members that he is expecting the House to be in session again at some point in June at a time not currently scheduled for votes on a COVID-19 response bill after Senate action. Members will be given at least 72 hours’ notice before any floor action related to COVID-19 response legislation.

Hoyer’s Dear Colleague also notes that committees are working to meet the requirements of H.Res.965 to hold a practice markup meeting and two hearings with remote participation—with at least one occurring at the full committee level. He specifically notes that the House

## *Innovative Federal Strategies LLC*

Appropriations Committee held its first hearing with remote participation this week, and it will continue to hold necessary COVID-19 oversight hearings before beginning subcommittee and full-committee markups at the end of June and beginning of July.

### ***House Passes COVID Relief Bill, Senate to Consider A Version Soon***

Senate Majority Leader Mitch McConnell (R-KY) signaled that the Senate GOP's decision to pause before starting work on another coronavirus relief bill could be nearing an end.

"I think there's a high likelihood that we'll do another rescue package. ... We're not quite ready to intelligently lay down the next step, but it is not too far off. We need to work smart here, help the people who are desperately in need, try to save as many jobs as possible and begin to open up the states, which are decisions by the governors," McConnell added.

His remarks come amid growing calls from within his caucus for the Senate to pass another coronavirus bill, which would be the fifth piece of legislation passed by Congress to address the fallout from the pandemic, by the end of the June.

McConnell has said that the next bill will not resemble the roughly \$3 trillion bill that passed the House along party lines, and vowed that the White House and Senate Republicans will be on the same page. "We're taking a careful look at a fourth and final bill. You can anticipate the decision being made on whether to go forward in about a month. It will be narrowly crafted,"

The prediction that the bill would be the final economic package comes as lawmakers are nowhere near a deal that could pass both chambers and get President Trump's support.

McConnell told House Republicans that the next bill would not continue an additional \$600 per week in unemployment insurance. During a meeting with the White House McConnell stressed to President Trump that the next coronavirus relief package cannot exceed \$1 trillion, should be narrowly focused toward getting money in people's hands immediately, and that liability protection needs to be a part of a phase 4 measure.

In the House passed Heroes Act, more than \$3 trillion would be provided to federal agencies, state and local governments, small businesses, and individuals. The measure passed the House by a vote of 208 to 199. Only one Republican, Peter King (R-NY) voted for the measure while 14 Democrats, largely from swing districts, voted against the legislation.

To date, four aid packages have been enacted so far in response to the pandemic. They have provided loans to small businesses, expanded unemployment, boosted health care funding, and provided direct payments to individuals, among other provisions.

Nearly all Members of the House returned to Washington, DC to vote on the HEROES Act. The legislation would provide almost \$1 trillion to state and local governments, establish a Heroes Fund to provide \$200 billion in hazard pay to essential workers, make another round of payments to individuals of as much as \$1,200, and extend unemployment benefits.

## *Innovative Federal Strategies LLC*

The legislation would also provide:

- \$500 billion to the Treasury Department for aiding state governments using an allocation that would include Washington, D.C. The District would also receive an additional \$755 million payment.
- \$375 billion for the Treasury Department for local and municipal governments.
- \$90 billion for an Education Department State Fiscal Stabilization Fund that would be used to support element and secondary schools, as well as public post-secondary institutions.
- \$20 billion each for tribal and territorial governments through the Treasury Department.

The measure would require the Federal Reserve, within seven days of enactment, to modify its Municipal Liquidity Facility to:

- Extend the facility through the end of 2021.
- Expand eligible issuers to include U.S. territories, localities with more than 50,000 residents, and entities that combine various states, territories, or the District of Columbia.
- Allow for the purchase of debt with a maximum maturity of 10 years.
- Ensure that purchases are made at an interest rate equal to the primary credit interest rate for loans issued through the Fed's discount window.

The measure also would authorize and provide \$5 billion for the Housing and Urban Development Department's Community Development Block Grant program. The grant funds would have to be allocated to state and local recipients within 30 days of the bill's enactment according to an existing formula. Emergency grants could be made over 121 consecutive months, instead of three months, for entities that provide families with food, clothing, housing, and more.

The Coronavirus Aid, Relief, and Economic Security Act, or CARES Act (Public Law 116-136) provided \$349 billion for the Paycheck Protection Program (PPP), which offers low-interest loans guaranteed by the Small Business Administration for small businesses and other entities to keep workers on the payroll and the program's lending authority was increased by an additional \$310 billion under a subsequent virus aid measure (Public Law 116-139), and the SBA received an additional \$321.3 billion in appropriated funds. This measure would extend the PPP authorization period to December 31 from June 30. The program could expire sooner if its first-come, first-served funds are exhausted.

The measure would maintain an authorized lending total of \$659 billion for PPP loans. It would establish a separate \$75 billion total for the SBA's traditional 7(a) lending program, which was set at \$30 billion for fiscal 2020 (Public Law 116-93). The provision would allow the 7(a) program to continue if PPP funds are exhausted.

Outlined within the legislation, and some would say key to successfully reopening, the measure would authorize and appropriate \$75 billion for a Covid-19 National Testing and Contact Tracing initiative. The effort would:

## *Innovative Federal Strategies LLC*

- Require the Centers for Disease Control and Prevention to create a nationwide system for Covid-19 testing, contact tracing, surveillance, containment, and mitigation and award grants to state, local, tribal, and territorial health departments to carry out those activities. A minimum level of funding would be allocated by formula, and then additional amount prioritized based on areas with the highest number of cases, a surge in cases, and high numbers of low-income and uninsured populations.
- Direct the CDC to award competitive grants to public or private entities to carry out awareness campaigns on Covid-19, testing, and tracing.
- Authorize \$500 million for the Labor Department to award grants for local workforce development boards and community-based organizations to recruit and train individuals as contact tracers. A minimum level of funding would be provided through a formula and then additional amounts would be prioritized based on the number of contact tracers involved, Covid-19 cases, and low-income and uninsured populations.
- Contact tracers supported through grants under the initiative would have to be paid at least the prevailing wage and fringe rates for the area.
- The measure would also authorize funding to improve testing and public health infrastructure, including:
  - \$6 billion for the CDC to establish a core public health infrastructure program that would award grants to state, local, tribal, and territorial health departments. Of the funding provided, 50% would be used for formula grants to state health departments and at least 30% would be for competitive grants to state and other health departments.
  - \$1 billion for grants to states and localities to improve testing capacity at labs.
  - \$1 billion for the CDC to improve its core public health infrastructure.
  - \$450 million for improving CDC and state and local public health data system

The White House has said Trump would veto the current version of the Heroes Act if it were sent to the White House.

### ***Senators Introduce State and Local Coronavirus Support Legislation***

At the end of May, a bipartisan group of Senators led by Bob Menendez (D-NJ) and Bill Cassidy (R-LA) introduced legislation that would deliver critical, federal resources to states and communities on the frontlines of the COVID-19 fight. The State and Municipal Assistance for Recovery and Transition (SMART) Act targets \$500 billion in emergency funding to every state, county, and community in the country, while prioritizing assistance to the areas with the greatest need.

Senators Joe Manchin (D-WV), Cindy Hyde-Smith (R-MS), Cory Booker (D-NJ) and Susan Collins (R-ME) have signed on as original cosponsors.

The bipartisan plan would provide \$500 billion in flexible funding to states to help cover rising costs to combat COVID-19 and lost revenues due to the economic fallout. Without this federal assistance, governors, mayors, and county leaders have warned of deep cuts to essential services and layoffs of police, firefighters, paramedics, teachers, sanitation, public health and public works employees, and other frontline workers.

## *Innovative Federal Strategies LLC*

These funds could be used to help state and local governments meet the current demand, expand testing capacity and contact tracing, provide further assistance to residents, local hospitals, small businesses and schools, in addition to maintaining critical services residents depend upon. The funding would be divided into equal thirds to provide funding based on population size, infection rates, and revenue losses.

After a \$16 billion set-aside for Native American tribal governments, the remaining funding would be allocated to states through three equally divided tranches:

1. **One-Third Based on Population Size.** This tranche of funding would be allocated to all 50 states, D.C., and U.S. territories in proportion to each respective state or territory's percentage of the U.S. population. Counties and municipalities would each get a share of one-sixth of their state's respective allocation for a combined total of one-third of their state's allocation from this tranche. Funding would be distributed to counties and municipalities based on each county or municipality's proportion of the state's population for this tranche.
2. **One-Third Based on Infection Rates.** This tranche of funding would be allocated based on each state's relative share of the nation's infection rate. States that have disproportionately high infection rates will incur significantly higher expenses and will likely need to continue stay-at-home orders for longer periods of time, leading to larger revenue losses. Counties and municipalities would each get a share of one-sixth of their state's respective allocation for a combined total of one-third of their state's allocation from this tranche. Funding would be distributed to counties and municipalities based on each county or municipality's proportion of the state's population for this tranche.
3. **One-Third Based on Revenue Losses.** This tranche of funding would be allocated based on each state's revenue loss in proportion to the combined revenue loss of all the states from January 1, 2020 through December 31, 2020. Counties and municipalities would each get a share of one-sixth of their state's allocation for a combined total of one-third of their state's allocation from this tranche. Funding would be distributed to counties and municipalities based on each county or municipality's revenue loss from January 1, 2020 to December 31, 2020 in proportion to the combined revenue loss for all counties and municipalities in the state over this period.

Representatives Mikie Sherrill (D-NJ) and Peter King (R-NY) are leading bipartisan companion legislation in the House of Representatives. The House bill is cosponsored by Representatives Josh Gottheimer (D-NJ), Tom Reed (R-NY), Tom O'Halleran (D-AZ), Fred Upton (R-MI), Ted Lieu (D-CA), Brian Fitzpatrick (R-PA), Debbie Dingell (D-MI) and Elise Stefanik (R-NY).

### ***Reopening Conversations Take Main Stage***

Amid calls to reopen the government, in early May the Trump Administration provided recommendations for states to safely reopen their business and services that had been closed and impacted as a result of the COVID pandemic.

## *Innovative Federal Strategies LLC*

As demand increase to reopen the government the U.S. Supreme Court also stepped into the fray and refused to lift Pennsylvania's shutdown order, rejecting a request from businesses and a political campaign that said their constitutional rights were being violated.

Pennsylvania Governor Tom Wolf, a Democrat, ordered all non-life-sustaining businesses closed in March to stem the spread of the coronavirus. The state has since begun easing the restrictions.

The challengers included a golf course, laundromat, timber company, real-estate agent and political committee tied to a Republican state legislative candidate. They turned to the nation's top court after the Pennsylvania Supreme Court rejected their arguments.

The case marked the first time the Supreme Court had been asked to lift a coronavirus shutdown order. There were no noted dissents in the court's order on Wednesday, May 6.

House Natural Resources Committee Chairman Raúl Grijalva (D-AZ) also weighed in on reopening saying that sufficient safety measures had not been put in place at national parks to reopen following coronavirus-related closures.

After President Trump said last month that he wanted to open the parks, locations such as Everglades National Park and Great Smoky Mountains National Park have taken steps to do so.

Grijalva, in his letter to the heads of the National Park Service (NPS) and Interior Department, referenced reports of overcrowding.

"There have already been reports of overcrowding and visitors entering blocked-off areas that were closed off to comply with federal social distancing guidelines," he wrote. "At Great Smoky Mountains National Park, parking lots were immediately overfilled by visitors originating from 24 different states, many without masks."

"Evidently, the safeguards the NPS has implemented to protect employee and visitor safety at reopened sites are wholly insufficient to protect public health," Grijalva added.

The lawmaker and others on the Natural Resources panel have previously questioned the Department on its plans to reopen National Parks, writing that it is "crucial that any decisions to reopen national parks and other public land sites prioritize the health and safety of visitors, employees, and local communities."

In response to that prior letter, acting Assistant Interior Secretary for Policy, Management and Budget Scott Cameron wrote on Wednesday, May 6 that the Administration's priority has been protecting health and safety while making sure that its operations continue efficiently.

"Where parks have determined they could not adhere to applicable guidance, the Department has modified operations for buildings, facilities, programs, and units, which included closing parks in some cases," Cameron wrote.

## *Innovative Federal Strategies LLC*

“By following this informed approach, an overwhelming majority of the 500 million acres of public lands stewarded by the Department have remained safely accessible to the American Public,” he added. “I can assure you that the decisions we have made and the priorities we have identified continue to be driven by the paramount goal of the health and safety of the public, our visitors, employees, volunteers, and partners.”

President Donald Trump has supported reopening, as social distancing has left businesses and the U.S. economy shuttered which has collapsed the U.S. economy.

In recent weeks, several states across the South and Midwest -- including Texas, Georgia, South Carolina, Florida, Ohio, and Missouri -- continue to take steps to significantly relax restrictions that were put in place against the coronavirus outbreak.

### ***House Democrats Approve Proxy Voting Amid Pandemic***

Speaker Nancy Pelosi(D-CA) and House Democrats voted earlier this month to allow lawmakers to serve as proxies for colleagues quarantined or otherwise stuck at home by the coronavirus pandemic, a change in more than 200 years of House precedent.

The Rules Committee approved the resolution along party lines, 8-4, after six hours of debate with dozens of failed GOP amendments to limit the changes. The measure passed the House by a vote of 217 to 189 with no Republicans voting for the Rule change while 3 Democrats voted against it.

This low-tech version of remote voting is the Democrats’ temporary answer to health and travel concerns raised by dozens of lawmakers. It would alter House rules to let individual members to cast votes on behalf of as many as 10 colleagues. It also allows those not present, but who have given proxy instructions, to count towards establishing a quorum for the purposes of passing legislation.

Enacting the changes will allow the House to revive legislative and oversight work that has largely been on hold for the last two months due to safety concerns about gathering all 430 members and their staffs together in the Capitol during the pandemic.

Under the measure, committees would also be permitted to conduct hearings, depositions, and markups of legislation virtually. There would be some flexibility for committees to conduct business meetings either in a “hybrid” setting with some lawmakers in a room and others participating remotely — which the Senate has done in recent days — or with everyone dialing in from afar.

The regulations require that Members participating remotely in a committee proceeding must be visible onscreen within the software platform when joining the proceeding for the purposes of identity verification and must continue to use the software platform’s video function for the remainder of the time they are attending the proceeding unless they experience connectivity issues.

## *Innovative Federal Strategies LLC*

Further, before advancing legislation out of committee by holding markups, each committee is required to hold a non-public practice markup meeting and two hearings with remote participation—with at least one occurring at the full committee level.

The measure further authorizes the House Administration Committee to study the feasibility of using technology to conduct remote voting in the House and provide certification upon determining that the technology is secure.

The Rule change has been criticized by Republicans to let lawmakers stay home while other Americans are going to work and as a move that would have constitutional implications.

Several lawmakers have contracted Covid-19 and dozens of others placed themselves in self-quarantine after exposure to someone who was infected.

The proxy voting plan stops well short of proposals by some Democrats to let them vote electronically from their home states. Pelosi and others have expressed concern that remote-voting technology may not be secure or could present constitutional challenges.

While in session and on the House floor, face coverings or masks are “strongly” recommended in the guidance, and lawmakers will be called to the floor to vote alphabetically in groups of about 72. There are other limitations on when members can be on the floor during debate periods, and visitor galleries will be closed to the public.

Speaker Pelosi dismissed a lawsuit from House Republicans seeking to block the chamber from holding proxy voting, in which members vote for colleagues remotely on the House floor.

Pelosi issued a statement calling the lawsuit a "sad stunt" aimed at distracting from new efforts for an additional relief bill amid the coronavirus pandemic.

“The House made its will clear two weeks ago when it voted to implement remote voting by proxy and other necessary measures to ensure that Congress can continue to protect lives and livelihoods,” Pelosi said in a statement.

"The House’s position that remote voting by proxy during a pandemic is fully consistent with the Constitution is supported by expert legal analyses. Further, the Supreme Court made clear over a century ago that the Constitution empowers each chamber of Congress to set its own procedural rules," she added.

House Republicans filed a lawsuit late this month seeking to thwart the use of proxy voting. A rules change allowing the remote voting was approved along party lines earlier this month.

Republicans have for weeks fiercely criticized the effort, with House Minority Leader Kevin McCarthy (R-CA) dubbing it an "unconstitutional proxy voting scheme."

## *Innovative Federal Strategies LLC*

### ***Major Water Infrastructure Bills Move Ahead in Senate, House***

While both chambers of Congress are starting to move ahead on water infrastructure legislation, as the coronavirus pandemic underscores the demands for clean water, the Senate has quickly moved on two major bills.

The Senate Environment and Public Works Committee, pushed through two water infrastructure bills Wednesday, May 6 after rejecting a member's attempt to give Western states more authority over water supplies but agreeing to direct the EPA to set drinking water limits for "forever chemicals" known as PFAS.

The water packages, S. 3591, America's Water Infrastructure Act of 2020 and S. 3590, Drinking Water Infrastructure Act of 2020 will now go to the full Senate. It is unclear how soon the chamber will consider the legislation while it focuses on the coronavirus pandemic.

Committee Chairman John Barrasso (R-WY) has said the bills are crucial to addressing the pandemic, and has noted that Democrats and Republicans have typically moved water reauthorization measures to swift Senate passage. The committee on also approved by voice vote a substitute amendment making some additional technical changes to the drinking water infrastructure bill (S. 3590), including clarifying that the mission of the Advanced Drinking Water Technology Program authorized by the bill is to "enhance treatment, monitoring, affordability, efficiency, or safety of the drinking water."

The PFAS language included in S. 3590, Drinking Water Infrastructure Act of 2020 would direct the Environmental Protection Agency to develop a national drinking water standard for perfluoroalkyl and polyfluoroalkyl substances (PFAS), a group of chemicals used in everything from nonstick cookware to firefighting foam. The drinking water infrastructure measure proposes roughly \$2.5 billion in authorizations, and \$300 million in proposed grants for cleaning drinking water from emerging contaminants, particularly PFAS.

The language was pushed by Senator Shelley Moore Capito (R-WV), who was joined by committee Democrats in resurrecting the mandate for PFAS regulation. Supporters were able to get similar language attached to the fiscal 2020 defense authorization bill last year, only to have it struck in final House-Senate negotiations. The PFAS language was among several changes made to the Drinking Water Infrastructure Act of 2020 and- it was incorporated in a 57-page substitute amendment to which the committee agreed.

The Drinking Water Infrastructure Act of 2020 would also reauthorize Safe Drinking Water Act programs, including infrastructure that supports and improves drinking water, and provide resources and technical assistance for communities struggling to provide clean water.

The committee also agreed to a 326-page substitute amendment revamping America's Water Infrastructure Act of 2020 (S. 3591), largely making tweaks and technical changes.

S. 3591, the America's Water Infrastructure Act of 2020, focuses mostly on Army Corps of Engineers projects and policy, and would authorize roughly \$17 billion in infrastructure projects while increasing water storage and reducing flood risks.

## *Innovative Federal Strategies LLC*

It would reauthorize a 2018 water infrastructure law touted by Republicans and Democrats alike as the most sweeping infrastructure measure to be considered in the last Congress.

The committee voted down one amendment by Senator Kevin Cramer (R-ND) dealing with giving Western states more authority over water supplies. Members of both parties opposed Cramer's amendment, saying it would set a "bad precedent" by allowing upstream states to control the flow of water to downstream states.

The Senate committee's action comes as both chambers of Congress have picked up the pace on water infrastructure legislation. The coronavirus pandemic has underscored the demands for safe drinking water and more attention to hygiene, including increased hand-washing.

The House Transportation and Infrastructure Committee is gearing up to introduce its own major water bill in hopes of marking it up this summer.

While the bills could be moved to the Senate floor for consideration this summer the Senate schedule remains in flux in the wake of Covid-19. Floor timing will depend in part on how much time GOP Senate leaders want to give senators to return home for 2020 campaigning.

Together, the two bills reported out of the environment committee would authorize a total of \$18 billion in water resource development projects across the country.

### ***House Democrats Introduce Bill to Block Trump Waters Rule***

House Democrats introduced legislation earlier this month that would prevent the Trump administration from redefining the water bodies and wetlands subject to federal regulation under the Clean Water Act.

The Clean Water for All Act would overturn the Trump administration's Navigable Waters Protection Rule (RIN: 2040-AF75). The bill was introduced by Transportation and Infrastructure Chairman Peter DeFazio (D-OR) and Representative Grace Napolitano (D-CA), the chairwoman of the Water and Environment Subcommittee.

The Trump administration's rule, published April 21 by the Environmental Protection Agency and the U.S. Army Corps of Engineers, repealed and replaced the 2015 Clean Water Rule and a Reagan-era regulation. The new rule narrows the scope of Clean Water Act protections over water bodies, especially streams that do not flow year-round, and wetlands.

The bill, which has support from national and regional environmental groups, would give the EPA and the Army Corps two years to revise the regulation based on the best available science.

In a statement, the lawmakers said the bill, if implemented, would "restore and maintain the chemical, physical, and biological integrity of the Nation's waters," which it said the Trump rule fails to uphold. The House Transportation Committee, which oversees the EPA Clean Water Act

## *Innovative Federal Strategies LLC*

programs, and the Army Corp regulatory programs, has not yet set a date for a hearing or a markup.

The Trump rule has the backing of industry groups, the American Farm Bureau Federation, and Republican lawmakers such as Sen. John Barrasso (R-WY), Chairman of the Senate Environment and Public Works Committee. Even if the legislation were to pass the House, it would unlikely move in the Republican controlled Senate.

As we have previously reported, states and environmental groups have sued the Trump administration in court to challenge the rule.

### ***Senate to Take Up Great American Outdoors Act***

Senate Majority Leader Mitch McConnell announced that the Senate will take up the Great American Outdoors Act during the Senate's June work period. The announcement came after Leader McConnell worked out a deal with Senator Cory Gardner (R-CO) to allow the Senate to recess for the week of Memorial Day — something Gardner threatened to object to because the Senate had failed to draft a new round of coronavirus relief legislation after reconvening in Washington.

Gardner introduced S. 3422, the "Great American Outdoors Act," on March 9 under procedures that allowed the measure to bypass committee consideration and move directly to the Senate floor. It had 58 cosponsors—41 Democrats, 15 Republicans, and both independents—as of April 2020. The legislation would permanently fund the Land and Water Conservation Fund, which provides money to protect and conserve habitats of endangered species, develop parks and outdoor recreation sites and protect sensitive forests. It is a boon to hunters and fishers as it protects certain areas from development.

More than \$2.5 billion annually would be available without separate appropriations for spending on land acquisition and deferred maintenance for parkland under S. 3422.

The bill would convert money in the \$900 million-per-year Land and Water Conservation Fund (LWCF) into mandatory funding. The LWCF is funded by a portion of offshore oil leasing revenue, among other sources, and used to add land to national parks, wildlife refuges, ball fields, and city parks.

The new National Parks and Public Lands Legacy Restoration Fund would be used for "priority deferred maintenance projects" across federal land agencies.

Amounts in the fund would be allocated as follows:

- 70% would go to the National Park Service.
- 15% would go to the U.S. Forest Service, part of the Agriculture Department.
- 5% would go to the U.S. Fish and Wildlife Service.
- 5% would go to the Bureau of Land Management.
- 5% would go to the Bureau of Indian Education.

## *Innovative Federal Strategies LLC*

Half of otherwise uncommitted energy development lease payments and related revenue paid to the U.S. from fiscal 2021 through 2025 would be deposited in the new fund. Deposits would be capped \$1.9 billion per year.

The Interior and Agriculture departments would have to submit to Congress, within 90 days of the bill's enactment, a list of shovel-ready deferred maintenance projects to be supported by the new fund in fiscal 2021.

The recreation bill will address the nearly \$12 billion deferred maintenance backlog at the National Park Service will be included in the Great American Outdoors Act. In addition the legislation will establish, fund, and provide for the use of amounts in a National Parks and Public Land Legacy Restoration Fund to address the maintenance backlog of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Forest Service, and the Bureau of Indian Education, and to provide permanent, dedicated funding for the Land and Water Conservation Fund.

Supporters in Congress, along with conservation groups and the outdoor industry, are now promoting the legislation as an economic stimulus, arguing it will provide much-needed jobs in rural areas that have been especially hard hit by the pandemic-created recession. The bill is slated for a vote in the Senate next month.

President Trump has expressed his support for the bill.

### ***Senate Eyes Return of Energy Bill this Summer***

The Chairman of the Senate Energy Committee says to look for a big bipartisan energy package back on the floor this summer, as GOP leaders put a premium on bills that already have substantial bipartisan backing.

The energy bill—which stalled on the floor in March over a single amendment to curb HFCs, a “super” climate pollutant used as a refrigerant—still faces a big hurdle as long as the impasse over that issue remains unresolved.

Senate leaders have begun fleshing out the summer floor schedule, which thus far includes plans for taking up some must-pass bills, including the fiscal 2021 defense authorization bill, before the July 4 holiday.

But Energy and Natural Resources Committee Chairman Lisa Murkowski (R-Alaska) in an interview said she is optimistic opposing sides can break the impasse over phasing down hydrofluorocarbons that sidelined the energy bill (S. 2657) in March.

The bill, cosponsored by Sen. Joe Manchin (D-WV), includes measures to boost battery energy storage, more rapidly deploy more carbon capture and storage and advanced nuclear reactors, and improve energy efficiency.

## *Innovative Federal Strategies LLC*

Senate Majority Leader Mitch McConnell (R-KY) “is looking for those measures that are ready to go,” Murkowski said. McConnell put the energy package on pause during the March impasse. That means it can be reconsidered quickly if an HFC deal is reached.

GOP Senate leaders advised senators to expect the reauthorization of the National Defense Authorization Act “will be in front of us in June,” Murkowski said, adding that she also expects a pair of water infrastructure bills to hit the floor in the months ahead.

### ***EPA Delays Managing Wastewater Rule Due to Coronavirus***

The EPA has been too busy responding to the deadly coronavirus to work on its long-awaited proposal to manage huge volumes of pathogen-infested sewage and stormwater during heavy rains, the agency’s top wastewater official said.

“We think we have a potential path forward,” said Andrew Sawyers, director of the Environmental Protection Agency Office of Wastewater Management, said in a webinar on water priorities for the year. “With Covid-19, there are a lot of things under consideration,” he said, referring to the disease caused by the coronavirus. “We will provide additional information on timing and potentially when we can move this forward,” Sawyers said about the wastewater rule.

The proposal would clarify when and how treatment plants can skip treating some of their sewage and stormwater when they are overwhelmed by heavy rains.

That clarity would be crucial to cities that run their own treatment plants that blend huge volumes of water. The EPA had initially banned the practice of diversion, only to see seven states strike down the ban.

Environmental groups have opposed the practice because it allows inadequately treated wastewater to get into the nation’s waterways.

The EPA had planned to issue the wastewater proposal last July and released a final rule this summer. In its fall regulatory agenda, the agency pushed its deadline to December. Now, the rule’s release has been postponed until the agency can free up staff to work on the proposal.

Representative Peter DeFazio (D-OR), who chairs the House Committee on Transportation and Infrastructure, which oversees the EPA’s wastewater programs, has criticized any plan that would allow utilities to discharge partially treated sewage into rivers and streams.

The House Transportation Committee in October approved a water quality protection bill that would bar the EPA from issuing its proposal.

Utilities have long argued that blending treated and untreated wastewater during floods or storms is necessary to prevent the plant’s biological treatment processes from getting damaged when too much water flows through them.

## *Innovative Federal Strategies LLC*

The U.S. Court of Appeals for the Eighth Circuit struck down the EPA's ban on the practice of blending in 2013. Since that ruling, the agency has chosen to apply the Iowa League of Cities v. EPA decision only in the seven states where the court had jurisdiction, a move that caused much confusion among cities and counties.

The states within the Eighth Circuit's jurisdiction are Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

### ***EPA to Miss Its Deadline for Chemical Evaluations***

The EPA will not meet its statutory deadline for releasing final evaluations for 10 chemicals by June 22, agency chief Andrew Wheeler told the Senate Environment and Public Works Committee this month.

"I believe we will get at least two of the 10 done and release the remainder by the end of summer," Wheeler, the administrator of the Environmental Protection Agency.

Wheeler referred to a deadline in the 2016 Toxic Substances Control Act amendments. The amended law required the agency—for the first time ever—to examine the potential for chemicals made and used in the U.S. to unduly injure people or the environment.

June 22 is the law's deadline for completing the first 10 chemical risk evaluations.

"We are spending more time on the first 10. We want to make sure we get them right," Wheeler said.

"The EPA does not appear to be getting it right, based on the agency's draft evaluation of the risks of asbestos", said Senator Jeff Merkley (D-OR).

During the hearing, Merkley detailed concerns including the agency's decision to review the risks of only one type of asbestos fiber, chrysotile, instead of examining the six commercial fibers recognized by the Asbestos Hazard Emergency Response Act. The senator also criticized the EPA's decisions to omit air, waste, and drinking water exposures to its critique of the cancer-causing mineral.

"When a chemical is already managed by air, water, or waste regulations, the agency's chemicals risk analysis does not examine exposures that may occur despite those rules, he said. The agency chose to avoid the possibility that its TSCA risk analyses could lead to duplicate regulation", Wheeler said.

However, the agency will still examine some additional ways people may be exposed to asbestos due to a U.S. Court of Appeals for the Ninth Circuit ruling last year. The court said the agency omitted too many potential exposure scenarios from its risk evaluations.

## *Innovative Federal Strategies LLC*

The Asbestos Disease Awareness Organization echoed and elaborated on Merkley's concerns in a letter it submitted for the hearing to Committee Chairman Senators John Barrasso (R-WY) Ranking Member Tom Carper (D-DE).

### ***EPA May Probe Agency's Response to California Water Issues***

The Environmental Protection Agency's (EPA) internal watchdog is weighing a probe into the agency's actions toward California after President Trump made numerous claims about the state's water quality.

At issue is what California lawmakers described as "inconsistencies" in how the agency has responded to California water quality issues compared to those in other states, an issue the EPA's Office of Inspector General said it may investigate.

A September letter from the EPA focused on the state's homelessness issues in Los Angeles and San Francisco, citing articles on human feces on streets and warning the state was "failing to meet its obligations" on sewage and water pollution. It followed a letter written just days before threatening to withhold highway funds over the state's air quality issues.

"There's tremendous pollution being put into the ocean because they're going through what's called the storm sewer that's for rainwater," Trump said aboard Air Force One the week prior to the letter. "And we have tremendous things that we don't have to discuss pouring into the ocean. You know there are needles, there are other things."

The agency later reversed course on a permit for a San Francisco's wastewater treatment center. Sens. Diane Feinstein (D-CA) and Kamala Harris (D-CA) said the move stood in contrast to "EPA's lack of enforcement action against other municipalities with highly similar treatment systems for water quality discharges."

The inspector general did not commit to an investigation, but told lawmakers it is weighing a project "to review aspects of the EPA's oversight of state water enforcement that could include California, as well as other states, and are coordinating with the U.S. Government Accountability Office to avoid duplication."

### ***Trump Administration Gives Renewables More Time for Tax Credits***

The Trump Administration is making it easier for renewable energy projects to take advantage of certain tax credits amid the coronavirus pandemic.

The Treasury Department and Internal Revenue Service issued a notice Wednesday that said it would give some companies that started construction in 2016 or 2017 an extra year before they have to put their projects in service.

The notice also allows some companies additional time to receive materials for construction in order to meet a requirement to start construction.

## *Innovative Federal Strategies LLC*

Now, those that paid for certain property or services starting on September 16, 2019, that would have allowed them to meet requirements for starting construction will have until October 15 of this year to receive them.

The rules are intended to help taxpayers qualify for the production tax credit (PTC) and investment tax credit (ITC).

“The IRS recognizes that COVID-19 has caused industry-wide delays in the supply chain for components needed to complete renewable energy projects otherwise eligible for important tax credits,” said a statement from the agency, which added that the notice aims to “provide tax relief to affected taxpayers.”

The response comes as Senators wrote to the Treasury department asking for an extended period under which companies can start construction on renewable energy projects. The senators also said that some companies might not be able to meet requirements for a “continuous program of construction” and instead asked for “continuous efforts” to be required.

The clean energy industry has been facing significant challenges during the economic downturn. A recent report found that since the start of the pandemic, nearly 600,000 clean energy jobs, including more than 70,000 renewable energy jobs, have been lost.

### ***EPA Proposes to Give Up Some ‘Guidance’ Power***

The Environmental Protection Agency has moved to restrain how it uses memos, advisors, and other informal statements to shape policy -- with a proposal that could open the door to court review of those guidance documents.

The EPA’s proposed rule would limit the scope of guidance documents and give the public a chance to weigh in on many of them. It would require the agency post such documents online -- including some that have been locked away in file cabinets for decades. It also would create a formal process for the public to request that guidance documents be modified or withdrawn.

“This is good government,” said EPA Administrator Andrew Wheeler in an interview this month. “If we’re going to rely on guidance documents for whatever reason, those guidance documents should be public, and people should know what they say.”

The measure is part of a broader Trump administration effort to rein in agency guidance documents.

The documents -- whether taking the form of frequently asked questions, memos, or advisories -- are meant to provide insight on how agencies interpret laws or are implementing legal requirements, not actually impose new mandates. Critics, however, say federal agencies have been more frequently leaning on informal guidance documents to do an end-run around formal notice-and-comment rule making.

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R. 2869	Rep. Nita Lowey (D-NY)	The HEROES Act	<p>The bill provides over \$3 trillion to federal agencies, state and local governments, small businesses, and individuals.</p> <p>The measure also would authorize and provide \$5 billion for the Housing and Urban Development Department's Community Development Block Grant program. The grant funds would have to be allocated to state and local recipients within 30 days of the bill's enactment according to an existing formula. Emergency grants could be made over 121 consecutive months, instead of three months, for entities that provide families with food, clothing, housing, and more.</p> <p>In addition, outlined within the legislation, and some would say key to successfully reopening, the measure would authorize and appropriate \$75 billion for a Covid-19 National Testing and Contact Tracing initiative.</p>	<p>The legislation was introduced on May 12, 2020.</p> <p>On May 15,2020 the measure passed the House by a vote of 208 - 199.</p> <p>The bill now heads to the Senate where Majority Leader Mitch McConnell(R-KY) has indicated that a Senate version will likely be notably different than the House passed version.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
S.3752 / H.R.6954	Sen. Robert Mendndez (D-NJ) / Sen. Bill Cassidy (R-LA)  Reps. Mikie Sherril (D-NJ) / Rep. Peter King (R-NY)	SMART Act	<p>The State and Municipal Assistance for Recovery and Transition (SMART) Act targets \$500 billion in emergency funding to every state, county and community in the country, while prioritizing assistance to the areas with the greatest need.</p> <p>These funds could be used to help state and local governments meet the current demand, expand testing capacity and contact tracing, provide further assistance to residents, local hospitals, small businesses and schools, in addition to maintaining critical services residents depend upon. The funding would be divided into equal thirds to provide funding based on population size, infection rates, and revenue losses.</p>	<p>The legislation was introduced on May 18 in the Senate and on May 19 in the House.</p> <p>Either a substitute amendment or new legislation negotiated by the bipartisan group of Members is expected to be introduced reflecting updated provisions agreed to by the coalition.</p> <p>The legislation has been referred to the respective committees of jurisdiction in the House and Senate.</p>
S.3591	Sen. John Barrasso (R-WY) / Tom Carper (D-DE)	America's Water Infrastructure Act of 2020	Provides roughly \$17 billion in new federal authorizations to invest in infrastructure projects across the country, sets a 2-year goal for completing feasibility studies for potential projects by the Corps, and reauthorizes the WIFIA program administered by the EPA.	<p>The legislation was introduced on May 4, 2020, and referred to the Committee on Environment and Public Works.</p> <p>On May 11, 2020, the legislation was reported by Senator Barrasso with an amendment in the nature of a substitute, and placed on the Senate Legislative Calendar under General Orders.</p> <p>The legislation has bipartisan cosponsorship.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
S.3590	Sen. John Barrasso (R-WY) / Tom Carper (D-DE)	Drinking Water Infrastructure Act of 2020	The measure would provide roughly \$2.5 billion in authorizations, including reauthorizing a Safe Drinking Water Act emergency fund, and \$300 million in grants for cleaning drinking water of emerging contaminants, particularly toxic PFAS.	<p>The legislation was introduced on May 4, 2020, and referred to the Committee on Environment and Public Works.</p> <p>On May 11, 2020, the legislation was reported by Senator Barrasso with an amendment in the nature of a substitute, and placed on the Senate Legislative Calendar under General Orders.</p> <p>The legislation has bipartisan cosponsorship.</p>
S.1932	Sen. Cory Gardner (R-CO) / Sen. Dianne Feinstein( D-CA)	Drought Resiliency and Water Supply Infrastructure Act	<p>This legislation would authorize and/or reauthorize surface and groundwater storage and supporting projects, water recycling and reuse projects, and desalination projects. It would also establish an infrastructure finance and innovation pilot program at the Bureau of Reclamation. The legislation would also establish a process to deauthorize Bureau of Reclamation projects that have failed to receive a minimum federal investment or initiate construction.</p> <p>The bill would increase support for water infrastructure projects that are likely to provide a more-reliable water supply and increase the water management flexibility and water reliability.</p>	<p>The legislation was introduced on June 20, 2019. The Water and Power Subcommittee of the Energy and Natural Resources Committee held hearings on July 18, 2019.</p> <p>A markup has not been scheduled due to disagreements between the Ranking Member and Sponsors of the legislation.</p> <p>Senator Dianne Feinstein is expected to release an updated version of the bill.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
S.3422	Sen. Cory Gardner (R-CO)	Great American Outdoors Act	<p>The legislation would create a National Parks and Public Lands Legacy Restoration Fund with income from 50% of the energy development revenues from oil, gas, coal, or alternative renewable energy from Federal land from fiscal years 2021 to 2025 for deferred maintenance projects in the National Park System, National Wildlife Refuge System, on BLM Public Lands, BIA Schools, or the National Forest.</p> <p>The legislation would also establish permanent funding for the Land and Water Conservation Fund that would not require further appropriations from Congress.</p>	<p>The legislation was introduced on 3/9/2020 in the Senate. The legislation has 58 cosponsors, including Senate Majority Leader Mitch McConnell (R-KY) who has indicated he plans to fast track the legislation in the Senate. While there were initially plans to consider the legislation in March, the Senate's schedule was changed to consider the third coronavirus response bill.</p> <p>The legislation is expected to be brought to the floor this spring or summer.</p>
Draft Legislation	Rep. Jared Huffman (D-CA)	FUTURE Drought Act	<p>Representative Huffman's draft legislation includes three titles on: Infrastructure Development, Improved Technology and Data, and Ecosystem Protection and Restoration. The draft legislation would create a water storage program, includes authorization of funding for desalination projects, created a water infrastructure fund, and extends and expands the WaterSMART program.</p>	<p>The legislation is expected to be introduced in the coming weeks. A section by section summary of the legislation can be found here: <a href="https://huffman.house.gov/imo/media/doc/FUTURE%20Drought%20Resiliency%20Act%20Discussion%20Draft%20SxS_Updated.pdf">https://huffman.house.gov/imo/media/doc/FUTURE%20Drought%20Resiliency%20Act%20Discussion%20Draft%20SxS_Updated.pdf</a></p> <p>Huffman's office is still accepting comments on the legislation via his website: <a href="https://huffman.house.gov/future-drought-act/comments">https://huffman.house.gov/future-drought-act/comments</a></p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
S. 2356	Sen. Mike Braun (R-IN)	Define WOTUS Act of 2019	The measure would create a new WOTUS definition the void the previous Obama era definition that is currently tied up in litigation.	The legislation was introduced on July 31, 2019 and referred to the Committee on Environment and Public Works.
S. 1087	Sen. John Barrasso (R-WY)	Water Quality Certification Improvement Act of 2019	The measure would amend the Federal Water Pollution Control Act to make changes with respect to water quality certification.	<p>The measure was introduced in the Senate on April 19, 2019 and was referred to Committee on Environment and Public Works.</p> <p>On November 19, 2019 the committee held a hearing to discuss impacts of the act if implemented.</p>
H.R. 1764	Rep. John Garamendi (D-CA)	The bill to amend the Federal Water Pollution Act	The legislation would amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes.	<p>Introduced on March 15, 2019 and then referred to the Subcommittee on Water Resources and Environment.</p> <p>This legislation has bipartisan cosponsor ship and hearings were held on the measure in November 2019.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R.1497	Rep. Peter DeFazio (D-OR)	Water Quality Protection and Job Creation Act of 2019	<p>Requires a report to Congress on the current and future workforce needs for publicly owned treatment works and information on steps taken to meet those needs.</p> <p>Reauthorizes sections of the Federal Water Pollution Control Act that provide grants to States and interstate agencies, including:  State Management Assistance: Section 106(a);  Watershed Pilot Projects: Section 122(c);  Alternative Water Source Projects Pilot Program: Section 220(d);  Sewer Overflow and Stormwater Reuse Municipal Grants: Section 221(f)1); and  State Water Pollution Control Revolving Funds.</p> <p>Changes the length of permits for NPDES permits to not exceeding 10 years in certain circumstances.</p>	<p>Introduced on March 6, 2019 and referred to the Subcommittee on Water Resources and Environment of the House Transportation Committee.</p> <p>The Committee marked up the legislation and reported it with an amendment in the nature of a substitute--expanding the scope of the legislation.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R. 1508 / S. 146	Rep. Blumenauer (D-OR) / Sen. John Hoeven (R-ND)	Move America Act of 2019	The measure would amend the Internal Revenue Code of 1986 to provide for Move America bonds and Move America credits which would be applicable to projects relating to flood diversions, inland waterways, sewage facilities.	<p>The House bill was introduced on March 5, 2019 and then referred to the House Committee on Ways and Means.</p> <p>Note: All tax issues are likely to be addressed as part of a larger tax package. The Ways and Means Committee is considering forming a tax extenders package, which would be the most likely venue for this legislation.</p> <p>The Senate bill was introduced in the Senate on January 16th and referred to the Senate Committee on Finance.</p>
H.R.1162	Rep. Grace Napolitano (D-CA)	Water Recycling Investment and Improvement Act	This legislation would create a competitive grant program for the funding of water recycling and reuse projects by raising the authorization cap for the Title XVI program from \$50 million to \$500 million. The legislation would also raise the authorization cap from \$20 million to \$30 million for the Reclamation Wastewater and Groundwater Study and Facilities Act.	<p>Introduced in the House on February 13, 2019.</p> <p>The House Natural Resources Subcommittee on Water, Oceans, and Wildlife held a hearing on the legislation on June 13, 2019.</p> <p>On March 11, 2020, the House Natural Resources Committee held a mark-up on the legislation and it was ordered to be reported out of Committee by a vote of 19-12.</p>
S. 361/H.R. 807	Sen. Cory Gardner (R-CO) / Rep. Ken Buck (R-CO)	Water and Agriculture Tax Reform Act of 2019	The measure would work to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.	Introduced and referred to the Committee on Finance (Senate) and Ways and Means Committee (House). Neither chamber has recently engaged on the measures.

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R.579	Rep. Scott Tipton (R-CO)	Water Rights Protection Act of 2019	This bill would prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretaries of the Interior and Agriculture, and for other purposes.	<p>Introduced in the House on January 15th. Referred to the Conservation and Forestry Subcommittee of the Agriculture Committee on 2/7 and to the Water, Oceans, and Wildlife Subcommittee of the House Natural Resources Committee on 2/4.</p> <p>A similar amendment was submitted to the House Rules Committee for consideration in the Interior-Environment Appropriations bill, but was not made in order by the Committee for floor consideration.</p>
H.R.34	Rep. Eddie Bernice Johnson (D-TX)	Energy and Water Research Integration Act of 2019	The legislation would ensure consideration of water intensity in the Department of Energy's energy research, development, and demonstration programs to help guarantee efficient, reliable, and sustainable delivery of energy and clean water resources.	The bill was introduced in the House on January 3rd. It was marked up and ordered to be reported by the House Science and Technology Committee on May 1, 2019 and was passed by the House on July 23, 2019 by voice vote. On July 24, the bill was referred to the Senate Committee on Energy and Natural Resources.
H.R. 2313	Rep. Jared Huffman (D-CA)	Water Conservation Rebate Tax Parity Act	The measure would amend the Internal Revenue Code of 1986 to expand the exclusion for certain conservation subsidies to include subsidies for water conservation or efficiency measures and storm water management measures.	<p>The bill was introduced in the House on April 12, 2019 and then referred to the Committee on Ways and Means.</p> <p>Note: All tax issues are likely to be addressed as part of a larger tax package. The Ways and Means Committee is considering forming a tax extenders package, which would be the most likely venue for this legislation.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R.1747	Rep. Rob Wittman (R-VA)	National Fish Habitat Conservation Through Partnerships Act	<p>The measure aims to achieve measurable habitat conservation results through strategic actions of Fish Habitat Partnerships that lead to better fish habitat conditions and increased fishing opportunities, establish a consensus set of national conservation strategies as a framework to guide future actions and investment by Fish Habitat Partnerships, broaden the community of support for fish habitat conservation, fill gaps in the National Fish Habitat Assessment and the associated database of the National Fish Habitat Assessment, and communicate to the public and conservation partners.</p>	<p>A hearing has been held in the House Natural Resources Committee on the legislation and the legislation was ordered to be reported out of committee on September 25, 2019.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
S.1419	Sen. James Lankford (R-OK)	Early Participation in Regulations Act	The legislation would direct agencies to issue advanced notices for rules costing more than \$100 million annually. The bill would require agencies must outline the problem the rule intends to solve and listen to the public's input on the subject.	<p>On May 13, the bill was introduced into the Senate. It was then referred to the Committee on Homeland Security and Governmental Affairs. Hearings on the bill were held in both the Committee on Homeland Security and the Committee on Small Business. On July 19 the Committee on Homeland Security and Governmental Affairs ordered the measure to be reported favorably with an amendment in the nature of a substitute.</p> <p>On September 10, the bill was placed on the Senate Legislative Calendar under General Orders. However the bill has yet to be considered on the Senate floor.</p> <p>The legislation has bipartisan cosponsor ship.</p>
S. 1087	Sen. John Barrasso (R-WY)	Water Quality Certification Improvement Act of 2019	The measure would amend the Federal Water Pollution Control Act to make changes with respect to water quality certification.	<p>The measure was introduced in the Senate on April 19 and was referred to Committee on Environment and Public Works.</p> <p>On November 19 the committee held a hearing to discuss impacts of the act if implemented.</p>
H.R. 1695	Rep. Betty McCollum (D-MN)	Community Services Block Grant Reauthorization Act of 2019	The legislation would amend the Community Services Block Grant Act to reauthorize and modernize the Act.	<p>The measure was introduced in the House on March 12, 2019 to the House Committee on Education and Labor.</p> <p>The legislation has bipartisan cosponsor ship.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R. 1744	Rep. Mark Takano (D-CA)	S.T.O.R.A.G.E. Act (Storage Technology for Operational Readiness And Generating Energy Act) Energy Storage Systems by Electric Utilities	The bill would provide for the consideration of energy storage systems by electric utilities as part of a supply side resource process, and for other purposes.	The bill was introduced on March 13, 2020 and the referred to the Committee on Energy and Commerce, and in addition to the Subcommittee on Energy of the Committee on Science, Space, and Technology.
H.R.579	Rep. Scott Tipton (R-CO)	Water Rights Protection Act of 2019	This bill would prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretaries of the Interior and Agriculture, and for other purposes.	Introduced in the House on January 15th. Referred to the Conservation and Forestry Subcommittee of the Agriculture Committee on 2/7 and to the Water, Oceans, and Wildlife Subcommittee of the House Natural Resources Committee on 2/4.
H. R. 855	Rep. Scott Peters (D-CA)	STRONG (Strengthening the Resiliency of our Nation on the Ground Act) Act	The bill would work to minimize the economic and social costs resulting from losses of life, property, well-being, business activity, and economic growth associated with extreme weather events by ensuring that the United States is more resilient to the impacts of extreme weather events in the short- and long-term, and for other purpose	Introduced in the House and referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management of the House Transportation Committee on February 7, 2019.
H.R. 420	Rep. Earl Blumenauer (D-OR)	Regulate Marijuana Like Alcohol Act	The bill would decriminalize marijuana and sets up legal framework to regulate marijuana.	Introduced in the House on January 9, 2019 and referred to the Committees on Energy and Commerce, Ways and Means, Natural Resources, and Agriculture.

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
S.420 /H.R. 1120	Sen. Ron Wyden (D-OR) / Rep. Earl Blumenauer (D-OR)	Marijuana Revenue and Regulation Act	A bill to amend the Internal Revenue Code of 1986 to provide for the taxation and regulation of marijuana products, and for other purposes.	<p>The bill was introduced in the Senate on February 7, 2019 and was referred to the Finance Committee.</p> <p>Introduced in the House on February 8, 2019 and was referred to the Committees on Judiciary, Agriculture, and Natural Resources.</p>
H.R. 3794	Rep. Paul A. Gosar (R-AZ)	Public Land Renewable Energy Development Act of 2019	The bill would work to promote the development of renewable energy on public lands	<p>The measure was introduced in the House on July 17, 2019 and was then referred to both the Committee on Natural Resources and the Committee on Agriculture. A hearing on the bill was held on July 25 by the Subcommittee on Energy and Mineral Resources. On August 9th, the bill was referred to the Subcommittee on Conservation and Energy of the House Agriculture Committee.</p> <p>The measure was later referred to the Subcommittee on Energy and Mineral Resources where a hearing was held on the legislation. On November 20, 2019, a Mark-up session was held and the bill was ordered to be Reported by Voice Vote.</p> <p>The legislation has bipartisan cosponsor ship.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
S. 1344	Sen. Cory Booker (D-NJ) and Tim Scott (R-SC)	Reinstate Opportunity Zone Data Mandates	<p>The bill would require the Secretary of the Treasury to collect data and issue a report on the opportunity zone tax incentives enacted by the 2017 tax reform legislation.</p> <p>The reporting requirements were part of the original legislation as introduced, but they were not incorporated in H.R.1 (the tax package) when it was advanced in the House and Senate.</p>	<p>The legislation was introduced in the Senate on May 7, 2019 and referred to the Finance Committee.</p> <p>The legislation has bipartisan cosponsor ship.</p>
H.R.535	Rep. Debbie Dingell (D-MI)	PFAS Action Act of 2019	<p>The legislation combines 12 different bills that had previously been introduced into one legislative package that would change the way the federal government regulates “forever chemicals” known as PFAS.</p> <p>The consolidated version of H.R. 535 would place these chemicals on the Superfund hazards substances list from the Environmental Protection Agency, force the agency to set nationwide drinking water standards for PFAS, and block companies from producing new chemicals in this class.</p>	<p>The legislation was reported out of the House Energy and Commerce Committee on November 20, 2019 by a vote of 31 to 19, largely along party lines. The bill passed the House on January 10, 2020 by a vote of 247 - 159. The bill was received in the Senate on January 13, 2020 and referred to the Senate Committee on Environment and Public Works. The legislation is not expected to be considered in the Senate in its current form.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R.4236	Rep. Quigley, Mike (D-IL)	Reducing Waste in National Parks Act	The legislation would encourage recycling and reduction of disposable plastic bottles in units of the National Park System,	<p>The bill was introduced on September 6, 2019 and was referred to the House Subcommittee on National Parks, Forests, and Public Lands.</p> <p>The House Natural Resources Subcommittee on National Parks, Forests, and Public Lands held hearings on the legislation on February 27, 2020.</p>
S.3263 / H.R.5845	Sen. Tom Udall (D-N.M.) and Rep. Alan Lowenthal (D-CA)	Break Free from Plastic Pollution Act of 2020	This legislation would require plastic producers to take responsibility for collecting and recycling materials, require nationwide container deposits, ban certain pollutant products, impose a fee on the distribution of non-reusable carryout bags, create a new minimum recycled content requirement, protect state and local governments by allowing them to enact more stringent standards, requirements, and additional product bans, and give environmental agencies the valuable time needed to investigate the cumulative impacts of new plastic-producing facilities on the air, water, and climate.	<p>The bills were introduced in the House on 2/12/2020 and in the Senate on 2/11/2020. In the House, the legislation has been referred to the following committees: Energy and Commerce, Ways and Means, Transportation and Infrastructure, and Foreign Affairs.</p> <p>In the Senate, the legislation has been referred to the Finance Committee.</p>

Enacted Legislation (removed from report after 2 months)

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R.266	Sen. Mitch McConnell (R-KY)	Paycheck Protection Program and Health Care Enhancement Act (Coronavirus 3.5 response legislation)	<p>The nearly \$500 billion coronavirus rescue package that delivers emergency aid to small businesses and hospitals. The measure includes an immediate \$321 billion infusion for the Paycheck Protection Program, the small business rescue fund that ran out of money last week. The package also provides another \$60 billion in economic disaster loans for small businesses, \$75 billion in emergency relief for hospitals and \$25 billion to ramp up coronavirus testing</p>	<p>Passed unanimously by the Senate April 21, 2020.</p> <p>Passed by the House with a vote of 388-5-1 on April 23, 2020.</p> <p>The President signed the legislation on Friday, April 24, 2020.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R.748	Sen. Mitch McConnell (R-KY)	CARES Act (third legislative package related to the Coronavirus response).	<p>The more than \$2 trillion legislative package:</p> <p>Made significant (temporary) changes to unemployment insurance by providing additional federal funding, increasing the weekly benefit, and expanding coverage for additional weeks. It also provides loans (with forgiveness) to many small businesses who take them out to meet payroll needs.</p> <p>Provides a tax rebate to many Americans through a direct check to cover unexpected expenses due to the pandemic. It also provides \$500 billion for businesses, governments, etc. through loans, provides the delay of payroll taxes, and other provisions designed to keep businesses afloat.</p> <p>Provides \$339 billion in supplemental appropriations with more than 80% going to state and local governments and communities.</p>	<p>Passed in the Senate on March 25, 2020 by a vote of 96-0 as a substitute amendment to legislation that had already passed the House.</p> <p>Passed the House on Friday, March 27, 2020 by voice vote.</p> <p>Enacted (signed by President Trump) on Friday, March 27, 2020.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R.6201	Rep. Nita Lowey (D-NY)	Familed First Coronavirus Response Act (second legislative package related to the Coronavirus response).	Creates an emergency paid leave program to respond to the coronavirus outbreak. Private sector employers with fewer than 500 workers, government entities would have to provide as many as 12 weeks of partially paid family leave under the FMLA to care for a child whose school or day care has closed. The first 10 days would be unpaid unless an employee used other banked/available leave. Employers also would have to provide full- and part-time workers with two weeks paid sick time, including for a quarantine order or to care for another affected individual. New requirements were added to restrict leave for employees who could not work or telework due to sickness from the coronavirus. (continued)	<p>(continued) Provides \$1 billion for nutrition programs and allows USDA food programs latitude to ensure meals are provided. SNAP could provide extra benefits in areas where school closures impact the National Schools Lunch Program. SNAP Work Requirements are waived. Meals under the National School Lunch Program can be taken “to-go” rather than served.</p> <p>Joint federal-state unemployment insurance program generally provides income support for as long as 26 weeks to workers who have been involuntarily laid off.</p> <p>Passed the House on March 14, 2020.</p> <p>Passed the Senate on March 18, 2020.</p> <p>Enacted (signed by President Trump) on March 18, 2020.</p>

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R.6074	Rep. Nita Lowey (D-NY)	Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (first legislative package related to the Coronavirus response).	<p>Provided \$6.5 billion for the Department of Health and Human Services. Provided \$1.25 billion for the State Department and USAID for global health programs, humanitarian and health assistance, diplomatic operations, evacuation and emergency preparedness costs.</p> <p>Enabled the Small Business Administration to provide approximately \$7 billion in disaster loans by expanding the disaster definition.</p>	<p>Passed the House on March 4, 2020.</p> <p>Passed the Senate on March 5, 2020.</p> <p>Enacted (signed by President Trump) on March 6, 2020.</p>

**ACTION  
ITEM  
2A**



**MINUTES  
COMMUNITY AND LEGISLATIVE AFFAIRS  
COMMITTEE MEETING  
INLAND EMPIRE UTILITIES AGENCY\*  
AGENCY HEADQUARTERS, CHINO, CA**

**WEDNESDAY, MAY 13, 2020  
9:00 A.M.**

**COMMITTEE MEMBERS PRESENT via Teleconference**

Steven J. Elie, Chair  
Kati Parker

**COMMITTEE MEMBERS ABSENT**

None

**STAFF PRESENT**

Shivaji Deshmukh, General Manager  
Daniel Solorzano, Technology Specialist I  
Wilson To, Technology Specialist II  
April Woodruff, Board Secretary/Office Manager

**STAFF PRESENT via Teleconference**

Kathy Besser, Executive Manager of External Affairs & Policy Development/AGM  
Christiana Daisy, Executive Manager of Engineering/AGM  
Randy Lee, Executive Manager of Operations/AGM  
Christina Valencia, Executive Manager of Finance & Administration/AGM  
Jerry Burke, Manager of Engineering  
Robert Delgado, Manager of Operations & Maintenance  
Sally Lee, Executive Assistant  
Sylvie Lee, Manager of Planning & Environmental Resources  
Scott Oakden, Manager of Operations & Maintenance  
Cathleen Pieroni, Manager of Government Relations  
Craig Proctor, Deputy Manager of Planning & Environmental Resources  
Teresa Velarde, Manager of Internal Audit  
Jeff Ziegenbein, Manager of Regional Compost Operations

**OTHERS PRESENT**

Beth Olhasso, West Coast Advisors  
Mike Boccadoro, West Coast Advisors

Committee Chair Steven Elie called the meeting to order at 9:01 a.m. He stated that the meeting is being conducted virtually by video and audio conferencing. He added that there will be no public location available to attend the meeting; however, the public may participate and provide

comments during the meeting by calling into the number provided on the agenda. He further added that the public may also view the meeting live through the Agency's website. He then gave the public the opportunity to comment and gave instructions for unmuting the conference line.

There were no public comments received or additions to the agenda.

### **PRESENTATION**

Michael Boccadoro and Beth Olhasso of West Coast Advisors presented the State Legislative Report and Matrix. Discussion ensued regarding rent relief provided by the state and budget trailer bills.

### **ACTION ITEMS**

The Committee:

- ◆ Approved the Community and Legislative Affairs Committee meeting minutes of March 11, 2020 and the Special Community and Legislative Affairs Committee meeting minutes of March 30, 2020.
- ◆ Recommended that the Board:
  1. Approve the amended 2020 Legislative Policy Principles; and
  2. Authorize the General Manager to engage in legislation in support of the new policy principle, if needed.

as a Consent Calendar Item on the May 20, 2020 Board meeting agenda.

### **INFORMATION ITEMS**

The following information items were presented or received and filed by the Committee:

- ◆ Public Outreach and Communication
- ◆ Federal Legislative Report and Matrix – Innovative Federal Strategies
- ◆ California Strategies Monthly Report

### **GENERAL MANAGER'S COMMENTS**

General Manager Shivaji Deshmukh stated that staff is developing a schedule by coordinating with other member agencies on when to restart the Water Use Efficiency Programs. He also added that on May 8, Director Parker, Director Elie, and he met with Senator Portantino virtually. The Senator expressed his interest in the program and activities of the Agency.

### **COMMITTEE MEMBER COMMENTS**

There were no Committee member comments.

### **COMMITTEE MEMBER REQUESTED FUTURE AGENDA ITEMS**

There were no Committee member requests for future agenda items.

With no further business, Director Elie adjourned the meeting at 9:43 a.m.

Respectfully submitted,

April Woodruff  
Board Secretary/Office Manager

\*A Municipal Water District

**APPROVED: June 10, 2020**

DRAFT

**INFORMATION**  
**ITEM**  
**3A**



---

**Date:** June 17, 2020

**To:** The Honorable Board of Directors

**From:** Shivaji Deshmukh, General Manager *SD*

**Committee:** Community & Legislative Affairs

06/10/20

**Executive Contact:** Kathy Besser, Executive Manager of Ext. Aff. & Policy Dev./AGM

**Subject:** Public Outreach Communication - June

---

**Executive Summary:**

- June 1, Great Outdoors Month begins
- June 5, IEUA's 70th Anniversary
- June 5, World Environment Day
- June 6, National Trails Day

MWD extended the deadline for Water is Life poster contest entries until September 1, 2020. In order to allow IEUA employees to vote for their favorite posters, the winner will be decided through online voting in June.

For the month of May, there were 8,087 searches for a park in IEUA's service area on Yelp, where Chino Creek Wetlands and Educational Park was viewed 952 times on a mobile device.

---

**Staff's Recommendation:**

This is an informational item for the Board of Directors to receive and file.

---

**Budget Impact** *Budgeted* (Y/N): Y *Amendment* (Y/N): N *Amount for Requested Approval:*

*Account/Project Name:*

*Fiscal Impact* (explain if not budgeted):

**Prior Board Action:**

N/A

---

**Environmental Determination:**

---

**Business Goal:**

IEUA is committed to providing a reliable and cost-effective water supply and promoting sustainable water use throughout the region.

IEUA is committed to enhancing and promoting environmental sustainability and the preservation of the region's heritage.

---

**Attachments:**

Attachment 1 - Background

## Background

---

Subject: Public Outreach and Communication

---

### June

- June 1, Great Outdoors Month begins
- June 5, IEUA's 70<sup>th</sup> Anniversary
- June 5, World Environment Day
- June 6, National Trails Day
- June 8, World Oceans Day
- June 14, World Blood Donor Day

### July

- July 1, Smart Irrigation Month Begins
- July 26, National Intern Day

### August

- August 1, National Water Quality Month Begins

### Media and Outreach

- The Agency has been reminding the public of what can/cannot be flushed through social posts and videos.
- The Agency promoted nationally/internationally recognized "weeks," including Drinking Water Week, Teacher Appreciation Week and National Nurses Week.
- Agency staff from Internal Audit, IERCF, Operations and Maintenance, and Laboratory staff were featured on social media for International Internal Audit Awareness Month, International Compost Awareness Week and for their dedication to ensure essential services continue to be provided.
- The Agency recognized May as Water Awareness Month by promoting water-wise habits and sharing educational information about the water required to produce certain foods and beverages. This was done through a combination of social media posts and Instagram polls to encourage and facilitate community engagement.
- On May 4, a new post was published on the IEUA Nextdoor page with a poll that asked how many gallons of water it takes to make one cheeseburger. The post highlighted the Hamburger Water Model at-home activity available on IEUA's website. The post received 9,578 impressions and 125 votes. Twenty-eight percent of participants guessed the correct answer.
- On May 16, a new post was published on the IEUA Nextdoor page highlighting the Inland Empire Landscape Content. This post received 12,576 impressions.
- "At-Home Activities" for the education program continue to be posted on the website and social media.

- Agency staff launched a new video series teaching those at home how to draw Owlie the Owl, the mascot for Chino Creek Wetlands and Educational Park.
- The Agency recognized the class of 2020 in a post as our future operators, engineers, technicians, analysts, accountants, scientists, and more.
- May 26, a post was published congratulating Los Osos High School students on placing 2<sup>nd</sup> and 4<sup>th</sup> in WEWAC's Broadcast Media and Digital Art Contest.
- May: 34 posts were published to the IEUA Facebook page, 34 posts were published to IEUA's Instagram and 33 tweets were sent on the @IEUAWater Twitter handle.
  - The top three Facebook posts, based on reach and engagement, in the month of May were:
    - 5/7 IERCF Video
    - 5/4 Teacher Appreciation
    - 5/14 On-Site Staff Appreciation
  - The top three tweets, based on reach and engagement, in the month of May were:
    - 5/7 IERCF Video
    - 5/19 2020 Graduates
    - 5/11 Save Water Indoors
  - The top three Instagram posts, based on reach and engagement, in the month of May were:
    - 5/21 Draw our Mascot Video
    - 5/7 IERCF Video
    - 5/19 Wipes Game Video
- A *Kick the Habit* ad ran in *La Opinion* on May 24.
- A digital banner ad ran in *La Opinion* on May 21 for two weeks.
- A spadea ad ran in the *Daily Bulletin* on May 3.
- A *Kick the Habit* ad ran in the *Chino Valley Champion's Chino Connection Magazine* section on May 16.
- The *Kick the Habit* digital banner ad continues to run in the *Fontana Herald News*.

For the month of May, there were 8,087 searches for a park in IEUA's service area on Yelp, where Chino Creek Wetlands and Educational Park was viewed 952 times on a mobile device.

#### Education and Outreach Updates

- The Water Discovery Program reached 1,669 students and 33 schools during the 2019/2020 current school year. As of March 12<sup>th</sup>, the Water Discovery field trip program has been put on hold.
- Participating Garden in Every School® sites have been placed on hold until fall.
- The Eco Art Contest concluded on May 4 and generated three winners.
- MWD extended the deadline for Water is Life poster contest entries until September 1, 2020. In order to allow IEUA employees to vote for their favorite posters, the winner will be decided through online voting in June.

Agency-Wide Membership Updates

- Richard Lao and Bonita Fan listened in on the Santa Ana River Dischargers Association (SARDA) meeting on Thursday, May 7.
- Richard Lao listened in on the Southern California Alliance of Publicly Owned Treatment Works (SCAP) Air Quality Committee meeting on Tuesday, May 19.
- Richard Lao listened in on the California Association of Sanitation Agencies (CASA) Regulatory Working Group Water Committee meeting Thursday, May 21.

**INFORMATION**  
**ITEM**  
**3B**



**May 28, 2020**

**To:** Inland Empire Utilities Agency

**From:** Michael Boccadoro  
Beth Olhasso  
Maddie Munson

**RE:** May Report

---

Overview:

Carryover water storage is the only shining light in the California water picture. With the Department of Water Resources announcing the final State Water Project allocation at 20 percent it is critical that water was saved in the state's reservoirs over the last several years. San Luis Reservoir, the main south-of-Delta storage facility for the State Water Project, is at 82 percent of average and 67 percent capacity for this time of the year. Oroville is at 83 percent of average and 69 percent capacity.

On May 5, the State Water Resources Control Board (State Water Board) adopted regulations to update the Environmental Laboratory Accreditation Program (ELAP), which oversees the accreditation of environmental testing laboratories that test drinking water, wastewater discharges, and hazardous waste cleanup sites for compliance with state water quality standards.

Nine Orange County water agencies have retained a legal team to study whether to file suit to recoup the \$1 billion or more it could cost to purify drinking water in local wells contaminated with PFAS chemicals and to pay for more expensive imported water in the interim. It's likely that 3M and DuPont, the primary manufacturers of PFAS products, would be defendants.

The State Water Resources Control Board (SWRCB) and the Water Research Foundation (WRF) announced a partnership to advance water recycling. Through a \$4.5 million grant from the SWRCB and almost \$1 million from Metropolitan Water District of Southern California, WRF will use \$1.4 million for research that will help the Division of Drinking Water to develop direct potable reuse regulations by 2023.

A federal court recently temporarily blocked the Trump administration's efforts to pump more water to through the CVP, which critics said would threaten endangered species and salmon runs.

A judge issued a preliminary injunction in two lawsuits brought against the administration by California's Natural Resources Agency and Environmental Protection Agency and by a half-dozen environmental groups.

As is customary, the Governor released his May Revision of the state's 2020-2021 budget. While there is some debate if the Governor's projected \$54 billion deficit maybe a little high, there is no debate that the state is facing significant financial challenges. The Governor also announced that he is no longer pursuing his climate resilience bond in light of the significant budget concerns and not wanting to take on the debt service of a bond. The legislature is now working through their budget process ahead of the June 15 deadline for passage.

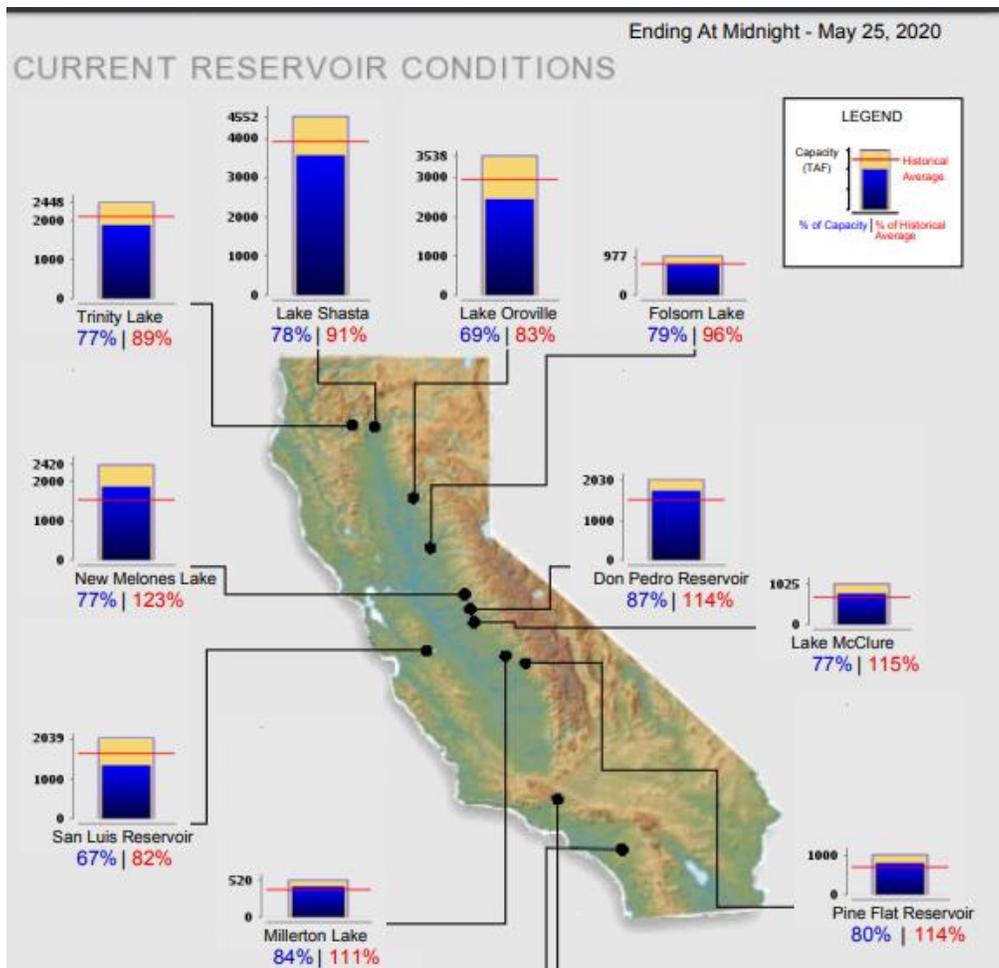
The state Senate and Assembly have both returned to the Capitol and are working through policy and budget measures. As reported previously, most members are only pursuing a very small number of bills this year, and a lot of those shelved have been water related measures. Nevertheless, legislation

considering PFAS regulations and flushable product labeling, among others, continue to move through the process. The legislature has about three weeks (until June 25) if they want to see a climate resilience bond reach the November ballot. If they are unable to do so, as seems increasingly likely, it is possible for the legislature to pursue non-bond measures that do not require voter approval.

## Inland Empire Utilities Agency Status Report – May 2020

### *Water Supply Conditions*

As summer temperatures hit the state early, and DWR announcing final SWP allocations, it is pretty clear how the water year is going to shape up. Carryover storage in California’s reservoirs is a bright spot in the water supply outlook. San Luis Reservoir, the main south-of-Delta storage facility for the State Water Project, is at 82 percent of average and 67 percent capacity for this time of the year. Oroville is at 83 percent of average and 69 percent capacity.



### ***SWP Allocation Increased to 20 percent for 2020***

The State Water Project (SWP) now expects to deliver 20 percent of requested supplies in 2020 thanks to above-average precipitation in May, the Department of Water Resources (DWR) announced today. An initial allocation of 10 percent was announced in December and increased to 15 percent in January. The recent announcement will likely be the final allocation update of 2020.

### ***SWRCB Adopts New Regulations for Environmental Lab Accreditation***

On May 5, the State Water Resources Control Board (State Water Board) adopted regulations to update the Environmental Laboratory Accreditation Program (ELAP), which oversees the accreditation of environmental testing laboratories that test drinking water, wastewater discharges, and hazardous waste cleanup sites for compliance with state water quality standards. Under the adopted regulations, laboratories are required to implement “The NELAC Institute” (TNI) Standard, a national accreditation standard for laboratory compliance, which will replace the current, state-specific accreditation standard. There is a three-year delayed implementation period before laboratories will be required to comply with the new standard.

The new accreditation standard is intended to address a lack of uniform testing practices across laboratories and to improve consistent data quality. While stakeholders disputed the utility of the 2016 TNI Standard for purposes of ensuring data quality, stakeholders and agency staff agreed there was a need for a more effective accreditation program and, specifically, a need to improve ELAP’s ability to consistently assess the quality and competency of laboratories.

Stakeholders also expressed concern regarding the agency’s estimate of the cost of implementing the 2016 TNI Standard. The State Water Board analyzed costs for small, medium, and large laboratories, but did not distinguish between costs for publicly- and privately-owned laboratories. State Water Board staff maintained that costs could be offset by redistributing some local agency staff responsibilities to third parties or state agency partners. In response to stakeholder concerns expressed at the adoption hearing, State Water Board staff suggested that existing annual reporting requirements could include an update on agency progress under the revised ELAP regulations.

Since the adoption of the regulations, ELAP has issued notices for two stakeholder meetings scheduled for the week of June 8, regarding clarification on the third-party assessment requirement, as well as changes to the fee schedule for ELAP. The fee schedule was not addressed in the recently adopted regulations and will proceed as a separate rulemaking proceeding. The adopted regulations are expected to take effect on October 1, 2020; however, to date, the State Water Board has not submitted the adopted regulations to the Office of Administrative Law for review.

### ***Orange County Water Agencies Prepare to File PFAS Lawsuit***

Nine Orange County water agencies have retained a legal team to study whether to file suit to recoup the \$1 billion or more it could cost to purify drinking water in local wells contaminated with PFAS chemicals and to pay for more expensive imported water in the interim. It’s likely that 3M and DuPont, the primary manufacturers of PFAS products, would be defendants.

If the Orange County agencies file suit, they would join of a growing trend of PFAS litigation in areas where there is no PFAS manufacturing.

A decade ago, the first wave of major lawsuits over PFAS chemicals came from places near production plants, where spilled or dumped toxins contaminated groundwater.

In 2017, chemical manufacturers DuPont and Chemours reached a \$671 million settlement in a class-action suit brought by 3,550 people in West Virginia, who said they suffered health consequences from

the toxic water. The case was portrayed in the last year’s Hollywood drama “Dark Waters.” And in 2018, 3M reached a \$850 million settlement with the state of Minnesota for contaminating groundwater near its plant.

But as researchers find toxic repercussions from ever smaller quantities of the chemicals, lawsuits have started to be filed in areas where there are no manufacturing plants. The attorney general of Vermont, for instance, has filed suit against manufacturers for groundwater that’s been tainted by treated wastewater and runoff from landfills.

Joining the Orange County Water District in possible litigation so far are the cities of Anaheim, Fullerton, Garden Grove, Tustin and Santa Ana as well as the Irvine Ranch, Yorba Linda and Serrano water districts.

The city of Orange and the East Orange County Water District are still considering whether to join in the effort.

**State Water Resources Control Board and WRF Announce DPR Funding**

The State Water Resources Control Board (SWRCB) and the Water Research Foundation (WRF) announced a partnership to advance water recycling. Through a \$4.5 million grant from the SWRCB and almost \$1 million from Metropolitan Water District of Southern California, WRF will use \$1.4 million for research that will help the Division of Drinking Water to develop DPR regulations by 2023. The five research projects include:

- Tools to evaluate quantitative microbial risk and plant performance and reliability;
- Measuring pathogens in wastewater;
- Collecting pathogens in wastewater during outbreaks;
- Defining potential chemical peaks and management options;
- Assess methods for identifying unknown contaminants

**RESEARCH TIMELINE & MILESTONES**



### ***Federal Court Issues Stay in Delta Pumping Case***

A federal court recently temporarily blocked the Trump administration's efforts to pump more water to through the CVP, which critics said would threaten endangered species and salmon runs.

A judge issued a preliminary injunction in two lawsuits brought against the Administration by California's Natural Resources Agency and Environmental Protection Agency and by a half-dozen environmental groups.

The order bars the U.S. Bureau of Reclamation until May 31 from going ahead with expanding the amount of water it pumps from the San Joaquin Delta through the federal Central Valley Project. The suits argued that the exports would cause irreparable harm to species protected by state and federal law.

### ***State Budget Update***

As is customary, the Governor released his May Revision of the state's 2020-2021 budget. While there is some debate if the Governor's projected \$54 billion deficit is maybe a little high, there is no debate that the state is facing significant financial challenges.

#### **General Fund Revenue Sources**

(Dollars in Millions)

	2019-20	2020-21	Change from 2019-20	
			Dollar Change	Percent Change
Personal Income Tax	\$94,773	\$76,841	-\$17,932	-18.9%
Sales and Use Tax	24,941	20,613	-4,328	-17.4%
Corporation Tax	13,870	16,577	2,707	19.5%
Insurance Tax	3,052	2,986	-66	-2.2%
Alcoholic Beverage Taxes and Fees	385	389	4	1.0%
Cigarette Tax	58	56	-2	-3.4%
Motor Vehicle Fees	31	40	9	29.0%
Other	1,887	12,109	10,222	541.7%
<b>Subtotal</b>	<b>\$138,997</b>	<b>\$129,611</b>	<b>-\$9,386</b>	<b>-6.8%</b>
Transfer to/from the Budget Stabilization Account/Rainy Day Fund	-2,160	7,806	9,966	-461.4%
<b>Total</b>	<b>\$136,837</b>	<b>\$137,417</b>	<b>\$580</b>	<b>0.4%</b>

Note: Numbers may not add due to rounding.

Governors May Revise includes significant cost cutting measures. To close the gap, the Governor's major proposals include:

- Cancel \$6.1 billion in program expansions and spending increases;
- Draw down \$16.2 billion from the Rainy Day Fund over three years;
- Borrow and transfer \$4.1 billion from special funds;

Governor Newsom is also strongly advocating for funding from the federal government and has signed a letter with other governors asking for \$1 trillion for states. He has noted that if California receives significant federal funding, he will likely be able to reinstate many of the cuts he has proposed in the May Revise.

Most notably, the Governor announced that he will be pulling back his Water Resilience Bond, and not supporting a bond this year. The Governor also announced moving the Greenhouse Gas Reduction Fund (GGRF) to pay-as-you go. He noted that there is some significant concern that auction revenues could be significantly lower than expected which would decrease the discretionary funding for the Governor and the Legislature to allocate. One of the priorities he did outline for protection from cuts is the Safe and Affordable Drinking Water Fund. The fund that was created as an alternative to a water tax, is allocated \$130 million per year from GGRF to help small, failing water systems. Protection of this funding is important to keep water tax issue from resurfacing.

The Senate Budget Committee is expected to pass their version of the budget on May 28, with the Assembly not yet noticing a hearing date to pass their budget.

### *Legislative Update*

Both houses have returned to the Capitol to begin working on the budget (as discussed above) and other essential measures.

Many water measures have been shelved by their authors, but there are still a few moving forward. Notably, AB 3256 (E. Garcia), the Assembly resilience bond proposal is in the Assembly Appropriations Committee. It is unclear if this measure will move forward with the withdrawal Governor's support. Additionally, the time for passing the measure is running out. The Assembly is going on Summer Recess June 19, so the bond would need to be passed by then in order for ballots to be printed.

There are discussions about other stimulus measures that do not require a public vote. None have materialized in any significant form, but WCA continues to monitor the discussions.

### *Bills still active:*

AB 1672 (Bloom): CASA has been working on a flushable products labeling measure for several years. They are finally getting close to reaching an agreement with the industry that will not just remove the opposition to the bill, but bring the flushable products manufacturers on as a co-sponsor of the legislation to require specific "DO NOT FLUSH" labeling on wipes. The measure is already over in the Senate, so no action is expected until mid-August.

AB 2560 (Quirk) is CMUA and OCWD's bill on procedures for establishing notification and response levels at the SWRCB. The measure passed out of the Environmental Safety and Toxic Materials Committee on May 14 on the consent calendar.

### *Affordable Housing & Connection Fees*

As expected, President Pro Tem Toni Atkins recently released a package of bills on affordable housing. As previously reported, WCA and others were concerned the package may include provisions that might inhibit a public agency's ability to charge connection fees. While these bills could be amended in the future none of the bills include any connection charge limitation at this time. WCA will continue to monitor this package and advise staff as appropriate.

**IEUA BILL POSITIONS—May 28, 2020**

Bill Number	Author/Sponsor	Title and/or Summary	Summary	IEUA Position
AB 1672	Bloom  CASA	Product labeling: flushable products	Current law regulates the labeling requirements on various consumer products. This bill would express the intent of the Legislature to enact legislation to prohibit the sale or advertisement of any nonwoven disposable product labeled as “flushable” or “sewer and septic safe” if that product fails to meet specified performance standards.	SUPPORT  Senate Rules Committee
AB 2093	Gloria	Public records: writing transmitted by electronic mail: retention	Would, unless a longer retention period is required by statute or regulation, or established by the Secretary of State pursuant to the State Records Management Act, require a public agency, for purposes of the California Public Records Act, to retain and preserve for at least 2 years every public record, as defined, that is transmitted by electronic mail.	OPPOSE  Assembly Appropriations Committee
AB 2182	Rubio  ACWA Sponsored	<i>Emergency backup generators: water and wastewater facilities: exemption</i>	<i>Would exempt the operation of an alternative power source, as defined, to provide power to a critical facility, as defined, from any local, regional, or state regulation regarding the operation of that source. The bill would authorize providers of essential public services, in lieu of compliance with applicable legal requirements, to comply with the maintenance and testing procedure set forth in the National Fire Protection Association Standard for Emergency and Standby Power System, NFPA 110, for alternative power sources designated by the providers for the support of critical facilities.</i>	SUPPORT  Assembly Utilities and Energy Committee  <b>DROPPED BY AUTHOR</b>
AB 2560	Quirk  OCWD/CMUA Sponsored	Water quality: notification and response levels: procedures	The California Safe Drinking Water Act requires the State Water Resources Control Board to adopt drinking water standards for contaminants in drinking water based upon specified criteria and requires any person who owns a public water system to ensure that the system, among other things, complies with those drinking water standards. The act requires a public water system to provide prescribed notices within 30 days after it is first informed of a confirmed detection of a contaminant found in drinking water delivered by the public water system for human consumption that is in excess of a maximum contaminant level, a notification level, or a response level established	SUPPORT  Assembly Appropriations Committee

			by the state board. This bill would require the state board to comply with specified public notice and comment and peer review procedures, as prescribed, when establishing or revising notification or response levels.	
ACA 1	Aguiar-Curry	Local government financing: affordable housing and public infrastructure: voter approval	The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters.	SUPPORT  Assembly Floor- first vote failed, can be acted upon Jan 2020
SB 414	Caballero  Eastern MWD/ CMUA	Small System Water Authority Act of 2019	Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.	SUPPORT  2- year bill  Assembly Approps
SB 667	Hueso	Greenhouse Gasses: Recycling Infrastructure and Facilities	Would require the Department of Resources Recycling and Recovery to develop, on or before January 1, 2021, and would authorize the department to amend, a 5-year needs assessment to support innovation and technological and infrastructure development, in order to meet specified organic waste reduction and recycling targets, as provided.	SUPPORT IF AMENDED

			The bill would require, on or before June 1, 2021, the department, in coordination with the Treasurer and the California Pollution Control Financing Authority, to develop financial incentive mechanisms, including, among other mechanisms, loans and incentive payments, to fund and accelerate public and private capital towards organic waste diversion and recycling infrastructure.	2-year bill Assembly Appropriations
SB 996	Portantino  MWD/CMUA	SWRCB: Constituents of Emerging Concern	<i>Would require the State Water Resources Control Board to establish by an unspecified date and then maintain an ongoing, dedicated program called the Constituents of Emerging Concern Program to support and conduct research to develop information and, if necessary, provide recommendations to the state board on constituents of emerging concern in drinking water that may pose risks to public health. The bill would require the state board to establish the Stakeholder Advisory Group and the Science Advisory Panel, both as prescribed, to assist in the gathering and development of information for the program, among other functions. The bill would require the program to provide opportunities for public participation, including conducting stakeholder meetings and workshops to solicit relevant information and feedback for development and implementation of the program.</i>	<i>Bill Dropped by Author to keep focus on emergency measures.</i>
SB 1052	Hertzberg  CASA/CA Coastkeeper	Water Quality: Municipal Wastewater Agencies	<i>Would establish municipal wastewater agencies and would authorize a municipal wastewater agency, among other things, 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.</i>	<i>Bill Dropped by Author to keep focus on emergency measures.</i>

SB 1099	Dodd  CMUA/Las Virgenes Sponsored	Emergency backup generators: critical facilities: exemption	Would, consistent with federal law, require air districts to adopt a rule, or revise its existing rules, to allow critical facilities with a permitted emergency backup generator to use that emergency backup generator during a deenergization event or other loss of power, and to test and maintain that emergency backup generator, as specified, without having that usage, testing, or maintenance count toward that emergency backup generator's time limitation on actual usage and routine testing and maintenance. The bill would prohibit air districts from imposing a fee on the issuance or renewal of a permit issued for those critical facility emergency backup generators	SUPPORT  Senate Environmental Quality Committee 5/29
SB 1386	Moorlach  Irvine Ranch Water District and others	Local government: assessments, fees, and charges: water.	The Proposition 218 Omnibus Implementation Act prescribes specific procedures and parameters for local jurisdictions to comply with these requirements and, among other things, authorizes an agency providing water, wastewater, sewer, or refuse collection services to adopt a schedule of fees or charges authorizing automatic adjustments that pass through increases in wholesale charges for water, sewage treatment, or wastewater treatment or adjustments for inflation under certain circumstances. Current law defines, among other terms, the term "water" for these purposes to mean any system of public improvements intended to provide for the production, storage, supply, treatment, or distribution of water from any source. This bill would specify that "water" for purposes of the Proposition 218 Omnibus Implementation Act also includes the public fixtures, appliances, and appurtenances connected to an above-described system of public improvements intended to provide for the production, storage, supply, treatment, or distribution of water from any source.	SUPPORT  Senate Floor

**INFORMATION**  
**ITEM**  
**3C**



CALIFORNIA STRATEGIES, LLC

Date: May 29, 2020  
To: Inland Empire Utilities Agency  
From: John Withers, Jim Brulte  
Re: California Strategies, LLC May 2020 Activity Report

1. This month Jim Brulte and John Withers participated in the monthly senior staff meeting May 4th via Microsoft Teams due to the Coronavirus.
2. California Strategies is providing the General Manager and senior staff daily updates on the Governors' press conferences through Kathy Besser. California Strategies is also providing information from other leading agencies related to the COVID-19 response.
3. California Strategies is also providing current information on the State Budget and activities of the Governor and Legislature related to it.
4. Regional Contract
  - There was brief discussion regarding the Regional Contract.
5. Chino Basin Program
  - There was a discussion about the Chino Basin Program. The program will still need to do projects to meet permit requirements. The CA Water Commission meets 5/20.
6. Rate Study (Carollo)
  - Discussed item on upcoming Board Workshop on 5/6 recommending that Board defer Wastewater EDU rates due to expected economic challenges relating to COVID-19.
7. Discussed regional personnel changes and potential impacts at IEUA including recent external IEUA Board assignments
8. Member Questions and Answers
  - Discussed item related to SAWPA-OCWD.